

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

**Monday, December 13, 2010**

**7:00 P.M. Regular Session**

**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 Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

**Opening of Regular Session** — Pledge of Allegiance

Chairman Page opened the meeting and recognized Deputy County Attorney Carol Hammett to proceed with the election of officers.

**Election of Officers**

Deputy County Attorney Hammett asked for nomination of a candidate for Chair of the Board for 2011.

Vice Chair Reckhow nominated Michael Page for Chair.

Commissioner Howerton nominated Joe Bowser for Chair.

Commissioner Bowser questioned the process of voting with the motion instead of entertaining all nominations first. He asked for clarity on whether the Board was following correct procedures.

Deputy County Attorney Hammett suggested that the Board continue the process exercised during the Work session when Attorney Siler presided. At that time, the Board made a motion and voted on each motion. She stated that nominations were acceptable and did not require a second. She stated that it was the pleasure of the Board as to their preference.

Commissioners opted for the nominations and Ms. Hammett asked for a show of hands for each nomination.

The results for the Chair position were:

Michael Page—Page, Heron, Reckhow  
Joe Bowser—Bowser, Howerton

Ms. Hammett announced that Chairman Page won with three votes. She turned the meeting over to the Chair to preside over the Vice Chair election.

Chairman Page thanked his constituents for their support. He entertained nominations for Vice Chair.

Commissioner Heron nominated Ellen Reckhow for Vice Chair.

Commissioner Bowser nominated Brenda Howerton for Vice Chair.

The results for the Vice Chair position were:

Brenda Howerton – Howerton, Bowser  
Ellen Reckhow – Page, Heron, Reckhow

### **Agenda Adjustments**

There were no adjustments to the agenda.

### **Announcements**

Chairman Page recognized Robin Jacobs with the Eno River Association. Ms. Jacobs wished the Board Happy Holidays and thanked them for the work they do. She presented the Board with 2011 Eno River Association calendars.

Chairman Page read the following announcement:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. 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.

### **Minutes**

Vice Chair Reckhow moved, seconded by Commissioner Heron, to approve the November 22, 2010 Regular Session Minutes.

The motion carried unanimously.

### **Swearing In Ceremony – Soil & Water Conservation Board Members**

Chairman Page recognized Eddie Culberson, Director of Soil & Water Conservation. Mr. Culberson thanked the board members for their service. Ms. Carol Anderson, Chair of the Board of Elections presented certificates to the officials, Ray Eurquhart and Robert Rosenthal.

Mr. Mike Ashe, Board of Elections Director announced that over 81,000 votes were cast in the last local election.

The Chair administered the oath to Durham Soil & Water Conservation District Board officials, Ray Eurquhart and Robert Rosenthal.

Commissioner Howerton congratulated the officials.

### **Introduction of Reco Chavis – Manager for Durham County Stadium**

Chairman Page recognized Ms. Motiryo Keambiroiro, Director of General Services. Ms. Keambiroiro introduced Reco Chavis, the new Durham County Stadium Manager.

As the new Stadium Manager, he will focus on developing a marketing, promotion and publicity plan for the historic stadium that recently underwent an \$8 million dollar upgrade. It is the County's aim to promote greater use of the facility, enhance the experience for spectators and improve its revenue stream.

Mr. Chavis stated that he will create a brand that will be known around the State.

The Board welcomed Mr. Chavis.

### **Tax Administration Awarded the Joseph E. Hunt Distinguished Jurisdiction Award**

Chairman Page recognized Kim Simpson, Tax Administrator. Ms. Simpson gave a brief history of the origin of the award. The award is named after a long time lecturer at the School of Government. It is presented to jurisdictions that show they have implemented programs that are outstanding.

Durham County is the only county that implemented a license plate recognition program used for delinquent tax collection. Two deputies with cameras mounted on their vehicles alerted the Tax Office when they spot expired tags. Notifications left on the vehicle to contact the Tax Office within 24 hours. 65 percent of the affected citizens contact the Tax Office within 24 hours. She thanked the Sheriff's Department for their assistance. This is the third Jurisdiction Award that the Tax Office has received.

The Board and audience applauded the Tax Office for their innovative work, collection rate, and receipt of the award.

### **Resolution – Rougemont Ruritan Club's 60<sup>th</sup> Anniversary**

Chairman Page recognized Jack Gibson, President of the Rougemont Ruritan Club. The Chairman read the following Resolution:

**Durham County Board of Commissioners**

**Resolution**

**WHEREAS**; Ruritan is a national organization, with clubs based in urban areas, small towns and rural communities, dedicated to improving communities and building a better country through fellowship, goodwill and community services; and

**WHEREAS** Ruritan's purpose is to create a better understanding among people, and through volunteer community service, make America's communities better places in which to live and work; and

**WHEREAS**, Ruritan National has nearly 32,000 members throughout the United States; and

**WHEREAS**, the Rougemont Ruritan Club based in Rougemont, NC was chartered in 1950 and has diligently and faithfully upheld the organization's ideals, goals and objectives; and

**WHEREAS**, during its 60 years, the Rougemont Ruritan Club has reached across the community serving residents with such programs and events as the annual Christmas Parade, hosting golf tournaments, providing scholarships for college-bound high school students, food drives, fruit baskets for the homebound, and more.

**NOW, THEREFORE, BE IT RESOLVED** that we the members of the Durham Board of County Commissioners do hereby congratulate members of

**Rougemont Ruritan Club**

on its 60<sup>th</sup> Anniversary. We call upon all Durham County residents to join in congratulating the organization for its long and outstanding record of service in our community.

This the 13th day of December 2010

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Michael D. Page, Chairman

\_\_\_\_\_  
Ellen W. Reckhow, Vice-Chairman

\_\_\_\_\_  
Joe W. Bowser

\_\_\_\_\_  
Becky M. Heron

\_\_\_\_\_  
Brenda A. Howerton

Mr. Gibson thanked the Board. Members of the Ruritan Club stood to accept the Resolution. The Club is working to promote the community. John Anderson, the founder, was unable to attend because of the weather.

**Recognition of Health Department Nutrition Staff – GSK Award**

Chairman Page recognized Gayle Harris, Public Health Director. Ms. Harris introduced her staff that received the GSK award. She stated that obesity is a major problem in the county. There is

a significant need for nutritionists. The Health Department received a plaque and a check in the amount of \$5,000 for the Dine for Life program. The \$5,000 mini grant will be matched with Federal dollars.

The Board commended the efforts of the Health Department for their work in promoting good nutrition and fighting obesity.

### Consent Agenda

Chairman Page asked the Commissioners if they desired to pull any items from the Consent agenda. No items were pulled. He announced that a citizen pulled Item #11b.

Vice Chair Reckhow moved, seconded by Commissioner Bowser, to approve the following consent agenda items:

- a. Adopt the 2011 Board of County Commissioners' Meeting Schedule;
- c. \*Approve Budget Ordinance Amendment No. 11BCC000 037 appropriating \$1,145,076 of Division of Medical Assistance funds to the Mental Health budget for the creation of a Utilization Management and Utilization Review (UM/UR) program and the approval of 22.00 new FTEs related to the program;
- d. \*Approve Budget Ordinance Amendment No. 11BCC000 038 to appropriate \$4,000 in funding from the Durham Merchants Association to support Durham County 4-H Programming;
- e. Renew the Interlocal Cooperation Agreement with the City of Durham for the programming of Durham Government TV;
- f. Authorize the Tax Assessor to grant extensions for taxpayers, required by North Carolina General Statutes to list business personal property, who request an extension and show good cause during the month of January 2011 and file by means of the counties electronic listing of business personal property as defined in G.S. 105-304(a1) until April 15, 2011. And for all other taxpayers, required by North Carolina General Statutes to list business personal property, requesting an extension and show good cause during the month of January 2011 until March 15, 2011;
- g. \*Approve Budget Ordinance Amendment No. 11BCC000 039 from the GlaxoSmithKline Foundation in the amount of \$5,000 for the Nutrition Program. Funds will be used to purchase foods for "healthy taste-testing" with lessons in target classrooms; student educational reinforcement incentives; and postage for mailing Alive! newsletter to 19,000 SNAP or (food stamp households) in Durham County focusing on "healthy eating on a budget;"
- h. \*Approve Budget Ordinance Amendment No. 11BCC000 040 from BCBSNC Foundation for \$1,500 and to establish a provisional Dental Clinic Coordinator position (1 FTE);
- i. \*Approve Budget Ordinance Amendment No. 11BCC000 041 from the DINE for LIFE program for \$24,571 for the Nutrition Program. These funds are earmarked for nutrition and physical activity education of Durham residents who are eligible for Supplemental Nutrition Assistance Program (formerly food stamps) through Durham County Social Services Department (DSS);

- j. \*Approve Budget Ordinance Amendment No. 11BCC000 042 from Appalachian State University in the amount of \$3,000 for the Division of Health Education Parents Matter Program;
- k. \*Approve Budget Ordinance Amendment No. 11BCC000 043 from the Dr. Ann F. Wolfe Endowment in the amount of \$5,000 for the Health Department DINE for LIFE's Junior Iron Chef Durham Program;
- l. \*Approve Budget Ordinance Amendment No. 11BCC000 044 for \$10,000 from the Durham Family Initiative of the Sanford School of Public Policy at Duke University for the Durham Connects Program;
- m. \*Approve Budget Ordinance Amendment No. 11BCC000 045 to recognize one-time funding in the amount of \$8,345 from the NC Department of Health and Human Services for the Family Planning Program;
- n. Accept the ambulance franchise request for modification and approve the change for the addition of Advanced Life Support to their current Basic Life Support Transport Program for transfers from and to the VA from its affiliate facilities.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 11BCC00003 7 appropriating \$1,145,076 of Division of Medical Assistance funds to the Mental Health budget for the creation of a Utilization Management and Utilization Review (UM/UR) program and the approval of 22.00 new FTEs related to the program;

DURHAM COUNTY, NORTH CAROLINA  
 FY 2010-11 Budget Ordinance  
 Amendment No. 11BCC000037

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category	Current Budget	Increase/Decrease	Revised Budget
<u>GENERAL FUND</u>			
Intergovernmental	\$78,806,727	\$1,145,076	\$79,951,803
Benefits Plan Fund	\$15,320,864	\$78,661	\$15,399,525

Expenditures:

Function	Current Budget	Increase/Decrease	Revised Budget
<u>GENERAL FUND</u>			
General Government	\$67,852,182	\$78,661	\$67,930,843
Human Services	\$111,865,758	\$1,066,415	\$112,932,173
Benefits Plan Fund	\$15,320,864	\$78,661	\$15,399,525

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

This the 13th day of December, 2010.

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Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 11BCC000038 to appropriate \$4,000 in funding from the Durham Merchants Association to support Durham County 4-H Programming.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 11BCC000038

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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	\$79,951,803	\$4,000	\$79,955,803

Expenditures:

GENERAL FUND

Economic and Physical Development	\$5,538,137	\$4,000	\$5,542,137
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All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 13th day of December, 2010.

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Consent Agenda Item No. g. \*Approve Budget Ordinance Amendment No. 11BCC000039 from the GlaxoSmithKline Foundation in the amount of \$5,000 for the Nutrition Program. Funds will be used to purchase foods for "healthy taste-testing" with lessons in target classrooms; student educational reinforcement incentives; and postage for mailing Alive! newsletters to 19,000 SNAP or (food stamp households) in Durham County focusing on "healthy eating on a budget;"

DURHAM COUNTY, NORTH CAROLINA  
FY 2010-11 Budget Ordinance  
Amendment No. 11BCC000039

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			

Intergovernmental	\$79,955,803	\$5,000	\$79,960,803
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Expenditures:

GENERAL FUND

Human Services	\$113,520,705	\$5,000	\$113,525,705
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All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 13th day of December, 2010.

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 11BCC000 040 from BCBSNC Foundation for \$51,500 and to establish a provisional Dental Clinic Coordinator position (1 FTE).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2010-11 Budget Ordinance  
 Amendment No. 11BCC000040

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$79,960,803	\$51,500	\$80,012, 303

Benefits Plan Fund

Other Financing Sources	\$15,017,745	\$7,151	\$1 5,024,896
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Expenditures:

GENERAL FUND

General Government	\$70,742,321	\$7,151	\$70,749 ,472
Human Services	\$113,525,705	\$44,349	\$113,570,054

Benefits Plan Fund

General Government	\$12,145,305	\$7,151	\$12,152,456
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All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 13th day of December, 2010.

Consent Agenda Item No. i. Approve Budget Ordinance Amendment No. 11BCC00004 1 from the DINE for LIFE program for \$24,571 for the Nutrition Program. These funds are earmarked for



nutrition and physical activity education of Durham residents who are eligible for Supplemental Nutrition Assistance Program (formerly food stamps) through Durham County Social Services Department (DSS).

DURHAM COUNTY, NORTH CAROLINA

FY 2010-11 Budget Ordinance  
 Amendment No. 11BCC000041

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$80,012,303	\$24,571	\$80,036,874

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$113,570,054	\$24,571	\$113,594,625

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

This the 13th day of December, 2010.

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Consent Agenda Item No. j. Approve Budget Ordinance Amendment No. 11BCC000042 from Appalachian State University in the amount of \$3,000 for the Division of Health Education Parents Matter Program.

DURHAM COUNTY, NORTH CAROLINA

FY 2010-11 Budget Ordinance  
 Amendment No. 11BCC000042

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$80,036,874	\$3,000	\$80,039,874

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$113,594,625	\$3,000	\$113,597,625

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

This the 13th day of December, 2010.

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Consent Agenda Item No. k. Approve Budget Ordinance Amendment No. 11BCC00004 3 from the Dr. Ann F. Wolfe Endowment in the amount of \$5,000 for the Health Department DINE for LIFE's Junior Iron Chef Durham Program

DURHAM COUNTY, NORTH CAROLINA  
FY 2010-11 Budget Ordinance  
Amendment No. 11BCC000043

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$80,039,874	\$5,000	\$80,044,874

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$113,597,625	\$5,000	\$113,602,625

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

This the 13th day of December, 2010.

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Consent Agenda Item No. l. Approve Budget Ordinance Amendment No. 11BCC000044 for \$10,000 from the Durham Family Initiative of the Sanford School of Public Policy at Duke University for the Durham Connects Program

DURHAM COUNTY, NORTH CAROLINA  
FY 2010-11 Budget Ordinance  
Amendment No. 11BCC000044

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Contributions and Donations	\$1,120,356	\$10,000	\$1,130,356

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$113,602,625	\$10,000	\$113,612,625

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

This the 13th day of December, 2010.

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Consent Agenda Item No. m. Approve Budget Ordinance Amendment No. 11BCC00004 5 to recognize one-time funding in the amount of \$8,345 from the NC Department of Health and Human Services for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA  
FY 2010-11 Budget Ordinance  
Amendment No. 11BCC000045

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$80,044,874	\$8,345	\$80,053,219

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$113,612,625	\$8,345	\$113,620,970

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

This the 13th day of December, 2010.

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**Public Hearing – Unified Development Ordinance (UDO ) Text Change – Technical Changes VI (TC1000004)**

Chairman Page recognized Steve Medlin, City/County Planning Director. Mr. Medlin stated that the Board is requested to receive public comments on Text Change – Technical Changes VI (TC1000004) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority, Article 3, Applications and Permits, Article 5, Use Regulations, Article 6, District Intensity Standards, Article 7, Design Standards, Article 8, Environmental Protection, Article 9, Landscaping and Buffering, Article 10, Off-Street Parking and Loading, Article 11, Sign Standards, Article 12, Infrastructure and Public Improvements, and Article 16, Definitions.

City Council approved the text change on Monday, December 6, 2010.

Chairman Page opened the public hearing. There was no one present to speak on the item. The public hearing was closed.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to approve the UDOT Text Change.

The motion carried unanimously.

### **Items Pulled from the Consent Agenda**

Consent Agenda Item b . Approve the Code of Ethics for the Board of County Commissioners.

Chairman Page recognized Mr. Allan Lang, the citizen who requested the item be pulled. Mr. Lang specifically addressed Section 4 regarding personal liability. Mr. Lang asked the Board to consider expanding the language to include any tax assessed, including properties located outside of Durham County.

Assistant County Attorney Kathy Everett-Perry was present to answer questions.

Vice Chair Reckhow and Commissioner Bowser commented that it would be very hard to enforce and monitor taxes outside of Durham County.

Commissioner Heron commented that it was important that County Commissioners remain current in paying Durham County taxes.

Vice Chair Reckhow moved, seconded by Commissioner Bowser to approve the Code of Ethics as presented.

The motion carried unanimously.

### **Board and Commission Appointments**

Clerk to the Board Michelle Parker-Evans distribute ballots to the Board to make appointments to the following boards and commissions. The following appointments were made by the Board:

#### Animal Control Advisory Committee

Jennifer L. Campbell                      Evelyn Nicholson                      Frances Foster

#### Boxing & Wrestling Commission

Irving A. Herman                      Walter P. Keay III

#### Environmental Affairs Board

Marion J. Lamberth

#### Nursing Home Community Advisory Committee

Benjamin McCathern                      Barbara Szombatfulvy                      Janette E. Warsaw

#### Open Space & Trails Commission

LaDawnna Summers                      Charlie Welch

Public Health Board

James M. Miller (Veterinarian)  
William T. Small (At-Large)

Sandra Peele (Nurse)  
Ronald D. Spain (Dentist)

Raleigh-Durham Airport Authority

John T. Hunt

Craigie D. Sanders

Transportation Advisory Board

Christian J. Alva

Chairman Page asked Vice Chair Reckhow to represent the Board on the Transportation Advisory Committee. Chairman Page will serve as alternate.

Commissioner Heron moved, seconded by Vice Chair Reckhow to approve Vice Chair Reckhow as representative to the Transportation Advisory Committee and Chairman Page as alternate.

The motion carried unanimously.

Chairman Page wished the audience and citizens a Happy Holiday season. He thanked the employees and wished the County Manager a speedy recovery. This meeting will be the last meeting in 2010 for the Board.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:06 p.m.

Respectfully submitted,

V. Michelle Parker-Evans  
Clerk to the Board