

REVISED
(Revised: Item No. 9i
Deleted: Item No. 9m)

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Tuesday, May 26, 2009

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 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.

On June 8, 2009, the Board of County Commissioners will conduct a public hearing to receive citizen input on the FY 2009-10 recommended budget.
4. **Minutes** 5 min.

April 27, 2009 Regular Session
5. **Recognition of Acts of Heroism by Durham County Paramedics** 5 min.

Several Durham County EMS employees are being recognized for outstanding efforts during a tragic structure fire on Russell Road in northern Durham County. Chief Len Needham, Bahama Fire Department, contacted County Manager Michael Ruffin to detail the acts of professionalism that were displayed by the paramedics on April 30 during their response to the call.

Paramedics arrived to find the house fully involved and two victims outside suffering with severe burns all over their bodies. He wrote, "All of the teams on Medic 2 and Medic 6 along with the EMS Supervisor and a new employee worked tirelessly to treat these patients and to give them every chance at life. I know these patients are not what they see every day, but the skill levels of these Medics were like they treated these types of patients daily. We are so lucky here in Durham to have great Medics like these to help our citizens when they are in need".

Special recognition will be presented to:

Donald Fonville

Karin Knight

Warren Swanson

Valerie Norton

Rodney Medlin

Chris **Ragan**

Resource Person(s): Len Needham, Chief, Bahama Fire Department, and Mike Smith, EMS Director

County Manager's Recommendation: Present certificates of recognition to the paramedic heroes, along with the sincere congratulations of the entire organization.

6. **Recognition of Willis P. Whichard, President of the Durham Library Foundation**

5 min.

The Durham Library Foundation, carrying the mission to develop and encourage the long-term financial health and growth of the Library through annual gifts, endowment, and capital contributions, would like the Durham Board of County Commissioners to recognize Willis P. Whichard for his accomplishments during nine years of Foundation leadership.

Mr. Whichard has continuously demonstrated strong governance skills, public-speaking skills, ability, commitment, and professionalism when fulfilling his responsibilities to the Durham Library Foundation, including lending his expertise to securing fundraising resources.

On Monday, May 18, the Durham Library Foundation unveiled the Willis P. Whichard Opportunity Award in Mr. Whichard's honor.

Resource Person(s): Skip Auld, Director of the Durham County Library, or Alice Sharpe, Development Officer, Durham County Library

County Manager's Recommendation: The Manager's recommendation is that the Board recognize the outstanding leadership provided by Willis P. Whichard for nearly a decade.

7. **Presentation of the Commissioners Community Circle Award**

5 min.

The Commissioners Community Circle Award, created by Michael D. Page, 2009 Chairman of the Durham Board of County Commissioners (BOCC), is designed as a way to recognize County departments, local nonprofit organizations, and programs for the extraordinary services they provide to Durham's citizens.

The Durham City-County CrimeStoppers Inc., designed to bring together the public, media, and law enforcement in the fight against crime, will be awarded the Commissioners Community Circle Award due to their innovative approaches to solve the mystery of crime and increasing the safety and security of Durham's citizens since 1983. The Durham City-County CrimeStoppers Inc. is well known for its commitment to enabling citizens who may not come forth with information regarding a crime because of fear of involvement, to do so with full anonymity. The BOCC salutes the Durham City-County CrimeStoppers Inc. for its efforts and role in protecting the welfare of Durham County citizens.

Resource Person(s): Michael D. Page, Chairman of the Durham Board of County Commissioners

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate Durham City-County CrimeStoppers Inc. for its receipt of the Commissioners Community Circle Award.

8. **FY2009-2010 Recommended Budget**

30 min.

Durham County Manager Michael M. Ruffin will formally present the Recommended Budget for FY2009-2010 to the Board of County Commissioners. This is in accordance with N.C.G.S. 159-12 of The Local Government Budget & Fiscal Control Act.

Resource Person(s): County Manager Michael M. Ruffin

County Manager's Recommendation: The Manager recommends that the Board receive the presentation of the FY2009-2010 Recommended Budget.

9. **Consent Agenda**

15 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for April 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Approval of the County Tax Administration Records Retention and Disposition Schedule (accept the Schedule issued by the North Carolina Department of Cultural Resources as presented and authorize the Tax Assessor to destroy non-permanent tax records after their respective retention periods in accordance with Chapter 1221 and 132 of the North Carolina General Statutes);
- c. Budget Ordinance Amendment No. 09BCC000068—Tax Administration—Turner Business Appraisers Contract Amendment in the amount of \$180,000;

- d. Budget Ordinance Amendment 09BCC000069—Social Services—Recognizing Additional Revenue in the amount of \$3,075 for Progress Energy, Energy Neighbor Fund;
- e. Budget Ordinance Amendment No. 09BCC000070—Transfer the Remaining Wireless Fund Balance to the City of Durham from the Emergency Services Special Revenue Fund (911 Surcharge);
- f. Budget Ordinance Amendment No. 09BCC000071—Tax Administration—County Tax Service Inc. Contract Amendment (approve in the amount of \$75,000);
- g. Budget Ordinance Amendment No. 09BCC000072—Tax Administration—Evans & Associates Consulting Group Contract Amendment (approve in the amount of \$10,000);
- h. Budget Ordinance Amendment No. 09BCC000073—Durham Public Library—Accept the Grant Funds of \$29,250 from the Bill and Melinda Gates Foundation to Purchase Computers for the Durham County Library System;
- i. **Capital Project Amendment No. 09CPA000017 – \$189,677 Appropriation Of Federal Grant To Increase The Lincoln Community Health Center Renovation (No.: DC095) To \$239,677;** funding for this project will come from a grant financing loan and any General Fund funds spent towards these projects will be reimbursed once grant funds are secured;
- j. Capital Project Amendment No. 09CPA000016—Appropriation of \$88,572,996 (2009 Certificates of Participation, COPS) for Various Capital Projects;
- k. Encroachment Agreements with NCDOT at Creekside Elementary School (approve the two Right-of-Way Encroachment Agreements for Curb and Gutter, Widening, and Storm Drainage with NCDOT related to the Creekside Elementary School addition and authorize the Manager to execute the agreements);
- l. 2008 Annual Report of the Durham Environmental Affairs Board (accept the report);
- ~~m. Approve the Stormwater Agreement for the Southwest Regional Library and authorize the Manager to Execute;~~
- n. Authorize the Submittal of a Street Closing Application for the Closing of Wisteria Avenue as a Public Street;
- o. Left blank intentionally;
- p. Civic Center Authority Appointments (approve the appointments);
- q. Cain Creek Acquisition Open Space Clean Water Management Trust Fund Grant Agreement (authorize the Manager to execute the Agreement and approve the conveyance of conservation easements to the State of North Carolina in accordance with the grant agreement once CWMTF funding for the project has been restored);
- r. Durham Public School Gym Addition at Lakeview School (that the Board [i] exempt itself from the requirements N.C.G.S. Chapter 143 Article 3D for the design services of FANNING/HOWEY Associates for work at Lakeview School; [ii] approve the Design Consultant contract with FANNING/HOWEY Associates for design work at Lakeview School in an amount not to exceed \$154,950, and authorize the County Manager to execute the contract, and [iii] accept the deed to the school property);
- s. Southwest Regional Library Easement Dedications (approve the Final Plat to be recorded in the Durham County Register of Deeds Office); and
- t. Revised Durham City-County Inspections Department and Durham City-County Planning Department Fee Resolution FY 2009-2010.

10. **Public Hearing on American Recovery and Reinvestment Act of 2009 Grant Application Request**

10 min.

The Cooperative Extension Service is requesting Board authorization to submit the American Recovery and Reinvestment Act of 2009 grant to the North Carolina Department of Transportation (NCDOT).

The “American Recovery and Reinvestment Act, 2009” (Pub. L. 111-5; “ARRA”), signed into law by President Barack Obama on February 17, 2009, includes Federal funding for transit capital improvements, for which the intent of the legislation is to: a) preserve and create jobs and promote economic recovery; b) assist those affected negatively by the recession; c) provide investments needed to increase economic efficiency by spurring technological advances; d) invest in transportation infrastructure that will provide long-term economic benefits; and e) stabilize state and local government budgets to minimize reductions in essential services and counterproductive State and local tax increases.

The Community Transportation Program provides assistance to coordinate existing transportation programs operating in Durham County as well as provides transportation options and services for the communities within this service area. These services are currently provided using vans. Services are rendered by Durham County ACCESS.

The total estimated amount requested for the period \$260,500

Project Capital	Total Amount	Federal Share
Replacement Vehicles	\$120,600	\$120,600 (100%)
Associated Capital	\$1,500	\$1,500 (100%)
Mobility Management	\$138,400	\$138,400 (100%)
TOTAL	\$260,500	\$260,500 (100%)
	Total Funding Requests	Total Federal Share

Resource Person(s): Delphine Sellars, Cooperative Extension Service Director, and Johnny Ford, Transportation Access Coordinator

County Manager’s Recommendation: The Manager recommends that the Board hold a public hearing on the grant submission, and if appropriate, approve the resolution authorizing Durham County Cooperative Extension to submit the American Recovery

and Reinvestment Act of 2009 Grant to the North Carolina Department of Transportation.

11. **Presentation: Update on Novel H1N1 Influenza**

15 min.

The Board is requested to receive a presentation on the status of the novel H1N1 Influenza (swine flu) outbreak and community prevention and mitigation plans.

In April, person-to-person transmission of this new influenza virus was detected in the United States after it caused illness and death in Mexico. On April 26 after confirming 20 novel H1N1 flu cases in five states, the Department of Health and Human Services declared a public health emergency in the United States. This declaration allowed resources to become available at the national, state, and local levels in order to focus on prevention and mitigation activities targeting this new virus. This virus has affected most of the states in our country and more than 30 countries across the world. The virus has caused mild symptoms in otherwise healthy individuals in the United States during this wave. It is expected that another wave will occur during the regular flu season. The virulence of the virus can change as subsequent waves of the pandemic occur. It is anticipated that there will be greater morbidity and mortality associated with this virus.

The Health Department and many of its community partners are working together in order to be prepared to deliver novel H1N1 prevention and mitigation services in Durham County.

Resource Person(s): Gayle Harris, Health Director

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation on the status of the novel H1N1 Influenza outbreak.

1¾ hrs.