

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

Monday, October 3, 2011

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, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Page

**Citizen Comments**

The Board of County Commissioners provided a 30-minute comment period at the beginning of the Worksession to allow any citizen of Durham County the opportunity to speak.

Tony Butler announced his candidacy for Sheriff. He gave his reasons why he should be Sheriff of Durham County. He provided a brief summary of his law enforcement background.

Ricky L. Hart addressed the Board regarding his interest in serving as Durham County Sheriff. He provided a brief synopsis of his law enforcement experience to include military service.

Pam Andrews spoke to the Board in support of Mike Andrews. She stated that he is a great husband, father, brother, and friend. He is a man of great integrity, honor, and dignity. She hoped that the Board would consider him to replace Sheriff Worth Hill.

Mike Andrews, Chief Deputy, Durham County Sheriff's Department, thanked those who had encouraged him regarding the position of Durham County Sheriff. He openly expressed his interest in fulfilling Sheriff Worth Hill's term.

Vice-Chairman Reckhow moved, Commissioner Howerton seconded to extend the citizen comment period to accommodate everyone who had signed up to speak.

The motion carried unanimously.

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Steve Mihaich, Assistant Chief, Durham Police Department, stood on behalf of Chief Lopez in support of Mike Andrews as Sheriff of Durham County.

Sheryl Michael spoke to the Board in support of Mike Andrews.

Dan Hill spoke to the Board on behalf of Mike Andrews. He spoke of his qualifications and commitment to the department as well as the community.

Ralph McKinney addressed the Commissioners regarding various issues.

Anita Smith stood in support of Tony Butler. She made comments about his qualifications.

Jackie Wagstaff thanked Sheriff Worth Hill for his dedication. She expressed that all of the candidates have potential to be great sheriffs. She felt as though everyone should be given a chance to present themselves through a fair process.

Roy Taylor stated that he would like to follow in Sheriff Worth Hill's footsteps and build on the success. He enlightened the Board about his background in law enforcement as well as physical management. He thanked the Board for the opportunity to speak.

### **Appointment Process for Sheriff Replacement**

Sheriff Worth Hill issued his official notification regarding his plans to retire on January 1, 2012. He noted many accomplishments of the department during his tenure. He recommended that Chief Deputy Mike Andrews be appointed as his successor. He referred to Chief Deputy Andrews as a proven leader, an outstanding administrator, and a role model.

The Board applauded Sheriff Worth Hill for his services to Durham County.

Deputy County Attorney Carol Hammett instructed the Board about the process of moving forward. She cited the statute for replacing the Sheriff upon his resignation. She also clarified comments made by a citizen regarding an election.

The Commissioners held a discussion about the process. The consensus of the Board was to meet on October 10 at 4p.m. to conduct interviews and possibly make a decision. The Board also established a deadline for other interested candidates to file their applications by Thursday, October 6 by 5p.m. to the Clerk to the Board.

The Board thanked the candidates for coming and expressing interest in serving the community.

### **Directives**

1. Staff to draft questions for the Board's review; forward questions to the candidates.
2. Consider two minutes for opening and closing statements.
3. Consider ballots to make the decision.

### **Durham Museum of History Update**

Lew Myers, Chairman, Museum of History Board of Directors, introduced this item. He stated that representatives from the founding committee for the Durham Museum of History requested an opportunity to update the Board of Commissioners regarding its progress to establish a museum chronicling the history of Durham.

Tom Krakauer, Ph.D Former Chair, Museum of History Board of Directors, gave the following presentation:

- Why a Museum of Durham History?
- Programs and Achievements
- What Sort of Museum?
- What will the museum be like?
- Board members
- Progress
- Interim Facility is the most exciting step
- Where do we go from here?
- Conclusion of the Cultural Master Plan

Mr. Krakauer and Mr. Myers replied to questions asked by the Commissioners.

Vice-Chairman Reckhow thanked both of them for their leadership. She was pleased to know that private funds were being raised for initial staff. She asked that they be efficient going forward.

#### **Directive**

Consider the youth in the community to serve on the Board.

### **Durham Convention and Visitors Bureau Facility**

County Manager Ruffin presented this item stating that the Durham Convention and Visitors Bureau/Tourism Development Authority (DCVB/TDA) requested that the County consider donation of its facility to the Authority upon termination of the lease. The present lease would terminate in 2014 after a 20-year term, and the authority believes the lease payments have compensated the County for the value of the property.

County Manager Ruffin recommended that the Board amend the present lease on the consent agenda. He explained that there were no direct contributions from the City to DCVB.

Deputy County Attorney Hammett spoke about the mechanics of the lease. She suggested that a deed restriction or revert-a clause be included for purposes to prevent DCVB/TDA from taking ownership and reselling the facility. She suggested working with the County Manager's Office to draft language to be shared with potential lenders to determine other options.

George Quick, Finance Director, made comments regarding revert-a clause.

The Board and staff continued their discussions about the lease.

Directive

Consider placing on the November Worksession.

**Durham County Justice Center Parking Deck Fees**

George K. Quick, Finance Director, introduced this item. He explained that in order to issue a RFP for management of the New Justice Center Parking deck and installation of parking equipment, it is necessary to establish the fees for said deck. As such, it is recommended that the fee for the public be set at \$2.00 for the first hour and \$1.00 per hour for each additional hours or part thereof with a maximum of \$10.00 per day. The monthly fee for non-county employees would be set at \$55.00 per month and collected by the County. There would be a special event parking fee of \$5.00 collected by the Deck manager.

Mr. Quick notified the Board that staff is developing a recommended policy for employee parking at all county decks and lots, and would return in early 2012 with a recommendation for the Board to review. He also informed the Board that no accommodations have been made to allow people to park for free.

The Board expressed many concerns regarding the fees. A discussion was held concerning the capital improvement plan, debt services, and employee consideration.

Motiryo Keambiroiro, General Services Director, discussed parking strategies and estimates for revenues associated with the fee of \$2.00 the first hour and \$1.00 each additional hour.

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

The motion carried unanimously.

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Vice-Chairman Reckhow moved, seconded by Commissioner Karriker to approve the recommended parking fees.

Commissioner Bowser offered a substitute motion to reduce the fee from \$2.00 the first hour to \$1.00 and leave the staff recommendation intact.

The substitute motion failed due to lack of second.

The motion carried with the following vote:

Ayes: Howerton, Karriker, Page, and Reckhow

Noes: Bowser  
Absent: None

### **Strategic Plan Update**

Michael Davis, Assistant to the County Manager, presented this item. He stated that the Board requested to hear an update of the County's Strategic Planning Process. The County Manager's Office continues to seek the input of the BOCC in helping craft a meaningful Strategic Plan. Each month at the Worksession, the County Manager's Office would seek the feedback of the Board of County Commissioners. Since the last update on September 7, the County Manager's Office continued to work on the early stages of the Strategic Planning Process.

Mr. Davis highlighted the following key developments:

- Briefings with each Commissioner with County Manager and Dr. Tyrone Baines.
- In mid-September, the Direction Setting Team (which is the County Manager's Management Team) and the Plan Development Team met to review data collected this summer and began drafting goals for the Strategic Plan.
- Spanish-language survey completed and staff/consultant now analyzing results.

Mr. Davis reported that Lou O'Boyle and her staff at the consulting firm of Zelos have prepared an organizational analysis based on information collected in the information gathering phase of the Strategic Planning Process. In October, the Direction Setting Team and Plan Development Team would meet again to finalize goals for the Strategic Plan and draft specific objectives that would fall under those goals. In addition, the Measures Team would meet to draft outcome measures for the Strategic Plan.

He briefly discussed the timetable for the Strategic Plan. He also announced the following dates for the Town hall forums: November 7, 10 and 21. The locations and times would be geographically announced throughout the County at a later date.

The Board thanked Mr. Davis for the update.

### **Board and Commission Appointments**

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make an appointment to the Social Services Board.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to suspend the rules to appoint a member to the Social Services Board.

The motion carried unanimously.

The following appointment was made:

*Social Services Board*  
Jane Volland

**Closed Session**

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser to adjourn to closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a)(6); to discuss matters relating to the location or expansion of a business or industry pursuant to G.S. § 143-318.11(a)(4); and to preserve the attorney-client privilege in the matter regarding IBM pursuant to G.S. § 143-318.11(a)(3).

The motion carried unanimously.

**Reconvene from Closed Session**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to accept recommendations from Human Resources to increase the pay equities for the County Attorney, Clerk to the Board, and Register of Deeds.

The motion carried unanimously.

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Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to accept the recommendation from Human Resources to increase the pay equities to mid-point range for the Tax Administrator.

The motion carried with the following vote:

Ayes: Bowser, Karriker, Page, and Reckhow  
Noes: Howerton  
Absent: None

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Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to waive the conflict of interest issue relative to Parker Poe.

The motion carried unanimously.

### **Social Services Investigation**

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to add the Social Services Investigation to the agenda.

The motion carried unanimously.

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Chairman Page added this item to the agenda to inform fellow Commissioners that according to a response received from the N.C. Attorney General's Office, they were unable to conduct the investigation due to the nature of questions that were asked. He asked that the Board consider someone else to conduct the investigation.

The Board held a discussion about retired judges in the area to handle the investigation. It was suggested that the person not be a resident or former employee of Durham to have a greater sense of impartiality.

### **Directive**

County Attorney Siler to recommend an individual to conduct the investigation.

### **Procedures for Citizen Appointments**

Kathy R. Everett-Perry, Assistant County Attorney, presented this item. She gave a brief presentation on proposed changes to the Board's Procedures for Citizen Appointments.

Staff responded to concerns and questions raised by the Commissioners.

### **Directives**

1. Make the necessary changes as directed by the Board.
2. Continue to look at alternative methods of advertising board and commission vacancies.
3. Encourage board applicants to consider Neighborhood College.
4. Place on the October 10 consent agenda.

### **Expanding Membership of Memorial Stadium Authority**

Chairman Page introduced this item. He stated that the Board requested to review the attached Local Act regarding the establishment of the Durham County Memorial Stadium Authority

(MSA). The statute states that: “The Board of Commissioners of Durham County may immediately after the ratification of this Act appoint an authority composed of five members who shall be known as the Memorial Stadium Authority and who shall have the powers herein conferred and shall have the control of the management of the operation of the stadium after its completion.”

Deputy County Attorney Hammett explained the process of expanding the authority. She stated that in order to expand the size of the Authority or make any other changes to the Stadium Authority, the Board would need to seek and gain approval of the General Assembly.

Motiryo Keambiroiro, General Services Director, provided background regarding former Commissioner Becky Heron’s seat on the authority. She provided feedback pertaining to the expansion.

The Commissioners appointed Commissioner Karriker to serve as the liaison.

#### Directives

1. Ensure a spot on the authority for a commissioner representative.
2. Consider changing the terms to four years.
3. Ms. Keambiroiro to work with the County Attorney’s Office to draft language for the legislative agenda for the upcoming session.

#### Review of September BOCC Directives

Michael Davis, Assistant to the County Manager, 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.


The Board thanked County Manager Ruffin for the updates.

County Manager Ruffin assessed Vice-Chairman Reckhow inquiry regarding the prison on Guess Road.

#### Adjourned

There being no further business, Chairman Page adjourned the meeting at 2:26 p.m.

Respectfully Submitted,



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