



200 E. Main Street
Durham, NC 27701
(919) 560-0025

Durham County

Meeting Minutes - Draft

Board of County Commissioners

Michael D. Page, Chair
Brenda A. Howerton, Vice Chair
Fred Foster, Jr., Commissioner
Wendy Jacobs, Commissioner
Ellen W. Reckhow, Commissioner

Monday, January 26, 2015

7:00 PM

Commissioners' Chambers

“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.

7:00 pm Regular Session

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Announcements

Chairman Page read the following announcements:

- 1) "In Touch with Durham County," the Durham County Television show, airs daily on Durham Television Network (DTN) 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. County Manager Wendell Davis was the current guest.
- 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 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 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.
- 4) As Chair of the Board of County Commissioners, I will hold office hours for citizens each Wednesday from 2:00 pm to 5:00 pm. Appointments can be made by calling me at (919) 949-4022.
- 5) Commissioner Jacobs reminded citizens that on Thursday, January 29, 2015 at 7:00pm there would be a visioning session at the Durham County Library. She stated citizens would be allowed give their input on the upcoming renovations at the Durham County Library. Commissioner Jacobs also invited citizens to the Mayor's Poverty Reduction Task Force being on Wednesday, January 28, 2015 at 5:00pm located at the Holton Career and Resource Center.
- 6) Commissioner Reckhow asked that our legislators be invited to visit the Crisis Access Center. She encouraged that the County work with Alliance Behavior Health to set up a visit.
- 7) Chairman Page announced the Martin Luther King Holiday program was cancelled and would be rescheduled. The new date would be available on www.dconc.gov.
- 8) Chairman Page provided an update on the My Brother's Keeper (MBK) Initiative. He announced the kick-off event took place on November 13, 2014 at the Human Services Building with approximately 160 community leaders in attendance. Chairman Page shared a presentation highlighting the initiative. He announced the co-chairs of each committee as follows:

Education

Dr. Donna-Marie Winn
Dr. Phillip Graham

Job Training and Development

Roger Shackelford
Farad Ali

Court Involvement

Rev. James Black
Judge Leon Stanback

Health

Michael Scott
Dr. Wizdom Powell

Chairman Page discussed the Youth Summit which was held on January 24, 2015. He stated over 125 young men between the ages of 11 and 21 years old were in attendance. Chairman Page encouraged citizens to visit www.mbkdurham.info or email mybrotherskeeper@dconc.gov for more information on this initiative.

Ceremonial Items:

Resolution - 125th Anniversary of St. Mark A.M.E. Zion Church

Chairman Page read the following resolution:

WHEREAS, St. Mark African Methodist Episcopal Zion Church celebrates 125 years of history in the Durham community in February 2015; and

WHEREAS, St. Mark A.M.E. Zion Church was birthed after the Zion denomination expanded to the South after the conclusion of the Civil War; and

WHEREAS, in February 1890, twenty-five years after the A.M.E. Zion Church came to North Carolina and eleven years after the Central North Carolina Conference was organized, seven people came together to establish a Zion Church in Durham; and

WHEREAS, St. Mark A.M.E. Zion Church was organized by Gaston Bynum, William F. and Flora Colley, Sarah Womble Marsh, Jerry and Derby Richmond and Jordan Wilson whom were missionaries from the neighboring Chatham County and South Carolina; and

WHEREAS, the first meeting place for the St. Mark congregation was the home of one of the founders which was less than one mile from the site that was to become the permanent location for the church; and

WHEREAS, the first pastor assigned to St. Mark was Reverend C.H. McIver; and

WHEREAS, in 1897, the St. Mark congregation bought a parcel of land just five blocks from Main Street at the corner of Pine and Pickett Streets to establish the permanent site for the church; and

WHEREAS, the first of three buildings to serve St. Mark at its permanent location was built in 1900 and the current building was completed in 1954; and

WHEREAS, the historical church has been a staple in the community since its establishment and notably hosted the gathering when Rev. Dr. Martin Luther King, Jr. visited Durham in 1966; and

WHEREAS, in 2005, the Reverend Dr. G. Ray Coleman was appointed and presently serves as pastor for St. Mark A.M.E. Zion Church.

NOW, THEREFORE BE IT RESOLVED the members of the Durham Board of County Commissioners, do hereby congratulate the current and past members of the St. Mark A.M.E. Zion Church Family on the

“125th ANNIVERSARY OF ST. MARK A.M.E ZION CHURCH”

in Durham. We hereby encourage all Durham County residents to commend St. Mark A.M.E. Zion Church for its noteworthy history, its flourishing ministries and significant presence impacting in the Durham community.

This the 26th day of January, 2015.

Michael D. Page, Chairman

Brenda A. Howerton, Vice-Chairman

Wendy Jacobs

Fred Foster, Jr.

Ellen W. Reckhow

Stilwyn Perry-Brown, member of St. Mark A.M.E. Zion Church accepted and thanked the Board for the resolution. She invited them to attend the 125th weekend celebration which was scheduled for February 6 – 8, 2015.

Dr. Rev. G. Ray Coleman expressed his thanks and joy for the Board taking the time to acknowledge this milestone for St. Mark A.M.E. Zion Church.

Commissioners thanked Dr. Rev. Coleman and the members of St. Marks for reaching the milestone and making history for the community.

Durham Bionomic Education and Training Center Program Receives National Recognition

Chairman Page acknowledged the Bionomic Education and Training Center (BETC) program recognition.

Eddie Culberson, Director, Soil and Water Conservation District mentioned the program made the December National Issue of Alliance for Innovation-Transformation newsletter and was able to be submitted for the J. Robert Havlick Award for Innovation in Local Government. Mr. Culberson thanked the teachers and principal for their support.

Mike Dupree, Agriculture Development Watershed Conservationist shared a presentation on the BETC Program at Southern High School. He added that students installed a total of 13 rain gardens and have a contract to grow 150 trees in the upcoming year.

Jerome Leathers, Principal of Southern High School (SHS) thanked the Board, Mr. Dupree and Mr. Culberson for the opportunity provided at SHS. Mr. Leathers also acknowledged the teachers for providing the understanding to the students.

Commissioner Reckhow congratulated all parties involved. She stated the Soil and Water Conservation District celebrated their 50th anniversary and thanked them for being innovative and reaching back into the community.

Commissioner Foster thanked Mr. Culberson and Mr. Dupree for placing BETC at SHS. He stated Mr. Culberson and Mr. Dupree started the program with no support or money and they had been able to help train the youth for employment upon graduation. Commissioner Foster suggested the BETC program be placed at other schools.

Commissioner Jacobs expressed her appreciation to everyone who was a part of the program. She asked how the public could get in touch with the program coordinators if they wanted a rain garden installed. Amy Jenkins, SHS teacher responded the public could arrange it with SHS. She added the students were creating a website which would be available through a link on the school main website.

Chairman Page thanked the staff for their work done by the school system. He presented a plaque on behalf of the North Carolina Association of the Soil and Water Conservation District.

Recognition of the Durham County Engineering and Environmental Services Department, Utility Division as the Recipient of a Collection System of the Year Award

Joe Pearce, Utility Division Manager informed the Board that the Engineering and Environmental Service Department won the North Carolina American Water Works Association/Water Environment Association 2014 "Collection System of the Year" Award for the second year in a row. He added that the award was not just based on reduced spills but also based on the maintenance program.

Barbara Moranta from the American Water Works Association presented the Engineering and Environmental Service Department with the "Collection System of the Year" award.

Commissioners thanked Mr. Pearce and his staff for their hard work and innovation.

Proclamation – National School Choice Week 2015

Chairman Page read the following proclamation:

WHEREAS, all children in Durham County should have access to the highest-quality education possible; and

WHEREAS, Durham County recognizes the important role that an effective education plays in preparing all students in Durham to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Durham County; and

WHEREAS, Durham County is home to a multitude of high-quality traditional public schools, public magnet schools, public charter schools, and nonpublic schools from which parents can choose for their children; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, Durham County has many high-quality teaching professionals in traditional public schools, public magnet schools, public charter schools, and nonpublic schools who are committed to educating our children; and

WHEREAS, National School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options that challenge and motivate all our students to succeed.

NOW, THEREFORE, I, Michael D. Page, on behalf of the Board of County Commissioners, do hereby proclaim January 25-31, 2015 as

“DURHAM COUNTY SCHOOL CHOICE WEEK”

in Durham County. I call upon residents, public officials, business and community leaders, and educators to observe this opportunity to place attention on the need for effective education options for all children.

This the 26th day of January, 2015.

Michael D. Page, Chairman
Durham Board of County Commissioners

Chairman Page noted the proclamation would be forwarded to the appropriate individual.

Consent Agenda:

Chairman Page asked the Commissioners if they desired to pull any items from the Consent Agenda.

Commissioner Jacobs stated she wished to comment on item 15-220. She stated there was conversation with Wendell Davis, County Manager regarding the legislation proposed regarding compensation for medical care and Medicaid for individuals in the detention center. Commissioner Jacobs recommended that an update be provided to the Board. County Manager Davis stated there was legislation passed over a year ago and he referred to Gayle Harris, Public Health Director for more information.

Ms. Harris stated Senate Bill 321 was to become effective in July 2015 where billing for Medicaid would be available. She mentioned there was conversation with the Associate Director of the Association where she inquired about the status of the process due to training and software needed. Ms. Harris was told there were two proposals to the Division for Medical Assistance and both were rejected. She stated they were constantly monitoring the process.

Commissioner Reckhow asked what happened with the push two years ago to get legislation passed to tie the reimbursement rate for an inmate to a more reasonable rate. Ms. Harris responded that Senate Bill 321 placed a cap on the amount that could be charged. She stated it could be 70% of the charges or two (2) times the Medicaid rate. She continued to say the bill would still allow local entities to negotiate

rates within their healthcare system. Commissioner Reckhow asked how much were we saving. Ms. Harris responded that was difficult to determine due to the fluctuation of the charges because of the number of the inmates. Commissioner Reckhow asked Ms. Harris to review the State rates tied to versus the legislation recently passed for the County. Ms. Harris responded she would research and provide follow-up to the Board.

15-183 Dewatering Polymer Purchase Contract Amendment for the Triangle Wastewater Treatment Plant

15-193 Request to Extend Bahama Fire Insurance Rating District and Response District

*15-200 Budget Ordinance Amendment No. 15BCC000032 to Recognize Additional Funds from the NC Department of Health and Human Services Division of Public Health Epidemiology/ Communicable Disease Section

15-201 Resolution to Rescind the Designation of Two Review Officers

*15-224 Budget Ordinance Amendment No. 15BCC000033- Recognize Revenues from Public Health Medicaid Cost Settlement Funds and an Insurance Reimbursement to Replace a Medic Unit Totaled in a Motor Vehicle Crash

15-202 Non-Reimbursable Utility Contract for the Extension of the County Reuse Water System and Sanitary Sewer System

15-207 Appointment of the 2015 Board of Equalization and Review

15-208 Property Tax Releases and Refunds for Fiscal Year 2014-2015

15-210 Extension of the 2015 Listing Period for Business Personal Property

*15-220 Budget Ordinance Amendment No. 15BCC000034 for Increased Funding of \$300,000 for Detention Center Medication Costs

15-236 Criminal Justice Advisory Committee Appointment

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve the Consent Agenda.

The motion carried unanimously.

Consent Agenda Item 15-200

**Durham County, North Carolina
2014-2015 Budget Ordinance
Amendment Number 15BCC000032**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2014-2015 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	\$55,790,463	\$11,616	\$55,802,079

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$88,239,537	\$11,616	\$88,251,153

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

This the 26th day of January, 2015.

Consent Agenda Item 15-224

**Durham County, North Carolina
2014-2015 Budget Ordinance
Amendment Number 15BCC000033**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2014-2015 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	\$55,802,079	\$156,916	\$55,958,995
Other Revenues	\$961,385	\$25,000	\$986,385

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$54,439,108	\$181,916	\$54,621,024

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

This the 26th day of January, 2015.

Consent Agenda Item 15-220

**Durham County, North Carolina
2014-2015 Budget Ordinance
Amendment Number 15BCC000034**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2014-2015 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	\$55,958,995	\$300,000	\$56,258,995

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$88,251,153	\$300,000	\$88,551,153

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

This the 26th day of January, 2015.

Other Business:

15-213 Audit Presentation for Fiscal Year Ended June 30, 2014

Scott Duda, Audit Engagement Director from Cherry Bekaert shared an Audit Wrap up & Presentation. This presentation highlighted the following: Overview, Audit Areas of Focus, Results (Financial Statements, OMB A-133 and State Single Audit), and Required Communications.

Commissioner Foster asked if the Department of Social Services (DSS) crossover caused any problems on the overstating or understating on the budget side with regard to the amount being carried over into a new year. Susan Tezai, Deputy Chief Financial Officer responded no. She added the payable was recorded in the correct fiscal year, so the expense went against the budget in the correct year. Ms. Tezai continued to say there was a problem with the vendor master data, which caused a delay in the posting. George Quick, Chief Financial Officer added that if the error occurred earlier in the year, it would not have been a problem to fix because it would have cleared itself in the next month. He continued to say it would not be a reoccurring item and the normal process would keep it from happening in the future.

Commissioner Foster questioned the DSS problem. Mr. Duda responded it was the same finding in the FY13 and FY14 audit. He stated once the County researched the issue, they isolated it to an employee who was no longer with the County.

Commissioner Reckhow requested a management letter that outlined the findings. Mr. Duda responded a summary was located in the second document of all findings, management responses and how it had been corrected. Commissioner Reckhow questioned a statement made on page 15 which said "*fund balance increased by 12.7 million,*" she also asked how much the unassigned fund balance increase. Ms. Tezai responded an analysis was done and the increase was based off three factors: (1) taxes came in about \$4 million over the projections; (2) collected 14 months of 12 months in vehicle taxes; (3) local option sales taxes increased. Commissioner Reckhow asked what percentage was the County at now and how did it compare to the policy. Ms. Tezai stated the County was at 30.43%, a growth of 3.19%. Commissioner Reckhow asked was the County target 25%. Ms. Tezai concurred. Commissioner Reckhow suggested comparing the County and City projections on sales taxes and reviewing the trends from 5-10 years ago.

Mr. Quick mentioned he understood the concern with the growth and fund balance. He called the Board's attention to a collection of 101% of budgeted revenue and stated they were able to keep expenditures below 92%.

Commissioner Reckhow suggested adding the "per capita" income in as a benchmark in Goal One (1).

Chairman Page stated he would like this discussion to be added to the budget retreat.

Mr. Quick stated per capital income was a factor that needed to be discussed. He added it was also a

factor used by rating agencies during evaluation.

Vice Chair Howerton thanked the staff for their hard work.

Commissioner Jacobs questioned the animal tax and how it was being shown as a loss. Ms. Tezai stated the collections were from delinquent accounts.

7. Board and Commission Appointments (10 min)

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):

City-County Appearance Commission

Jessica Braverman (Reckhow, Foster, Jacobs, Howerton, Page)

Kenny Broadwell (Reckhow, Foster, Jacobs, Howerton, Page)

Community Child Protection Team/Child Fatality Prevention Team

Joseph C. Koelling (Reckhow, Foster, Jacobs, Howerton, Page)

Durham Tourism Development Authority

Patrick Byker (Reckhow, Foster, Jacobs, Howerton, Page)

Firefighter's Relief Fund Board of Trustees

Everett Harris (Reckhow, Foster, Jacobs, Howerton, Page)

Historic Preservation Commission

Matthew Biesecker (Reckhow, Foster, Jacobs, Howerton, Page)

Nursing Home Community Advisory Committee

Marilyn Cash (Reckhow, Foster, Jacobs, Howerton, Page)

Janette Warsaw (Reckhow, Foster, Jacobs, Howerton, Page)

Open Space and Trails Commission

Dave Connelly (Reckhow, Foster, Jacobs, Howerton, Page)

D. Artemas Holden (Reckhow, Foster, Jacobs, Howerton, Page)

Public Health

Mary Braithwaite (Reckhow, Foster, Jacobs, Howerton, Page)

Stephen Dedrick (Reckhow, Foster, Jacobs, Howerton, Page)

Raleigh-Durham Airport Authority

Patrick Hannah (Foster, Howerton, Page)

John (Tommy) Hunt (Reckhow, Foster, Jacobs, Howerton)

Transportation Advisory Board

Fred Myatt (Reckhow, Foster, Jacobs, Howerton, Page)

Workforce Development Board

Michael P. Dombeck (Reckhow, Foster, Jacobs, Howerton)

DeWarren Langley (Reckhow, Foster, Jacobs, Howerton, Page)

Shannon Ritchie (Reckhow, Foster, Jacobs, Howerton, Page)

ITEMS PULLED FROM CONSENT AGENDA

Closed Session:

Chairman Page stated the Board was requested to adjourn into Closed Session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

Vice Chair Howerton moved, seconded by Commissioner Jacobs to adjourn to Closed Session.

The motion carried unanimously.

Reconvene to Open Session:

Chairman Page announced that the Board met in Closed Session. Lowell Siler, County Attorney, asked for a motion to authorize a settlement of claim to the County in the amount of \$425,000 and authorize the County Manager to execute the settlement.

Commissioner Jacobs moved, seconded by Commissioner Reckhow to authorize a settlement against the Freelon Group for payment to Durham County in the amount of \$425,000 and to authorize the County Manager to execute the settlement.

The motion carried unanimously.

Adjournment

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

The motion carried unanimously.

Respectfully submitted,

Monica W. Toomer
Deputy Clerk to the Board