

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

Monday, September 9, 2013

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 pm Regular Session

1. **Opening of Regular Session** - Pledge of Allegiance (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
 - 1) "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - 2) Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email Clerk@dconc.gov for more information. Please note that all City and County taxes must be current at the time of application.
 - 3) The FY2013-2014 Matching Grant Program of the Durham Open Space and Trails Commission application process began on September 3, 2013. The grants are to assist nonprofit organizations in preserving open space lands and promoting new or improved recreational opportunities for citizens. All Durham community nonprofits interested in applying for FY2013-14 Matching Grant funds must submit an application by October 4, 2013. The Matching Grant Program application and FY 2013-14 Program Guidelines are available on the County's website. For additional information, please contact the

Matching Grants Administrator, Bo Gattis, in the Budget and Management Services department at 560-0012;

- 4) I am pleased to announce that the effort to realize greater efficiency in the delivery of our Human Services is nearly complete.

Next month, all of our Social Services offices will relocate from current locations at Main Street and Duke Street, to the new Durham County Human Services Building located at 414 E. Main Street.

Please look for special announcements detailing specific move-in dates for various services. These will be available soon on our website, fliers, newspaper ads, signs and more.

4. Item Removed (minutes will be part of the September 23 agenda)

5. Citizen Comments (30 min)

- 1) The Board of County Commissioners will provide a 30-minute comment period during a regular session meeting each month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the meeting to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

6. Proclamation – Department of Public Health Centennial Anniversary (5 min)

- 1) The Board is requested to proclaim April 2013 through April 2014 as the year of the Department of Public Health's Centennial Anniversary.
- 2) For 100 years, the Durham County Department of Public Health (DCoDPH) has worked throughout the Durham community to prevent disease, promote health, and protect the environment. Guided by Durham County Government's Strategic Plan, the department works to strengthen the well-being of individuals and families through prevention, education, and partnering with community resources.

Resource Persons: Marqueta Welton, Deputy County Manager; Gayle Harris, Public Health Director

County Manager's Recommendation: The County Manager recommends that the Board proclaim the period of April 2013 through April 2014 as the Centennial Anniversary for the Durham County Department of Public Health, saluting the department's staff and leadership, past and present, for a century of working with the community to prevent disease, promote health, and protect the environment. For their dedication and professionalism, the residents of Durham County continue to live, grow, and thrive in a place that continues to set the standard for Public Health services in North Carolina, if not the entire country.

7. Resolution – Expanding Medicaid (5 min)

- 1) The Board is requested to adopt a resolution to urge the North Carolina General Assembly and the Governor to accept federal funds to expand Medicaid in North Carolina.
- 2) On March 6, 2013, Governor Pat McCrory signed into law Senate Bill 4: “An ACT (1) to clarify the State's intent not to operate a State-Run or "Partnership" health Benefit Exchange, (2) to provide that future Medicaid eligibility determinations will be made by the State rather than the Federally facilitated Exchange, and (3) to Reject the Affordable Care Act's optional Medicaid expansion.” This action makes Durham County residents with incomes below 100 percent of the federal poverty level ineligible for subsidies on the healthcare exchange or marketplace. According to NC Department of Health and Human Services 21.6% of our population are in this group.
- 3) In keeping with our desire to become a community of health and the DCo Strategic Plan Goal – Health and Well-being for All, it is imperative that this resolution is passed and shared with the appropriate decision makers in an effort to begin the process to repeal SB4.

Resource Persons: Gayle B. Harris, Public Health Director and Michael Becketts, Social Services Director

County Manager's Recommendation: The County Manager recommends that the Board adopt the resolution and send it to members of the Durham Legislative Delegation, Governor Pat McCrory, Thom Tillis, Speaker of the House and Phil Berger, President Pro Tem of the Senate.

8. Recognition of Durham County Sheriff's Office for Maintaining CALEA Accreditation (5 min)

- 1) The Board is requested to recognize the Durham County Sheriff's Office for maintaining Accreditation through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).
- 2) On August 3, 2013, Sheriff Andrews received the attached letter notifying the Durham County Sheriff's Office that their accreditation through CALEA was renewed for another three year period. The Sheriff's Office received initial accreditation in August 1998 and has since been reaccredited for the sixth time this year.

- 3) CALEA was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations. The purpose of CALEA's Accreditation Programs is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence. Of the 480 total standards, the Durham County Sheriff's Office was compliant with all 302 mandatory standards and 63 of the 74 optional standards. There were 104 standards not applicable to the Office.
- 4) Receiving and maintaining accreditation takes a tremendous amount of effort and the Sheriff's Office is recognized for their efforts in maintaining this honor.

Resource Persons: Lee Worsley, Deputy County Manager; Sheriff Michael Andrews; Chief Deputy Donald Ladd; Lieutenant Kimberly Lane.

County Manager's Recommendation: The County Manager recommends that the Board recognize the Durham County Sheriff's Office for being accredited again through CALEA.

**9. Proclamation to Recognize Minority Enterprise Development Week
October 7 – October 11, 2013 (5 min)**

- 1) On January 14, 2008, The Board of County Commissioners approved an ordinance to continue the County's Minority/Women Business Enterprise Program. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, it is hereby requested that October 7 through October 11, 2013, be recognized as Minority Enterprise Development Week in the County of Durham, North Carolina.
- 2) Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses.

Resource Person(S): Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager

County Manager's Recommendation: The Manager recommends that the Board approve the Resolution and recognize October 7 through October 11, 2013 as Minority Enterprise Development Week in Durham County.

10. County Attorney Lowell L. Siler Named 2013 Outstanding County Attorney of the Year (5 min)

- 1) Durham County Attorney Lowell L. Siler recently received recognition as the North Carolina Association of County Commissioners' Outstanding County Attorney for 2013. The coveted award was presented at the NCACC's 106th Annual Conference, August 23rd in Greensboro. The annual recognition is given to a dynamic county attorney who has shown great leadership and dedication to counties.

- 2) In receiving the honor, Siler stated, “It is an honor and privilege to be a county attorney, particularly for an organization at the forefront of many outstanding projects to enhance the lives of many people.”
- 3) Lowell Siler is also past president of the North Carolina Association of County Attorneys and has served as Durham County Attorney since August 2009. He began his career as a deputy county attorney for Durham County in 1987.

Resource Persons: Chairman Fred Foster, Jr.

County Manager’s Recommendation: The County Manager recommends that the Board of Commissioners extend sincere congratulations to County Attorney Lowell L. Siler for receiving this prestigious honor from the North Carolina Association of County Commissioners.

11. Consent Agenda (15 min)

- a. Approve Budget Ordinance Amendment No. 14BCC000013 to appropriate \$1,200 in funding from the National Endowment for the Humanities and The Gilder Lehrman Institute of American History in support the library’s Humanities programming for the *Created Equal: America’s Civil Right Struggle* project;
- b. Approve the Home and Community Care Block Grant Funding Plan as presented. Funding for the Plan has been incorporated into the Manager’s proposed FY 2014 Budget);
- c. Approve Budget Ordinance Amendment No. 14BCC000014 for FY2014 amending the budgets for the outstanding encumbrances at fiscal year-end;
- d. ITEM REMOVED.

12. Public Hearing to Consider Allocating Economic Development Investment Funds to Purdue Pharmaceuticals (15 min)

- 1) The Board is requested to hold a public hearing to consider allocating \$1,000,000.00 in economic development investment funds to Purdue Pharma Manufacturing L.P., (Purdue), an independent associated company of Purdue Pharma L.P., a Stamford, Connecticut based pharmaceutical company. Purdue, in concert with independent associated companies, is engaged in the research, development, production, and marketing of prescription and over-the-counter medicines and healthcare products. The company is committed to improving patients’ lives by providing safe and effective therapies along with educational tools that support their proper use.
- 2) Purdue is looking at a site in Treyburn to construct a new 120,000sf oral solid dosage pharmaceutical manufacturing facility. The company is considering the Treyburn site along with two other sites in North Carolina and one site in Virginia to locate its new manufacturing facility. Incentives are a key consideration in the company’s decision of where it will locate the manufacturing facility.

- 3) Purdue plans to invest approximately \$59M in the project, including approximately \$8.6M in equipment. The project would bring 100 new jobs to the community. Indirectly, the company will create construction jobs, as well as contract jobs for services such as security and maintenance.
- 4) Purdue's core values include a commitment to corporate citizenship, civic involvement, and the environment. Nationally, the company contributes to nonprofit organizations that encourages appropriate pain management and combats prescription drug abuse. On a local level, Purdue directs funding and in-kind service support to community organizations. In 2012 Purdue awarded over \$58,000 in grants to nonprofit organizations in North Carolina. Purdue is sensitive to environmental issues and has a recycling program. The company incentivizes employees to select fuel efficient vehicles and has an award-winning Commuter Option program that eliminates approximately 1.3 million pounds of carbon monoxide a year.

Resource Persons: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board conduct the public hearing and, if appropriate, approve the proposed \$1,000,000.00 incentive for Purdue Pharma Manufacturing, L.P.

13. ITEMS PULLED FROM CONSENT AGENDA (20 min)

14. Closed Session

- 1) The Board of Commissioners is requested 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).
- 2) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.
- 3) The Board was requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

County Manager's Recommendation: The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.