

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

Monday, September 24, 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 Philip R. Cousin Jr., Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Chairman Page made the following announcements:

- “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.;
- Durham County has a number of boards and commissions that could benefit from citizen participation. Contact the Clerk’s Office at 919-560-0025, visit the County’s website, or email Clerk@durhamcountync.gov for more information. All City and County taxes must be current at the time of application.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the September 4, 2012 Worksession Minutes and September 10, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

Proclamation Declaring October 2012 as Big Sweep Month in Durham County

Chairman Page read the following proclamation into the record declaring October 2012 as the 2012 Big Sweep Month in Durham County:

PROCLAMATION

WHEREAS, Durham County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and

WHEREAS, trash fouls our waterways as well as our landscapes; and

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

WHEREAS, North Carolina Big Sweep is a statewide and global community effort to retrieve trash from North Carolina's waterways and landscapes:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham Board of County Commissioners, do hereby proclaim October 2012 as

DURHAM COUNTY BIG SWEEP MONTH.

I urge every citizen to do his or her part to restore the beauty and function of our lakes, streams, and landscapes by volunteering to participate in the Big Sweep event.

This the 24th day of September, 2012.

/s/ Michael D Page, Chairman

Jennifer Brooks, Soil Conservationist/Education Coordinator, elaborated on the NC BIG SWEEP clean up event and announced events to occur during Big Sweep Month.

Per Vice-Chairman Reckhow's request, Ms. Brooks explained the volunteer process and provided her contact information.

Commissioner Howerton praised Ms. Brooks for her continued work in the community.

Chairman Page presented the proclamation to Ms. Brooks.

Proclamation to Recognize Minority Enterprise Development Week October 1 – October 5, 2012

Chairman Page read the following proclamation into the record to recognize Minority Enterprise Development Week:

PROCLAMATION

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County's contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with law;

WHEREAS, G.S. 143-128, provides for Good Faith Efforts to be made in an effort to ensure fair participation of minority and women business owners in all County projects;

WHEREAS, it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination and to resolve claims of such discrimination;

WHEREAS, the County of Durham is a sponsor of the Minority Enterprise Development Week:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham Board of County Commissioners, do hereby proclaim October 1 – October 5, 2012 as

MINORITY ENTERPRISE DEVELOPMENT WEEK.

This the 24th day of September, 2012.

/s/ Michael D Page, Chairman

Pamela Gales, CLGPO, CCA, Assistant Purchasing Manager, thanked the Board for its support of the Minority/Women Business Enterprise Program (MWBE) program. She invited women and minority businesses to sign up online for events scheduled during MWBE week.

On behalf of a citizen, Commissioner Howerton inquired about support efforts of the MWBE program for women and minority businesses in Durham County.

Commissioner Cousin commended the MWBE program for making a difference in Durham County.

Chairman Page suggested that programs such as MWBE be highlighted as part of Durham County's strategic plan.

County Manager Mike Ruffin stated that the MWBE program has prospered over the years under the leadership of Ms. Gales; Jacqueline Boyce, Purchasing Manager; and George Quick, Finance Director. County Manager Ruffin noted Ms. Gales' efforts with helping prospects acknowledge strengths and deficiencies that they may have when competing for County contracts.

Ms. Gales responded to Vice-Chairman Reckhow's question regarding providing technical assistance.

Commissioner Howerton urged Ms. Gales to use methods in addition to the internet to notify the public about the MWBE program.

Chairman Page presented the proclamation to Ms. Gales.

Consent Agenda

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to approve the following consent agent items:

- a. Adopt the updated Durham County Hazard Mitigation Plan (HMP) by resolution in accordance with Federal regulations for hazard mitigation and disaster recovery funding;
- b. Approve the ABC Board's travel policy for 2012;
- c. Approve the Project Manual Resolution; and approve the Grant Project Ordinance and Language Access Plan;
- d. Approve the creation of one Community Health Assistant FTE, increasing the total number of FTEs in the Durham Diabetes Coalition Project from seven to eight FTEs;
- *e. Approve Budget Ordinance Amendment 13BCC000017 and increase the budget for Coordinated Transportation by \$1,690;
- *f. Approve Budget Ordinance Amendment 13BCC000018 to amend the budget as indicated to increase the budget for Coordinated Transportation by \$ 8,318;
- *g. Approve the transfer of assets and the Budget Ordinance Amendment 13BCC000019 to transfer the balance of the start-up funds and authorize the Manager to execute the required documents;
- *h. Budget Ordinance Amendment No. 13BCC000020 Public Health: Recognize Funds in the Amount of \$5,218 from the NC Division of Public Health, Nutrition Services Branch for the Environmental Health Division;
- *i. Budget Ordinance Amendment No. 13BCC000021 Public Health: Recognize Funds in the Amount of \$1525 from the NC Department of Health and Human Services for the Nutrition Division;
- *j. Approve Budget Ordinance Amendment No. 13BCC000022 in the amount of \$24,338 from the NC Department of Health & Human Services for the TB Control Program;
- *k. Approve Budget Ordinance Amendment No. 13BCC000023 in the amount of \$41,500 from the NC Department of Human Services, Division of Public Health for the Health Education Division;
- *l. Approve Budget Ordinance Amendment No. 13BCC000024 in the amount of \$212,132 from the NC Department of Public Safety for Treatment of Effective Community Supervision, and for the creation of 3 provisional FTEs and extension of a provisional position that was previously scheduled to be eliminated on September 30, 2012;

- *m. Approve Budget Ordinance Amendment No. 13BCC000025 amending the budgets for the outstanding encumbrances at fiscal year-end 2012;
- *n. Approve Budget Ordinance Amendment No. 13BCC000026 in the amount of \$179,800 from the US Department of Justice for promoting evidence integration in sex offender management and for the creation of a provisional 0.4 FTE for the duration of the grant; and
- o. Authorize the execution of a contract with Heery to provide the Construction Administration Services for the Durham County Performance Contracting program in the amount of \$78,375.00 plus reimbursable expenses in the amount of \$3,790.00, thus totaling \$82,165.00.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. e. Approve Budget Ordinance Amendment 13BCC000017 and increase the budget for Coordinated Transportation by \$1,690.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,144,932	\$1,521	\$51,146,453
Other Financing Sources	\$16,512,605	\$169	\$16,512,774

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$83,981,168	\$1,690	\$83,982,858

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

This the 24th day of September, 2012.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment 13BCC000018 to amend the budget as indicated to increase the budget for Coordinated Transportation by \$8,318.

DURHAM COUNTY, NORTH CAROLINA

FY 2012-13 Budget Ordinance
Amendment No. 13BCC000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,146,453	\$8,318	\$51,154,771

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$83,982,858	\$8,318	\$83,991,176

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

This the 24th day of September, 2012.

Consent Agenda Item No. g. Approve the transfer of assets and the Budget Ordinance Amendment 13BCC000019 to transfer the balance of the start-up funds and authorize the Manager to execute the required documents.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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>MCO IMPLEMENTATION FUND</u>			
Other Financing Sources	\$0	\$5,500,000	\$5,500,000

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>MCO IMPLEMENTATION FUND</u>			
Human Services	\$0	\$5,500,000	\$5,500,000

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

This the 24th day of September, 2012.

Consent Agenda Item No. h. Budget Ordinance Amendment No. 13BCC000020 Public Health: Recognize Funds in the Amount of \$5,218 from the NC Division of Public Health, Nutrition Services Branch for the Environmental Health Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,154,771	\$5,218	\$51,159,989

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$83,991,176	\$5,218	\$83,996,394

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

This the 24th day of September, 2012.

Consent Agenda Item No. i. Budget Ordinance Amendment No. 13BCC000021 Public Health: Recognize Funds in the Amount of \$1525 from the NC Department of Health and Human Services for the Nutrition Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000021

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,159,989	\$1,525	\$51,161,514

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$83,996,394	\$1,525	\$83,997,919

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

This the 24th day of September, 2012.

Consent Agenda Item No. j. Approve Budget Ordinance Amendment No. 13BCC000022 in the amount of \$24,338 from the NC Department of Health & Human Services for the TB Control Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000022

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,161,514	\$24,338	\$51,185,852

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$83,997,919	\$24,338	\$84,022,257

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

This the 24th day of September, 2012.

Consent Agenda Item No. k. Approve Budget Ordinance Amendment No. 13BCC000023 in the amount of \$41,500 from the NC Department of Human Services, Division of Public Health for the Health Education Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,185,852	\$41,500	\$51,227,352

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$84,022,257	\$41,500	\$84,063,757

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

This the 24th day of September, 2012.

Consent Agenda Item No. l. Approve Budget Ordinance Amendment No. 13BCC000024 in the amount of \$212,132 from the NC Department of Public Safety for Treatment of Effective Community Supervision, and for the creation of 3 provisional FTEs and extension of a provisional position that was previously scheduled to be eliminated on September 30, 2012.
Consent Agenda Item No. m. Approve Budget Ordinance Amendment No. 13BCC000025 amending the budgets for the outstanding encumbrances at fiscal year-end 2012.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000024

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,227,352	\$212,132	\$51,439,484

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,892,093	\$212,132	\$46,104,225

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

This the 24th day of September, 2012.

Consent Agenda Item No. m. Approve Budget Ordinance Amendment No. 13BCC000025 amending the budgets for the outstanding encumbrances at fiscal year-end 2012.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000025

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$16,512,774	\$1,574,817.50	\$18,087,591.50
<u>RISK MANAGEMENT FUND</u>		\$2,725,393	\$64,946.82 \$2,790,339.82
<u>BENEFITS PLAN FUND</u>	\$16,526,908	\$33,012.88	\$16,559,920.88
<u>SEWER UTILITY FUND</u>	\$0	\$6,274.00	\$6,274.00
Other Financing Sources			

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$82,219,284	\$621,186.25	\$82,840,470.25
Public Safety	\$46,104,225	\$227,503.87	\$46,331,728.87
Environmental Protection	\$3,525,212	\$166,519.99	\$3,691,731.99
Economic and Physical Development	\$4,081,717	\$1,752.00	\$4,083,469.00
Human Services	\$84,063,757	\$480,278.72	\$84,544,035.72
Cultural and Recreation	\$10,895,024	\$77,576.67	\$10,972,600.67
<u>RISK MANAGEMENT FUND</u>		\$2,725,393	\$64,946.82 \$2,790,339.82
<u>BENEFITS PLAN FUND</u>	\$16,526,908	\$33,012.88	\$16,559,920.88
<u>SEWER UTILITY FUND</u>			
Utilities	\$8,427,338	\$6,274.00	\$8,433,612.00

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

This the 24th day of September, 2012.

Consent Agenda Item No. n. Approve Budget Ordinance Amendment No. 13BCC000026 in the amount of \$179,800 from the US Department of Justice for promoting evidence integration in sex offender management and for the creation of a provisional 0.4 FTE for the duration of the grant.

DURHAM COUNTY, NORTH CAROLINA
 FY 2012-13 Budget Ordinance
 Amendment No. 13BCC000026

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$51,439,484	\$179,800	\$51,619,284

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$46,331,729	\$179,800	\$46,511,529

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

This the 24th day of September, 2012.

Public Hearing—Unified Development Ordinance (UDO) Text Amendment—Signs (TC1100009)

Michael Stock, AICP, Senior Planner, requested that the Board conduct a public hearing and receive public comments on the UDO Text Amendment—Signs (TC1100009) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 6, District Intensity Standards; Article 11, Sign Standards; and Article 16, Definitions.

Mr. Stock stated for the record that notifications were made in accordance with both UDO and state statute requirements.

Chairman Page inquired about distance from roadways for placing signs and restrictions for the number of signs.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker, to approve Unified Development Ordinance (UDO) Text Amendment—Signs (TC1100009).

The motion carried unanimously.

Public Hearing—Unified Development Ordinance (UDO) Text Amendment—Technical Changes VII (TC1200001)

Michael Stock, AICP, Senior Planner, requested that the Board conduct a public hearing and receive public comments on the UDO Text Amendment—Technical Changes VI (TC1200001) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; 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 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; and Article 16, Definitions.

Mr. Stock stated for the record that notifications were made in accordance with both UDO and state statute requirements.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve Unified Development Ordinance (UDO) Text Amendment—Technical Changes VII (TC1200001).

The motion carried unanimously.

Required Public Hearing for CDBG Funds Application to State

The Board was required to hold a second public hearing prior to applying to the North Carolina Department of Commerce for Small Cities Community Development Block Grant (CDBG) funds.

Drew Cummings, Assistant County Manager, reported that the first public hearing, held on to August 13, 2012, was to explain the funding categories of the 2012 CDBG Program and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities. The purpose of the public hearing was to explain the Infrastructure Contingency application Durham County would submit to help fund a solution to the Rougemont groundwater pollution problem and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve the submittal of the Infrastructure Contingency application and to authorize the Chairman and Manager to sign all grant related documents.

The motion carried unanimously.

Chairman Page thanked Mr. Cummings and Warren Wooten, Community Development Project Coordinator for The Wooten Company, for their hard work.

Board Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to various boards and commissions.

Vice-Chairman Reckhow requested that the Board defer the Workforce Development Board "Private Sector" appointment to allow additional time to seek strong representation of Durham businesses.

The Board discussed deferring the appointment.

Chairman Page suggested collaborating with the Durham Chamber of Commerce and Economic Development to seek potential candidates.

The Board agreed to defer appointment to the Workforce Development Board until the October 22 Regular Session.

Commissioner Karkner encouraged staff to provide more specific information on the Durham County website in regards to boards and commissions and their positions.

Chairman Page urged citizens to submit their board and commission applications before the advertised deadline.

County Manager Ruffin informed the Board that the Durham County boards and commissions commercial would be shown at the October 1 Worksession.

The following appointments were made (incumbents are underlined):

Community Child Protection Team/Child Fatality
Jeffrey Clark

Historic Preservation Commission
David J. Neill
C. Andrew Sprouse
Heather Wagner

Operation Breakthrough
Denise S. Dawson

Memorial Stadium Authority
Omar Beasley

Nursing Home Community Advisory Committee
Dalisay Quiambo-Stevenson

Motion to Excuse Chairman Page

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to excuse Chairman Page from the October 1, 2012 Worksession.

The motion carried unanimously.

Closed Session

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to adjourn to Closed Session pursuant to G. S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session; directives were given to staff; no action was taken.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:48 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Yvonne R. Jones". The signature is written in black ink and is positioned to the right of the typed name.

Yvonne R. Jones
Deputy Clerk to the Board