

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

Monday, June 25, 2012

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 Brenda A. Howerton and Pam Karriker

Absent: None

Presider: Chairman Page

Opening of Regular Session –Pledge of Allegiance

Agenda Adjustments

Vice Chair Reckhow requested to add an item regarding a letter written by Manager Ruffin to the Division of Water Quality. The item was placed after the Board appointments. Chairman Page also requested to discuss the Homeless Services Advisory Committee.

Announcements

Chairman Page made the following announcements:

- 1) "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on 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.
- 2) Applications are available for the 2012 Durham Neighborhood College. This series of classes, co-sponsored by the City and County of Durham, consists of interactive sessions facilitated by various local government officials and allows participants to learn about government operations. The final day to apply for this year's session is Friday, July 20. Classes are held on nine Thursday nights beginning September 6. The cost is \$30. All applicants must be current in their personal and property taxes at the time of application. For more information, call 919 560-0008 or visit our website at www.durhamcountync.gov.

- 3) 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@durhamcountync.gov for more information. Chairman Page reiterated that applicants must be current in all City and County taxes at the time of application.
- 4) The Board of County Commissioners will not hold a Worksession or the first Regular session in July. The Board will only hold one Regular Session in July - July 23, 2012.

Minutes

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to approve following minutes as submitted:

June 4, 2012 Worksession and Budget Worksession
June 11, 2012 Regular session
May 31, 2012 Special Budget Worksession

The motion carried unanimously.

Recognition of Delphine Sellars – NC State Distinguished Extension Community Development Service Award

Chairman Page congratulated Ms. Sellars on receiving the Distinguished Extension Community Development Services Award for the State of North Carolina during its annual conference in Utah in May, 2012. Ms. Sellars was nominated by Dr. Susan Jakes, Extension Assistant Professor, CALS, North Carolina State University.

The Board commended Ms. Sellars on her accomplishments.

Ms. Sellars thanked the Board for their support and applauded her staff for their hard work. She commented that "I do what I do because I love to do it."

Adoption of the FY2012-2013 Budget Ordinance

The County Manager presented the FY2012-2013 Annual Budget Ordinance to the Commissioners for approval in accordance with the Local Government Budget & Fiscal Control Act, which requires adoption of the Annual Budget no later than July 1.

Manager Ruffin thanked the Board for their hard work on the budget. He noted that changes were made by staff to the nonprofit budget. Manager Ruffin noted the following changes:

- Child Care Services restored - \$29,783;
- Operation Breakthrough – \$71,451 (10% reduction from Manager's recommendation;

- Triangle Champions to receive \$7,098;
- Instepp to receive \$5,000;
- African American Dance Ensemble to receive \$5,000

Chairman Page read a letter from Triangle Champions that indicated the organization would like to have funding and agreed to not engage in spiritual activities that were not completely voluntary.

Vice Chair Reckhow was concerned that the letter did not specify that with governmental dollars, there would be no prayer at all—whether voluntary or not, because of the issue of church and state. Attorney Siler concurred. The Attorney stated that the issue is whether prayer is promoting one religion over another. Deputy County Attorney Hammett explained that the case law supports that the all activities must be secular.

Chairman Page requested to contact Mr. Thorpe to have him come to the meeting and have the attorneys convey the information. None of the Board members opposed.

Vice Chair Reckhow asked that the provision in the ordinance regarding the school budget Section 9a. be highlighted. She expressed concern about capital projects. She wanted to make sure once the School Board completed its budget, that the Board of County Commissioners receive a detailed version of the budget. Any concerns about capital projects would be put on a future agenda for discussion. She also highlighted the ¼ cent sales tax regarding the expansion of pre-K classes and asked staff to stay abreast of the situation.

Chairman Page recognized citizens who signed up to speak on the budget. Citizens were given two minutes to speak:

Carolyn Rogers-Stone spoke about Holton Career Resource Center. She expressed concern about the plan to eliminate vocational programs at the Resource Center. Ms. Rogers-Stone requested that questions posed at a recent PAC meeting be answered. Staff printed copies of the responses and distributed them to interested parties.

James Chavis remarked that DPS has not given the community the right to communicate what is happening at the Center.

Vice Chair Reckhow asked the Manager to facilitate a meeting between the Manager, DPS Superintendent, and President of Durham Technical Community College about how to use Holton more effectively in the evenings and on the weekends.

Chairman Page and Commissioners all expressed urgency in addressing the concerns about Holton and vocational training. Chairman Page suggested a call meeting with the leadership of Durham Public Schools. He encouraged the community to attend the Board of Education's meeting.

Gwen Silver spoke on behalf of Vivian McCoy. She read a statement from Ms. McCoy requesting the Board to withhold DPS funding until DPS produced a budget. She also called for a state audit on DPS budget books.

Theresa Cameron spoke about the Holton vocational changes. She inquired “why are changes being made?” She requested that no changes be made until they are brought before the Holton Citizen Advisory Committee.

Allan Lang spoke about the DPS budget book. He opined that the Board of County Commissioners should appoint the audit committee of the school system. He called for transparency.

Commissioners Howerton and Reckhow expressed concern about not receiving a DPS budget book this year.

Manager Ruffin recommended having a joint meeting with DPS Board of Education solely for the purpose of discussing Holton. Chairman Page recommended writing a letter to the Board of Education citing no changes be made at Holton School until the two groups can meet regarding neighborhood concerns. Vice Chair Reckhow opted for a meeting in July with the Board of Education and Durham Technical Community College.

Manager Ruffin reminded the group that the Board of Education has the final decision about what is done in the school system.

Vice Chair Reckhow requested the Manager to contact the Superintendent to set up a meeting.

Chairman Page recognized Mr. Tim Thorpe, President and Director of Triangle Champions Track Club.

Vice Chair Reckhow asked Mr. Thorpe to clarify the letter read earlier by the Chair. She asked if he would be willing to not have any religious activity associated with the program, because of the legal issues.

Mr. Thorpe responded that he would have silent time for reflection. He did not object to eliminating prayer from his program. He agreed to sign a stipulation in the contract regarding the elimination of religious activities.

Chairman Page thanked the Board and staff for reconsidering the nonprofits. Commissioner Karriker thanked the staff and reiterated the need for additional discussion on the process for nonprofits. Vice Chair Reckhow asked that staff work with the community and offer technical workshops to help applicants apply for nonprofit funding. Commissioner Howerton also thanked the staff and the nonprofit providers who serve the community.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to approve the following budget ordinance for 2012-2013 with the additions stated earlier by the Manager:

ANNUAL BUDGET ORDINANCE
Durham County
North Carolina
FY 2012-13

WHEREAS, the proposed budget for FY 2012-13 was submitted to the Board of Commissioners on May 29, 2012 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on June 11, 2012, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 25, 2012, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2012 and ending June 30, 2013, there are hereby appropriated from taxes and other revenues the following by function and fund:

Section 1. Summary of Appropriations by Fund and Function - FY 2012-13							
Function	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Total Appropriation
General Government	\$81,775,474	\$3,203,000	\$49,068,264	\$1,706,558	\$56,339,648	\$836,592	\$192,929,536
Public Safety	\$45,864,742	---	---	\$4,463,335	---	---	\$50,328,077
Transportation	\$12,500	---	---	---	---	---	\$12,500
Environmental Protection	\$3,525,212	---	---	---	---	---	\$3,525,212
Economic and Physical	\$4,076,217	---	---	\$706,636	---	---	\$4,782,853
Human Services	\$79,460,742	---	---	---	---	---	\$79,460,742
Education	\$122,877,101	---	---	---	---	---	\$122,877,101
Cultural and Recreation	\$10,838,834	---	---	---	---	---	\$10,838,834
Utilities	---	---	---	---	---	\$8,427,338	\$8,427,338
Other	---	---	---	---	---	---	\$0
Total Appropriations	\$348,430,822	\$3,203,000	\$49,068,264	\$6,876,529	\$56,339,648	\$9,263,930	\$473,182,193
Section 2. Summary of Revenues by Fund and Revenue Category - FY 2012-13							
Category	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Total Appropriation
Taxes	\$267,430,631	---	\$17,656,044	\$6,560,623	---	---	\$291,647,298
Licenses and Permits	\$659,000	---	---	---	---	\$3,000	\$662,000
Intergovernmental	\$47,352,959	---	---	---	---	---	\$47,352,959
Contributions and Donations	\$30,023	---	---	---	---	---	\$30,023
Investment Income	\$300,000	---	\$10,000	---	\$528,221	\$15,000	\$853,221
Rental Income	\$266,611	---	\$392,218	---	---	---	\$658,829
Service Charges	\$15,315,907	---	---	---	---	---	\$15,315,907
Enterprise Charges	---	---	---	---	---	\$8,984,990	\$8,984,990
Sewer Connection Fees	\$234,113	---	---	---	---	\$260,940	\$495,053
Other Revenues	\$368,917	\$2,203,000	---	---	---	---	\$2,571,917
Other Financing Sources	\$16,472,661	\$1,000,000	\$31,010,002	\$315,906	\$55,811,427	---	\$104,609,996
Total Revenue	\$348,430,822	\$3,203,000	\$49,068,264	\$6,876,529	\$56,339,648	\$9,263,930	\$473,182,193

Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2012 at an anticipated collection rate of 98.80 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate
Durham County-countywide	\$.7444

Section 4. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2012 at the anticipated collection rates noted below. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate	Collection Rate	District	Rate
Bahama Fire District	\$.0600	98.7%	Lebanon Fire District	\$.1000
Bethesda Fire District	\$.1000	98.7%	New Hope District	\$.0895
Eno Fire District	\$.0599	98.3%	Parkwood Fire District	\$.1150
			Redwood Fire District	\$.1125

Section 5. There is hereby levied a tax at the rate shown below, per \$100.00 valuation of property listed for taxes as of January 1, 2012, for property located within the Durham County portion of the Durham-Wake Counties Research Triangle Park Research and Production Service District for the raising of revenue for said district. The anticipated collection rate is 98.7 percent.

	Tax Rate	Appropriation
Research & Production Service District	\$.0374	\$706,636

There is hereby appropriated to the Durham-Wake Counties Research and Production Service District from the net proceeds of this tax the amount of \$706,636 for use in said district in such manner and for such expenditures as is permitted by law from the net proceeds of this tax. In the event the actual net proceeds from the tax levy of the Research and Production Service District exceed the appropriated amount, the actual net proceeds from the tax shall constitute the appropriation from said tax levy.

Section 6. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules. (See Attachment 1)

Section 7. The following authorities shall apply to transfers and adjustments within the budget:

- a) The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b) The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c) The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d) The County Manager may enter into the following agreements within funds:
 - Form and execute grant agreements within budgeted appropriations;
 - Execute leases of up to \$15,000 for normal and routine business within budgeted appropriations (County as Tenant only);

- Enter consultant, professional, maintenance, or other service agreements of up to \$40,000 within budgeted appropriations;
 - Approve renewals for service and maintenance contracts and leases;
 - Purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;
 - Reject any and all bids and readvertise to receive bids;
 - Waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e) County Manager can transfer between functions, and/or funds for merit, pay plan adjustments, health benefits, and reclassifications.
- f) Transfers between funds and transfers from the contingency account may be executed **only** by the Board of Commissioners.

Section 8. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated and unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

Current Expense	\$5,325,689
Capital Outlay	<u>\$302,500</u>
Total Appropriation	\$5,628,189

- a) It is the intent of the Durham County Board of County Commissioners in appropriating these funds that Durham Technical Community College allocate current expense funding of \$888,030 for needs based financial assistance for enrolled students.

Section 9. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance.

The total local appropriation for Durham Public Schools for FY 2012-13 is as below:

Current Expense	\$115,796,662
Capital Outlay	<u>\$1,370,000</u>
Total Appropriation	\$117,166,662

- a) In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b) The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c) Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.
- d) Durham Public Schools is authorized to use Public School Building Capital Funds, and Lottery Funds for capital outlay requests, with the approval of the Board of Commissioners.

- e) It is the intent of the Durham County Board of County Commissioners in appropriating these funds that the Board of Education allocate current expense funding of \$414,830 for expanded support of Durham Public School related Pre-Kindergarten programs.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 10. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocates sufficient funds to continue the teacher supplement at a rate of 12.5 percent for teachers with less than 10 years experience; 13.5 percent for teachers with 10-20 years experience; and 14.5% for teachers with 20 years or more experience.

Section 11. In accordance with G.S. 159-13.1, the following financial plans for intragovernmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue	\$2,725,393
Estimated Expense	\$2,725,393

BENEFITS PLAN FUND

Estimated Revenue	\$16,526,908
Estimated Expense	\$16,526,908

Section 12. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund	\$300,000
George Linder Memorial Fund	\$250
Community Health Trust Fund	\$4,071,851

Section 13. This ordinance incorporates the County's Capital Financing Policy to designate up to 20% of dedicated revenues as County Contribution for pay-as-you-go projects. For Fiscal Year 2012-13, the County Contribution is designated at 5.24%.

Section 14. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Adopted this the 25th day of June 2012.

**FY 2012-13
 Fee Schedule**

FY 2012-13 Fee Schedule		Attachment 1	
Department	Fee Type	FY 2011-12 Adopted Fees	FY 2012-13 Adopted Fees
All Departments	8.5 x 11 paper copies	\$0.05/page (unless otherwise stated)	\$0.05/page (unless otherwise stated)
Animal Control	Impoundment		
	1st offense + boarding fee + civil penalty	\$25	\$25
	2nd offense + boarding fee + civil penalty	\$60	\$60
	3rd offense + boarding fee + civil penalty	\$95	\$95
	4th offense and subsequent offenses	\$150	\$150
	Boarding		
	Dogs	\$12/day	\$12/day
	Cats	\$8/day	\$8/day
	All other domestic animals	\$6/day	\$6/day
	Livestock	\$15/day	\$15/day
	Animals that cannot be housed at shelter	Cost of 3rd party provider	Cost of 3rd party provider
	Animal Tax		
	Unaltered animals	\$75/animal	\$75/animal
	Altered animals	\$10/animal	\$10/animal
	Exempt animals	\$10/animal	\$10/animal
	Kennel License		
	General license (5-10 animals)	\$40	\$40
	General license (11-20 animals)	\$80	\$80
	Show/Breeder license (5-10 animals)	\$300	\$300
	Show/Breeder license (11-20 animals)	\$675	\$675
	Show/Breeder license (20+ animals)	\$1,200	\$1,200
	Individual hunter kennel license (5-8 animals)	\$300	\$300
	Individual hunter kennel license (9-15 animals)	\$420	\$420
	Individual hunter kennel license (16-24 animals)	\$675	\$675
	Hunt club kennel license (25-49 animals)	\$1,200	\$1,200
	Hunt club kennel license (50+ animals)	\$3,000	\$3,000
	Permit Fee - Exotic Animal	\$75	\$75
	Rabies vaccination (at shelter or animal control office)	\$15	\$15
	Rabies vaccination (field vaccinations)	\$20	\$20
Board of Elections			
	Reports - 8.5 x 11 paper	Free	Free
	Diskettes and CDs - processing fee	\$25	\$25
	Labels - duplex on 8.5 x 11 paper	Free with furnished labels	Free with furnished labels
	Certificates	\$1	\$1
	Maps		
	8.5 x 11 paper	Free	Free
	34 x 42 paper	\$10	\$10
Fire Marshal			
	See attached detail		
General Services			
	Solid Waste Management fee (County)	\$95/year	\$105/year
	Solid Waste Management fee (City)	\$95/year	\$105/year
	Solid Waste Management fee (out of County users)	\$155/year	\$165/year
Library			
	Overdue fines on all materials (books, DVDs, CDs, etc.)	Fee structure is the same for all materials: 3-day grace period, \$1 on 4th day, \$0.25/day, maximum \$5 per book; maximum \$25 per account when all items returned; maximum fines allowed for checkout - \$10; referral to collection agency when balance in lost materials exceeds \$50	Fee structure is the same for all materials: 3-day grace period, \$1 on 4th day, \$0.25/day, maximum \$5 per book; maximum \$25 per account when all items returned; maximum fines allowed for checkout - \$10; referral to collection agency when balance in lost materials exceeds \$50
	Legal notice fee	\$10/account at time of notification 60 days	\$10/account at time of notification 60 days

**FY 2012-13
 Durham County Fire Prevention and Protection Code
 Adopted Fee Schedule for Inspections, Permit Services and Violations**

Penalties and Fees		
Ordinance Code #	Violation Description	Penalty Amount
105.3.5	Permit not posted or kept on premises	\$65.00
307.2	Unpermitted open burning (Immediate)	\$750.00
308.3	Careless use of ignited object (Immediate)	\$750.00
603	Use of non-approved heating appliance	\$65.00
703.1	Breach in fire wall/fire stops	\$65.00
703.2.1	Fire or exit door inoperative	\$200.00
703.2.1	Fire tower door open (Immediate)	\$750.00
310.3	"No Smoking" signs not posted where appropriate	\$65.00
310.2	Smoking in prohibited areas (Immediate)	\$750.00
901.4	Sprinkler or fire alarm inoperative	\$200.00
Appendix C	Fire hydrants not complying with code	\$65.00

903.1	Sprinkler system not complying with code	\$65.00
905.1	Standpipe system not complying with code	\$65.00
315.2.1	Sprinkler head(s) blocked/covered (Immediate)	\$750.00
505.1	Street address numbers not posted	\$65.00
505.1	Street address numbers not visible	\$65.00
901	Sprinkler/standpipe needs testing	\$65.00
901	Fire alarm system needs testing	\$65.00
1005.1	Storage in or on fire escape (Immediate)	\$750.00
1005.1	Blocked egress (Immediate)	\$750.00
1005.1	Locked exit doors (Immediate)	\$750.00
1005.1	Overcrowding (Immediate)	\$750.00
1003.2.8	Fire exit or aisle blocked (Immediate)	\$750.00
315.2.2	Storage in or on fire escape (Immediate)	\$750.00
1003.3	Exit or egress door needs repair	\$65.00
315.2.2	Blocked stairwells or stairways (Immediate)	\$750.00
1003.2.10	Exit illumination and marking	\$65.00
1003.2.10.2	Absence of required exit directional signs	\$65.00
404.1	Approved fire evacuation plan required	\$65.00
404.3	Fire drill performance not acceptable	\$65.00
405.2	No monthly fire drill reported	\$65.00
3405.3	Improper use of flammable liquids (Immediate)	\$750.00
3404.3.3	Flammable liquid not stored according to code	\$65.00
3405.3	Improper dispensing of flammable liquid (Immediate)	\$750.00
3402.2.10	Above-ground tanks not diked	\$65.00
2703.2.4	Tank installation not according to code	\$65.00
3404	Tank storage not according to code	\$65.00
1504.1	Spray painting in non-approved area	\$65.00
1504.1.2	Spray booth not complying to code	\$65.00
3003.3	Compressed gas cylinders not secured	\$65.00
105.1.2	No hazardous materials permit	\$65.00
2704	Chemical storage is not according to code	\$65.00
1003.7.2.5	Maximum occupancy not posted	\$65.00
308.5	Use of open flame cooking device	\$65.00
105.2.2	Failure to get tank work permit prior to work	\$500.00

**FY 2012-13
 Durham County Fire Prevention and Protection Code
 Adopted Fee Schedule for Inspections, Permit Services and Violations**

Penalties and Fees (continued)		
105.2	Failure to obtain permits required by code	\$500.00
112.1	All other violations of the code	\$65.00
<i>NOTE: The term "Immediate" as it appears above means that the Fire Marshal's Office may issue a citation immediately and the violation must be corrected by the violating party immediately.</i>		
Fire Prevention Permit Fees		

Section 1: The fees set forth in this section are fixed for the issuance of the permits required by the Fire Prevention Code. Such permits, unless stated otherwise on the face of the permit, shall be valid for a period of one year from the date of issue, subject to revocation for failure to comply with the fire Prevention Code. Renewal of permits shall be subject to fees in effect for the period of

Technical Code #	Activities Requiring Permits	Fee
105.6.2	Amusement Buildings	\$65.00
105.7.1	Automatic Fire Extinguishing Systems	\$65.00
105.6.3	Aviation Facilities	\$65.00
105.6.5	Battery Systems	\$65.00
105.6.9; 105.7.2	Compressed Gases	\$65.00
105.6.9	Covered Malls, Buildings	\$65.00
105.6.12	Cutting and Welding	\$65.00
105.6.16	Fire Hydrants and Valves	\$65.00
105.6.9	Manufacturing, Storage, Handling, & Sale or use of explosives, fireworks, explosive material (60-day permit)	\$150.00
105.7.3	Fire Alarm & Detection Systems & Related Equipment	\$50.00
105.7.4	Fire Pumps & Related Equipment	\$65.00
105.6.17	Flammable and Combustible Liquids (per site or service station)	\$65.00
105.6.20	Fumigation & Thermal Insecticide Fogging	\$65.00
105.7.6	Hazardous Materials	\$65.00
105.6.23	High-Pipe Storage	\$65.00
105.6.22	HPM Facilities	\$200.00
105.7.7	Industrial Ovens	\$65.00
105.6.28	Liquefied Petroleum Gas	\$65.00
105.6.26	Lumber Yards & Woodworking Plants	\$65.00
105.6.29	Magnesium	\$65.00
105.6.30	Miscellaneous Combustible Storage	\$65.00
105.6.34	Places of Assembly	\$65.00
105.6.35	Private Fire Hydrants	\$65.00
105.6.37	Polyoxylin Plastics	\$65.00
105.6.38	Refrigeration Equipment	\$65.00
105.6.39	Repair Garages, Service Stations	\$65.00
105.6.41	Spraying or Dipping	\$65.00
105.7.11	Stand Pipe Systems	\$65.00
105.6.42	Storage of Scrap Tires & Tire Byproducts	\$65.00
105.6.45	Waste Handling	\$65.00
105.6.46	Wood Products	\$65.00
105.7.5	Installation, abandonment, removal, or retrofitting of any AGST, UGST, Pipeline (per site) (add \$75.00 per tank removed or installed)	\$150.00

All other permit fees required by the Technical Code and not listed shall be \$65.00

FY 2012-13
Durham County Fire Prevention and Protection Code
Adopted Fee Schedule for Inspections, Permit Services and Violations

User Fees	
Description	Fee
Plans Review for all Life Safety Permits:	
Subdivision (plus \$20 per fire hydrant required)	\$30.00
Building - New and Renovations:	
Building less than 5,000 sq. ft.	\$75.00
Building 5,000 - 10,000 sq. ft.	\$125.00
Building 10,000 sq. ft. or more (plus \$25 per 5,000 sq. ft. over 10,000 sq. ft.)	\$125.00
Hazardous Chemicals:	
Class A - 55 gals. or 500 lbs.	\$50.00
Class B - 55 to 550 gals. or 550 to 5,000 lbs.	\$200.00
Class C - 550 to 5,500 gals. or 5,000 to 50,000 lbs.	\$300.00
Class D - 5,500 gals. or 50,000 lbs.	\$400.00
Inspection Fee Schedule	
All owners or tenants of buildings in Durham County, which are required to be inspected by the Durham County Fire Marshal's Office are subject to the following inspection fee schedule:	
Inspection Activities	Fee
Periodic Inspection	None
First inspection pursuant to permit application	None
First re-inspection for non-compliance if code requirements are met	None
First re-inspection for non-compliance if code requirements are not met	\$200.00
Second and subsequent re-inspections for non-compliance	\$400.00

The motion carried unanimously.

Consent Agenda

Chairman Page asked if there were items the Board would like to pull. Item #7a was pulled by Commissioner Karriker. Items #7c, #7k, and #7o were pulled by Vice Chair Reckhow. Citizen Allan Lang requested to pull item #7l.

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

- 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 2013 Budget;
- d. *Accept the property tax release and refund report for May, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by this report;

- e. Renew the Interlocal Agreement with the City of Durham for the billing and collection of ad valorem taxes;
- f. Approve the Local Match for Federal Transportation Planning Grants Interlocal agreement and authorize the manager to execute it;
- g. *Approve Budget Ordinance Amendment No. 12BCC000088 to appropriate \$1,500 in grant funding from the NC Cooperative Extension Foundation through July 31, 2012;
- h. *Approve Budget Ordinance Amendment No. 12BCC000089 to appropriate \$3,000 in grant funding from the NC Cooperative Extension Foundation through June 30, 2012;
- i. Authorize the County Manager the authority to execute the Interlocal Agreement between the County of Durham and the City of Durham regarding the ICMA Fellowship position;
- j. Approve the acquisition 4527 Hillsborough Road for \$2.5 million, and authorize the Manager to sign a Purchase Contract subject to the Purchase Terms, attached;
- m. *Approve Budget Ordinance No. 12BCC000092 transferring budgeted revenues in the amount of \$852 from the intergovernmental revenue category to the contributions and donations revenue category;
- n. Authorize the County Manager to execute a license agreement with North Carolina Railroad Company, Inc. and Norfolk Southern Railway Company, Inc. for the installation and operation of an optical fiber communications line under the railroad Right of Way in the vicinity of Roxboro Street;
- p. Approve the service contract with Animal Protection Society of Durham, Inc., for the operation of the Durham County Animal Shelter, in the amount of \$542,982.00, and authorize the Manager to execute the Agreement;
- q. Approve the Agreement with Alliance Behavioral Healthcare for FY 13;
- r. Approve the Volunteer Fire Department EMS Service Contracts and authorize the County Manager to execute the contracts subject to changes by the County Attorney;
- s. Approve the Lease Agreement for 706 Rigsbee Avenue between Durham County and Rainbow 66 Storehouse Incorporated for one year and authorize the Manager to execute the Lease;
- t. Approve the attached Lease Agreement with Alliance Behavioral Healthcare for office space within the Health and Human Services building for a three year term subject to non-substantive changes by the County Attorney;

- u. Authorize execution of contracts with the following vendors for the purchase of Office, Workstations, Tables, Conference Rooms Furnishings and Seating for the new Durham County Courthouse & Parking Structure Project located at located at 502 & 510 South Dillard Street, Durham, NC, in the amount of \$4,229,581.77 and to execute any other related contracts, if necessary, not to exceed the budget of \$4,441,060.86. (See attachment 1, Pages 1through 18);
- v. Authorize the County Manager to enter into a contract with Siemens Industry, Inc., for up to \$97,560 per fiscal year and authorize the County Manager to execute annual renewals, for up to four additional one year periods, of this contract as funding becomes available;
- w. *Approve Capital Project Amendment No. 12CPA000013 officially closing multiple completed projects allowing them to become final assets and begin depreciation, approval to close the Lincoln Community Health Center Capital Project Fund (4004690000), and approval of Budget Ordinance Amendment No. 12BCC000093 transferring the net equity (approximately \$15,453) of the fund and \$16,420.33 to the Debt Service Fund for funding of the retirement of debt;
- x. Approve the attached contract with Downtown Durham, Inc. and authorize the County Manager to execute the contract;
- y. Approve the attached contract with the Greater Durham Chamber of Commerce, Inc. and authorize the County Manager to execute the contract;
- z. Approve the attached Interlocal agreement with the City for the "Opening Doors" efforts to reduce homelessness in Durham;
- aa. Approve the attached Lease Agreement with Alliance Behavioral Healthcare for 309 Crutchfield Street for a three year term subject to non-substantive changes by the County Attorney;
- bb. Appoint members to the Criminal Justice Advisory Committee (CJAC);
- cc. Authorize the County Manager to enter into a service contract with Waste Industries, LLC beginning July 1, 2012 through June 30, 2013. The compensation paid to Waste Industries, LLC shall not exceed \$309,258;
- dd. Authorize the transfer of ownership of various County-owned equipment, including automobiles, computers, fax machines, etc. as reflected in the attached inventory, to Alliance Behavioral Healthcare effective on its operational date of July 1, 2012;
- ee. Appoint Commissioner Brenda Howerton as voting delegate and Vice Chair Ellen Reckhow as alternate voting delegate for the NACO Conference in July, 2012.

The motion unanimously passed.

*Document(s) related to this item follow:

Consent Agenda Item No. d.

Releases & Refunds for 2012 Taxes	
Personal	\$ 2,123.30
Motor Vehicle	\$ 1,260.08
Motor Vehicle Fees	\$ 90.00
Total for 2012 Taxes and Fees	\$ 3,473.38

Releases & Refunds for 2011 Taxes	
Real Estate	\$ 1,263.88
Personal	\$29,900.76
Motor Vehicles	\$18,912.57
Motor Vehicle Fees	\$ 680.00
Total for 2011 Taxes and Fees	\$50,757.21

Prior years' (2002-2010) releases and refunds for May, 2012 are in the amount of \$26,017.18. The current year and prior years' releases and refunds amount to \$80,247.77.

Consent Agenda Item No. g.

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 12BCC000088

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$76,736,046	\$ 1,500	\$76,737,546

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 5,221,446	\$ 1,500	\$ 5,222,946

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

This the 25th day of June, 2012.

Consent Agenda Item No. h.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 11BCC000089

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$76,736,548	\$ 3,000	\$76,740,546

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 5,222,946	\$ 3,000	\$ 5,225,946

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

This the 25th day of June, 2012.

Consent Agenda Item No. m.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 11BCC000092

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$ 77,125,546	\$ -852	\$ 77,124,694
Contributions & Donations	\$ 654,837	\$ 852	\$ 655,689

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

This the 25th day of June, 2012.

Consent Agenda Item No. w.

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 11BCC000093

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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>			
Other Financing Sources	\$182,528,334	\$ 31,873	\$182,560,207

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$ 183,056,555	\$ 31,873	\$ 183,088,428

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

This the 25th day of June, 2012.

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Capital Project Ordinance
 Amendment No. 12BCC000093

Project	Current Budget	Inc./Dec.	Revised Budget
Judicial Building Renovations #1 (DC067)	\$4,992.00	(\$0)	\$4,992
Judicial Building Renovations #2 (DC072)	\$3,073,952.08	(\$1,960,999.18)	\$1,112,953
New Hope/Duke Land Acquisition (DC085)	\$1,664,000.00	(\$139,770.00)	\$1,524,230
BOCC Chamber Upgrade (DC089)	\$964,548.00	(\$16,028.41)	\$ 0
Lincoln Comm. Health Center Renovations (DC095)	\$239,677.00	(\$72,134.55)	\$167,542
08 Computer Replacement Project (DC097)	\$4,338,640.00	(\$2,044.57)	\$4,336,595
FY 12 IT Hardware Upgrade (DC099)	\$7,861,360.00	\$2,044.57	\$7,863,405
Judicial Building Renovation - Phase II (DC071)	\$0	\$1,960,999.18	\$1,960,999
Hollow Rock/New Hope Project (DC086)	\$0	\$139,770.00	\$139,770
Lincoln Comm. Health Center Renovations – Phase II (DC096)	\$0	\$72,134.55	\$72,135
New A Middle School (SH083)	\$101,131.91	\$0	\$101,132
Hillside High School (SH088)	\$536,306.45	(\$13,822.49)	\$522,484
Northern High School (SH090)	\$761,450.00	(\$30,726.68)	\$730,723
Bond Management (SH093)	\$1,708,731.00	(\$476.22)	\$1,708,255
New B Elementary (SH103)	\$15,614,394.69	(\$295,552.68)	\$15,318,842
Mangum Elementary (SH106)	\$4,966,840.00	(\$57,556.00)	\$4,909,284

Morehead Elementary (SH108)	\$4,834,488.50	(\$79,188.84)	\$4,755,300
Fuller Building (SH116)	\$458,600.00	(\$30,722.95)	\$427,877
07 Creekside Elementary (SH118)	\$2,790,216.00	(\$596.31)	\$2,789,620
07 New Elementary F (SH120)	\$1,950,000.00	(\$41,751.65)	\$1,908,248
08 (03 GO) Neal Middle School (SH129)	\$59,500.00	(\$18,638.40)	\$40,862
Carrington Middle School (SH147)	\$3,873,499.00	(\$70,047.00)	\$3,803,452
DPS Land Acquisition (SH152)	\$3,086,304.00	(\$100,943.00)	\$2,985,361
09 COPS Creekside Elementary (SH154)	\$260,220.00	(\$46,403.54)	\$213,816
Lowes Grove Middle School (SH097)	\$10,355,524.70	(\$123,635.00)	\$10,231,890
Shepard Middle (SH107)	\$11,276,557.00	\$179,877.45	\$11,456,434
Club Blvd. Elementary (SH115)	\$2,268,978.00	(\$91,503.00)	\$2,177,475
Neal Middle School (SH122)	\$10,820,873.92	(\$105,862.00)	\$10,715,012
07 Jordan High School (SH125)	\$2,571,576.00	\$572,370.00	\$3,143,946
07 City of Medicine Academy (SH127)	\$9,055,220.00	\$428,408.00	\$9,483,628
Bacon Street (SH130)	\$1,988,000.00	\$126,427.45	\$2,114,427
R.N. Harris Elementary (SH141)	\$7,365,339.00	(\$674,213.00)	\$6,691,126
Merrick-Moore Elementary (SH143)	\$5,393,097.00	(\$454,679.00)	\$4,938,418
Durham School of the Arts (SH148)	\$14,736,636.00	(\$149,407.00)	\$14,587,229
DPS/Lakewood YMCA Purchase (SH153)	\$12,179,526.00	\$643,124.50	\$12,822,651
Project Contingency (SH156)	\$0	\$435,517.46	\$435,517

Adopted this the 25th day of June, 2012.

Appointment to Fill a Vacant Commissioner's Seat

The Board was requested to fill the Board of County Commissioner's seat vacated by former Commissioner Joe W. Bowser. Chairman Page asked for any comments from Commissioners. There were no comments.

Chairman Page recognized Dr. Darrell Roberts. Dr. Roberts spoke on behalf of Fred Foster to fill the vacant seat.

Chairman Page mentioned an article in the newspaper alleging that the Board favored former Commissioner Philip Cousin. He stated his support for Rev. Cousin. The Board must make a decision on the replacement by July 8.

Chairman Page reminded the audience that the Board desired to have someone fill the vacancy that was knowledgeable about the Board and had prior experience, if one was available. Rev. Cousin was willing to serve.

Commissioner Karriker moved, seconded by Chairman Page that Rev. Philip R. Cousin be appointed to fill the vacant seat left by Joe W. Bowser.

The motion carried unanimously.

Vice Chair Reckhow moved, seconded by Commissioner Howerton that item a. of the Consent Agenda be approved.

The motion carried unanimously.

- c. Consider and approve the attached service contract with the County for the provision of shelter and case management services at the Urban Ministries shelter;

Vice Chair Reckhow requested a minor amendment in the contract, Scope of Services, under the item Performance Measures. She suggested the following additions to the third bullet:

- Percentage whose last permanent residence was Durham County; percentage who moved from somewhere else beyond Durham County; and percentage of individuals coming in the shelter directly after coming from another institution.

Chairman Page asked how it would impact the operations of Urban Ministries. Ms. Patrice Nelson, Executive Director of Urban Ministries, stated that providing the demographics would not preclude the shelter from accepting individuals. She is partnering with Alliance Behavioral Healthcare regarding individuals who come here from other prisons and medical institutions. Those individuals are not permitted to come to the shelter.

Commissioner Karriker moved, seconded by Vice Chair Reckhow that item c. be approved with the amendments offered by Vice Chair Reckhow.

The motion carried unanimously.

- k. Approve Budget Ordinance No. 12BCC000090 recognizing additional revenues in the amount of \$385,000 for the Division of Child Development Budget;

Vice Chair Reckhow commended DSS for receiving an additional child care subsidy allocation. She was concerned about the timing of the money and whether the money could be spent with just a few days left in the fiscal year. She also asked that staff look at ways to expedite placing items on the agenda in the future. Ms. Rhonda Stevens, DSS Manager, responded that DSS requested the allocation because it is currently spending at 102%. The timing of the items on the agenda has to do with the process and receiving written approval. The amount requested will satisfy the overspending. In essence, the money has already been spent.

Vice Chair Reckhow moved, seconded by Commissioner Karriker that item k. be approved.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 11BCC000090

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$ 76,740,546	\$ 385,000	\$ 77,125,546

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$110,935,456	\$ 385,000	\$111,320,456

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

This the 25th day of June, 2012.

-
1. Approve budget Ordinance No. 12BCC000091 recognizing additional revenues in the amount of \$4,675 in the form of donated food cards;

Citizen Allen Lang pulled the item but was not present to speak.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to approve item 1. of the Consent Agenda.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 11BCC000091

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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>			
Contributions & Donations	\$ 650,162	\$ 4,675	\$ 654,837

Expenditures:

<u>GENERAL FUND</u>			
Human Services	\$111,320,456	\$ 4,675	\$111,325,131

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

This the 25th day of June, 2012.

- o. Approve the annual renewal contract between Durham County and Correct Care Solutions (CCS) for an amount not to exceed \$3,408,258.

Vice Chair Reckhow stated that she spoke with the County Manager and Public Health Director Gayle Harris regarding medical spending at the jail. She noted that the County is spending over \$3.4 million on jail health. The Sheriff is now voluntarily accepting misdemeanants with terms 90-180 days. If the individuals have medical needs that require expensive medication, the County could end up spending more than the \$40/day reimbursement from the State. There should be some kind of proviso to the contract for the subpopulation that we don't have to have.

Ms. Harris noted changes to #5 of the contract to read:

CCS shall track separately all medical services, including costs, provided by CCS to inmates housed pursuant to the Statewide Misdemeanant Confinement Program ("SMCP") at the facility. DCHD or its designee shall notify CCS of which inmates are housed pursuant to said program. A report of services and costs shall be provided to DCHD upon request. Further, pursuant to the agreement of participation in the SMCP, CCS acknowledges that out-of-jail medical expenses for SMCP inmates should be billed by the medical services provider directly to the SMCP. The medical services provider will be paid directly by the SMCP from the Statewide Misdemeanant Confinement Fund, not by the County.

Ms. Harris stated that there is a provision that the out of jail services are billed to a special fund and have to be billed by the medical provider. She will work with the Attorney's Office to review past charges to ensure that they are appropriately charged and will use the special fund going forward. Ms. Harris added that monitoring will help see how much is being spent over the \$40/day reimbursement. A Public Health and/or Sheriff's Office employee will help to monitor the spending.

Vice Chair Reckhow stressed the need to stay on top of reporting. She discussed developing a different accounting mechanism where the budget item for the cost of jail health is in the Sheriff's budget.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to approve item o. with the amended language in the contract.

The motion carried unanimously.

Closed Session

The Board of Commissioners was 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).

Commissioner Howerton moved, seconded by Vice Chair Reckhow to go into Closed Session pursuant to G.S. 143-318.11(a)(6).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session. The DSS Board has hired Michael Becketts as the DSS Director. The Board of County Commissioners agreed to approve the salary of the new director at \$129,000 annually.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to approve the salary of DSS Director, Michael Becketts at \$129,000 annually.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:40 pm.

Respectfully Submitted,



V. Michelle Parker-Evans
Clerk to the Board