

**THE BOARD OF COUNTY COMMISSIONERS  
DURHAM, NORTH CAROLINA**

Tuesday, September 4, 2012

9:00 A.M. Worksession

**MINUTES**

Place: Commissioners' Meeting Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Philip R. Cousin Jr., Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

**Citizen Comments**

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

Ralph McKinney addressed the Board regarding various personal concerns.

**Durham Public Schools 2011-12 Performance Assessment Results**

Dr. Becoats shared a performance report with the Board from the State Department of Public Instruction. The greatest accomplishment was that there were no low performing schools identified in Durham Public Schools (DPS). In addition, DPS has two honor schools—City of Medicine and Early College.

In outlining the report, Dr. Becoats stated that scores were not at the desired level, but DPS is comfortable that the system is moving forward in the right direction. Reading for 6th-7th grades, and math for 5th-6th grades remain as challenges.

Commissioner Karriker asked for an explanation of “expected growth.” Dr. Becoats responded that students should have one year of growth.

Commissioner Cousin inquired about the elementary school growth status. Dr. Becoats responded that the rate is developed by the school. Smaller reading groups, staffing and additional resources are being implemented to assist with weak skills.

Vice Chair Reckhow was pleased with the improvement in the graduation rate. Dr. Becoats commented that the dropout rate data for last year has not been completed. There is a discrepancy in the gang reduction dropout numbers—the actual numbers are much lower.

Vice Chair Reckhow expressed an interest in having the budget discussed during the upcoming joint meeting of the Board of Education and Board of County Commissioners.

Dr. Becoats thanked the Board and community for supporting Durham Public Schools.

### **Durham County Pre-Kindergarten Expansion Discussion**

Ms. Laura Benson, Executive Director, Durham Partnership for Children; and Dr. Becoats, Superintendent, Durham Public Schools, presented the item.

Ms. Benson and Dr. Becoats discussed a high quality pre-kindergarten expansion vision for Durham County. The community goal is to provide high-quality pre-kindergarten for 2,000 four-year olds in Durham County in order to prepare them for success in school and life. 50 percent of those identified live in households at low income levels.

Vice Chair Reckhow asked for a clarification of “low income.” Ms. Benson responded that it is defined by children who receive free and/or reduced lunches.

Collaboration is essential to the vision. The vision aligns with both strategic plans of Durham County and Durham Public Schools. Ms. Benson explained that it would add 1300 slots over five years or 260 additional children each year or an additional 17 classrooms each year for the next five years.

The cost of increasing the classrooms would equate to \$12,000 per year per student. The Board discussed Title I spending, and funding options. Commissioners Karriker and Howerton expressed concern that middle income students would not have access—only the rich and low income may have access because of the cost.

### **Directives**

- Add pre-K to the Legislative Agenda
- Share models of success of students after pre-K
- Identify number of children served in 3-4-5 star facilities
- Look at comparison data from lower star facilities

Manager Ruffin thanked Durham Public Schools for coming in early with the presentation since they may impact capital expenditures.

### **Gang Reduction Strategy Update**

Gudrun Parmer, Director, Criminal Justice Resource Center; and Jim Stuit, Gang Reduction Strategy Manager, presented the item.

The gang model was implemented five years ago, and is working well, according to Ms. Parmer and Mr. Stuit. The community data report indicates a higher level of “feeling safe;” Durham is viewed favorably with like cities; and teen pregnancy is down.

Concerns include high levels of poverty; unemployment; neighborhood disorganization (contributes to gang activity); expensive housing market; and single parent households.

According to the crime data, there has been a decrease in youth crime—a spike in age 16 in violent crimes. The mean age of violent crimes is moving up. The ongoing dialogue between the faith community and youth has improved.

Commissioner Howerton asked about plans to work with Durham CAN (Congregations, Associations, Neighborhoods). Mr. Stuit replied that they have been asked to resume the responsibility for coordinating with their immediate neighborhood around churches.

Chairman Page commented on the fear in neighborhoods and the need to help neighborhoods feel secure and able to engage. He cited Crest Street as an example of a neighborhood that has taken control of its neighborhood.

#### Directives

- Look at a plan to guide the faith community with gang strategy

#### **Proposed Revision to County Trip Reduction Ordinance**

Drew Cummings, Assistant County Manager; Stephanie Loyka, Employer Outreach Coordinator, Triangle Transit; and Tobin Freid, Sustainability Manager, presented the item.

The presenters shared the following revisions to the Trip Reduction Ordinance with the Board, and solicited feedback:

- Goals: Measures have been slightly modified and new, numerical targets for each measure have been established for the next ten years;
- New compliance cycle: alternating years of full employee surveys; shorter company-wide Commute Trip Reduction (CTR) report due in employee survey years and more comprehensive CTR report in non-employee survey years. All report forms and the survey instrument have been revised to help us collect more useful data;
- Advisory process: The multi-jurisdictional advisory board never proved a workable tool and is proposed to be replaced with a biennial stakeholder meeting to discuss ordinance changes, program results, compliance levels, and other feedback.

Vice Chair Reckhow thanked Triangle Transit for their work and achievements a year ahead of the goal date.

Vice Chair Reckhow recommended a strong educational program for employers.

---

Before adjourning to Closed Session, Attorney Lowell Siler requested to comment on a request made by the Republican Party for the Board to refrain from attending an event at Lincoln Community Health Center.

Attorney Siler opined that he did not see any violation of the statute. He referenced the following statute:

**153A-456. Limitation on the use of public funds.**

*A county shall not use public funds to endorse or oppose a referendum, election or a particular candidate for elective office. (2010-114, s. 1.5(a).)*

Vice Chair Reckhow was concerned about attending an event that was not advertised. Manager Mike Ruffin stated that the event was disclosed as part of the agenda. He also commented that the Board was asked to speak as elected officials, not as a Board. Attorney Siler concurred with the Manager.

Chairman Page expressed concern about the “county property” issue. After further discussion, the Board members decided not to attend the event.

**Closed Session**

The Board was requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

Commissioner Howerton moved, seconded by Commissioner Cousin to move into Closed Session.

The motion carried unanimously.

**Resume from Closed Session**

Chairman Page announced that the Board met in Closed Session. Directives were provided to staff; no action was taken.

**Report on Possible Joint Person-Durham Multi-Jurisdictional Business Park**

Manager Mike Ruffin introduced the item. He shared a brief summary of the park concept. He stated that the Person County Board of Commissioners would receive the presentation at its September 17, 2012 meeting.

Assistant County Manager Drew Cummings introduced Crystal Morphis, with Sanford Holshouser. In February, 2012, Durham and Person Counties jointly engaged Sanford Holshouser to conduct a feasibility study.

Ms. Morphis shared the following information from the study:

- Advantages of multi-jurisdictional parks:
  - Land use
  - Superior product
  - Funding
  - Land cost
  - Infrastructure
  - Shared incentive status
  
- Status of Parks and Sites
  - Person County has substantial acreage adjoining industrial sites or near existing businesses and industries;
  - Durham County's inventory is limited;
  - Treyburn Corporate Park is the only major park development with acreage remaining;
  - The ability of Durham County to develop new parks is limited by watershed, Falls Lake, the Urban Growth Boundary, and other natural and self-imposed limitations;
  
- Infrastructure Capacity
  - Depending on the location of a multi-jurisdictional park, both the City of Durham and Person Counties have the ability to serve a large business park;
  - It is unlikely that the City of Durham would extend water and sewer service;
  - A business park development in the southern area of Person/northern Durham County could bring water and sewer extensions to areas not currently being served.
  
- Target Sectors
  - Life Sciences
  - Financial Services
  - Pervasive Computing
  - Analytical Instruments/Robotics
  - IT/Informatics
  - Green Technologies
  - Renewable Energy
  - Food Manufacturing

Next steps for the proposed park would include identifying parcels and costs. It has been determined by the study that the park is needed. The park will enhance jobs for mid-level positions. Ms. Morphis recommended that the Board pursue the next steps.

Vice Chair Reckhow expressed concern about a recent study that indicated that Durham has enough industrial land. She was concerned about using public funds for competing with private parks.

Ms. Welton, Deputy County Manager, commented that staff had been in conversation with the Chamber of Commerce regarding the proposed park. The Chamber prefers that Durham look at other sites that are not as far north as the proposed location.

Manager Ruffin commented that staff will look at the sites and report back to the Board.

#### Directive

Determine the number of existing or underutilized industrial properties in Durham.

### **New Durham County Courthouse & Parking Structure Project – Occupancy Update**

Deputy County Manager Lee Worsley and County Engineer Glen Whisler introduced the item. The opening date for the courthouse is scheduled for February 11, 2013.

Mr. Whisler announced that there would be an outside agency presence in the Durham Courthouse. NCCU Law School is seeking additional space in the building. Part of the space that NCCU is requesting is undesignated space.

Manager Ruffin remarked that staff recommends that NCCU be given one space in the suite of offices, in keeping with the Judicial Management Council's recommendation. There is only so much space for future growth of the courthouse.

Chairman Page inquired about options that outside agencies would have for additional meeting space. Mr. Whisler responded that the new courthouse will offer more confidential conference rooms on floors with courtrooms.

Chairman Page asked who would be the "administrator" or "overseer" of space in the new courthouse. Mr. Worsley responded that the role had not been determined. At this point, Kathy Shuart, Trial Court Administrator, has assumed the role of "go to person." The Chair expressed the desire for a smooth transition and that a contact person be identified.

The Board called for collaboration on the use of space by outside agencies.

### **Discussion of Statewide Ideas for NCACC 2011 Legislative Goals Process**

Deborah Craig-Ray, Assistant County Manager, presented the 2011 Statewide Legislative Goals for discussion. She solicited feedback on the following recommended goals:

- 1. Support of HB 1779-- An Act to create a combined motor vehicle registration renewal and property tax collection system**

**Goal Description:** HB 1779 allows for citizens of North Carolina to conduct two transactions at one location: purchase their car registration and pay the tax. North Carolina is one of the few states that do not have this combined registration taxation procedure. To become a more efficient government, both the state and local governments should continue to support this bill and ensure the citizens of North Carolina have convenient methods to conduct business in one place and reduce duplication of services.

**Submitted by Kimberly Simpson, Durham County Tax Administrator**

- 2. Equity in Valuation Process for Cable and Cell Phone Companies.**

**Goal Description:** Currently in North Carolina Cell Phone Companies and Cable Companies are not Public Service Companies. This presents issues of equity across the state when you have services that are provided that cross county Assessors. Each Assessor can consider certain factors in the appraisal process, and each can made adjustments differently. These companies would have equity if they become a public service company as the State of North Carolina

Department of Revenue would appraise them on a state level and pass the values to the county. Currently cable and cell phone companies must file listings in each county for each taxing district, appeal value in each county and should an appeal require settlement those factors could differ from county to county.

**Submitted by Kimberly Simpson, Durham County Tax Administrator**

### **3. Untimely Exemption Applications**

**Goal Description:** Currently in North Carolina the majority of exemptions and exclusions must be filed in January of each year. The exception to this is the Homestead and Circuit Breaker Applications. Each year an abundance of applications are received after the January 31<sup>st</sup> date and the June 1 date for elderly, requiring administrative procedures for an appeal for untimely applications. The appeal then must be heard by the Board of E&R to determine if “Just Cause” is there to grant or deny the application. The late applications also affects budget estimates that were provided in the budget preparation of many counties, as it is impossible to know who, would make application late, what value is involved with those applications. As a result of this unknown, it could potentially place a county, city or fire districts in a short fall. The goal of any change would be that should an application arrive after the date of such application’s due date, that the applicant would not be eligible for the exemption until the following year.

**Submitted by Kimberly Simpson, Durham County Tax Administrator**

### **4. Child Care: Support Legislation increase child care subsidies and reduce waiting lists.**

**Goal Description:** There has been a substantial decrease/cut in the child care subsidy for Durham County DSS from fiscal years 2009-2013. The allocation received by Durham DSS in FY 2009-2010 was \$16, 410, 602; FY 2010-2011 the Department’s allocation was \$16,861,844; in FY 2011-2012 the Department received an allocation of \$14,160,599, and for FY 2012-2013 the estimate is \$14,024,417. A substantial cut in child care subsidy impacts the number of children to be served and compromises their well-being while they remain on the child care waiting list.

The Durham DSS Board requests that the legislators vote against cuts to the child care subsidy, and seek ways to increase available subsidies to children needing child care.

**Submitted by Newman Aguiar, Durham County Social Services Board**

### **5. Adult Guardianship**

**Goal Description:** The Department of Health and Human Services and the Division of Mental Health are considering a proposal that would consolidate all public agencies that serve as adult guardians. It has been determined that it is a conflict of interest for Mental Health to serve as guardian. As a result, DSS would be the only public agency serving as guardian. Under the proposal, Mental Health (LME) would transition all of its wards to DSS. In an effort to make it more palatable and easier to transition, the Department of Health and Human Services is looking for funding that would be transferred to DSS. The thinking at this point is that counties would receive an increase in its Social Services Block Grant along with State funds. The proposal

would require statutory changes to be made to General Statute 35-A pertaining to DSS and General Statute 122-C pertaining to Mental Health.

If the decision is made to move forward with the proposal, the statutory changes will be addressed in the short session and become effective in July 2012. The implication for DSS assuming the responsibility of serving as guardian for the wards currently being served by Mental Health would be funds to expand staff and/or contract for the service with a private contractor. The DSS Board on behalf of Durham County DSS is advocating for the statutory changes and the financial support to implement these changes.

**Submitted by Newman Aguiar, Durham County Social Services Board**

Mr. Aguiar commented on the item. He surmised that DSS should be receiving the funding since they have become guardians. Chairman Page asked if Mental Health had weighed in on the recommendation. Chairman Page requested that Ellen Holliman, with Allied Behavioral, be given the opportunity to review the recommendation.

#### **6. Support proposal to increase sanctions for crimes with a firearm.**

**Goal Description:** Proposed changes for Juvenile Code regarding firearm offenses: Change the offense of Carrying a Concealed Gun (class 2 misdemeanor, a “minor” offense) under the Juvenile Code to a “serious” offense.

Change the offense of Possession of a Handgun by A Minor (class 2 misdemeanor, a “minor” offense”) under the Juvenile Code to a “Serious” offense. (A “minor” is anyone under the age of 18)

NCGS: 7B-2508 should be amended to include as “Serious: offenses, the above two charges if they remain Class 2 misdemeanors. It is preferable for these offenses to be changed to Class 1 misdemeanors.

In addition, support a legislative proposal which enhances criminal sanctions involving firearm crimes by changing some offenses from misdemeanor to felony and lowering the felony threshold in other cases.

**Submitted by Ellen W. Reckhow, Durham County Commissioner**

Vice Chair Reckhow suggested that the item reference submission by the Crime Cabinet. The subcommittee of the Crime Cabinet recommended that the current sanctions for adults be increased by one class. Judge Morey felt strongly about the proposed sanctions for juveniles.

#### **7. Support proposal to provide greater funding of the state crime labs**

**Goal Description:** Court officials throughout the state have noted that North Carolina's State Crime Laboratory now has fewer resources, money and personnel, than in past years. That situation greatly impacts court proceedings by causing defendants and prosecutors to often wait a year or more for results. Without a substantive increase in funding for the lab, criminal court proceedings across the state will continue to lag.

**Submitted by Ellen W. Reckhow, Durham County Commissioner**

## **8. Support Legislation to fully fund the Justice Reinvestment Act of 2011 Initiatives**

**Goal Description:** Increased funding is sought for the Justice Reinvestment Act Initiatives. Last session, lawmakers approved a budget that fell short of fully funding the initiatives included in the legislation. Policies in the comprehensive criminal justice bill include new tools for probation officers to hold offenders accountable, longer sentences for individuals with repeat breaking and entering offenses, and increased funding for drug treatment programs in prison and in the community. Without adequate funding, the programs will not achieve the desired goals.

**Submitted by Ellen W. Reckhow, Durham County Commissioner**

The recommendations will be placed on the Board of County Commissioners' agenda for the September 10, 2012 Regular session for approval.

### **Administrative Procedure – Conducting Criminal Background Investigations in the Recruitment and Selection Process**

Manager Ruffin recognized Cora Wilson, Human Resources Director, and Yvette Leonard, Human Resources Manager. He thanked them for the time and work they have put into the policy before bringing it to the Board. The policy has been reviewed by Department Heads and the Senior Management team.

Ms. Leonard highlighted that in April, 2012, EEOC issued new guidelines regarding criminal background checks. The new policy will apply to staff that are promoted, moved laterally, and demoted.

Manager Ruffin noted that training will take place the remainder of the month for an effective policy date of October 1, 2012.

Vice Chair Reckhow commended the policy, especially where applicants can contest inaccuracies.

Chairman Page asked for a clarification of 8.3.c. – If a person has a conviction and wants to explain it, they are given a chance to dispute the discrepancy. The applicant can also appeal the relevance of the discrepancy for the job in question. A Human Resources committee will review (HR Director, County Manager's designee, and County Attorney's designee). The County Manager will have the final say.

EEOC has recommended that applicants with previous records be considered for employment.

Commissioner Karriker commented that she hoped the business community would follow our lead.

### **Review of Board of County Commissioners' Directives**

Ellen Whelan-Wuest, Assistant to the County Manager, presented to the Board for its review the previous month's directives for staff. The directives covered May, June, July, and August 2012.

There were no questions or comments for Ms. Whelan-Wuest.

**Adjournment**

There being no further business, the meeting was adjourned at 3:15 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Michelle", followed by a long horizontal line extending to the right.

Michelle Parker-Evans  
Clerk to the Board