



# Durham County

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

## Meeting Minutes

### Board of County Commissioners

*Wendy Jacobs, Chair*  
*James Hill, Vice Chair*  
*Heidi Carter, Commissioner*  
*Brenda A. Howerton, Commissioner*  
*Ellen W. Reckhow, Commissioner*

**Commissioners' Chambers**

**Monday, February 13, 2017**

**7:00 PM**

### **Opening of Regular Session - Pledge of Allegiance**

#### **Agenda Adjustments**

Chair Jacobs announced that there were no additional agenda adjustments.

Lowell Siler, County Attorney announced there would be an additional item to the Closed Session. The additional statute would be shared prior to moving into Closed Session.

#### **Announcements**

Chair Jacobs read the following announcements:

- 1) The Durham YouthWork Internship Program is hosting six sessions in the coming weeks to help youth complete the online application process for possible summer internships. The assistance sessions to help interested youth prepare and submit their applications will be held from 4:30 p.m. to 6 p.m. as follows:
  - \* Wednesday, February 15, TA Grady Recreational Center, 531 Lakeland St.
  - \* Thursday, February 23, Hoover Road Community Center, 1126 Hoover Rd.
  - \* Tuesday, February 28, Southside Community Center, 201 Enterprise St.
  - \* Tuesday, March 7, Holton Career and Resource Center, 401 N. Driver St.
  - \* Thursday, March 16, Durham Teen Center, 1101 Cornell St.
  - \* Tuesday, March 21, Weaver Street Community Center, 3000 E. Weaver St.

- 2)The [Durham YouthWork Internship Program](#), administered by the City of Durham Office of Economic and Workforce Development, is accepting online applications for approximately 200 summer employment opportunities for youth between the ages of 14–24. Hourly wages will range from \$7.25 to \$12, and the deadline to apply is Friday, March 31, 2017. Internship placements within the City of Durham include the Office of Economic and Workforce Development, Durham Parks and Recreation, Public Works Department, Durham One Call, and others. Other summer opportunities include positions with Durham County Government, Durham Public Schools, Durham Technical Community College, North Carolina Central University, and local businesses and non-profit organizations. For more information, contact Senior Employment Program Coordinator James Dickens with the City’s Office of Economic and Workforce Development at (919) 560-4965, ext. 15217 or by email.
  
- 3)The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is requesting input from residents on the draft Comprehensive Transportation Plan (CTP). The CTP lists proposed highway, bus transit, light rail transit, bicycle, pedestrian and other transportation improvements to be implemented over the next several decades. Comments will be accepted on the MPO’s website: [www.dchcmpo.org](http://www.dchcmpo.org) thru February 24, 2017. You may contact Andrew Henry, 919-560-4366, ext., 36419 for details.
  
- 4)A free urban agricultural workshop will be held Thursday, March 16th, 8-10 am at Durham Public School Hub Farm, 117 Milton Road. The topic will be *Pollinators and Native Species*. RSVP at 919-560-0558 to reserve your seat and breakfast.
  
- 5)Durham Launches a New Emergency Notification System: ALERT DURHAM. The [Durham County Emergency Management Department](#) is encouraging anyone who lives or works in Durham to visit [ALERTDURHAM.com](http://ALERTDURHAM.com) to register for the new notification system. Residents who had previously registered to receive alerts through CodeRed will need to re-register with [ALERT DURHAM](#).
  
- 6)The results are in from the City/County Resident Survey. Residents were asked to rank the quality of living and accessibility to services offered by local government. The survey revealed that residents are pleased with life in Durham and outcomes show that satisfaction rates are higher overall in comparison to similar sized communities around the nation. To view the complete survey detailing residents' attitudes towards a wide range of services, visit <http://dconc.gov/government/departments-a-e/county-manager/city-county-resident-survey/2016> where results from the 2015 survey are also located.
  
- 7)The Durham County Juvenile Crime Prevention Council is now accepting proposals for juvenile crime intervention/prevention programs to be supported by North Carolina Division of Juvenile Justice (DJJ) funds for the State Fiscal Year 2017-2018. These funds are allocated to Durham County to support community programs serving Durham County delinquent and at-risk youth, between the ages of 7 and 17, for the fiscal year beginning July 1, 2017. Any local public agency, private 501(c)3 non-profit organizations, or housing authority interested in applying for these funds must complete and submit application online by visiting <https://cp.ncdjjdp.org/cp>. Applicants needing additional assistance with the application process can view self-help videos on the webpage by clicking on the help tab. For

questions about funding awarded by the DJJ, contact Walter Crews, Area Consultant, Division of Adult Correction and Juvenile Justice at (919) 214-2348.

8) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

Commissioner Howerton announced the retirement of Larry Hall from District 29 and congratulated Mary Ann Black on her election. Commissioner Reckhow shared she was happy to hear that a former County Commissioner was in the delegation.

## **Minutes**

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the January 3, 2017 Worksession minutes and the January 23, 2017 Regular Session minutes.

The motion carried unanimously.

## **Consent Agenda**

Chair Jacobs asked the Board if they desired to pull any items from the Consent Agenda.

Commissioner Howerton requested to pull item #17-0080, Commissioner Reckhow requested to pull item #17-0057 and Vice Chair Hill requested to pull item # 17-0073.

Commissioner Reckhow requested to comment on item #17-0064. She stated she was pleased that a broad range of projects in Inner-city neighborhoods were receiving updates. Commissioner Reckhow also highlighted several grants that would continue to help community schools and trails within the County.

Commissioner Howerton requested to acknowledge Gudrun Parmer, Director of Criminal Justice Resource Center and Roshanna Parker, Assistant Director of Criminal Justice Resource Center. She asked that they share information pertaining to items #17-0058 and #17-0065.

Ms. Parker discussed item #17-0058 and stated the re-entry subcommittee was awarded a grant to serve as an Intermediary Agency in Durham County. She added the County was one of five (5) pilot areas and would receive two positions to assist individuals coming back to the County from the prison system.

Ms. Parmer stated the focus of item #17-0065 was to bring forth goals and ideas to reduce the growth of jails in the community. She added the County received funding for the implementation of an automated notification system which would inform citizens about pending court dates. Ms. Parmer continued to say the money would be provided to the County in a lump sum in advance and quarterly reports would be provided to the Board.

**Directive: Chair Jacobs requested that the department track potential savings to the County.**

Ms. Parmer responded data from the Sheriff's Office would be compared and a report would be provided.

Chair Jacobs entertained a motion for approval.

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve the following items on the Consent Agenda.

\*17-0045 Budget Ordinance Amendment No. 17BCC000045 to Recognize Grant Funds in the Amount of \$750 from the Shift NC “Altogether Now” Award for the Youth Home

17-0052 Advertising of Tax Liens-2016

17-0054 Refund of Overpayment of Tax/Revenues Stamps pursuant to N. C. General Statute 105-228.37

17-0055 Refund of Overpayment of Tax/Revenues Stamps pursuant to N. C. General Statute 105-228.37

\*17-0058 Budget Ordinance Amendment No. 17BCC000046 to Recognize Contract Funds from the North Carolina Department of Public Safety to Establish Criminal Justice Resource Center as Intermediary Agency for the Local Reentry Council and Approve 1.6 Provisional FTE

17-0064 Durham Open Space and Trails (DOST) Commission Matching Grants Funding Recommendation for FY 2016-2017

\*17-0065 Budget Ordinance Amendment No. 17BCC000047 to Recognize a Grant from the Safety and Justice Challenge Network Innovation Fund and Approve 0.72 Provisional FTE

\*17-0067 Capital Project Amendment No. 17CPA000014 - Moving Unspent 2007 General Obligation Bond Funds between Durham Public School Capital Projects and Closing Capital Projects

17-0072 A Request to Adopt a Resolution to Schedule a Public Hearing on March 13, 2017 to Consider the Closing of a 174 Square Foot Portion of Willow Springs Road

\*17-0074 Property Tax Releases and Refunds for January 2017

17-0075 Approve the Contract Amendment between Manatron a Thomson Reuters Business and the County of Durham

\*17-0078 Budget Ordinance Amendment No. 17BCC000048 to Appropriate General Fund Fund Balance and Approval of 2017 Art of Cool Festival Contract for \$30,000

\*17-0079 Budget Ordinance Amendment No. 17BCC000049 to Appropriate General Fund Fund Balance and Approval of 2017 MoogFest Contract for \$62,500

The motion carried unanimously.

Consent Agenda Item #17-0045

**Durham County, North Carolina  
2016-2017 Budget Ordinance  
Amendment Number 17BCC000045**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 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	\$59,817,963	\$750	\$59,818,713

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$61,418,766	\$750	\$61,419,516

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

This the 13<sup>th</sup> day of February 2017

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Consent Agenda Item #17-0058

**Durham County, North Carolina  
2016-2017 Budget Ordinance  
Amendment Number 17BCC000046**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 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	\$59,818,713	\$43,104	\$59,861,817

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$61,419,516	\$43,104	\$61,462,620

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

This the 13<sup>th</sup> day of February 2017

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Consent Agenda Item #17-0065

**Durham County, North Carolina  
2016-2017 Budget Ordinance  
Amendment Number 17BCC000047**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 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	\$59,861,817	\$50,000	\$59,911,817



Total for 2017 Taxes/Fees	\$	2.62
<u>Releases &amp; Refunds for 2016 Taxes</u>		
Real Property	\$	16,142.43
Personal Property	\$	8,373.71
Solid Waste Fees	\$	158.81
VTS Refunds	\$	<u>14,423.00</u>
Total	\$	39,097.95
<u>Releases &amp; Refunds for Prior Years</u>		
Personal Property	\$	<u>1,043.63</u>
Total for prior years	\$	1,043.63
Grand Total	\$	40,144.20

Consent Agenda Item #17-0078

**Durham County, North Carolina  
2016-2017 Budget Ordinance  
Amendment Number 17BCC000048**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 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>			
Other Financing Sources	\$29,833,534	\$30,000	\$29,863,534

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$108,970,781	\$30,000	\$109,000,781

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

This the 13<sup>th</sup> day of February 2017

Consent Agenda Item #17-0079

**Durham County, North Carolina  
2016-2017 Budget Ordinance  
Amendment Number 17BCC000049**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2016-2017 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>			
Other Financing Sources	\$29,863,534	\$62,500	\$29,926,034

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$109,000,781	\$62,500	\$109,063,281

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

This the 13<sup>th</sup> day of February 2017

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**Public Hearings**

**Public Hearing - Discovery Charter School Bonds**

Lowell Siler, County Attorney stated there was a request from Discovery Charter School to use tax exempt bonds for the construction of the campus. He stated the matter was before the Board to hear information regarding whether the bonds could be approved.

Chair Jacobs opened the public hearing.

Cliff Teasley, citizen, stated he was not opposed to the school however, he was opposed to the location. He added the school would be placed in a small community and there were concerns about traffic on the small roads and also major concerns about the water shed.

Brandon Lofton, Attorney with Robinson, Bradshaw & Hinson, and P.A stated this approval does not require the Board to endorse or impose upon the project. He added the approval would not obligate the County or count as County debt, it would just comply with the tax exempt project. Attorney Lofton continued to say that the bonds were being issued by the Public Financing Authority.

Chair Jacobs asked if the project was already approved. Attorney Lofton responded no, not yet. He added the financing process moved at a separate time versus the actual construction.

Commissioner Carter questioned the clause in the resolution which stated the following:

*“Whereas, the Board finds and determines that it is in the public interest of the County to grant such approval.”*

Commissioner Carter stated she would be hesitant to approve this request until she was assured there would be no environmental sensitivity issues during the construction and learning if there was an education impact statement provided to Durham Public Schools regarding the public interest of the facility. Attorney Lofton stated there was a revised resolution sent over that removed that clause. He added this was the financing portion of the agreement and it was to only satisfy the internal revenue code. Attorney Lofton explained that the Board of Adjustment (BOA) would address any environmental concern and with regard to educational impact, it was a process that went through the State Board of Education.

Commissioner Reckhow questioned the attempt to acquire more land in the area. Attorney Lofton introduced Carl Forsyth, Board Chair of Discovery Charter School. Mr. Forsyth provided background information on the school and the project. He add the impervious surface rules were strict yet they were hoping to build five (5) separate buildings instead of one large structure. Mr. Forsyth continued to say



they planned to lease ten (10) acres to the property adjacent to the school. Commissioner Reckhow stated that was not the understanding she received from Planning during a previous conversation. She added the discussion mentioned purchasing land. Mr. Forsyth stated that was not his understanding. Commissioner Reckhow stated she would prefer to wait until after the Board of Adjustment meeting to take action.

Vice Chair Hill agreed with Mr. Teasley regarding the traffic implications and the watershed concerns.

Attorney Lofton stated the approval requested was only for the tax exempt bond. He added with the approval questions would be answered and more time would be allowed for community involvement. Attorney Lofton continued to say the Boards approval would not stop the process.

Toni Shellady, Vice Chair for Discovery Charter School responded to concerns of the Board. She stated the school was looking to reach students in northern Durham County and other neighboring counties and transportation would be provided. She added they were working with experienced developers who took the necessary steps to make sure the environmental impact and traffic impact studies were in compliance with the County codes.

Chair Jacobs closed the public hearing and stated the matter was back before the Board.

Attorney Siler recalled the duties of the Board of Adjustment and provided a brief comparison of their role versus the Board of County Commissioners' role with regard to the transactions of hearing.

Chair Jacobs announced to the public that the Board of Adjustment meeting would take place on February 28, 2017 from 8:30am – 10:30am in the Committee Room located at City Hall (101 City Hall Plaza) on the 2<sup>nd</sup> floor. She added this would be the appropriate place for citizens to bring their comments and concerns. Chair Jacobs stated it was a consensus of the Board to wait until the Board of Adjustment met in February to vote on the item. She suggested to move the item to the March 13, 2017 Regular Session meeting.

Commissioner Reckhow moved, seconded by Vice Chair Hill to defer action to the March 13, 2017 meeting.

The motion carried unanimously.

**Public Hearing - Approval of Resolutions for General Obligation Bond Anticipation Note, Limited Obligation Bond Anticipation Note and Taxable General Obligation Bonds (Whitted School Project)**

George Quick, Chief Financial Officer stated this was a continuation of the resolution recently approved at the January 23, 2017 Regular Session meeting.

Chair Jacobs opened the public hearing. No one was signed up to speak. Chair Jacobs closed the public hearing and asked to entertain a motion.

Commissioner Reckhow moved, seconded by Commissioner Carter to approve the resolutions for the General Obligation Bonds Anticipation Note, the Limited Obligation Bond Anticipation Note and taxable General Obligation Bonds.

The motion carried unanimously.

Commissioner Carter stated she would like more information regarding the difference between limited obligation and general obligation. Mr. Quick stated he would be happy to provide her with that information.

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

#### **Execution of Contract Agreement with the UNC School of Government’s Development Finance Initiative for the Phased Pre-Development Process for the 300 and 500 blocks of East Main St.**

Commissioner Reckhow thanked the County Manager and staff for including the amendments related to the scope of work. She agreed with all changes made and suggested one additional change. Commissioner Reckhow asked that the following be added to Page one (1), Item five (5):

*“H. Proposed Dillard Street light rail station”*

She added that the proximity of the light rail should influence this as well.

Commissioner Carter thanked staff and stated she felt better about the content of the memo. She asked if the statement regarding the possibility of DFI helping with community involvement was removed and updated. Jay Gibson, General Manager responded the statement was removed and the update was made. He continued to say the suggestion made by Commissioner Reckhow would be added to the document.

Chair Jacobs mentioned she was glad the item was pulled so that public would be made aware that the County took an exciting step in moving forward with the two County properties (parking lots). She added that these were public assets and public input on the development was important.

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve this item with the amended language as suggested by Commissioner Reckhow and to add proximity to the proposed Dillard Street light rail station.

The motion carried unanimously.

#### **Execution of Architectural Design Service Agreement with O’Brien/Atkins and Associates, P.A. for the Durham County Detention Center Security Modifications Project No.: DC088**

Vice Chair Hill inquired about the number of minority contractors that were Durham based. Frank Turner, AIA Principal – O’Brien/Atkins Associates, P.A. responded there were two consultants, one based out of Atlanta, GA and the other from Raleigh, NC. He added there were others not in the minority category that were Durham based.

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the item.

The motion carried unanimously.

#### **Approval of Memorandum of Understanding with Durham Public Schools Board of Education**

Commissioner Howerton stated that she located the answer to her question. She asked that the Board move forward with approval of the item.

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve Memorandum of Understanding with Durham Public Schools Board of Education.

The motion carried unanimously.

Commissioner Carter thanked the Board for moving the item forward.

Chair Jacobs acknowledged the memorandum as a great achievement and thanked the staff and all other colleagues for their assistance.

### **Closed Session**

Chair Jacobs stated the Board was requested to adjourn into Closes Session pursuant to:

- 1) G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public offender or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.
- 2) G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

Commissioner Carter moved, seconded by Commissioner Reckhow to adjourn to Closed Session.

The motion carried unanimously.

### **Reconvene to Open Session**

Chair Jacobs announced that the Board met in Closed Session and provided direction to staff.

### **Adjournment**

Commissioner Carter moved, seconded by Commissioner Reckhow to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



Monica W. Toomer  
Deputy Clerk to the Board