

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

Monday, November 11, 2013

7:00 P.M. Regular Session

**MINUTES**

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

Present: Chairman Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners, Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Fred Foster, Jr.

**Opening of Regular Session**—Chairman Foster invited all veterans of the armed forces in the audience to come lead the Pledge of Allegiance.

**Agenda Adjustments**

There were no adjustments to the agenda.

**Announcements**

Chairman Foster made the following announcements:

- Your government channel that carries local government meetings, announcements and shows has been moved to 97-5 on Time Warner Cable for those with digital or newer televisions. If you have a digital set top box, you will still see DTV8 at its normal location. Time Warner Customers should call the company at 1 855 286-1736 to get a free digital adaptor box. This will allow those with older model TV's to receive the programming.
- "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 or 97-5 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.
- 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.
- "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 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.

Commissioner Jacobs announced that the Durham County Department of Social Services Main Street Demolition and Civic Plaza Redevelopment Project Stakeholder Meeting would be held on November 12, 2013 at 6:00 p.m. at the Durham County Human Services Complex, 414 East Main Street, Countywide Meeting Room A.

### **Minutes**

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve as submitted the October 7, 2013 Worksession Minutes and October 28, 2013 Regular Session Minutes of the Board.

The motion carried unanimously.

### **Proclamation - Veterans Day**

Chairman Foster read the following proclamation into record:

#### VETERANS DAY 2013

WHEREAS, each year, our Nation pauses to pay tribute to the many men and women who have pledged their allegiance to the United States Armed Forces; and

WHEREAS, their loyalty to the military is evident in their commitment and willingness to make sacrifices to protect our country; and

WHEREAS, their faithfulness and courage commands respect as many have stood in the face of our country's adversaries to protect our freedom; and

WHEREAS, the United States Congress passed a concurrent resolution on June 4, 1926, calling for the observance of November 11 with appropriate ceremonies, and later provided in an act approved on May 13, 1938, that the eleventh of November in each year should be a legal holiday celebrated and known as Armistice Day; and

WHEREAS, on June 1, 1954, Congress made an amendment replacing "Armistice" with "Veterans;" and

WHEREAS, November 11<sup>th</sup> is Veterans Day and is set aside as a legal state and federal public holiday to honor our Nation's veterans; and

WHEREAS, it is hoped that we are inspired and our bond as a Nation is strengthened as we gather on Veterans Day to recognize the patriots across our great nation and the nearly 17,000 veterans of Durham County who have defended our rights, values and freedoms:

NOW, THEREFORE, on behalf of the Board of County Commissioners, I, Fred Foster, Jr., do hereby proclaim November 11, 2013 as

"VETERANS DAY 2013"

in Durham County, North Carolina and urge all citizens in Durham to observe Veterans Day by displaying respect and gratitude for our veterans, both living and deceased, through appropriate services and ceremonies recognizing their great sacrifice.

This the 11<sup>th</sup> day of November, 2013.

/s/ Fred Foster, Jr.

Ms. Lois Harvin-Ravin, Director of Veterans Services, accepted the proclamation on behalf of veterans who served in all branches of the United States military.

Mr. Michael Ruffin, County Manager commented on the Durham County Government Veterans Day program held on November 11, 2013 at the Durham County Human Services Complex. He praised Ms. Harvin-Ravin for assembling the program and thanked all Durham County employees who are veterans of the armed forces.

Commissioner Page commended Ms. Harvin-Ravin for coordinating the Veteran Day program. He noted that County Manager Ruffin was recognized with a plaque at the event for establishing the Veterans Services department within Durham County Government. Commissioner Page stated that Durham County would not be functioning in a high capacity with regard to services for veterans without Manager Ruffin's leadership.

### **Recognition of EMS for First Place Winnings in Medic Competition**

Chairman Foster read the award given to staff at the competition into record.

Mr. Lee Worsley, Deputy County Manager, recognized Emergency Medical Services (EMS) staff for the critical tasks performed everyday in Durham County.

Mr. Howard "Skip" Kirkwood, Director of Emergency Medical Services, introduced EMS personnel who were in attendance and described the function and training of the Durham County Tactical EMS Support Team. He stated that the Tactical EMS Support Team took first place in three timed competition events at the 1<sup>st</sup> Annual North Carolina Tactical Medical Association Tactical Medic Competition held on Saturday, September 28, 2013 in Greensboro, North Carolina. Mr. Kirkwood stated that Durham County was represented by Paramedic II Kevin O'Connor and Paramedic I Mike Szymanski. In closing, he described the events of the competition.

### **Proclamation – National Adoption Month**

Chairman Foster read the following proclamation into record:

#### ADOPTION AWARENESS MONTH 2013

WHEREAS, Durham County recognizes the importance of giving children in foster care permanent, safe and loving families through adoption; and

WHEREAS, every child deserves the chance to grow up in a loving, stable family; and

WHEREAS, children of all ages need adoptive homes. Forty percent are five and under (few are infants), another 40 percent are between six and twelve years, and 20 percent are between 13 and 18 years. Many of them are siblings and need to be placed together; and

WHEREAS, more than 130,000 children in the United States foster care system are waiting to be adopted; and

WHEREAS, more than 10,000 children in North Carolina are waiting for permanent families; and

WHEREAS, more than 144 children in Durham County are in foster care and of that number, six (6) are legally free for adoption, but are not currently in an adoptive placement and are waiting for permanent families; and

WHEREAS, this effort along with similar celebrations in all 50 states around the country will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption:

NOW, THEREFORE, on behalf of the Board of County Commissioners, I, Fred Foster, Jr., do hereby proclaim November 2013 as

“ADOPTION AWARENESS MONTH 2013”

in Durham County, North Carolina and urge all citizens to join in raising awareness for children in who are waiting to be adopted by a loving family. Communities, businesses, schools, faith-based organizations and families are encouraged to “answer the call” and honor the needs of Durham County children who are in need of securing a permanent, loving family regardless of race, age, gender, healthy, emotional or behavioral condition and past distress.

This the 11<sup>th</sup> day of November, 2013.

/s/ Fred Foster, Jr.

Ms. Janice Williams, Adoption Supervisor, stated that since November 12, 2012, 35 adoptions were finalized through the Department of Social Services. Ms. Williams announced that a celebration event for the adopted children and their adoptive families would be held on Saturday, November 23, 2013 from 11:00 a.m. until 1:00 p.m. at the Durham County Human Services Complex. She thanked the Board for their support as they serve the children of Durham County.

**Consent Agenda**

Chairman Foster asked the Commissioners if they desired to pull any items from the Consent agenda.

Commissioner Jacobs stated that she wished to pull item 8c.

Commissioner Reckhow stated that she wished to pull item 8f.

Commissioner Page moved, seconded by Vice-Chair Howerton, to approve the following consent agenda items (8a, b, d, e, and g):

- a. Appoint Stephanie L. Williams to the Juvenile Crime Prevention Council as representative from the Alliance Behavioral Healthcare;
- b. \*Authorize the Sheriff’s Office to accept the award in the amount of \$78,916 from the Bureau of Justice Assistance and approve Budget Ordinance Amendment No. 14BCC000026 amending the Sheriff’s budget as requested to support overtime staffing costs;
- d. \*Approve Budget Ordinance Amendment No. 14BCC000027 in the amount of \$11,000 from Duke Medicine and the United Way of the Greater Triangle for Public Health’s Community Health Assessment;

- e. Approve participating with the City on the acquisition of the Southview property; approve the use of \$200,000 in existing open space funding towards the acquisition; and authorize the Manager to bring back to the Board an Interlocal Agreement that sets forth the arrangement between the City and County prior to the County's purchase of its portion from the City;
  
- g. Authorize the County Manager to renew and amend the Interlocal Agreement with the City of Durham for the services provided by its Solid Waste Management Department for fiscal years 2013-2014 and 2014-2015. The compensation for this renewed term shall not exceed \$10,512.25 monthly based on the rates and charges in the Original Agreement for a total contract amount of \$220,757.25.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. b.

DURHAM COUNTY, NORTH CAROLINA  
FY 2013-14 Budget Ordinance  
Amendment No. 14BCC000026

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$52,684,662	\$78,916	\$52,763,578

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Public Safety	\$50,466,874	\$78,916	\$50,545,790

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

This the 11<sup>th</sup> day of November, 2013.

Consent Agenda Item No. d.

DURHAM COUNTY, NORTH CAROLINA  
FY 2013-14 Budget Ordinance  
Amendment No. 14BCC000027

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$52,763,578	\$11,000	\$52,774,578

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$85,378,499	\$11,000	\$85,389,499

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

This the 11<sup>th</sup> day of November, 2013.

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**Public Hearing - Major Site Plan - Project Joshua (D1300230)**

Mr. Patrick Young, AICP, City-County Assistant Planning Director requested that the Board approve a major site plan for a 26,988 square foot data center zoned Industrial Light (IL) zoning district, Falls of the Neuse/Jordan Lake Protected Area (F/J-B), and Falls of the Neuse/Jordan Lake Critical Area (F/J-A). Mr. Young stated that the Development Review Board found that all technical requirements deemed necessary by the development ordinance were met and recommended approval of the site plan.

Chairman Foster opened the public hearing. As there were no individuals signed up to speak, Chairman Foster closed the public hearing.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the major site plan.

The motion carried unanimously.

**Public Hearing - Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007)**

Mr. Michael Stock, Senior Planner, requested that the Board conduct a public hearing and receive public comments on the Unified Development Ordinance text amendment, removal of discretionary regulations; and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Articles 2-16. Mr. Stock noted that all required notifications required for the public hearing were satisfied and on file for review. Mr. Stock stated that the purpose of this text amendment was to bring the UDO into compliance by revising discretionary provisions, while continuing to provide flexibility in the UDO, either through performance standards, quasi-judicial approval, or both.

Mr. Stock stated that the City Council, on March 18, 2013, held a public hearing on text amendment TC1100007, and after receiving comments from the Inter Neighborhood Council (INC) and Bicycle and Pedestrian Advisory Committee (BPAC), approved it, effective June 1, 2013.

Commissioner Reckhow asked Mr. Stock to explain the schedule for implementing the changes to the UDO that were agreed upon. Mr. Stock stated that the consensus was to have Durham function under one version of the UDO. He continued saying that there were then several technical changes that would be brought back to both governing bodies [Durham County and City] for approval through the standard public approval process.

Chairman Foster opened the public hearing.

Mr. Tom Miller, InterNeighborhood Council of Durham, spoke in favor of approving the UDO text amendment.

As there were no other individuals signed up to speak, Chairman Foster closed the public hearing.

Commissioner Jacobs questioned how the input from stakeholders would be received going forward. Mr. Stock stated that stakeholders would continue to provide input through the site plan review process. Commissioner Jacobs inquired if the input would go back to the planner involved, to which Mr. Stock replied in the affirmative. She then asked if information regarding rezoning would be a part of the report provided to the Planning Commission. Mr. Stock stated that this did not affect rezoning as that was a legislative decision, but that this primarily dealt with site plan review. He said that the comment process provided by advisory boards such as the Durham Open Space and Trails Commission (DOST) and the Bicycle and Pedestrian Advisory Board (BPAC) would not change.

Commissioner Jacobs thanked the InterNeighborhood County of Durham for providing such detailed comments with regard to this matter.

Commissioner Reckhow clarified that it was the expectation of the Board that feedback received from advisory boards such as DOST and BPAC would continue to be included in the staff report submitted to the Durham County and the City of Durham.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the Unified Development Ordinance text amendment.

The motion carried unanimously.

### **Items Pulled From Consent Agenda**

#### Consent Agenda Item No. c

- c. Approve the 2014 Board of County Commissioners' meeting schedule

Referencing the proposed 2014 Board of County Commissioners' meeting schedule, Commissioner Jacobs cited concern with the Regular Session meeting scheduled for April 14<sup>th</sup>. She stated that this is the week of spring break for Durham Public Schools and may be in conflict with her schedule.

The Board discussed the Regular Session meeting scheduled for April 14<sup>th</sup> and if it would be in conflict with the Easter holiday.

Commissioner Reckhow stated that traditionally, Board of County Commissioner meetings have not been canceled unless two or more Commissioners are unable to attend the meeting in question.

Ms. Michelle Parker-Evans, Clerk to the Board, confirmed that Easter Sunday would be April 20, 2014.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the 2014 Board of Commissioners' meeting schedule as presented.

The motion carried unanimously.

Consent Agenda Item No. f

- f. Authorize the execution of the contract to upgrade and modernize the (2) elevators at Durham County's Administration Building, with Progressive Contracting Co. in the amount of \$521,730.00.

Commissioner Reckhow expressed concern that a 10 percent construction contingency factor was being used. She indicated that a 5 percent contingency factor had been used in the past, but was raised in recent years.

County Manager Ruffin stated that the 10 percent contingency factor could be lowered to 6 percent. He stated that if the 6 percent factor was exceeded, a budget amendment would be brought before the Board for approval.

Commissioner Reckhow then stated that it may be advantageous for Durham County to survey similar counties with regard to best practices for construction contingencies. County Manager Ruffin stated that the findings of the survey would be presented to the Board for any necessary policy changes for future contracts.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to authorize the execution of the contract to upgrade and modernize the (2) elevators at Durham County's Administration Building, with Progressive Contracting Co. in the amount of \$521,730.00 with an 6 percent construction contingency factor.

The motion carried unanimously.

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Commissioner Page requested an excused absence from the November 25, 2013 Board of County Commissioners Regular Session meeting.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to excuse Commissioner Page from the November 25, 2013 Board of County Commissioners Regular Session meeting.

The motion carried unanimously.

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**Adjournment**



Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "James N. Jackson".

James N. Jackson  
Deputy Clerk to the Board