

June 11, 2012 Regular Session

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

Monday, June 11, 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 Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Chairman Page announced that "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 p.m. Tuesday – Sundays. He further announced that Durham 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

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the May 28, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

Consent Agenda

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

- a. Authorize additional funding from FY13 budget upon approval and extend month to month with G4S Secure Solutions, USA until the RFP can be awarded;
- b. Authorize the County Manager to enter into a service contract with Lanier Parking Solutions, LLC for daily and after hour/event parking operations at the Justice Center Parking Deck;
- *c. Approve Capital Project Amendment No. 12CPA000012 reallocating funds from the ERP Upgrade Project (\$150,000) and the HR ERP Upgrade Project (\$90,000) to the BW (Business Warehouse) Technical Upgrade Project (\$240,000). The Manager also recommends that the Board authorize the execution of the consultant services contract for Sage Group Consulting, Inc. in the amount of \$198,900;
- d. Approve the loan for the Guaranteed Utility Savings Performance Contracting program and authorize the Finance Director to execute the necessary documents;
- e. Approve the request to UN-commit the Mental Health fund balance as of June 30, 2012 and allow that balance to become Unassigned. The Board is also requested to approve that

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- portion of the fund balance above the goal of 25% to be transferred to the Other Post Employment Benefits (OPEB) fund balance; and authorize the adjustments as of June 30, 2012;
- f. Approve amendments to the County’s Stormwater Ordinance that incorporate the new development provisions of the Falls Lake (15A NCAC 02B .0278) and Jordan Lake (15A NCAC 02B .0265) Nutrient Management Rules;
 - g. Authorize the County Manager to amend the contract with Kleinfelder, Inc., currently providing the CMT & SI services for the Durham County Human Services Project (under construction) in the amount of \$57,081.36 thus increasing the total compensation from \$379,000.00 to \$436,081.36;
 - h. Renew the Interlocal Cooperation Agreement with the City of Durham for the programming of Durham Government TV;
 - i. Approve the proposed Ordinance Amending Chapter 4 of the Durham County Code of Ordinances related to Animals, to become effective July 1, 2012.;
 - j. Approve an extension to the contract with Aramark Corporation for three months with a month-to-month renewal thereafter until recommendations for future maintenance services can be presented to the BOCC and authorize the Manager to execute the contract extension;
 - *k. Approve Budget Ordinance Amendment No. 12BCC000087 for the COPs Bond Refunding;
 - l. Approve the County’s Parking Policy as presented on June 4, 2012; and
 - m. Reappoint Carolyn Henderson as Durham County Hospital Corporation’s representative to the Duke University Hospital’s Board of Trustees.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. c. Approve Capital Project Amendment No. 12CPA000012 reallocating funds from the ERP Upgrade Project (\$150,000) and the HR ERP Upgrade Project (\$90,000) to the BW (Business Warehouse) Technical Upgrade Project (\$240,000). The Manager also recommends that the Board authorize the execution of the consultant services contract for Sage Group Consulting, Inc. in the amount of \$198,900.

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Capital Project Ordinance
 Amendment No. 12CPA000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

<i>Project</i>	Current Budget	Inc./Dec.	Revised Budget
FY 10 ERP Upgrade Project (DC083)	\$1,900,000	(\$150,000)	\$1,750,000
FY 12 HR ERP Upgrade Project (DC084)	\$2,600,000	(90,000)	\$2,510,000
FY 12 BW Technical Upgrade Project (DC085)	\$0	\$240,000	\$240,000

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

This the 11th day of June, 2012.

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Consent Agenda Item No. k. Approve Budget Ordinance Amendment No. 12BCC000087 for the COPs Bond Refunding.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000087

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>DEBT SERVICE FUND</u>			
Other Financing Sources	\$126,002,133	\$56,526,201	\$182,528,334

Expenditures:

<u>Function</u>			
<u>DEBT SERVICE FUND</u>			
General Government	\$126,530,354	\$56,526,201	\$183,056,555

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

This the 11th day of June, 2012.

RESOLUTION RELATING TO THE AUTHORIZATION AND ISSUANCE OF ENTERPRISE
SYSTEM REVENUE REFUNDING BONDS, SERIES 2012 OF THE COUNTY OF DURHAM,
NORTH CAROLINA

WHEREAS, the County of Durham, North Carolina (the "County") has issued its Enterprise System Revenue Bonds, Series 2002, dated December 1, 2002 (the "2002 Bonds"); and

WHEREAS, the Board of Commissioners for the County (the "Board") is considering authorizing the issuance of Enterprise System Revenue Refunding Bonds, Series 2012 of the County (the "Bonds") in an amount not exceeding \$14,000,000 for the purpose of providing funds, with other available funds not exceeding \$3,000,000, for refunding all or a portion of the outstanding 2002 Bonds; and

WHEREAS, it is necessary to take certain related action at this time;

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Board, as follows:

Section 1. The Board hereby finds and determines in connection with the issuance of the Bonds that (i) the issuance of the Bonds is necessary or expedient for the County in order to realize debt service savings for the County, (ii) the proposed principal amount of the Bonds will be sufficient but not excessive for the proposed purpose of the Bonds because it is based on the best estimate of the County of the funds needed for such purpose and takes into account other funds of the County available for such purpose, (iii) the proposed refunding described above is feasible because the net receipts of the Enterprise System of the County are expected to be sufficient to pay debt service on the Bonds, (iv) the County's debt management procedures and policies are good and are managed in strict compliance with law and (v) under current economic conditions the Bonds can be marketed at a reasonable interest cost to the County.

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Section 2. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the “Local Government Commission”) and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of the Bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. The Local Government Commission is hereby requested to sell the Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the Finance Director of the County.

Section 4. The Board hereby confirms or recommends the selection of the following professionals to be on the financing team for the Bonds and that their services be utilized to the extent required and where appropriate:

Bond counsel	Robinson, Bradshaw & Hinson, P.A.,
Financial advisor	DEC Associates, Inc.
Trustee, bond registrar and paying agent	U.S. Bank National Association
Underwriter	Stephens Inc.

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The Board will at a later date make recommendations for the selection of any other persons required in connection with the issuance of the Bonds.

Section 5. This resolution shall take effect immediately upon its passage.

Public Hearing—Recommended Durham County FY2012-2013 Budget

The Board conducted a public hearing to receive citizen input on the FY 2012-2013 Recommended Budget, which was previously presented by the County Manager at the May 29 Regular Session.

Chairman Page set a time limit of three minutes per agency and called the following signed speakers forward for comments:

Chuck Davis, representing African American Dance Ensemble, 906 N. Mangum Street, Durham 27701

Brenda E. Armstrong, representing Durham Striders Track, 3019 Pump Station Lane, Durham 27712

Frank Davis, representing Durham Striders Track

Grace Marsh, representing Elna B. Spaulding Conflict Resolution Center, 634 Foster Street, Durham 27713

Vivian Eto, representing Child Care Services Association, 1201 S. Briggs Avenue, Durham 27703

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Emmanuel Paul, representing Child Care Services Association, 1201 S. Briggs Avenue, Durham 27703
Robin Jacobs, representing Eno River Association, 4404 Guess Road, Durham 27712
Elois Johnson, representing Holton Advisory Committee, 1115 N. Driver Street, Durham 27701
Vivian McCoy, representing Holton Advisory Committee, 2701 Owen Street, Durham 27703
James Chavis Jr., representing Holton Advisory Committee, 2813 Ashe Street, Durham 27703
Edgar Johnson, representing Little River Community Complex, 2805 Red Mountain Road, Rougemont 27572
James Harris, representing Little River Community Complex, 11818 Hampton Road, Rougemont 27572
T. Crews, representing Little River Community Complex, 4921 Guess Road, Rougemont 27572
M. Keith Daniel, representing Triangle Champions Track Club, 19 Garden Hills Court, Durham 27712
Tim Thorpe, representing Triangle Champions Track Club, 505 Uzzle Street, Durham 27713
Sadie Abdullah, representing Operation Breakthrough, 800 Mangum Street, Durham 27702
Lois Caraway, representing Operation Breakthrough, 723 Holloway Street, Durham 27707
Elliott S. Parker, representing Little River Community Complex, 2917 Moores Mill Road, Rougemont 27572
Fred Foster Jr., representing Operation Breakthrough, 5718 Whippoorwill Street, Durham 27704
Kwami Imani, representing Triangle Champions Track Club, 5 Piedmont Forest Court, Durham 27703
Victoria Peterson, PO Box 101, Durham 27702
Wendy Jacobs, representing Holton Advisory Committee, H308 Rivermont Road, Durham 27712

Chairman Page closed the public hearing and referred the matter back to the Board.

The Commissioners addressed comments and questions regarding the following:

- Programs at Holton Career and Resource Center
 - Holton Advisory Committee—Ms. McCoy extended an invitation to the Board to participate in the Committee.
- Land acreage at Little River Community Complex
- County distribution from the ABC system

Chairman Page stated for the record that new nonprofits should be aware of the funding request process when crafting their applications.

Directives

1. County Manager to communicate with the Durham Public Schools (DPS) Superintendent to obtain a full report within two weeks regarding the repurposing of Holton Career and Resource Center.
2. Schedule a meeting with the Board of County Commissioners, DPS Board of Education, and concerned citizens.
3. Research the impact on the County budget in relation to decisions made at Holton.

Public Hearing for the FY2012 Rural Operating Assistance Program Grant

Margaret Scully, Mobility Manager, Cooperative Extension, requested that the Board hold a public hearing on the FY13 Rural Operating Assistance Program (ROAP) Grant. Ms. Scully informed the Board that the Community Transportation Program within Cooperative Extension had applied for the full allocation of the ROAP grant for Durham County in the following amounts:

Elderly and Disabled Transportation Assistance Program (EDTAP):	\$ 124,127
Employment Transportation Assistance Program (EMPL):	\$ 41,440
Rural General Public Program (RGP):	\$ 65,073
Total ROAP Grant:	\$ 230,640

Ms. Scully mentioned the NC Department of Transportation's indication that the grant amount may like be reduced once the State budget is finalized.

Ms. Scully noted the following:

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- EDTAP funds require no local match and would be used to provide services to the general public as well as participants of the following agencies: Department of Social Services/Adult Services, Durham Exchange Club Industries, Durham Center for Senior Life, Durham Senior PharmAssist, and Retired and Senior Volunteer Program. Additional agencies may be added during the fiscal year.
- EMPL funds require no local match and would be used to provide transportation assistance to DSS/Work First clients and work-related transportation to transportation-disadvantaged residents of the County.
- RGP funds would be used to provide transportation to residents of the County. RGP requires a 10 percent local match which is typically collected through fares for the service.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker, to approve the submission of the application to the NC Department of Transportation.

The motion carried unanimously.

Discussion—Replacement of a Vacant Commissioner’s Seat

The Board was requested to discuss the recommendation of the Durham Democratic Party to fill the Board of County Commissioner’s seat vacated by former Commissioner Joe W. Bowser.

Chairman Page called signed speaker Fred Foster Jr., 5718 Whippoorwill Street, Durham 27704, forward for comments.

Mr. Foster offered his name to fill the vacant seat.

The Board reached a consensus to defer action until the June 25 Regular Session.

Closed Session

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to adjourn into closed session pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property for the Durham County Storage Facility to include two properties: 4527 Hillsborough Road, owned by PCR, LLC; and 917 Junction Road, owned by Charles S. Ferrell.

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 9:13 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board