

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

Monday, May 7, 2012

9:00 A.M. Worksession

**MINUTES**

Place: Commissioners' 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 Joe W. Bowser, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Page

**Agenda Adjustments**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to suspend the rules to make adjustments to the agenda

The motion carried 5 – 0.

---

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker to defer the Parking Policy to the June Worksession.

The motion carried 5 – 0.

---

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker to suspend the rules.

The motion carried 5 – 0.

---

Commissioner Bowser moved, seconded by Commissioner Howerton to open the Administrative Complex to allow citizens to watch the returns of the election.

The motion carried 5 – 0.

### **Citizen Comments**

The Board of County Commissioners provided a comment period at the beginning of the Worksession to allow any citizen of Durham County the opportunity to speak.

Allan Lang spoke to the Commissioners about the strategic plan and the refusal of support of Amendment One. He also spoke about DPS technology issues. He asked that the Board approve the passage of the funds and delay the implementation.

Joanne Abel expressed concerns with the Durham County Commissioners' reluctance regarding Amendment One. She spoke about core values and the goals of the new strategic plan.

Nancy Blood addressed the Board about the possibility of losing domestic partner benefits if Amendment One passes.

Cathy Chandler expressed frustration in regards to Amendment One. She asked that the Commissioners not surrender their support of a select segment of employees. She also spoke about domestic partnership insurance.

Mel Downey-Piper made comments to the Board regarding Amendment One. She asked that the Commissioners consider the following:

- 1) Publicly come out against Amendment One;
- 2) Send an email out today to all County employees explaining that some employees would lose coverage for their family members;
- 3) Figure out a way for domestic benefits to continue if the Amendment passes. N.C. House Majority Leader Paul Stam stated on national news Saturday that County's could choose to continue offering this benefit.

Ralph McKinney spoke to the Board about a range of issues.

Robert Cox Jr. spoke to the Commissioners about the inability of veterans to find employment within Durham County and within the Durham County system.

Victoria Peterson spoke in support of Amendment One. She also spoke about Crystal Mangum and "bogus" charges. She asked that a call be made to the Fire Marshal's Office regarding overcrowding at the jail and that a letter be sent to the District Attorney's Office regarding Ms. Mangum.

Oliver Leary addressed the Board regarding a legal matter with the City of Durham. He questioned whether a subpoena would be required in order to get Animal Control employees to appear in court or could it be mandated by the Commissioners?

County Attorney Lowell Siler provided a legal response to Mr. Leary's concerns.

Chairman Page requested that the Board move at the advice of County Attorney Siler and follow the procedures that were outlined.

Darius Little reiterated, for the record, a matter that was discussed at the April 23 Regular Session that addressed the draft FY2012-2013 Action Plan. He highlighted the following issues related to the consortium: 1) Equity & Scoring; 2) Provisions of Public Awareness; and 3) Consensus Review.

Directive

County Manager Ruffin and Human Resources to provide follow up in regards to Mr. Cox's concerns. Follow up with the Board.

**Domestic Partners Benefits**

Kathy Everett-Perry, Assistant County Attorney, introduced this item. She stated that the Board requested to receive a legal opinion on what effect, if any, the enactment of Amendment One would have on the County's Domestic Partners Benefits Provisions.

Attorney Everett-Perry provided information that addressed the County's ability to legally continue domestic partner benefits to same-sex couples in light of the proposed amendment to the North Carolina Constitution declaring, "Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this state." She also indicated that based on information provided by County Attorney Siler, the Board could draft a resolution in terms of items pending on the ballot as long as public resources are not being utilized.

The Board held a discussion on preserving domestic partnership benefits.

Attorney Everett-Perry replied to questions asked by the Board.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow to suspend the rules.

The motion carried 5 – 0.

---

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to reaffirm the commitment to the domestic partnership policy and benefits adopted by the Commissioners in 2003.

The motion carried 5 – 0.

**Durham Public Schools – Request for Reallocation of a Portion of Authorized and Unissued 2007 School Bond Proceeds (20 min)**

Dr. Eric Becoats, Durham Public Schools (DPS) Superintendent led the presentation. He stated that on April 26, 2012, the DPS Board of Education requested a change in the use of a portion of the proceeds of the School Bonds that were approved at a referendum on November 6, 2007 and have not been issued from the construction of New High School “A” to the purchase of technology equipment in order to meet current standards and equity across all DPS schools.

Dr. Becoats continued stating that high school enrollment has subsided since the planning of the 2007 Bond and demographic projections do not indicate a significant need for more space, especially in light of charter growth, in the next 3 to 8 years. Therefore, the building of New High School “A” is not planned before 2018 (land has already been purchased) and it is requested that \$9,039,174 be reallocated for district-wide technology equipment such as teacher laptops, smart boards, digital cameras and classroom computers. A request to reallocate the remaining approximately \$31 million may be proposed and would be subject to approval by this Board at a future date. He presented the following:

- Why do we need an upgrade?
- Why do we lack adequate technology resources in our schools?
- What would it cost to bring all schools to meet our baseline standard?
- Priority One: Teacher Focus
- Priority Two: Student Focus
- Priority Three: Media Center Focus
- Reasons for Instructional Technology

Staff provided sufficient information that allowed the County Manager to investigate the need for reallocation of a portion of the unissued 2007 School Bond proceeds. A list of projects funded in whole or in part by the 2007 Bond proceeds is attached hereto. The reallocation of \$9,039,174 would not jeopardize any of the existing projects funded in whole or in part with 2007 School Bond proceeds. No other projects allocated in the 2007 Bond proceeds are in need of additional funding at this time.

DPS staff responded to the following

- Not enough training on iPad issuance and elaborating on training issues for what has been planned online;
- One million dollar maintenance budget; and
- Issue on operating systems and Microsoft bringing out a new system in the fall.

George Quick, Finance Director, responded to Commissioner Karriker’s question in regards to long-term financing.

Chairman Page paused to welcome the students from W.G. Pearson Magnet Middle School.

The Board applauded staff for wanting to upgrade technology in order to enhance learning.

DPS staff entertained concerns and questions asked by the Board.

Directive

1. Place on the May 14 Regular Session Agenda.
2. Perform a reassessment of growth projections for the district in another year; reevaluate progress and determine the need for a new high school building before other repurposing of funds is done.

**Proposed Amendments to Legislation Creating the Durham County Memorial Stadium Authority**

Tommy Hunt, Chairman of the Durham County Memorial Stadium Authority, requested permission to speak regarding the proposed legislation amending the size of the Stadium Authority Board. He made comments regarding the possible recommendation of changing the N.C. General Statutes in regards to the size of the current Memorial Stadium Authority.

Mr. Hunt enlightened the Board that the Stadium Authority voted unanimously to approve the recommendation of a seven-member authority, with one member being appointed by the Commissioners with a four-year term. He requested to come back at the June Worksession to update the Board on a fee schedule regarding the Stadium.

Commissioners held a discussion about the cost, utilization, and positive outlooks for youth in the community that involves recreation.

Directives

1. Place on the June Worksession;
2. Stadium Authority to encourage more community use and review creative ways to utilize the stadium;
3. Consider working with Durham Regional Hospital.

**Charter School Follow-Up Discussion**

Drew Cummings, Assistant County Manager, led this item stating that on April 3, 2012, the County Commissioners heard from representatives of Durham Public Schools and each of the public charter schools located in Durham County. They were also presented with data collected from each of those sources. Both the Commissioners and the school representatives indicated an interest in this being the beginning of an ongoing series of discussions, and the purpose of this Worksession is for the Commissioners to discuss among themselves topics and possible timeframes / frequencies for those future meetings.

Mr. Cummings noted the following topics discussed at the first meeting or proposed for future meetings included:

- a. Transportation options for charter school students;
- b. Achievement gap for economically disadvantaged vs. *not* economically disadvantaged for all public and public charter schools;

- c. Encouraging further dialogue between DPS and charters;
- d. Diversity of charter schools (incl. possible legislative agenda item of adding options to charter school lottery system); and
- e. Clearer information on charter school finances (capital vs. operating).

#### Directives

1. Consider an annual budget template that shows how funds are spent;
2. Staff to convene a group to discuss transportation and what would be creative options of providing transportation access;
3. Seek legislation that would allow more control over where the funds go;
4. Update the Board at the August Worksession;
5. Consider ways to encouraging parents and students to take advantage of public education.

#### **Public Hearing and Approval of the Draft FY 2012-2013 Annual Action**

Reginald J. Johnson, Interim Director of the City of Durham Department of Community Development, introduced this item. He stated that the Citizen Participation Plan contained in the adopted 2010-2015 Consolidated Plan required that two public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). He stated that the purpose of the first public hearing was to receive citizen comments on housing and community development needs and that public hearing was held on February 13, 2012. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. Of these three allocations, only HOME funds may be used outside of the corporate city limits.

Durham anticipates receiving approximately \$767,896 in HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus on target neighborhoods, including existing homeowner rehabilitation and first-time home homebuyer activities. Approximately, \$172,776.60 in non-federal funds would be needed from the HOME Consortium for the matching funds requirement of the HOME program.

The Annual Action Plan is Durham's application to HUD for FY 2012-2013 and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2010-2015 Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15<sup>th</sup>.

Drew Cummings, Assistant County Manager, discussed the County's portion of consortium funds that come in.

Mr. Johnson asked the Commissioners to approve the small portion of a greater annual action plan. He explained the outcome if the Board did not approve the plan.

The Board held a lengthy discussion regarding the following:

- Overall report;
- Services of Operation Breakthrough;
- Allocating funds for the weatherization program;
- Neighborhood improvement services; and
- Southside community money.

Mr. Johnson responded to questions posed by the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser to suspend the rules.

The motion carried 5 – 0.

---

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser to approve the 2012-2013 Action Plan and include comments regarding the City revisiting the allocation of Operation Breakthrough.

The motion carried 5 – 0.

#### Directive

Mr. Johnson was directed to share the Board's concerns about Operation Breakthrough funding with City Council; and to inform the Board of the City Council's decision regarding Operation Breakthrough.

#### Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser 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.

The motion carried 4 – 0.

#### Reconvene from Closed Session

Chairman Page announced that the Board met in Closed Session; direction was given to staff.

#### Durham Comprehensive Plan Update

Laura D. Woods, AICP, Senior Planner, stated that the Board requested to review updates to the Durham Comprehensive Plan.

Ms. Woods emphasized that the Durham Comprehensive Plan sets out Durham's policies on how the City and County would provide public facilities and services and guide growth in

Durham. Projects and tasks identified in the Plan form the basis of the Planning Department's annual work plan and provide policy guidance to other County and City departments.

Ms. Woods also pointed out that the Durham Comprehensive Plan was adopted by the Durham County Board of Commissioners and the Durham City Council in February 2005. Planning staff initiated a Plan update in September 2010. The primary purposes of the update were to define new projects and tasks to be accomplished over the next five years, revise policies in order to meet new conditions and directives of the elected officials, and to remove policies pertaining to projects and tasks that have been completed.

Aaron Cain, AICP, Planning Supervisor, addressed suburban transit areas becoming compact neighborhoods in the future.

The Commissioners discussed capital improvements elements and collaboration and cooperation with the City of Durham and Durham Public Schools.

The Board thanked staff for the report.

#### Directives

1. Consider placing item on Joint City-County Committee agenda for discussion;
2. Place on May 14 Regular Session Agenda;
3. Look at possible ideas regarding framework for a citizen coordinating committee on capital improvements.

#### **Tax Base Fiscal Year 2012-2013**

Pamela Meyer, Budget Director, presented this item stating that the Board requested to receive a presentation regarding the tax valuation estimates for the upcoming fiscal year 2012-2013. She highlighted the following:

- Tax Base;
- Tax Base Variances; and
- FY 2012-13 Property Tax.

The Board made comments about the Increased Collection Rate.

The Commissioners thanked Ms. Meyer for the report.

#### **Interlocal Agreement between Durham County, Orange County and Triangle Transit Authority Regarding the Cost Allocations for the Light Rail Project**

County Manager Mike Ruffin introduced this item. He stated that the Board was requested to consider an Interlocal Agreement between Durham County, Orange County and Triangle Transit Authority regarding the financial obligations related to the planning, construction, operation and maintenance of the Light Rail Project located in Orange and Durham County.

On June 27, 2011, the Board approved the Durham County Bus and Rail Investment Plan (the "Plan"). Pursuant to N.C.G.S 105-508.1(2), the Plan provides for equitable use of the net proceeds and considers (i) the identified needs of local public transportation systems in the district, (ii) human service transportation systems within the district, and (iii) expansion of public transportation systems to underserved areas of the district. On November 1, 2011, the voters approved the referendum which authorizes a 1/2 cent sales tax to be levied in the county to fund public transportation projects pursuant to the Plan. Durham County has pledged not to levy the tax without Orange County residents approving the tax as well. This would allow both jurisdictions to jointly fund and support a 17.3 mile passenger rail service running from Durham to Orange along a corridor and utilizing light rail vehicles ("LRT Project") as an important element in meeting their future transportation needs and supporting efficient, sustainable development patterns.

David King, CEO and General Manager of Triangle Transit, concurred with County Manager Ruffin's comments. He made statements regarding capital cost.

#### Directive

Place on the May 14 consent agenda.

#### **Strategic Plan Update**

Michael Davis, Strategic Initiative Manager, provided an update on the Strategic Plan. He reminded the Board that since the County's Strategic Plan adoption in February, County employees had been hard at work creating the necessary structure for successful implementation of the plan. He provided an update on the first quarterly update since adoption and included a review of the following steps:

- Inception of Implementation Team (including Goal Champions)
- Prioritization of "Year 1" initiatives for each goal
- Creation of goal-oriented "Standing Teams"
- Development of ad-hoc, project-based teams charged with carrying out initiatives
- Initial planning for performance measurement/dashboard to chart progress
- Creation of process-oriented "Core Team" to support overall Plan Implementation
- Early action on "plan alignment" with City of Durham and Durham Public Schools

#### Directives

1. Consider ways to promote walking clubs in the community;
2. Follow up in regards to potential ways of expanding PAC's in the County;
3. Consider natural ways to work with DPS on literacy.

**Review of Board Directives**

The Board requested to review the previous month's directives for staff and made comments as necessary. The set of directives covered January, February, March and April of 2012.

Vice-Chairman Reckhow made comments about a memo received from Jane Korest, Open Space/Real Estate Manager.

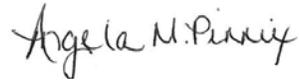
**Directive**

County Manager Ruffin to have a discussion with Ms. Korest on further recommendations.

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 2:39 p.m.

Respectfully Submitted,



Angela M. Pinnix  
Administrative Assistant  
Clerk to the Board's Office