

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

Monday, April 23, 2012

7:00 P.M. Regular Session

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 Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Closed Session

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session; directives were given to staff.

Chairman Page noted that the Resolution Regarding Amendment One had been removed from the agenda prior to the meeting.

County Attorney Lowell Siler issued a statement regarding reasons for removing the Resolution from the agenda.

Chairman Page invited citizens who wished to speak on the Resolution or any matter of concern to attend the May 7 Worksession and sign up to speak during Public Comments.

On behalf of the Board, Chairman Page supported the County Attorney's legal opinion on the matter.

Announcements

Chairman Page made the following announcements:

- “In Touch with Durham County”, the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays and 8:30 a.m., 12 noon, and 6:30 p.m. on Tuesday – Sunday. The Durham County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- Two important environmental review workshops on the proposed 17 mile Durham—Orange Light Rail Transit project to be held in May at the following locations:
 - May 2 from 4:00 – 7:00 p.m. at Extraordinary Ventures, 200 E. Elliot Street, Chapel Hill; and
 - May 3 from 4:00 – 7:00 p.m. at the Durham Armory, 212 Foster Street, Durham.Each of the public sessions would be in an Open House format. Public transit access would be available at both locations. For more information, contact (919) 485-7433.
- The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) programs state and federal transportation projects in the region. The DCHC MPO plans to adopt a set of goals and population and employment growth assumptions to guide its future plans. The public comment period would be from Wednesday, March 28, 2012, through Thursday, May 31, 2012. For additional information, go to www.dchcmpo.org or call or email Andy Henry at (919) 560-4366, x. 36419 or andrew.henry@durhamnc.gov.

Vice-Chairman Reckhow emphasized the importance of the aforementioned environmental workshops.

Commissioner Bowser recapped an event at Emmanuel A.M.E. Church, 2018 Riddle Road, Durham, entitled “The Great Debate,” which involved ages 13 and up provided pros and cons of voting. Commissioner Bowser encouraged the public to view the debate at www.vstream.tv, and replicate it at other churches throughout the community.

Commissioner Bowser noted that only 28% of the Durham community voted in the 2008 primary.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the April 2, 2012 Worksession/Nonprofit Comments Minutes and April 9, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

Proclamation of May 6-12 as Children’s Mental Health Awareness Week

The National Federation of Families for Children’s Mental Health declares the first full week in May as National Children’s Mental Health Awareness Week. This week is dedicated to increasing public awareness about the triumphs and challenges in children’s mental health and

emphasizing the importance of family and youth involvement in the children's mental health movement.

PROCLAMATION

WHEREAS, all our children, without regard to challenges they face, are valuable and a significant part of the rich and diverse resources of our present and our future; and

WHEREAS, all children ages 0-26 deserve to be supported as they struggle with serious mental health and behavioral challenges; and

WHEREAS, support for our youth as they grow and develop from cradle to career is essential to the success of children, families, and the community; and

WHEREAS, mental health is essential to overall health and wellbeing; and

WHEREAS, according to the United States Department of Health and Human Services, one in five children has a mental health disorder, and one in 10 adolescents aged 9-17 has a serious mental illness; and

WHEREAS, with proper treatment and support children mental health disorders can succeed in all life domains and reach their full potential, moving from cradle to career; and

WHEREAS, as parents, doctors and nurses, teachers, guidance counselors, neighbors, friends, concerned citizens and faith-based communities are among the many who can reach out to children, youth and their families in our community who are in need of support, education, information, encouragement and mental health resources; and

WHEREAS, community members can help establish safe and supportive communities that encourage and engage all young people, regardless of their challenges, to reach their full potential; and

WHEREAS, strong youth and young adults will strive to positively change the misconceptions about youth with mental illness diagnoses to a vision of strong and capable young people who can overcome challenges; and

WHEREAS, Durham County Government joins with The Durham Center, BECOMING and other community organizations in recognizing the need to raise awareness about our children and mental health, commending those who work to support our youth, and celebrating those children with mental health disorders who reach for their full potential:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim the week of May 6-12, 2012 as

CHILDREN'S MENTAL HEALTH AWARENESS WEEK

in Durham County. I call upon the citizens, government agencies, public and private institutions, businesses, and schools in Durham County to commit to increasing our community's awareness and understanding of the issues of mental health among our children and youth.

This 23rd day of April, 2012.
/s/ Michael D. Page, Chairman

Ellen Holliman, Area Director, The Durham Center, briefly remarked on mental illness amongst children in the community and on the services provided by System of Care.

Commissioner Howerton thanked Ms. Holliman and her staff for their hard work. She inquired about the servicing of children with mental illness at the Murdoch Development Center in Butner.

Ms. Holliman responded in the affirmative, stating that The Durham Center provides services to some children at the Murdoch Center.

Commissioner Karriker applauded Ms. Holliman and staff for their efforts. She beseeched the Durham community to be more involved in the treatment and care of children with mental illness.

Chairman Page presented the proclamation to Ms. Holliman.

Recognition of Retiring Veterans Services Officer Lou Washington

Chairman Page read the follow resolution into the record to recognize Veterans Services Officer Lou Washington as he retires from Durham County Government:

RESOLUTION

WHEREAS, Louis B. Washington joined Durham County Government in February 2002 as Veterans Services Officer; and

WHEREAS, during his tenure he helped more than 10,000 veterans gain access to medical benefits, compensation for service related injuries, burial assistance, educational benefits, and homelessness assistance bringing in more than \$25 million dollars in approved claims; and

WHEREAS, this veteran extended his reach well beyond the walls of his office and served on the North Carolina Division of Veterans Affairs Committee to create Standard Operating Procedures for new County Veteran Service Officers in the state of North Carolina; and

WHEREAS, Mr. Washington was well trained on all aspects of veterans benefits and conducted seminars at nursing homes for veterans, worked with incarcerated veterans at Butner Federal Prison and made visits to homebound veterans to help them complete applications for VA benefits; and

WHEREAS, he was particularly helpful to veterans filing appeals as they sought benefits for Post Traumatic Stress Disorder and Traumatic Brain Injury; and

WHEREAS, Mr. Washington led Durham County to reach homeless veterans by hosting Durham County Stand Down events and working with Project Homeless Connect for several years to provide veterans with VA benefits information, medical and legal services, hot meals, and backpacks filled with personal care products; and

WHEREAS, during his remarkable career, Mr. Washington discharged his duties faithfully and with distinction as he served the citizens of Durham County:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do extend grateful appreciation to

LOUIS B. WASHINGTON

for more than 10 years of dedicated service to Durham County, and for the numerous and innovative contributions he has made improving the quality of life for veterans and their families in this community.

BE IT FURTHER RESOLVED that we wish for him continued health, happiness, and a wealth of success as he leaves this post and begins a new journey in life.

This the 23rd day of April, 2012.

/s/ All Five Commissioners

Marqueta Welton, Deputy County Manager and Interim Human Resources Director, shared a letter written by a citizen commending Mr. Washington for providing exceptional customer service and assistance.

Mr. Washington spoke to his history, accomplishments, and pleasantries while serving as Veterans Services Officer.

The Board congratulated Mr. Washington and thanked him for his dedication and commitment to the veterans.

Commissioner Bowser publically stated an apology for not attending Mr. Washington's farewell event as he had a prior engagement.

Commissioner Karriker spoke to her familiarity with Mr. Washington's assistance in the community, most recently the Stand Down event in which various services were provided to veterans.

Chairman Page shared his personal experience with Mr. Washington's impressive service and commended Jennifer Perry, Administrative Assistant, for her work as well in Veterans Services.

Mr. Washington accepted the resolution from Chairman Page.

Resolution Honoring The Durham Chorale's 25th Anniversary

Chairman Page reported that The Durham Chorale began in 1987 as a place for people who may not have sung in a choir for the long period but can sing well. The group became known for its eclectic mix of music in its performances. The Durham Chorale, directed by Melody Zentner, performs two concerts a year, and a smaller group sings at retirement homes, churches, hospitals, Durham Arts Council events and other venues.

Chairman Page read the following resolution into the record:

RESOLUTION

WHEREAS, The Durham Chorale is comprised of community members who share a love of singing; and

WHEREAS, its purpose is to provide a musical environment to help inform and educate both participants and the greater community by exposing them to the history and a great variety of choral music; and

WHEREAS, the group started with 30 members and now is 60 voices strong; and

WHEREAS, two annual concerts each year feature music from a wide range of styles and time periods; and

WHEREAS, The Durham Chorale's 25th Anniversary Spring Concert was held on Sunday, April 22, at 3:00 p.m. in the Carolina Theatre; and

WHEREAS, talented Director Melody Zentner has chosen selected pieces for the group's "A Silver Celebration" to capture the range of music the group has performed since its inception in 1987, and The Choraleers, a smaller and select group, will sing a medley of tunes from "Sweeney Todd", "Singin' in the Rain", and other hits:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby recognize

THE DURHAM CHORALE

for 25 years of musical performances, delivering numerous and wide-ranging genres of music that have delightfully entertained audiences of all ages in Durham County. We wish The Durham Chorale many more years of melodic success.

This the 23rd day of April, 2012.

/s/ All Five Commissioners

Director Melody Zentner introduced board members of The Durham Chorale who were in attendance. She spoke briefly about the group and its upcoming anniversary concert.

Chairman Page thanked Ms. Zentner and The Chorale for their service. He presented the resolution to Ms. Zentner.

Proclamation—Week of the Young Child

Chairman Page read the following proclamation into the record to declare the week of April 22-28, 2012 as the Week of the Young Child:

PROCLAMATION

WHEREAS, early childhood—from birth to age 5—represents the most critical time in children's development and is the foundation for later success in school and life; and,

WHEREAS, Durham's Partnership for Children, a Smart Start Initiative, Child Care Services Association, and other local collaborating organizations, are celebrating the Week of the Young Child under the national theme of "Early Years are Learning Years"; and

WHEREAS, making sure children are ready to learn is a community endeavor that involves parents, child care providers, policy makers, businesses, congregations, and community agencies; and

WHEREAS, high-quality early care is critical for Durham's future success in support of the current workforce of Durham families with young children who rely on child care to work, to reduce employee absenteeism and turnover, and to support the school readiness of our youngest children; and

WHEREAS, early care and education is an important economic development strategy that nurtures the beginning of the talent pipeline; and

WHEREAS, recognizing that transition to kindergarten must be a smooth, coordinated process that provides a proper start for young children and contributes greatly to the minimization of the achievement gap; and,

WHEREAS, in order to support the stability and success of all families, comprehensive, bilingual, evidence-based family support and literacy services are offered to young children and their families; and,

WHEREAS, access to health care and early intervention are promoted by collaborative community and government initiatives to positively impact young children's health.

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim the week of April 22 - 28, 2012 as

WEEK OF THE YOUNG CHILD

in Durham County. I proudly recognize Durham's Partnership for Children and Child Care Services Association for their community-wide services to ensure that Durham County children are ready for success in school and in life.

This 23rd day of April, 2012.
/s/ Michael D. Page, Chairman

Laura Benson, Executive Director, Durham's Partnership for Children, thanked the Board for the proclamation and thanked key committee members for the successful collaboration. She invited the public to visit chosen restaurants in Durham to support the Week of the Young Child.

Ms. Benson accepted the proclamation.

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- *a. Accept the property tax release and refund report for March, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- *b. Amend the contract with Tax Management Associates, Inc. for property value discoveries and approve Budget Ordinance Amendment No. 12BCC000071 in the amount of \$150,000. Payment is made to TMA only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected;
- c. Receive the annual report of the Design District Review Team;
- d. Receive the annual report of the Durham City-County Appearance Commission;
- e. Receive the certified annual report of the Historic Preservation Commission;
- *f. Approve Budget Ordinance Amendment No. 12BCC000072 to recognize \$62,500 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management;
- g. Approve the Six-Mile Bahama Fire Insurance District Map;
- h. Approve the requested fees for replacement of 1099 and W-2 forms; and
- *i. Approve the Joint Resolution with Wake County to establish a multi-county area authority to manage mental health, substance abuse and developmental disability services for Durham and Wake counties, in order to complete the legal requirements of this action as outlined in NC General Statutes.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Accept the property tax release and refund report for March, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the report details releases and refunds for the month of March, 2012.

Releases & Refunds for 2012 Taxes	
Personal	\$ 54,107.19
Motor Vehicles	\$ <u>240.93</u>
Total for 2012 Taxes and Fees	\$ 54,348.12

Releases & Refunds for 2011 Taxes	
Real Estate	\$ 7,209.64
Personal	\$ 22,105.79
Registered Vehicles	\$ 27,034.10

Vehicle Fees	<u>\$ 905.00</u>
Total for 2011 Taxes and Fees	\$ 57,254.53

Prior years' (2000-2010) releases and refunds for March, 2012 are in the amount of \$23,516.63. The current year and prior years' releases and refunds amount to \$135,119.28.

(Recorded in Appendix A in the Permanent Supplement of the April 23, 2012 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Amend the contract with Tax Management Associates, Inc. for property value discoveries and approve Budget Ordinance Amendment No. 12BCC000071 in the amount of \$150,000. Payment is made to TMA only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000071

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$250,433,475	\$150,000	\$250,583,475

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$84,048,328	\$150,000	\$84,198,328

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This 23rd day of April, 2012.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 12BCC000072 to recognize \$62,500 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000072

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$76,521,644	\$62,500	\$76,584,144

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$46,110,812	\$62,500	\$46,173,312

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This 23rd day of April, 2012.

Consent Agenda Item No. i. Approve the Joint Resolution with Wake County to establish a multi-county area authority to manage mental health, substance abuse and developmental disability services for Durham and Wake counties, in order to complete the legal requirements of this action as outlined in NC General Statutes.

Boards of County Commissioners of Durham and Wake Counties

Joint Resolution Between Durham and Wake Counties Approving the Creation of a Multicounty Area Authority pursuant to N.C. Gen. Stat. § 122C-115 for The Provision of Mental Health, Developmental Disabilities and Substance Abuse Services

Effective _____ 2012

WHEREAS, the State of North Carolina has passed Session Law 2011-264 requiring statewide expansion of the 1915(b)/(c) Medicaid Waiver to be managed by Area Authorities operating as Managed Care Organizations (hereinafter "MCO") to manage local mental health, substance abuse and developmental disability services; and

WHEREAS, the Boards of County Commissioners of Durham and Wake Counties believe that it is in their best interest to combine the Durham and Wake County catchment areas and establish a new multicounty area authority, operating as a political subdivision of the State of North Carolina and organized and existing pursuant to North Carolina General Statute Chapter 122C-115, to administer mental health, substance abuse and development disability services for Durham and Wake Counties; and

WHEREAS, it shall further the interests of public health and welfare of the citizens of Durham and Wake Counties to create a new multicounty area authority consistent with the governance outlined in G.S. 122C-115, upon satisfaction of terms outlined in an interlocal agreement executed by the parties on or about March 23, 2012; and

WHEREAS, in order to facilitate start up functions, it is necessary to create the new multicounty area authority in advance of its Operational Date of July 1, 2012 as a mental health, developmental disabilities, and substance abuse services program; and

WHEREAS, it is the intent of Durham County to continue managing mental health, developmental disabilities, and substance abuse services through the existing single county authority known as The Durham Center until the Operational Date of the new multicounty area authority; and

WHEREAS, it is the intent of Wake County to continue managing mental health, developmental disabilities, and substance abuse services through the existing consolidated agency known as Wake County Human Services until the first to occur of the Operational Date of the new multicounty area authority or further resolution of the Board of Commissioners transferring such function to the new multicounty authority;

NOW, THEREFORE, BE IT RESOLVED by the Wake and Durham County Boards of County Commissioners that:

1. The Durham County Board of County Commissioners and the Wake County Board of County Commissioners expressly authorize the creation of a new Multicounty Area Authority for the provision of Mental Health, Developmental Disabilities and Substance Abuse services for the catchment areas covering their respective counties.
2. The name of the new Multicounty Area Authority shall be "Alliance Behavioral Healthcare" (hereinafter "Alliance").
3. Alliance shall perform all the functions necessary to carry out the purposes of this Joint Resolution and the ILA, including but not limited to the following:
 - a. To establish accountability for the planning, development, and management of local systems that ensure access to care, quality of services, and the availability and delivery of necessary services for individuals in need of mental health, intellectual and developmental disabilities, substance abuse, and related services;
 - b. To operate the 1915 (b)/(c) waiver;
 - c. To manage state funded services for mental health, intellectual and developmental disabilities, and substance abuse services, including federal block grant funds;
 - d. To manage all other resources that are or become available for mental health, intellectual and
 - e. developmental disabilities, and substance abuse services;
 - f. To maintain a local presence in order to respond to the unique needs and priorities of local communities;
 - g. To perform any other function of a Local Management Entity authorized by N.C.G.S. 122C-115.4 *et seq.*
4. The Governance of Alliance shall be as set forth in the interlocal (Merger) Agreement (the "ILA") approved by resolutions of the respective Counties and executed by the respective Counties on or about March 23, 2012, such Agreement expressly incorporated herein by reference, and as specifically set forth herein below:

The new Area Board will consist of sixteen (16) members. Eight (8) members shall be appointed by Durham County, six (6) members shall be appointed by Wake County and two (2) seats shall be at large. No member shall serve more than two (2) consecutive full terms. The process for appointment shall be according to the following general terms and conditions:

- a. Eight (8) Area Board members shall be appointed by the Durham County Board of Commissioners. The Durham County Commissioners shall appoint these initial board members out of the membership in good standing of the currently-seated members now serving on the The Durham Center Board who have time remaining on the term of service as of the Operational Date of the new Area Authority. Board representatives will include one (1) individual with business expertise, one (1) individual with financial expertise, one (1) individual with clinical expertise and one (1) individual who represents the interest of children. Additionally, two (2) individuals who are consumers/family members of consumers/advocates for consumers will be appointed. A Board member may concurrently represent two categories of membership.
- b. Six (6) Area Board members shall be appointed by the Wake County Board of Commissioners. Board representatives will include one (1) individual with business expertise, one (1) individual with financial expertise and one (1) individual with clinical expertise. Additionally, two (2) individuals who are consumers/family members of consumers/advocates for consumers will be appointed. A Board member may concurrently represent two (2) categories of membership.
- c. The fourteen (14) Board members appointed by Durham and Wake counties as set forth herein shall then establish the term of and appoint two (2) at-large seats. The at-large seats shall initially be filled by one (1) representative from Johnston County and one (1) representative from Cumberland County. The at-large seats shall continue to be occupied by a representative from Johnston County and a representative from Cumberland County for so long as they are parties to Interlocal Agreement between the new Area Authority and their respective counties. Upon termination of the Interlocal Agreement between the new Area Authority and Johnston and Cumberland counties, or the admission of additional counties by agreement to the new Area Authority or any agreement by consent with any other county via Interlocal agreement, the at-large seats shall be filled in accordance with needs and wishes of the new Area Authority.
- d. Other Area Board requirements will be jointly developed consistent with the requirements of N.C.G.S. Chapter 122C-118.1. The appointment process shall be consistent with the current policy used by The Durham Center Board. The new Area Authority will advertise, accept applications, interview and recommend appointments to the respective Boards of Commissioners.
- e. The term limits for the initial appointed board members shall be established consistent with the requirements set forth in N.C.G.S. Chapter 122C- 118.1(d). The staggered appointments shall be divided equally between Durham and Wake counties.
- f. Durham and Wake counties may have equal representation on the Finance Committee established by the new Area Authority Board. The Finance Officer or designee of each participating county may serve as an *ex officio* non-voting member of the Finance Committee.
- g. Significant actions by the new Area Authority Board will require eleven (11) votes, or a corresponding majority in the event the number of Board members changes. Significant actions shall include: 1) policy decisions which affect consumer benefit plans, admit or exclude providers, or set provider rates; 2) any action or decisions concerning the annual budget and amendments according to the Local Government Budget and Fiscal Control Act (N.C.G.S. Chapter 159); 3) personnel policies; 4) employee benefit plans; 5) the selection and dismissal of the Chief Executive Officer; 6) changes to the Area Board structure; 7) execution of contracts or leases for real or personal property including

accepting any assignment thereof; 8) acceptance of grants; 9) settlement of liability claims against the new Area Authority or its officers or employees; 10) approval or amendment of Area Authority by-laws, and; 11) any other matter so designated by the new Area Authority Board.

5. Alliance will develop by-laws, policies, standards and procedures consistent and not in conflict with current policies in place for the respective county's Local Management Entities.
6. Alliance shall enter formal board resolutions to ratify or adopt as appropriate the actions contemplated by the Merger Agreement and this Joint Resolution.
7. The Durham County Area Authority for Mental Health, Developmental Disabilities, and Substance Abuse Services, known as The Durham Center, shall remain in existence after the effective date of this resolution. The Durham Center shall continue managing mental health, developmental disabilities, and substance abuse services until the Operational Date, at which time these functions shall be transferred to Alliance. After the transfer of these functions, The Durham Center shall remain in existence for the sole purpose of winding down its fiscal affairs and complying with the audit mandates of N.C. Gen. Stat. § 122C-144.1 and N.C. Gen. Stat. § 159-34 or any other State and/or Federal law.
8. The Wake County Consolidated Human Services Agency which currently carries out the functions of the local health department, the county department of social services, and the area mental health, developmental disabilities, and substance abuse services authority shall remain in existence after the effective date of this resolution and shall continue to operate in its current form until further resolution of the Board of Commissioners dissolving such consolidated agency. The Wake Local Management Entity which is part of this consolidated agency shall continue to operate the program for Mental Health, Developmental Disabilities, and Substance Abuse Services after the effective date of this resolution until the Operational Date or further resolution of the Board of Commissioners transferring such function to the new multicounty authority at a later date. After the transfer of these functions, The Wake LME shall remain in existence for the sole purpose of winding down its fiscal affairs and complying with the audit mandates of N.C. Gen. Stat. § 122C-144.1 and N.C. Gen. Stat. § 159-34 or any other State and/or Federal law until further resolution of the Board of Commissioners.
9. Upon the execution and signing of this resolution and approval from the North Carolina Department of Health and Human Services (hereinafter "DHHS") consistent with the requirements of N.C.G.S. 122C-115, Alliance shall have all rights, responsibilities and authority to operate as a Multicounty Area Authority as set forth in Chapter 122C of the North Carolina General Statutes, including, but not limited to the ability to sign and enter into contracts and other legally binding documents in furtherance of its stated goals, and consistent with the needs of the population encompassed within its catchment area subject only to the limitations of N.C.G.S. Chapter 159. It is the express intent of the Boards of County Commissioners for Durham and Wake Counties that Alliance shall be legally constituted and created upon execution and signing of this resolution and approval from DHHS for the purposes of performing all start up functions; provided however that budgetary authority and operations for Alliance shall not begin until the Operational Date of July 1, 2012. For the purpose of this resolution, "operations" shall mean the management and oversight of the public system of mental health, developmental disabilities, and substance abuse services at the community level.
10. Upon the execution and signing of this resolution and approval from the North Carolina Department of Health and Human Services (hereinafter "DHHS") consistent with the

requirements of N.C.G.S. 122C-115, Alliance is expressly authorized to approve and adopt a budget for the 2013 fiscal year. It is expressly understood, however, that Alliance shall not incur any budget encumbrances prior to July 1, 2012.

11. Upon the execution and signing of this resolution and approval from the North Carolina Department of Health and Human Services (hereinafter "DHHS") consistent with the requirements of N.C.G.S. 122C-115, the Board of County Commissioners for both Durham and Wake Counties expressly authorize the Governing Board of Directors for Alliance to take any and all actions necessary to effectuate all matters consistent with this resolution.

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

Reginald J. Johnson, Interim Director of the City of Durham Department of Community Development, requested that the Board hold the second of two public hearings required by Citizen Participation Plan contained in the adopted 2010-2015 Consolidated Plan which must be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). Mr. Johnson recognized Wilmur Conyers, Federal Programs Coordinator, to present details of the item to the Board.

Ms. Conyers explained that the first public hearing was held on February 13, 2012 to receive citizen comments on housing and community development needs. The purpose of the second public hearing was to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. Of the 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 will 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 would be 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.

Due to the Commissioners not receiving the Annual Action Plan, the item was subsequently continued and placed on the May 7 Worksession to allow adequate time for reviewing the Plan.

Chairman Page opened the public hearing that was properly advertised and called signed speakers Darius Little, Victoria Peterson, and DeWarren Langley forward for comments.

Chairman Page closed the public hearing and referred the matter back to the Board.

Mr. Johnson and Ms. Conyers responded to Board and citizen comments regarding the following:

- Equity of scoring
- Spending of Consortium funds
- Housing assistance for single residents without children

- Durham City vs. Durham County appropriated funding
- Criteria for receiving grant funding

Quasi-Judicial Public Hearing—Transportation Special Use Permit—Merck Warehouse Expansion and Boiler Enclosure (T1200001)

Patrick Young, AICP, Assistant Planning Director, certified for the record that all required notices under law were provided in accordance with all provisions of law and that affidavits were on file in the Planning department. He requested that the staff report be entered into the record.

Mr. Young requested that the Board hold a quasi-judicial public hearing to consider a Transportation Special Use Permit for the expansion of the Merck Manufacturing Facility at 5325 Old Oxford Road and to direct the Planning Director to prepare an order for adoption for 1) approval, 2) approval with conditions, 3) denial, or 4) to continue the hearing to a specified later meeting.

Chairman Page issued the following statement:

"The hearing for this transportation special use permit is quasi-judicial. The process is similar to a court proceeding. First, the staff would present an overview of the case, and then the applicant presents its evidence. The opponents, if they are any, would then present their evidence. The applicant may then present their rebuttal. Board members are asked to refrain from questions until each speaker has completed his/her presentation. All testimony is given under oath. In a few moments, I or the clerk will give the oath to all witnesses as a group. All witnesses are asked to sign up to speak with the clerk if you have not already done so. Testimony should consist of facts each witness knows directly, not hearsay. Written evidence must be presented to the County Attorney, and a determination would be made about whether it should be accepted. Written evidence can be inspected by the other side. All evidence written or oral can be objected to. Witnesses are subject to cross examination. Opposing representatives would have the chance to question witnesses after all witnesses for the other side have testified. If you wish to cross-examine, you must raise your hand when I ask for other speakers in favor or against the application; then, I will recognize you. I would like to note that Board members may have visited each site under consideration as a part of their preparations for this meeting. Are there any members of this Board who would have any conflicts of interest in regard to the cases that are before us today and are there any early dismissals being requested? Hearing none, the Board's decision is subject to appeal at the Durham County Superior Court."

Chairman Page directed all persons who had signed up to testify in the case to go to the Clerk's station to be sworn in or to give affirmation. (Those persons who had not signed earlier on the special sheet and wished to speak were directed to sign the sheet and participate in the swearing-in.) After being sworn in, persons were to return to their seats.

Michelle Parker-Evans, Clerk to the Board, administered the oath to everyone who had signed up to speak.

Mr. Young continued his presentation, explicating the request for a transportation special use permit. He stated the following staff findings:

- The existing Merck manufacturing facility is approximately 436,297 square-feet. An additional 388,021 square-feet of manufacturing is proposed. The facility is accessed via two private driveway connections to the west side of Old Oxford Road.
- The proposed expansions are expected to generate an additional 399 vehicle trips during the a.m. peak-hour and 282 trips in the p.m. peak-hour. Trip generation numbers are based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 8th Edition, 2008. The TIA adjusted the percentage of entering and exiting traffic in the peak-hour to more reflect the observed field conditions at the existing facility.
- No improvements are required or proposed to accommodate the proposed site traffic. The adjacent streets and intersections are all expected to operate at an acceptable Level of Service (LOS) with full build-out of the proposed site.
- There are no widening improvement impacts or substantial traffic increases to adversely affect residential streets.

Chip Killian, Partner of Nelson Mullins Riley & Scarborough LLP, representing Merck, Sharp & Dohme Corporation, requested the Board's approval of the transportation special use permit and introduced Kelli Hopkins, AIA, Nelson Mullins Riley & Scarborough LLP, to present the witnesses.

Ms. Hopkins briefly provided background information on the site plan.

The witness below stated the following information for the record:

John Wagner, Plant Manager, Merck, Sharp & Dohme Corporation

- 31 years at Merck
- Responsible for location selection for the project in 2003-2004
- In charge of construction project in the operation of the plant
- Durham Chamber of Commerce Board of Directors
- DTCC Found Board of Directors
- Responsible of the analysis and development of the requirements of the plant and continued expansion and warehouse assets
- Named Raymond Rein as the appointed contact for day-to-day project operations

Raymond Rein, Principal Engineer, Merck Global Engineering Services

- Bachelor of Science in Chemical Engineering
- Licensed Professional Engineer
- Project Manager (day-to-day contact) for the warehouse expansion
- Stated the purpose for the expansion—to support the increase in manufacturing

Mike Sanchez, Land Development, John R. McAdams Company

- Bachelors of Science
- Licensed Professional Engineer
- Led the site plan application process and traffic impact analysis (TIA)
- Described the final site plan layout
- Stated that the site plan was reviewed by the Development Review Board

- Stated his professional opinion that adequate provisions have been made for safe and efficient vehicular circulation, parking, loading, and pedestrian access.

Lyle Overcash, Principal, Martin/Alexiou/Bryson P.C. (MAB)

- Lead Traffic Engineering Group at MAB
- Traffic Engineer for 19 years
- Bachelor of Science in Civil Engineering
- Licensed Professional Engineer
- Explained the TIA process and why it was required
- Stated that the TIA was approved by the NCDOT and the City of Durham Transportation Department
- Explained the TIA findings and stated his professional opinion as to why no adverse impact would be made to the surrounding area
- Stated that no off-site roadway improvements recommended
- Stated his professional opinion that the Merck Warehouse Expansion project would not have a significant adverse impact on traffic conditions in the surrounding area
- Explained why the warehouse expansion would not have any significant adverse impact on the environment
- Stated his professional opinion that the Merck Warehouse Expansion project would not have a significant adverse impact on the environment

Ted Conner, Durham Chamber of Commerce, provided factual data and historical background information on the project.

Ms. Hopkins requested that all of the exhibits contained in the exhibit notebook be entered into evidence and that the transportation special use permit application, the Planning Department's staff report, and all staff supporting documents be admitted as part of the record in this proceeding.

Chairman Page, on behalf of the Board, accepted the documents as evidence.

Ms. Hopkins summarized the witnesses' testimonies and sought the Board's approval of the Transportation Special Use Permit.

Based on the testimonies given, Mr. Young recommended approval of Transportation Special Use Permit—Merck Warehouse Expansion and Boiler Enclosure (T1200001). He clarified for the record that contrary to several witnesses' statements, the Development Review Board did not approve the site plan but recommended approval; the Board of County Commissioners reserves the right to approve. He also mentioned that if approved, the Transportation Special Use Permit would authorize improvements up to 824,000 sq. ft, which includes the current facility, approximately 273,000 sq. ft. of existing approved yet unconstructed development, the warehouse and boiler enclosure expansion, and 48,000 sq. ft. of future proposed development that would have to be approved administratively through future site plans.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve Transportation Special Use Permit—Merck Warehouse Expansion and Boiler Enclosure (T1200001).

The motion carried unanimously.

Merck Warehouse Expansion and Boiler Enclosure (D1100203)

Patrick Young, AICP, Assistant Planning Director, requested that the Board approve a major site plan for a 65,400-square foot warehouse expansion with mezzanine and a 1,642-square foot boiler enclosure addition to an existing pharmaceutical facility. [The property is located at 5325 Old Oxford Road, on the west side of Old Oxford Road, north of Red Mill Road, south of Jock Road. PIN 0845-02-58-9355]

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker, to approve the Merck Warehouse Expansion and Boiler Enclosure (D1100203) for a 65,400 square foot warehouse expansion with mezzanine and a 1,642 square foot boiler enclosure addition to an existing pharmaceutical facility.

The motion carried unanimously.

Board Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

The Board made the following appointments (incumbents are underlined):

Hospital Corporation Board of Trustees

Carolyn E. Henderson

Barbara Knopp

Craig M. Savage

Dr. James P. Weaver

Farad Ali

Nursing Home Community Advisory Committee

Linda Lang

Transportation Advisory Board

Stephani Deberry

Closed Session

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, 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; and pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session; directives were given to staff.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:05 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Yvonne R. Jones".

Yvonne R. Jones
Deputy Clerk to the Board