

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

Monday, October 14, 2013

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**AGENDA**

**"Public Charge"**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

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**7:00 pm Regular Session**

1. **Opening of Regular Session** - Pledge of Allegiance (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
  - 1) "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our 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.
  - 2) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email [Clerk@dconc.gov](mailto:Clerk@dconc.gov) for more information. Please note that all City and County taxes must be current at the time of application.
  - 3) "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.
4. **Minutes** (5 min)
  - a) September 23, 2013 Regular Session

**5. Recognition of Shirley Stock, Public Health Nurse – 2013 Service Award (5 min)**

- 1) The Board is requested to recognize Shirley Stock, Public Health Nurse for receiving a 2013 Service Award as an Outstanding Public Health Employee at the annual NC Refugee Health conference in Wilmington, NC in August. Ms. Stock was specifically recognized for her “exemplary work with North Carolina refugees.”
- 2) Ms. Stock has been a nurse for 43 years and has worked with the Public Health Department in the Immunization Clinic for the past 5 years. No one has been more dedicated to improving the health of the refugees who arrive in Durham County than Ms. Stock. As an immunization nurse, Ms. Stock does more than administer the required vaccinations to the refugees. She takes an interest in them and recognizes the many problems they face when they arrive in our country. She has worked with refugees for three years and continues as their tireless advocate. She treats each with dignity and respect, allays the fears of the children who often have to receive multiple immunizations, and works with all members of the families (despite language barriers and cultural differences) to provide excellent care to all. She is known among the refugees as their “angel”, and they clearly recognize and appreciate the compassionate care she provides.
- 3) Ms. Stock tells us she was surprised to receive this award, but we at DCoDPH were NOT surprised. We see first-hand the attention and care she provides to this vulnerable and needy group. We are very proud and pleased that the folks in Refugee Health have also recognized the excellent services that she is providing to this population. This recognition is long overdue and well-deserved!

**Resource Persons:** Gayle B. Harris, Public Health Director

**County Manager’s Recommendation:** The County Manager recommends that the Board recognize Public Health Nurse Shirley Stock for this outstanding achievement. Her personal and professional dedication to serving refugees arriving in Durham County exemplifies exceptional customer services reflecting Durham County’s Perfect Service Delivery initiative.

**6. Resolution Honoring Catherine Spearman Ferrell on her 101st Birthday (5 min)**

- 1) The Board is requested to approve a resolution honoring Mrs. Catherine Spearman Ferrell. She celebrated her 101st Birthday on October 10. As a longtime resident of Durham, Mrs. Ferrell has unselfishly contributed to Durham through her employment at Durham Public Schools; her generous assistance to children and families in the former Lincoln Community Hospital; her dedicated work in her East Durham Community to secure municipal services including street lights, water and bus service; and her church work at Mt. Gilead Baptist Church.
- 2) Mrs. Ferrell is a member of the growing number of centenarians in North Carolina.

**Resource Persons:** Chairman Fred Foster, Jr.

**County Manager's Recommendation:** The County Manager recommends that the Board approve the resolution and present to Mrs. Catherine Spearman Ferrell along with sincere well wishes for many more birthdays.

**7. Resolution Honoring the Extension and Community Association for 100 Years of Service (5 min)**

- 1) The Board is requested to adopt a resolution honoring the Durham County Extension and Community Association for one hundred years of service to Durham families and communities.
- 2) The North Carolina Extension & Community Association (ECA) is a rich organization with a magnificent record of accomplishments for the people of North Carolina. As an outgrowth of the Home Demonstration Clubs established in the early 1900's in partnership with the Cooperative Extension Service of North Carolina State University and North Carolina A & T State University, the ECA has led to the development of strong communities throughout North Carolina. Formerly referred to as Extension Homemakers, ECA members have been the impetus for successfully implementing Family & Consumer Sciences educational programs throughout North Carolina. Counties across the state owe much of their success today to the women who participated in Extension "Home Demonstration Club work." Since 1913, members have worked to improve the well-being of families and their communities and this year North Carolina's Extension and Community Associations (ECA) will celebrate 100 years of home demonstration and community development. Their legacy to agriculture, family, and their communities has helped shape the state we live in today.
- 3) In Durham County ECA predecessors, Extension Homemakers, used their influence in 1914 to secure a home demonstration agent for our county. Working with the "Home Demonstration Agent," Extension Homemakers established Home Demonstration clubs and canned hundreds of jars of produce to help feed US troops in WWI, Homemakers grew "Victory Gardens, sold war bonds, and marketed farm fresh produce at the Durham County Curb Market, the precursor to today's downtown Farmer's Market. In fact, the Durham Curb Market helped to sustain Durham County family farms during the depression years of the thirties. Our present day agricultural building that houses the Cooperative Extension and the Soil and Water Conservation Services is the result of Extension Homemakers rallying County Commissioners for a permanent building to house the weekly curb market. Extension Homemakers led classes teaching local families on meal preparation and healthy eating, home decor, financial management and sewing and clothing construction. Today, members continue to partner with the Cooperative Extension Service through the Family and Consumer Sciences (FCS) program to deliver timely and relevant educational programs to Durham County families. Durham ECA members are supportive of families who are coping and caring for aging and incapacitated parents and/or other family members in crisis. Some of the educational and community service efforts ECA members are presently pursuing involve constructing fidget aprons, mammary pillows and rag dolls that are distributed routinely to Durham County caregivers who care for family members suffering from Alzheimer's, Breast Cancer or childhood diseases; supporting Durham 4-H and youth by presenting life skills classes for the Durham 4-H Summer Fun series; promoting and sponsoring

Extension health and nutrition educational objectives by offering public programs that highlight healthy living habits.

**Resource Persons:** Deborah B. McGiffin, Family and Consumer Sciences Agent; Delphine Sellars, County Extension Director

**County Manager's Recommendation:** The County Manager recommends that the Board adopt the resolution honoring the Durham County Extension and Community Association for one hundred years of service to Durham families and communities.

**8. Consent Agenda (15 min)**

- a. Approve the 2013 Closed Session Minutes that have been unsealed and have been determined by the County Attorney's Office that public inspection no longer frustrates the purpose of a closed session;
- b. Approve Budget Ordinance Amendment No. 14BCC000018 for FY2014 amending the budgets for the outstanding encumbrances at fiscal year-end 2013;
- c. Approve Budget Ordinance Amendment No. 14BCC000019 to appropriate restricted fund balance in the amount \$654,035.05 to appropriate restricted funds for the Sheriff's Office, Fire Marshall, Library, Cooperative Extension, Public Health and Social Services;
- d. Approve Budget Ordinance Amendment No. 14BCC000020 to appropriate funds allocated in FY 2012-13 into the FY 2013-14 Public Health budget in the amount of \$14,000 for the Together on Diabetes grant;
- e. Approve Budget Ordinance Amendment No. 14BCC000021 appropriating \$877,763.13 of FY 2012-13 General Fund revenue, now residing in FY 2013-14 General Fund fund balance, and transferring it to the Capital Financing Fund to comply with the County's debt financing policy;
- f. Approve Budget Ordinance Amendment No. 14BCC000022 to amend the AnimalKind budget, thereby increasing the contract amount to allow the reimbursement of \$3,277.18 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- g. Approve Budget Ordinance Amendment No. 14BCC000023 to appropriate unassigned fund balance in the amount \$70,800 for Public Health to implement the interfaces with the Patagonia Health System and create the Physical Activity website portal as intended;
- h. Approve Budget Ordinance No. 14BCC000024 to recognize additional revenue in the amount of \$43,511 for the LINKS and Progress Energy – Energy Neighbor Fund;
- i. Approve a sole source exemption for the purchase of PowerFlex Stretchers and StatTrac stretcher fastening systems from Ferro Washington in the amount of \$211,188.

**9. Public Hearing – Zoning Map Change – Green Edge Self-Storage (Z1300005) (15 min)**

- 1) The Board is requested to approve a request for a zoning map change for a 3.7 acre site located at 3802 Angier Avenue and 1009 Wrenn Road, west of Ruritan Road and north of Stone Road. The requested zoning change is from Residential Suburban-20 (RS-20) to Commercial General with a Development Plan (CG(D)).
- 2) Should the motion to approve the item succeed, the Commissioners adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented at the public hearing and in the accompanying agenda materials; or
- 3) Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, should the plan amendment be approved, the request is neither reasonable nor in the public interest in light of information presented at the public hearing and in the accompanying agenda materials.
- 4) Staff Determination: Staff determines that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances as presented in the staff report.
- 5) Planning Commission Recommendation and Vote: Approval, 12-0 on August 13, 2013. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

**Resource Persons:** Patrick O. Young, AICP, City-County Assistant Planning Director and Scott Whiteman, Zoning Supervisor

**County Manager's Recommendation:** The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

**10. Public Hearing on Coordinated Transportation Program (Section 5311): FY2014-2015 Community Transportation Grant Application (15 min)**

- 1) The Board is requested to (1) hold a public hearing on the proposed Section 5311 grant application allowing members of the community the opportunity to comment on the application and the county's transportation needs, and (2) approve the attached resolution authorizing the submission of the grant application to the NC Department of Transportation (NCDOT).
- 2) Durham County's Community Transportation Program provides transportation for persons who are elderly, have a disability, or are transportation disadvantaged. Cooperative Extension has applied for 5311 grant funds through the NCDOT annually

since 1999 to purchase vehicles and subsidize the administrative costs associated with the Community Transportation Program.

- 3) The CTP 5311 grant application requests \$252,243 from NCDOT. The NCDOT requires a local match of \$31,836 to be appropriated in the FY14-FY15 budget. The revenue from this grant and the expenditures required of the county as local match will be budgeted in the FY14-FY15 budget for Coordinated Transportation.
- 4) Requested Budget  
Admin: \$ 132,243 (local match \$19,836 from County general fund)  
Capital: \$ 120,000 (local match \$12,000 from County general fund)  
Total Grant: \$ 252,243 (local match \$ 31,836 from County general fund)

**Resource Persons:** Margaret Scully, Transportation Program Manager and Delphine Sellars, County Extension Director, Cooperative Extension

**County Manager's Recommendation:** The County Manager recommends that the Board hold a public hearing on the proposed project and approve the attached resolution. The Board of County Commissioners commits \$31,836 for inclusion in the county's FY2014-FY15 budget to meet local match requirements.

#### **11. Revision Of Durham County Living Wage Policy (15 min)**

- 1) The Board is requested to discuss and approve the attached, revised Living Wage Policy.
- 2) The County currently has a Living Wage Policy (attached) that requires all service contractors to pay their employees providing services under the contract, at least a "living wage" defined as an hourly rate of not less than 7.5% above the Federal Poverty Guidelines, unless exempt per the policy. Legislation passed by the North Carolina General Assembly in its recent session prohibits the use of wage requirements such as those contained in Durham County's Living Wage Policy *on any competitively bid contract*. The current policy also applies internally, but only to full-time workers.
- 3) Additional information is provided in the attached memo, but staff's recommendations are that the current Living Wage Policy be amended as follows:
  - That Durham County no longer apply the Living Wage Policy to any external contracts of any sort.
  - That, internally, the Living Wage Policy be amended to apply to wage rates paid to *all* County employees, including all part-time employees (under the principle of "equal pay for equal work"). It would *not* apply to interns or staff engaged through temp agencies.
  - That the Living Wage Policy no longer refer to medical insurance, the provision of which is covered by separate County policies.

**Resource Persons:** Drew Cummings, Assistant County Manager; Carol Hammett, Deputy County Attorney; Jacqueline Boyce, Purchasing Director

**County Manager's Recommendation:** The County Manager recommends that the Board discuss and approve the attached, revised Living Wage Policy.

**12. Impact of Federal Shutdown on DSS Programs (30 min)**

- 1) The Board is requested to receive a presentation from the Director of the Department of Social Services regarding the local impact of the federal shutdown on DSS programs. Several programs are affected and the County's senior management team has recommended that the County appropriate up to \$235,000 to cover the cost several programs for the month of November, if necessary.

**Resource Persons:** Michael Becketts, Director, Department of Social Services; Mike Ruffin, County Manager

**County Manager's Recommendation:** The County Manager recommends that the Board agree to appropriate up to \$235,000 for the continuation of programs as outlined by the Director for the month of November, if needed.

**13. ITEMS PULLED FROM CONSENT AGENDA (20 min)**

**14. Closed Session – (5:30 pm)**

- 1) The Board of Commissioners is requested to adjourn to closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a)(6).
- 2) The Board was requested 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 re IBM.

**County Manager's Recommendation:** The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.