



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, March 13, 2017

7:00 PM

Opening of Regular Session - Pledge of Allegiance

Other Business

State of the County Address

Delivered by Chair Wendy Jacobs

“Good Evening! I would like to welcome everyone in our audience tonight, along with those of you who are viewing this message on television and online. It is my honor and privilege to serve as Chair of the Durham County Board of Commissioners, and to work in partnership with our Vice-Chair James Hill and Commissioners Heidi Carter, Ellen Reckhow and Brenda Howerton. As your elected representatives, it is our collective responsibility to make decisions in the best interest of our community, and to set the direction and policy of Durham County Government.

We do this work in partnership with our County Manager, Wendell Davis; our County Attorney Lowell Siler; our Clerk to the Board, Michelle Parker-Evans, Chief of Staff, Drew Cummings and our Five General Managers Deborah Craig- Ray, Gayle Harris, Jodi Miller, Jay Gibson, and Claudia Hager. Our Durham County team includes 27 department directors and the 2,600 county employees who deliver outstanding services to more than 300,000 Durham residents each day. In addition, we are grateful for the hundreds of Durham citizens who volunteer their time and expertise to serve on more than 40 boards and commissions. We could not do what we do as county commissioners without this partnership of Durham County Government.

The annual State of the County address provides an opportunity for us to look back over the accomplishments of 2016, assess the challenges we face, and to share my vision for 2017 and the years ahead.

In 2016 Durham County continued to thrive. Overall, we saw a strong, stable and sound fiscal year even as the overall economic climate in the state and nation experienced slow to moderate growth in wages, jobs and income.

As the fourth largest of North Carolina’s 100 counties, we are fortunate to be part of the dynamic Triangle region. With a projected population growth of **34% by 2020, to increase by 50% by 2035, the highest of any area in the state**, the Triangle is on a trajectory to be the most important and vibrant region in North Carolina, with Durham playing a pivotal role in its geographical center.

When we compare ourselves to other mid -sized counties nationwide, we see that our unemployment rate of 4.4% is still moderately above the national county average.

Looking to the coming budget year, we are projecting a growth rate in county revenues of 1.56 %, which is slightly below our 2% 2016 growth rate. This is primarily due to slower growth in property and sales tax revenues and the impact of state property tax exemptions and state sales tax redistributions.

In 2016 we were fortunate to experience an investment of \$875.8 million in new and existing businesses and the creation of 4,256 new jobs. This is indeed cause for celebration but we must also remember that 13,000 Durham residents remain unemployed.

These are all important indicators that tell us we must continue to sustain, support and foster a diversified economy that is benefiting all sectors of our community. We must work harder to prepare our citizens for the good jobs coming to Durham. We must better connect our residents to these opportunities.

I would like to share some other key indicators with you. Durham's population has increased by more than 23.2% over the past decade. If you have spent any time in Downtown Durham lately, you will not be surprised to know that the largest portion of our population-18.8% - is now comprised of millennials, 25-34 year olds, exceeding that of Wake or Mecklenburg Counties. The poverty rate for children in Durham is currently 22% which is below the state average of 24% but clearly unacceptable in a community such as ours with so many assets and resources. We will need to continue to make strategic decisions in Durham County Government in the coming year and the years ahead to plan for our projected population growth, meet the needs of our millennials and eliminate poverty in our community.

To ensure that Durham County is continuing to thrive and grow and address the needs of our citizens we continue to do our part with Durham City government, the private sector, non- profits and other community partners to move Durham forward. We are known throughout the nation and world as an innovative, welcoming, tolerant, diverse, creative place to open a business, pursue a dream, be an active retiree or raise a family.

In 2016 Durham continued to receive literally scores of accolades in every category imaginable and from a multitude of sources. Just a few examples include:

- Duke Hospital among 2016-17 **Best Hospitals Honor Roll—US News & World Report**
- DPAC listed as #5 in Attendance in the United States by Pollstar Magazine
- Durham among Best Green Cities by Sperling's Best Places

We are also considered one of the best places in the nation to live if you are a working mom, a black female entrepreneur, a nurse, a veteran, an artist, a beer lover, an urban farmer, a single mother, a minority start up and of course, a foodie. Sure sounds like we are a County for everyone!

In 2016 we have also had the challenge of **HB2** and its impact on the State's image and the negative economic consequences of this discriminatory and harmful legislation. Durham County experienced the loss of events such as the ACC Baseball tournament which alone represents a revenue loss of more than \$5 million per year. Despite HB2, Durham County will continue to stand up for the values of diversity and equal rights for all people, values that we hold so dearly, and we will continue to invite all people to come and live, work and play in our community.

Over the past year, Durham County has made strides in **Goal 1** of our Strategic Plan: **Community and Family Prosperity**. We have continued to make investments in jobs and add to the number of cranes dotting the skyline in downtown Durham with our renovation of the Judicial Building that will consolidate county offices, and activate the East Main streetscape with first floor retail and a welcoming public plaza. With this project we have also implemented a Construction Manager at Risk (CMAR) model with the goals of reducing project costs and increasing opportunities for local and Minority & Women Business Enterprises. We have already seen gains made in our newly revised criteria with an excess of 34% MWBE Contracts in subcontractor participation with this project.

Consistent with these goals and strategies we have also begun the Main Library renovation which will be

completed in 2019. The renovated Main Library will increase in size from **65,000 to nearly 85,000 square feet** plus an additional floor added, and will be redesigned to better connect to downtown Durham and adjoining neighborhoods. New technology and spaces for creativity and innovation will be integrated into the library so that all people in our community have access to the skills and education needed for the jobs of the future. The Main Library will truly be a signature building for the enjoyment of everyone in our community!

Durham County also continued to invest in the historic Fayetteville Street – Hayti area by investing in our seniors, youth and children with the Whitted School Project and the Student U/ WG Pearson Project. The Whitted Project, a public private partnership with Durham Public Schools, the City of Durham, 40 AM and Integral Development is nearing completion. It will provide 79 stunning affordable housing units for seniors and 8 beautiful pre-k classrooms that will include opportunities for intergenerational learning such as a shared gardening space. The County is also a partner in Student U’s purchase of the historic WG Pearson School building which will preserve another landmark for community use, and help this program grow, expand, and continue to provide academic support for middle and high school students to achieve college admission and success.

Another great achievement under **Goal 1** was the successful \$170 million dollar bond campaign. More than 83% of Durham residents voted to approve the bond package which will help us make continued investments in the educational needs of our community- from Durham Public Schools plans to build a new Northern High School and make needed renovations and repairs throughout their system, to the Main Library renovation, to Durham Technical Community College’s plans for expansion and modernization, to the Museum of Life and Science needs for additional exhibit rooms and structured parking for visitors.

As we experience funding challenges due to state and federal policies and decisions, it will be of even greater importance that we look at ways to support our local economy, attract visitors and businesses to Durham and generate additional sales, occupancy and property tax revenue to support vital services and programs in our community. The creation of the Durham Sports Commission is a great example of this type of effort. As a result of collaboration between Durham County Government, Durham City Government and the Durham Convention and Visitors Bureau, the Durham Sports Commission was appointed in the fall of 2016, and recently hired its first executive director. We look forward to hearing about all of the exciting sports events coming to our community!

In Goal 2: Health and Well-Being for All, we continued to make key investments in equipment and personnel. For example, in Emergency Medical Services, the County has seen an increase in service demand of 50.4% in the past 10 years as a result of our increased population growth.

In response, we have invested more than \$7 million in equipment and infrastructure and have hired an additional 33 paramedics since 2014. We are building a new co-located EMS station with the Durham City Fire Department on Leesville Road. Going forward, we will continue to look at innovative ways to provide effective EMS services such as a community paramedicine pilot program.

Our Department of Social Services serves about 113,000 Durham residents each month helping with basic needs such as medical care, food, heating, housing, job training, and protection of vulnerable children and adults. Similar to rising levels across all counties in North Carolina, Durham County experienced a 47% increase in our foster care population between 2013-2015, with a 10% increase this past year. We ended 2016 with 268 children in Durham County Foster Care. We are striving to address the root causes of this crisis, and support our children and families. You can find more about how you can get involved with our **Raise Hope. Foster Dreams** campaign.

In Goal Three: Safe and Secure Community, Durham County continues to lead the way in innovation at the regional, state and national level. Our jail population continues to drop, with an average daily number of 489 detainees compared to 629 ten years ago as we continue to invest in prevention, treatment and diversion programs. The Misdemeanor Diversion program has been expanded from 16 and 17 year olds to 21 year olds and we continue to see high success rates with this program. We have funded a public defender in addition to a district attorney in the jail court to assist with a more equitable and expedited process.

We expanded mental health services in the Detention Center and are supporting creation of a mental health pod.

While the County continues to fund Drug Treatment Court, even when state funding was eliminated, we are now also providing funding for a new mental health court program.

Starting in 2016 and continuing on into 2017, Durham County has made a significant commitment to the struggle of stopping the unacceptable gun violence plaguing our community. In 2016, 40 people died of gun violence in Durham and more than 194 people were harmed by gunfire. The Durham County Public Health Department has launched the **Bull City United** effort, which follows the national **Cure Violence** model of treating violence as a public health problem and using public health strategies in response. We have hired former Durham gang members to work in their communities to help interrupt the cycle of violence, promote other options for conflict resolution and provide access to resources. Connecting people to jobs and opportunities in our community will be an important and necessary component of the success of the Bull City United program. Durham County is making a strong and long term commitment to stopping gun violence in our community.

In 2016, in **Goal 4, Environmental Stewardship**, Durham County built on its success of preserving more than 3,581 acres of open space and farmland by protecting both the George Tilley and Douglas Daye farms. These farmland conservation easements not only help protect our soil and water quality and help Durham County farmers afford to continue farming their land, but also contribute to the vibrancy of our local food economy.

Another cause for celebration was the completion of the Rougemont Water Project, a multi-year, \$2.5 million project, a collaboration with the Division of Environmental Quality, the Commerce Department, the EPA and Durham County Government. Nearly 40 households in Rougemont that were at risk from leaking underground gas tanks now have access to safe and clean drinking water. This new community water supply may also support future commercial economic development in the Rougemont Village.

Finally, in **Goal 5: Accountable, Efficient and Visionary Government**, the hallmark of the past year was our 2016 property tax appraisal process. We had not completed a reappraisal in 8 years. Our tax office tried to make this as user friendly as possible for citizens by implementing an online appeals process with comparable property information also easily accessible to property owners. In addition, the county tax department has worked hard to make sure citizens are aware of helpful resources such as the Circuit Breaker Relief program, the Veterans and Disabled Tax Relief programs and the Durham County payment plan. In response to recent market changes in which some areas of our community have experienced high increases in property values while other homeowners have seen their property values decrease or remain unchanged, the Board of County Commissioners approved a 5.27 cent reduction in the property tax rate to implement a revenue neutral rate.

We continue to take pride in the fact that Durham County is among a small number of the 3,069 counties in the United States to have a **Triple A** bond rating. This allows us to issue bonds, such as the ones approved in November, and finance projects at the most attractive rates.

We continue with the third year of implementation of our Managing for Results model where budgeting and decisions about service delivery and programs will be guided with data driven decision making. Guiding our decisions will also be data received from the second annual Citizen Survey which we conducted with Durham City Government. Through this survey, we learned that 61% of Durham residents are “satisfied” or “very satisfied” with the services provided by Durham County Government.

But we also learned that Education, Social Services, Taxation, Sheriff’s Protection and Communication are areas where we need to focus improvements. During the 2017-18 budget process and in the years ahead, Durham County Government will be challenged with making strategic use of our limited resources to target community priorities. Managing for Results and the Citizen Survey are some of the tools we will use to help us make these strategic decisions and investments.

I am happy to report that our county has also begun the process of refreshing our Strategic Plan which was adopted in 2012. Over the past couple of months, our staff has worked to meet with hundreds of citizens to seek their ideas and plan for the future of Durham County. This process will continue into 2017 and we hope that you will be engaged in this update. We need your input! Here is how you can be involved: Visit our website at

www.dconc.gov/spr. There you will be able to view our current plan, and share your suggestions on enhancing each goal area.

Durham County continues to lead the way in enacting family-friendly policies that help us attract the most talented workforce, support our children and families, and set an example for the private and public sector. The Durham County Board of Commissioners proudly enacted a 12 week paid family leave policy for birth and adoptive parents in 2016. In addition, we expanded our Donated Leave Policy to help employees dealing with personal health issues, or those of family members and we added Veterans Day as an official Durham County holiday. We are also proud to support our families by adjusting our living wage policy so that as of January 1 of this year, all Durham County Employees make at least \$15 per hour.

I have just shared an overview of some of the highlights of the past year and what Durham County Government has accomplished.

We remain committed to the vision emblazoned on our Human Services Complex:

Durham's Vitality Is Built upon the Health of Our Residents and the Capacity of our Community to Foster and Enhance the Well Being of Every Citizen.

Now, and in the years ahead, Durham County Government will work to support and sustain the continued growth in our economy. But we must also work to ensure that this prosperity is equitable and experienced throughout all parts of our community. In order for Durham to remain competitive in our region, state, nation and world as a great place to live, work and play, we must continue to promote economic diversity in our economy and continue to invest in what is most important –our human capital- the people in our community. The people of Durham are our greatest asset. It is the talent of our people- our ingenuity, creativity, hard work and ability to collaborate- that will help us continue to be a thriving county.

To Foster and Enhance the Well being of every citizen, we must continue to make strategic investments in areas such as education, public health, social services, mental health and workforce development. Durham County Government spends more than a third of our general fund budget on education, with more than \$134 million dedicated to education related spending last year. We provide the third highest in per pupil spending in North Carolina and we support the second highest local teacher supplement in the state.

Durham County has continued to increase local funding in the face of declines in state and federal funding for public education while we are challenged with the third highest number of charter schools in North Carolina. Specifically this means that more than 18% of our public school funding, nearly 1/5 of funding is now going directly to charter schools. The challenge ahead will be how to make best use of the education dollars that we have to improve education outcomes for our children.

Research has shown that high quality Pre-K education is the most effective strategy to ensure educational success for all children with every dollar spent giving a return on investment of \$7. We are learning that focusing on the birth through age 8 continuum for successful reading by third grade is critical. In April, we will hear the recommendations of the City, County, and Durham Public Schools Pre-K Task Force for a road map to implementing **Universal Access to Pre-K** in Durham. Understand that we will need all sectors of our community to come together to figure out how we can make this happen and make this crucial investment in our children's future possible.

There is likely no project that is more vital to the future of Durham and our region as the **Durham Orange Light Rail and Durham-Wake Commuter Rail Projects**. As we look toward the future and how we will manage the more than 1 million additional people expected to move to the Triangle by 2035, we must provide ways for them to get to jobs and places for them to live in a way that provides transit options, helps decrease traffic gridlock, as well as mitigates the negative consequences of sprawl and traffic to our water and air quality and open space. The quality of life in our region is already being impacted by traffic on I-40, US 70, 147, 54, 15-501 and 85 as people are making decisions about where they work, live and play based on existing traffic congestion.

The **Durham Orange Light Rail** will provide a fixed corridor to create the high density mixed use development we need to manage growth and preserve and enhance the high quality of life in our area as well as provide an affordable and effective way to connect our major education and job sectors of UNC, Duke, downtown Durham, NCCU and eventually link up to Research Triangle Park, downtown Raleigh and NC State. Our ability to connect our major research institutions and cities will be inextricably linked to our ability to continue to be the hub of innovation, new technology and entrepreneurship in the areas of biosciences, clean tech, medicine, information technology and so many other areas, that is the life blood of our region. More than 30% of Durham County residents work in Wake or Orange Counties, and more than 40% of those who commute to jobs in Durham each day are from Wake and Orange Counties. The Durham Orange light rail route serves an area where currently less than 50 % of the residents have access to a car, and a majority of residents are considered low income. With 16% of Durham citizens still living in poverty, light rail will be an integral part of our strategy to connect people to living wage jobs.

Next year and the years ahead, it will be vital that Durham County works closely with our Orange County partners to ensure successful implementation of the Light Rail project and take the first steps toward our Commuter Rail Line with Wake County. We are the fastest growing region in North Carolina and our successful growth in the state, national and world economy will depend on our ability to work with our regional partners to implement our transit plans.

With transit a necessary part of our future, so is affordable and workforce housing. More than 50% of Durham residents currently spend more than 30% of their income on housing which is considered beyond what is economically sustainable. In the coming year, Durham County government will be evaluating our 300 and 500 East Main Street surface parking lots, to see what type of public private partnership options we have to support mixed-use development that includes affordable and workforce housing in downtown Durham. This process will include public engagement and getting direct input from you, the citizens of Durham, to help guide us. We want to support the creation of affordable and workforce housing in Durham. We want to do what we can to ensure that people of all incomes have the option to live downtown and near light rail stations.

In 2017 and the years ahead we must also focus on our two of our growing and most vulnerable populations- our disconnected youth and our seniors. The Senior Population in Durham is currently 16% and will increase by 42 % in 2025. In 2013, nearly one in five of our seniors were living below the poverty level. A majority of our seniors still live independently and want to be able to stay at home and age in place, which is the most cost effective approach to service delivery for seniors.

Durham County supports the work of the Durham Center for Senior Life to help meet the needs of our seniors and co-sponsored our **Second Annual Aging Well in Durham Conference** in 2016, but we will need to do more. Very soon, I hope that we will join our neighbors in Wake and Orange Counties in taking the first steps for Durham County to be designated an **Age Friendly Community** by AARP and the World Health Organization so that Durham is known as a great place to live for everyone whether you are 8 days or 88 years-old.

Over the past several years, Durham County has been involved in many key efforts to focus on young people of color, overcoming barriers to jobs and strengthening our education to work pipeline. We will continue to participate in programs such as **Made in Durham, My Brother's Keeper**, and the **Mayor's Transformation in Ten poverty reduction initiative**. It is critical that we work with all of our private and public sector partners to better align our educational programs starting in middle and high school with Durham Tech and our local universities, expand internships and apprenticeships and promote the skills and training required for the jobs of today and those projected for the future. Durham County government must also continue to work with our community partners on strategies to overcome the barriers to education and employment such as lack of access to child care and transportation, a criminal background and the impact of implicit racial bias.

It is also imperative that we have a broad base of jobs that can provide a living wage with varying skill, training and education requirements. With this goal in mind, Durham County is partnering with the City of Durham to create a new **Industrial Park in East Durham** with a focus on advanced manufacturing jobs. With the construction of the East End Connector, and road improvements planned for Highways 70 and 98, there will be

new economic opportunities on the horizon for the Eastern portion of Durham County.

I will conclude by saying, the future is bright for Durham County! Despite what is happening at the state and federal level that may be beyond our immediate control, there is still much that we CAN do here in Durham County.

We have tremendous assets and resources. We are a caring community. We will continue to be a community that is committed to economic and social justice. We will not tolerate discrimination against any group of people based on race, sex, gender, age, religion, class, sexual orientation, country of origin or ethnicity.

With more than 10% of our population comprised of immigrants and foreign born, the second highest level in North Carolina and the highest level in the Triangle region, we welcome those from throughout the world who come to Durham for safety, to study, to work, and who contribute to the fabric and richness of our community with their art, music, language, customs, food, ideas and hard work.

Durham County Government will continue to value and celebrate the diversity of our community. Next year, and in the years ahead, Durham can, and will, be a beacon of light in our state and nation. Durham is and will continue to be a County of Inclusion.

Thank you so much for your attention and your support.”

Update from GoTriangle Staff on Durham - Orange Light Rail Plan

John Tallmadge, Director of Regional Services Development with GoTriangle provided the Board with a brief update on the planning process to revise the Bus and Rail Investment Plan (BRIP). He mentioned in 2011 the initial BRIP was adopted. Mr. Tallmadge added a cap was placed on state funds last summer which altered the plans. He continued to say the change in state funding required a change to the planning documents in both Durham and Orange Counties. Mr. Tallmadge stated the update was to discuss the procedural steps deemed necessary to adopt both BRIPs prior to the deadline of April 30, 2017 and to also propose a public comment period, public hearings and proposed official actions.

Chair Jacobs asked if there were any additional comments from the Board on this item. No one spoke.

Richard Ford, citizen stated Wake County rejected the plan and Orange County expanded their own plan. He asked the Board to re-evaluate the project and replace it with a plan that was affordable for the area.

Agenda Adjustments

Chair Jacobs announced that there were no additional agenda adjustments.

Announcements

Chair Jacobs read the following announcements:

- 1) Cooperative Extension Offers NC Safe Plates - Food Safety Manager Certification Course March 27-29, 9am-3pm. This course will prepare food service managers to complete the Food Safety Manager Certification Examination which will be administered Monday, April 3rd, 9am-11:30am. Food service managers successfully completing the exam will meet the 2013 FDA Food Code requirement to be designated as an ANSI (American National

Standards Institution) approved Certified Food Protection Manager. Managers will also receive a certificate to display in their operation which will verify with local Environmental Health Departments that they are in compliance. The course and exam will be held at the Cooperative Extension Office, 721 Foster Street. For more information, Deborah McGiffin at 919-560-0521.

- 2)At the Board's next regular session meeting on March 27th, an Advance Public Comment session will be held to receive citizen input on the Fiscal Year 2017-2018 budget. As County staff begin preparation of the FY 2017-2018 budget, public input is being solicited on issues which may need to be addressed during the budget process. Individuals are asked to sign up prior to speaking. If you are unable to attend, your comments can be emailed to the Commissioners at commissioners@dconc.gov.
- 3)Please contact the Clerk's Office at 919-560-0025 or clerk@dconc.gov to find out about opportunities to serve on one of our volunteer boards or commissions.
- 4)We invite you to tune in to Cable TV Channel 8 or 97-5 to see rebroadcasts of tonight's meeting as well as other Durham County programming that may be of interest to you. Please contact the Public Information Office at 919-560-0008 or our website www.dconc.gov for more information.
- 5)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 expressed her appreciation and acknowledged Bank of American, Blue Cross/Blue Shield and BASF for taking charge and paying parental leave to their employees.

Commissioner Reckhow commended Duke University for hosting the Regional Spelling Bee on March 10, 2017.

Vice Chair Hill stated My Brother's Keeper (MBK) would sponsor a workshop for a team of boys on March 14, 2017 at the Durham Marriott City Center located on 201 Foster Street from 8am-5pm. He added this event was hosted by individuals specializing in multiple STEM career paths.

Commissioner Carter congratulated North Carolina Central University and Duke University Men's Basketball teams for winning the MEAC and ACC basketball tournaments.

Chair Jacobs also reminded citizens about the summer youth work internship program. She stated the program was for 14-24 year olds and the pay rate ranged from \$7.25-\$12.00 per hour. Chair Jacobs added the deadline for applications was Friday, March 31, 2017 and if anyone had any additional questions, please contact Jane Dickens at 919-560-4965 ext. 15217.

Minutes

Commissioner Reckhow requested to pull the February 3, 2017 Legislative Breakfast minutes.

Commissioner Howerton moved, seconded by Commissioner Reckhow to approve the February 6, 2017 Worksession minutes and the February 13, 2017 Regular Session minutes.

The motion carried unanimously.

Ceremonial Items

Proclamation - Athletic Training Month

Chair Jacobs read the following proclamation:

ATHLETIC TRAINING AWARENESS MONTH | 2017

WHEREAS, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and

WHEREAS, athletic trainers provide: prevention of injuries, recognition, evaluation and aggressive treatment, rehabilitation, health care administration, education and guidance; and

WHEREAS, the National Athletic Trainers' Association represents and supports 43,000 members of the athletic training profession employed in the following settings: professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings, military branches; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

WHEREAS, such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals; and

NOW, THEREFORE BE IT RESOLVED, I, Wendy Jacobs, Chair of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim.

“ATHLETIC TRAINING AWARENESS MONTH”

in Durham County, North Carolina and March 2017 as Athletic Training Awareness Month in Durham County. I urge all people of Durham, North Carolina to learn more about the importance of athletic training.

This the 13th day of March, 2017.

Wendy Jacobs, Chair
Durham Board of County Commissioners

Elizabeth Jewell, NCCU Athletic Training Director stated the students were engaged in clinical rotations with Durham Public School, Duke University and the NC School of Science and Math. She added the students were happy to facilitate sports medicine to the constituents of Durham County and thanked the Board for the recognition.

At the request of Commissioner Carter, each student introduced themselves and stated their current and previous work areas.

Resolution Honoring the Life of Former County Manager George H. Williams

Chair Jacobs read the following resolution:

GEORGE HAROLD WILLIAMS

WHEREAS, George Harold Williams was born on October 26, 1943 and made his transition on Thursday, March 2, 2017; and

WHEREAS, a graduate of Hillside High School, George Williams continued his education at Howard University where he received a bachelor’s degree in architecture and earned a master’s degree in regional planning from the University of North Carolina at Chapel Hill; and

WHEREAS, after completing his education, he served his country as a captain in the United States Air Force; and

WHEREAS, during his long and distinguished career in public administration, he served as Durham County’s 4th County Manager; deputy city manager in Richmond, Virginia; director of the Office of Economic Development and Employment in Oakland, California and as city manager in Gary, Indiana; and

WHEREAS, George Williams was known as a tremendously supportive mentor, motivator and role model to countless aspiring professionals; and

WHEREAS, after leaving Durham County Government, he established the G.H. Williams Collaborative in Durham and managed and developed building projects in many areas of the country; and

WHEREAS, George Williams was a phenomenal man who was loved and admired by many for his positive spirit, his unselfish nature, his creativity and his passion for life.

NOW, THEREFORE BE IT RESOLVED that the Durham Board of County Commissioners do hereby resolve to pay tribute to

GEORGE HAROLD WILLIAMS

who served as Durham County Manager from 1991-1995. This distinguished and dedicated professional will long be remembered for his outstanding and meaningful contributions to public service and for his efforts to improve the quality of life in all of the communities in which he worked.

This the 13th day of March 2017.

Wendy Jacobs, Chair

James Hill, Jr., Vice Chair

Heidi Carter

Brenda Howerton

Ellen W. Reckhow

Consent Agenda

Chair Jacobs asked the Board if they desired to pull any items from the Consent Agenda. After hearing none, Chair Jacobs entertained a motion for approval.

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

*17-0081 Capital Project Amendment No. 17CPA000015-Appropriation of 2016 Voter Approved General Obligation Bonds For Durham Public School Projects

*17-0082 Approval of Budget Ordinance Amendment No. 17BCC000050 Increasing the Budget Transfer Amount from the 2007 GO Bonds Fund (Closed in November of 2016) to the Debt Service Fund in the Amount of \$94,000

17-0084 Award of Hopson Road Force Main Connection, IFB 17-020

17-0085 Design Services for the Stirrup Iron West Parallel 24" Gravity Sewer Project

*17-0089 Budget Ordinance Amendment No. 17BCC000051 - Appropriate \$500,000 (County Portion) of \$7 Vehicle Registration Tax Revenue and Distribution to GoTriangle

*17-0097 Budget Ordinance Amendment No. 17BCC000052 Public Health: Recognize an Increase of \$3,597 of Refugee Health funds from NC DHHS, Division of Public Health to Support the Refugee Health Program in Durham County

*17-0098 Budget Ordinance Amendment No. 17BCC000057 Public Health: Recognize a Decrease of \$199 of Communicable Disease Funds from NC DHHS, Division of Public Health to Support the STD/HIV Program in Durham County

*17-0099 Budget Ordinance Amendment No. 17BCC000053 to Recognize \$40,000 from the NC DHHS Division of Public Health Women's and Children's Health/ Women's Health Branch

*17-0100 Budget Ordinance Amendment No. 17BCC000056 to Recognize Funds in the Amount of \$14,250 from the Alamance County Health Department for Reimbursement for Staff Time for Implementation of the Minority Diabetes Prevention Program and Approve a New \$5.00 Fee for Group-Based Patient Education

*17-0101 Budget Ordinance Amendment No. 17BCC000055 to Recognize Funds in the Amount of \$4,000 From the Duke Margolis Center for Health Policy for the Healthiest Cities and Counties Community Seed Grant

17-0104 Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System

17-0107 Execution of Consulting Services Agreement with SEDC Engineering, P.C. dba NV5 for the Fundamental LEED Commissioning Services for the Durham County Judicial Building Renovation. Project No.: 473DC073

17-0108 Approval of Contract with Siemens Building Technologies to Purchase and Install a New Fire Panel at Durham County Detention Center

17-0109 Execution of the Asbestos Abatement Contract for the Lincoln Community Health Center Renovation - Phase II Renovation Project No.: 47302635DC139

*17-0110 Department of Social Services Budget Ordinance Number 17BCC000054 Recognizing \$93,415 for Housing Opportunities for Persons with Aids (HOPWA) Funds from the City of Durham and Approval of two (2) Provisional FTEs to Provide Case Management

17-0132 Bond Resolution

17-0139 Resolution to Support Funding for Mental Health Services

The motion carried unanimously.

Consent Agenda Item #17-0081

**DURHAM COUNTY, NORTH CAROLINA
2016-17 Capital Project Ordinance
Amendment Number 17CPA000015**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2016-17 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

2016 Voter Approved General Obligation Bonds for Durham Public Schools

Project Name	Current Budget	Inc./Dec.	Revised Budget
Northern High School Replacement (SH239)	\$0	\$ 51,250,000.00	\$ 51,250,000.00
Hub Farm Improvements (SH240)	\$0	\$ 375,000.00	\$ 375,000.00
Eno Valley Renovations (SH241)	\$0	\$ 7,320,194.00	\$ 7,320,194.00
Merrick-Moore Renovations (SH242)	\$0	\$ 937,500.00	\$ 937,500.00
Pearsontown Renovations (SH243)	\$0	\$ 812,500.00	\$ 812,500.00
Middle School Gym Renovations (SH244)	\$0	\$ 500,000.00	\$ 500,000.00
Rogers Herr Fire Alarm Replacement (SH245)	\$0	\$ 187,500.00	\$ 187,500.00
Durham School of the Arts Renovations (SH246)	\$0	\$ 2,656,250.00	\$ 2,656,250.00
Hillside High School Renovations (SH247)	\$0	\$ 781,250.00	\$ 781,250.00
Jordan High School Renovations (SH248)	\$0	\$ 1,450,000.00	\$ 1,450,000.00
Existing Northern High School (SH249)	\$0	\$ 250,000.00	\$ 250,000.00
Riverside High School Renovations (SH250)	\$0	\$ 812,500.00	\$ 812,500.00
School of Creative Studies Renovations (SH251)	\$0	\$ 350,000.00	\$ 350,000.00
Southern High School Renovations (SH252)	\$0	\$ 812,500.00	\$ 812,500.00
WG Pearson Center (SH253)	\$0	\$ 232,450.00	\$ 232,450.00
Club Blvd. Roof Replacement (SH254)	\$0	\$ 875,000.00	\$ 875,000.00
Forest View Roof Replacement (SH255)	\$0	\$ 1,750,000.00	\$ 1,750,000.00
Harris Roof Replacement (SH256)	\$0	\$ 1,000,000.00	\$ 1,000,000.00
Holt Roof Replacement (SH257)	\$0	\$ 625,000.00	\$ 625,000.00
Oak Grove Roof Replacement (SH258)	\$0	\$ 1,750,000.00	\$ 1,750,000.00
Parkwood Roof Replacement (SH259)	\$0	\$ 250,000.00	\$ 250,000.00
Spaulding Roof Replacement (SH260)	\$0	\$ 425,000.00	\$ 425,000.00
Watts Roof Replacement (SH261)	\$0	\$ 375,000.00	\$ 375,000.00
Lowes Grove Roof Replacement (SH262)	\$0	\$ 1,375,000.00	\$ 1,375,000.00
Fuller Building Roof Replacement (SH263)	\$0	\$ 262,500.00	\$ 262,500.00
1817 Hamlin Roof Replacement (SH264)	\$0	\$ 787,500.00	\$ 787,500.00
Staff Development Roof Replacement (SH265)	\$0	\$ 312,500.00	\$ 312,500.00
Holt Kitchen Renovations (SH266)	\$0	\$ 337,500.00	\$ 337,500.00
Boiler and Chiller Replacements (SH267)	\$0	\$ 3,093,750.00	\$ 3,093,750.00
Security Vestibules (SH268)	\$0	\$ 2,396,250.00	\$ 2,396,250.00
Camera Upgrades (SH269)	\$0	\$ 1,098,750.00	\$ 1,098,750.00
Lighting Upgrades (SH270)	\$0	\$ 1,783,606.00	\$ 1,783,606.00
High School Track Repairs (SH271)	\$0	\$ 937,500.00	\$ 937,500.00
Tennis Court Lighting (SH272)	\$0	\$ 937,500.00	\$ 937,500.00
Construction Services (SH273)	\$0	\$ 900,000.00	\$ 900,000.00
Bond Issuance Cost (SH274)	\$0	\$ 866,522.00	\$ 866,522.00
Total	\$0	\$ 90,866,522.00	\$ 90,866,522.00

Adopted this the 13th day of March, 2017.

Consent Agenda Item #17-0082

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000050**

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>DEBT SERVICE FUND</u>			
Other Financing Sources	\$175,437,058	\$94,000	\$175,531,058

Expenditures:

<u>Function</u>			
<u>DEBT SERVICE FUND</u>			
General Government	\$176,225,277	\$94,000	\$176,319,277

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

This the 13th day of March 2017

Consent Agenda Item #17-0089

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000051**

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>			
Taxes	\$311,492,211	\$500,000	\$311,992,211

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Transportation	\$12,500	\$500,000	\$512,500

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

This the 13th day of March 2017

Consent Agenda Item #17-0097

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000051**

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	\$59,911,817	\$3,597	\$59,915,414

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$96,078,430	\$3,597	\$96,082,027

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

This the 13th day of March 2017

Consent Agenda Item #17-0098

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000057**

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	\$60,067,079	-\$199	\$60,066,880

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$96,233,692	- \$199	\$96,233,493

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

This the 13th day of March 2017

Consent Agenda Item #17-0099

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000053**

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	\$59,915,414	\$40,000	\$59,955,414

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$96,082,027	\$40,000	\$96,122,027

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

This the 13th day of March 2017

Consent Agenda Item #17-0100

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000056**

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	\$60,052,829	\$14,250	\$60,067,079

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$96,219,442	\$14,250	\$96,233,692

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

This the 13th day of March 2017

Consent Agenda Item #17-0101

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000055**

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	\$60,048,829	\$4,000	\$60,052,829

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$96,215,442	\$4,000	\$96,219,442

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

This the 13th day of March 2017

Consent Agenda Item #17-0110

**Durham County, North Carolina
2016-2017 Budget Ordinance
Amendment Number 17BCC000054**

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	\$59,955,414	\$93,415	\$60,048,829

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$96,122,027	\$93,415	\$96,215,442

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

This the 13th day of March 2017

Public Hearings

Public Hearing - A Request to Conduct a Public Hearing on the Permanent Closing of a 174 Square Foot Portion of Willow Springs Road

Kyle Taylor, Planner verified that all notices were met in accordance with the state and local law. He stated the area in question was not being used by the public. Mr. Taylor recommended the Board approve the permanent closing of the 174 square foot portion of Willow Springs Road.

Chair Jacobs opened the public comment hearing.

Gary Gilbert, citizen stated he appreciated the Board considering the closure.

Chair Jacobs closed the public hearing and entertained a motion.

Commissioner Reckhow moved, seconded by Commissioner Howerton to adopt the closure of a portion of Willow Springs Road.

The motion carried unanimously.

Public Hearing - Discovery Charter School Bonds

Lowell Siler, County Attorney stated this was a continuation of the public hearing held on February 13, 2017. He added the Board of Adjustment (BOA) rendered a decision and it was approved. Attorney Siler continued to say the bond council re-advertised this meeting as another public hearing.

Brandon Lofton, Attorney with Robinson, Bradshaw and Hinson, P.A. stated Discovery Charter School was seeking to use tax exempt bond proceeds to finance the project and one requirement was a public hearing approval. He explained the limited purpose of the approval and ensured that the public was notified and aware of the use and purpose. Attorney Lofton clarified that the resolution stated the Board held no responsibility and the bond was not an obligation of the County. He continued to say the approval was consistent with prior approvals and urged the Board to apply consistent standards.

Carl Forsyth, Board Chair of Discovery Charter School introduced the members of the Board. He stated he had been a member since 2007. Mr. Forsyth explained the STEM program and mentioned his belief in how successful the program would be for the school.

Attorney Lofton stated Discovery Charter had an experienced Board, management and staff. He restated that no management oversight or financial oversight was required from the County and he urged the Board to adopt the resolution.

Commissioner Howerton asked if there was a commitment to diversity as it appeared that there was no diversity in the audience. Mr. Forsyth responded the school would provide transportation for children in the Riverview Shopping Center and the Old Farm neighborhood areas. He added Discovery was committed to diversity and understood that it was an important part of the education process. Mr. Forsyth continued to say he currently did not have a percentage of other races that applied because "ethnicity" was not a required question on the application.

Chair Jacobs opened the public hearing.

Marie Mahoney, citizen, stated there was false testimony presented during the BOA hearing and she questioned the truthfulness being presented.

Rhonda Coates, citizen, stated there was a petition done on the 68 homes in the neighborhood; one (1) person did not know about the hearing, one (1) person was undecided and one (1) person was concerned about the water run-off.

Patrick Mahoney, citizen, stated the bond should not be approved because the special use permit was not final and would go before the BOA again on March 28, 2017. He added the BOA was advised to disregard the Little River Corridor Plan at the February 28, 2017 meeting and the special use permit does not tie into the current UDO. Mr. Mahoney reference chapter seven (7) page 10 of the plan.

Necia Gooch, citizen, expressed her excitement having the option to have her daughter attend the school.

Elizabeth Christensen, citizen, stated she was excited to have her children attend the school.

Leslie Boyd, citizen, stated she did not agree with the school.

James Murphy, citizen, stated he did not agree with the school.

Kathy Chambers, citizen, expressed her concern about the drinking water and pollution.

Toni Shellady, Vice Chair of Discovery Charter School, stated the board planned to get a more diverse student and staff population by reaching out to neighboring communities. She added the traffic concerns were being addressed and the school would install a state of the art water system so the neighborhood water concerns would not be an issue.

Douglas Price, citizen, stated he was for the project.

Dawn Sarvis, citizen, stated she did not agree with the school. Chair Jacobs asked when was she made aware of the school. Ms. Sarvis responded three (3) weeks ago.

Bryan Sarvis, citizen, stated there were currently three (3) middle schools in the area and did not think it was necessary to add an additional school.

Darlana Wolak, citizen, stated she did not agree with the project.

Chair Jacobs closed the public hearing and asked the Board if they had any additional comments.

Commissioner Reckhow stated she was troubled by the comments. She stated the plan was adopted by the Board and she was troubled that staff at the hearing did not know that the plan existed and how it would impact the area.

Directive: Commissioner Reckhow requested that staff communicate with Planning about the oversight.

Bo Dobrzanski, Planning Supervisor clarified that the information regarding the UDO was included at the BOA hearing. Chair Jacobs asked what the recommendation was; she mentioned it was not included in the report that she reviewed. Mr. Dobrzanski stated the recommendation was as listed by the BOA which stated "to be considered." Mr. Mahoney also referenced comments from the transcript from Brian Wardell, Senior Assistant County Attorney regarding the Little River Durham Open Space Plan not being a part of the Comprehensive Plan. Attorney Wardell stated he was informed by Sarah Young, Interim Planning Director that if she did not specifically authorize something to be in the Comprehensive Plan that it was not considered to be in the plan. He stated Ms. Young was asked if the Little River Plan was a part of the Comprehensive Plan and her response was no. Attorney Wardell continued to say there was significant discussion by opponents who were represented by an attorney that argued the issue. He stated all the information was available to the Board at that time and a decision was rendered which was considered final at that moment.

Chair Jacobs asked if the reference was made that the Little River Plan was a Durham County Plan. Attorney Wardell responded it was referenced that the Little River Plan was not a Comprehensive Plan per the Acting Planning Director. Mr. Mahoney referenced Policy 7.2d (Chapter 7- Page 10) of the Comprehensive Plan.

Commissioner Carter asked for clarification on the two plans and how relevant they were. Commissioner Reckhow explained the Comprehensive Land Use Plan and other separate Land Use Plans that were part of different areas.

Chair Jacobs asked why the neighbors were not notified when the project would start. Ms. Shellady responded there were signs posted but they were stolen within a week. She also stated that social media was used as well. Chair Jacobs inquired about when the site plan was submitted and meetings were scheduled. Mr. Dobrzenski stated the meetings began approximately October 2016. He also noted that neighborhood meetings were not required.

Attorney Lofton stated for the record, the topics discussed were about issues already handled and considered by the BOA. He asked the Board not to re-litigate what already happened at the BOA based on unsworn testimony and allegations.

Commissioner Reckhow verified the information provided by Mr. Mahoney and asked Mr. Dobrzenski was the preservation of Orange Factory as a scenic roadway mentioned in the staff report. Mr. Dobrzenski responded no.

Chair Jacobs asked Attorney Siler to discuss the process. She stated she was concerned that County staff may have provided information that was not accurate. Attorney Siler responded there was an attorney representing the school and citizens at the BOA and the next steps should have been explained. He explained the role of the BOA and stated this meeting was to seek approval to move forward to retain tax exempt bonds. Attorney Siler continued to say the Board was being asked to vote on the resolution. He added there was public hearing scheduled and individuals were allowed to speak; however, the sole task was to decide to approve the tax exempt bonds and the plans. Chair Jacobs asked what the next steps were. Attorney Siler responded if there was an attorney representing them, they were responsible for filing an appeal.

Commissioner Carter stated the issue was bigger than this incident. She questioned what the Board based their decision on and what the local County guiding principles were. Attorney Siler responded as a part of any approval or disapproval, the Board would incur zero (0) liability as it related to the bonds. Commissioner Carter stated it was incumbent to consider the public interest and in this case she did not agree with the approval. She mentioned other Durham Public Schools in the vicinity that were under capacity and also offered same or similar STEM programs. Commissioner Carter continued to say students should attend a unified tiered school system and not a two (2) tiered school system.

Attorney Lofton stated if the Board voted no, it would not address any concerns mentioned by Commissioner Carter or the decisions by the BOA. He added if the Board voted no, it would only cause the school to pay a higher interest rate towards the bonds.

Commissioner Howerton stated she listened to both sides, heard from the attorneys and spoke with the Acting Planning Director about the recourse of the community and of the County. She continued to say the response was legal, the decision was made and the community would have to go to court. Commissioner Howerton added if the Board voted against the request, it would not stop the school. She asked Attorney Siler if the County could over step the BOA decision. Attorney Siler responded the BOA was dealing with a land use issue and also the question of compliance with the UDO. He continued to say the Board was being asked to approve the bonds and the financial plan. Commissioner Howerton asked the Board if this item was not approved, would the same measures be in place for all bond approval requests. Commissioner Carter responded each school had different characteristics that would have to be considered.

Commissioner Reckhow stated the school appeared to have an excellent concept and she was in support of the facility. She stated the problem was with the location and how it appeared that it was not keeping with plans that the Board adopted. Commissioner Reckhow expressed her concerns using her legislative

discretion about voting for something that did not seem consistent.

Chair Jacobs stated it was unprecedented where staff and departments did not provide proper information that went before the BOA and where adopted plans were possibly not reflected. She added the Board was responsible for the best interest of all citizens of Durham and this put them in a difficult situation. Chair Jacobs asked if the BOA decision was appealed, what the next steps would be. Attorney Wardell responded the appeal was based on all items presented on the record at the hearing. He stated there was no additional testimony and it was all based on information obtained. Attorney Wardell continued to say there was an attorney present and if there were errors of the law, they would be considered during the appeal. He added if the approval was denied, the school could still be built however, the interest rate would be only be higher. Chair Jacobs asked what would happen if the BOA based their decision off of inaccurate information. Attorney Wardell responded the appeal lawyer would be responsible for bringing that forward during court.

Chair Jacobs stated the Board decision was very limited and encouraged the citizens to file an appeal.

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

The motion carried as follows:

Ayes: Howerton, Jacobs, Reckhow

Noes: Carter, Hill

Commissioner Carter stated she would like to discuss the core guiding principles prior to voting on any similar items in the future.

Public Hearing to Consider Approval, for Purposes of Meeting the Requirements of the Internal Revenue Code, of up to \$26,000,000 in Educational Facilities Revenue Bond to be Issued by the Public Finance Authority for the Benefit of Durham Academy, Incorporated (the “Borrower”)

Jeffrey Poley, Attorney with Parker Poe Adams and Bernstein LLP stated the request was to refinance bonds that were previously issued and to fund three (3) years of projects. He continued to say this was not for the construction of a new campus or an expansion. Attorney Poley asked the Board to respectfully approve the request submitted.

Chair Jacobs opened the public hearing.

Sophie Suberman, citizen, questioned the request for \$26,000.00 from Durham Academy and stated there was more of a need for those funds in the public schools.

Attorney Poley stated Durham Academy would borrow money from BB&T Bank which would allow the school to finance bonds at a lower interest rate. He clarified that the request was not for grant money, just for interest on the bonds.

Chair Jacobs closed the public hearing and entertained a motion from the Board.

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve the request as mentioned.

The motion carried unanimously.

Chair Jacobs expressed her regret prior to the vote and mentioned her concern about the process involving with the BOA hearing for Discovery Charter School. She questioned the notification process for the community and stated the adopted comprehensive plans were not upheld during the process.

Commissioner Reckhow stated that she was dismayed with the process as well. She shared that time and effort went into solid planning for the community, specifically the Little River plan which highlighted special nature of Orange Road and its designations. Commissioner Reckhow conveyed to Sarah Young, Interim Planning Director that all plans should ensure that the vision was for the community and all other areas.

Closed Session

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

- 1) G.S. 143-318.11(a)(3) to consult with an attorney and to preserve the attorney-client.
- 2) G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of business or industry.

Commissioner Reckhow stated if the meeting was not adjourned by 11pm, the Board would have to vote to extend the meeting. She suggested the Board not extend the meeting due to an early morning obligation schedule for Tuesday, March 14, 2017.

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

The motion carried unanimously.

Respectfully Submitted,



Monica W. Toomer
Deputy Clerk to the Board