

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

Monday, August 2, 2010

9:00 A.M. Worksession

**MINUTES**

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

**Citizen Comments**

Mr. Ralph McKinney spoke to the Board of County Commissioners regarding protection for women and minorities.

The Board thanked Mr. McKinney for his comments.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to suspend the rules to allow a citizen to speak for five minutes.

The motion carried unanimously.

William Burch, Public Health Chair, made comments to the Commissioners about Durham County Health Department. He reported on the departments that are not performing and budget preparations.

The Board replied to remarks made by Mr. Burch.

**Recognize Tax Administration Staff for Excellent Collections Year**

Kimberly Simpson, Tax Administrator, introduced this item. She stated that the Tax Department achieved a collection rate of 98.88% for fiscal year 09-10 compared to a collection rate from the previous year of 98.62% for the County. The department also accomplished a collection percentage of 98.76% for the City of Durham compared to the previous year collection rate of 98.50%.

Ms. Simpson recognized several divisions within the department (e.g., Appraisal, Land Records, Collections). She stated that the contribution of all staff members within the Tax

Department ensured that Durham County and Durham City achieved the outstanding collection rate.

The Board thanked the Tax Administration Department on their efforts.

### **Durham Public Schools –City of Medicine**

County Manager Ruffin introduced this item stating that the Board requested to receive a presentation regarding the design and construction of the City of Medicine Academy and to waive the rules of procedure to approve a proposed Memorandum of Agreement (MOA) that would incorporate this project into the terms and conditions of the existing Interlocal Agreement for Sales Tax Reimbursement between the County and DPS. The proposed MOA as well as a map showing the location of the school is attached.

Tim Carr, Program Director for Durham Public Schools, discussed the background of the project. He stated that the 2007 Bond provided for the design and construction of the City of Medicine Academy at a site adjacent to Durham Regional Hospital. The City of Medicine Academy is a high school program that provides a four-year healthcare-oriented curriculum for students interested in pursuing health care careers. The program began at Southern High School in the late 1990's. Currently DPS leases space for the school in a building approximately one half mile north of the proposed site. The new location on Crutchfield is in close proximity to the hospital and will allow CMA students' greater access to job-shadowing, internships, guest lectures and additional opportunities. The bond budget of \$7,113,220 was developed based on a 400 student facility of approximately 30,000 square feet.

Mr. Carr presented the status of the bids for construction and the overall project budget respective of the program targets. Although the construction bids are within the bond budget, it was asked that the Board consider transferring funds from other completed school projects into this project at its next regular meeting.

County Manager Ruffin informed the Commissioners about Durham Regional Hospital's concerns regarding the project.

The Board expressed concerns about the changes made regarding of the facility.

Carol Hammett, Assistant County Attorney, explained that since the property is owned by the County and would be leased to DPS, instead of being sold to DPS, the proposed MOA brings the construction administration under the terms and conditions of the Interlocal Agreement regarding Sales Tax Reimbursement. The MOA authorizes DPS to handle this project in the same manner it is handling other school projects for purposes of recouping sales tax reimbursements. The MOA also authorizes the County Manager to execute any required easements and right of way agreements that may be necessary for the construction. Upon completion the County plans to lease the property to DPS for a period of time. A proposed lease would be brought back to the Board at a later date.

The Board asked the following:

- **How was the square footage estimated?**
- When would the construction project be complete?
- When would the school open?
- Is the facility large enough to hold 400 students?
- Is there any room for growth?
- How much money was approved for this project and how much would be transferred?
- Did the design contribute to the cost of the project and was it factored in as it relates to the bonds?
- Is there an advantage to keep the students stationary?
- Where would the operational cost come from?
- Is there going to be a joint-used policy proposed?
- What is happening to the EMS station in that particular area?
- Where would the construction trucks be park once construction begins?
- Would the contract become invalid if everything falls through?

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser to suspend the rules

The motion carried unanimously.

---

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to approve the proposed Memorandum of Agreement regarding the City of Medicine Academy.

The motion carried unanimously.

Directive

DPS Administration to provide an explanation regarding the changes.

**Discussion of South Side Revitalization Project and Whitted School Property**

Larry Jarvis, Department of Community Development, presented this item. He stated that at the May 10, 2010 regular meeting, the Board of County Commissioners requested members of the City of Durham Department of Community Development attend the August 2 Worksession to discuss the Southside revitalization project and potential use of the Whitted School property within development plans.

Mr. Jarvis highlighted the following:

- Primary & Secondary Planning Area
- Rolling Hills/Southside Redevelopment Area
- Project Area Profile
- Development Partnerships
- Key Points

- Eastway Village
- Consensus Plan
- Phase I, Rental – 118 Units + 13 Live/Work Units
- Phase I, For Sale – 30 Units
- Phase II Rental – 115 Units
- Phase II, For Sale – 15 Units
- Future Developments
- Tipping Point Summary

The Board posed the following:

- How was the poverty rate estimated?
- Is there an approximate date of the assessment?
- Would the Department of Community Development assist with stabilizing the building in terms of funds?
- Does Senator Kay Hagan's office have interest in the project?

County Manager Ruffin informed the Board that the County would move forward and repair the roof as well as the windows.

The Board thanked Mr. Jarvis on the update for the larger Southside projects and the Whitted School.

#### Directives

1. Report back to the Board about the water issue.
2. General Services to complete an assessment and inform the Board about what has been done to secure the building

#### **Review of June and July BOCC Directives**

Laura Jensen, Budget Analyst, introduced this item stating that it was requested that at each month's worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary. As there was no worksession in July, the June and July directives are covered in this report.

As no additional directives were given, the Board thanked Ms. Jensen for the updates.

#### **Present Interlocal Agreement between Department of General Services and ABC Board for the Maintenance Services of ABC Locations**

Motiryo Keambiroiro, General Services Director, presented this item. She stated that since 1998 the Department of General Services has collaborated with Durham County ABC Board to assist with the building maintenance of owned and operated ABC facilities. General Services provides Ground, Building and Pest Control services at a rate which covers the cost of staffing and materials. This has been a successful partnership which utilizes county resources and provides cost effective maintenance services to the ABC Board.

The Board requested to authorize General Services to enter into an Interlocal Agreement to provide maintenance services of ABC locations.

Vice-Chairman Reckhow made comments regarding the low amount **to be reimbursed**.

Commissioner Bowser expressed concerns about bearing expenses for the ABC System **to make** a profit off the County.

Ms. Keambiroiro replied to the following:

- Is the overhead cost being covered by the County?
- Would .50 cent per mile cover the wear and tear on the vehicle and the gasoline?
- How many hours are being spent on base services?
- How many hours are employees actually doing work at the site?
- how much it would cost to take over some of the County's maintenance facilities

#### Directives

1. Staff to ensure that all costs **are** being included.
2. Staff to revisit all hourly rates and calculations.
3. Submit an itemized statement to the Board that determines how the hourly rates were figured.

#### **Appointment of ABC Board Members and Board Chair**

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to the Alcohol Beverage Control Board.

Commissioner Bowser moved, seconded by Commissioner Howerton to suspend the rules to appoint members to the ABC Board.

The motion carried unanimously.

The following appointments were made:

#### Alcoholic Beverage Control Board

Michael K. Nelson  
Erroll Reese

The Board also appointed a Chair to the ABC Board per North Carolina General Statute 18B-700.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to appoint Ms. Emily Page as the ABC Board Chair for one year.

The motion carried unanimously.

The Board held a discussion regarding the appointment of the ABC Board Chair.

#### Directives

1. Consider a process that allows the ABC Board to present a report to the Board to include discussions about their leadership and make a recommendation to the Board regarding a chairman.
2. Place on the August 2011 Worksession agenda.

#### **Public Comments Presentation**

Kathy Everett-Perry, Assistant County Attorney, presented this item. She stated that the Board of Commissioners requested to hear a presentation on the statutorily required Public Comments Period to be held during Regular Board meetings from the Office of the County Attorney.

Ms. Everett-Perry highlighted the following:

- Statutorily Required Public Comment Periods
- Issue
- Procedures for Public Comments in Select Counties Around the State
- Recommendation

The Board held discussions about the public comment period; citizens addressing agenda and non-agenda items; staff members being able to provide the adequate information; and citizen's yielding time.

#### Directives

1. Staff to provide clarification on Guilford County's public comment policy regarding citizens speaking on individual agenda items.
2. Provide clarity as it relates to citizens making comments on non-agenda items.
3. Place on the September Worksession.
4. Ms. Everett-Perry to survey the counties comparable to Durham regarding best practices (Guilford, Mecklenburg, Cumberland, Forsyth, and New Hanover Counties).

#### **Review of Rules of Procedure for Public Hearings**

Commissioner Reckhow requested that the Board discuss the Rules of Procedure concerning the amount of time a petitioner is allowed to present.

#### Directives

1. Staff to review the rules of procedure for Board meetings.
2. Assess how Boards conduct public hearings and rezoning.
3. Research best practices to amend the provisions for improvement; include the City of Durham.

**Closed Session**

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry and to consult with the County Attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Kendrick Estates Investment Corporation, et al. v. Durham County, 09 CVS 07684, pursuant to G.S. 143.318.11(a)(3).

The motion carried unanimously.

**Reconvene from Closed Session**

Chairman Reckhow announced that the Board met in closed session; direction was given to staff.

County Attorney Siler asked that the Board review the records request document that was placed at the Commissioners' station. He proceeded to inform the Board about the process of the request. Per County Manager Ruffin's request, he clarified whether the request was to include all emails received from June 2009 to July 2010.

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 1:46 p.m.

Respectfully submitted,

Angela M. Pinnix  
Administrative Assistant  
Clerk to the Board's office