

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

Monday, November 26, 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

Agenda Adjustments

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@dconc.gov for more information. All City and County taxes must be current at the time of application.
- The FY 2013-2014 Nonprofit Agency Funding process began on November 2, 2012 with the opening of the pre-application submission period. Durham community nonprofits interested in applying for FY2014 nonprofit funding must first submit a Pre-Application Questionnaire no later than midnight on December 13, 2012. This initial assessment would be used to determine which potential applicants meet the eligibility criteria outlined in the County’s nonprofit policy. Those agencies meeting the eligibility criteria would then be invited to apply for FY2014 funding. The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy would be available on the County’s website from November 2 through December 13. Contact Laura Jensen in the Budget and Management Services department at (919) 560-7065 for additional information.
- Durham County to hold a second meeting with residents to discuss the Rougemont Community Water System on Thursday, November 29, at 6:30 p.m. at New Red Mountain Baptist Church (1401 Red Mountain Road). Call (919) 560-0065 for more information.

- Durham County will also hold two general meetings to receive residents' feedback on other needs in northern Durham County. The first meeting will be held at 7:00 pm on Thursday, December 6th, at North Regional Library at 221 Milton Rd. The second will be held at 3:30pm on Thursday, December 13th, at the Bahama Ruritan Club at 8202 Stagville Rd.
- Senior PharmAssist is Durham County's site for the state Seniors' Health Insurance Information Program (SHIIP) and would help any Medicare beneficiary in Durham evaluate his/her options for drug and health coverage. Medicare's annual election period (AEP) would be ongoing through December 7. For the last three years, two-thirds of the people seen at Senior PharmAssist during the AEP needed to switch stand-alone Part D drug plans for an average savings of \$500-\$600. For more information contact Senior Pharmacist at (919) 688-4772.
- Flu shots at the Durham County Department of Public Health to be free of charge for anyone six months of age and older. Flu shots would be available on Mondays, Wednesdays, and Fridays from 8:30 a.m. until 11:00 a.m., and from 1:00 p.m. until 4:00 p.m. On the first Wednesday of the month, shots would be offered from 8:30 a.m. until 11:00 a.m. only. No appointment would be necessary. For additional information, call (919) 560-7300 or visit www.dconc.gov.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve the November 12, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

Recognition of Outgoing County Commissioners Philip R. Cousin, Jr. and Pam Karriker

Each Board member extended personal reflections and good wishes to Commissioners Philip R. Cousin, Jr. and Pam H. Karriker as they prepared to leave the Board. Commissioner Karriker joined the Board in September 2011, and Commissioner Cousin joined the Board in July 2012.

Commissioners Karriker and Cousin briefly remarked on their experiences serving on the Board and thanked their fellow colleagues, County staff, and citizens for being given the opportunity to serve Durham County.

The Board presented plaques to Commissioners Cousin and Karriker to commend them for their outstanding service to the citizens of Durham County.

Recognition—Michael Becketts

Mike Ruffin, County Manager, requested that Michael Becketts, Department of Social Services Director, be recognized for his efforts in helping tenants who were facing eviction from the Lincoln Apartments community. County Manager Ruffin explained that approximately 80 residents of the community received notices from their landlord that they were being evicted from their homes by the end of October. Some residents of the low income community had been

in their apartments for nearly 30 years and were unable to find new accommodations within the required timeframe. Neighbors appealed to the County and the City for help. Mr. Becketts quickly offered the assistance of his department during what he termed a “crisis.” He marshaled forces and held a “resource day” for the Lincoln tenants’ within their community. Social Services met with nearly 59 families and provided a range of options and services that were needed by many of the tenants facing eviction.

County Manager Ruffin thanked Mr. Becketts for being a compassionate leader and the Department of Social Services for their service.

Vice-Chairman Reckhow spoke to Mr. Becketts’ swift response to the crisis and praised his “resource day” approach.

Commissioner Karriker echoed Vice-Chairman Reckhow’s comments.

Commissioner Howerton noted Mr. Becketts’ compassion and commended him for continuously communicating with the Board on the status of the Lincoln Apartments situation.

Mr. Becketts recognized staff members for their roles in addressing the crisis and thanked the Board for the recognition.

Commissioner Cousin stated that Mr. Becketts’ compassion raised the level of his services.

Chairman Page presented the Anchor Award to Mr. Becketts.

Chairman Page offered words of praise for Mr. Becketts’ actions and leadership.

County Manager Ruffin mentioned that the Anchor Award is normally accompanied by a \$200 check; however, Mr. Becketts rejected the check.

Award Recognizing Durham County for “Employment of Persons with Disabilities

Durham County was nominated to receive the City of Durham’s Mayor’s Committee for Persons with Disabilities, “Disability Employment Awareness Month Award” for employment of persons with disabilities. A recognition program was held on Thursday evening, October 25, at Durham City Council Chambers. Jerelene Fullwood Carver, Director of Counseling and Disability Services at Shaw University, served as the event’s keynote speaker. Assistant County Manager Deborah Craig-Ray attended the program to receive the honor on behalf of Durham County Government.

Ms. Craig-Ray introduced Donna Rosser, Durham County Health Education Specialist and a member of the Mayor’s Committee for Persons with Disabilities, who nominated Durham County.

Ms. Rosser read from her nomination letter.

Chairman Page thanked Ms. Rosser for her nomination and representation on the Mayor's Committee for Persons with Disabilities.

Consent Agenda

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

- *a. Accept the property tax release and refund report for October, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Approve the Ordinance amending Article 4 of Chapter 26 of the County of Durham Code of Ordinances, entitled "Sewer Use";
- *c. Approve Budget Ordinance Amendment No. 13BCC000043 appropriating \$39,648 from the restricted State Forfeitures fund balance;
- *d. Approve Budget Amendment No. 13BCC000044 and Capital Project Amendment No. 13CPA000006 moving a \$400,000 2011 round CDBG Scattered Site Housing grant from the General Fund to a multi-year project;
- e. Approve the second amendment to the Interlocal Agreement with Wake County and the Town of Cary regarding Reclaimed Water Facilities subject to non-substantive changes by the County Attorney and authorize the County Manager to execute the amendment;
- f. Review and approve the renewal of the Interlocal agreement between Durham County and the City of Durham for the continuance of the Appearance Commission;
- g. Accept the 2011-2012 Annual Report of the Durham Board of Adjustment;
- *h. Approve Budget Ordinance Amendment No. 13BCC000045 to appropriate \$3,000,000 of Enterprise Fund unrestricted net assets for contribution to the Revenue Bond Refunding of the Enterprise System Revenue Bonds, Series 2002;
- *i. Approve Budget Amendment 13BCC000046 changing the budget revenue category for an already approved Sheriff's department grant (Budget Ordinance Amendment No. 13BCC000039) approved November 12, 2012;
- j. Appoint Michael D. Page and Ellen W. Reckhow to serve on the Special Tax Board;
- k. Approve the amendment to the contract with OneSource Document Solutions, Inc. in the amount of \$15,000 for the completion of the County Attorney's Office Document Imaging Project;

- *l. Approve Budget Ordinance Amendment No. 13BCC000047 in the amount of \$28,805 from the NC Department of Health and Human Services for the Family Planning Program;
- m. Adopt the Resolution approving the structure of the Area Board of Alliance Behavioral Healthcare as defined in the merger agreement between The Durham Center and Wake County LME;
- n. Approve the contract amendment with Womble Carlyle Sandridge & Rice, LLP in an amount not to exceed \$30,000 and authorize the County Manager to execute the contract; and
- o. Approve the contract amendment with Jackson Lewis, LLP in an amount not to exceed \$20,000 and authorize the County Manager to execute the contract.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Accept the property tax release and refund report for October, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the report details releases and refunds for the month of October, 2012.

Releases & Refunds for 2012 Taxes	
Real Estate	\$ 45,806.27
Personal	\$1,022,524.85
Registered Vehicles	\$ 36,456.26
Vehicle Fees	\$ 695.00
Solid Waste	<u>\$ 210.00</u>
Total for 2012 Taxes and Fees	\$1,105,692.38

Prior year's (2008-2011) releases and refunds for October, 2012 are in the amount of \$145,526.17. The current year and prior year's releases and refunds amount to \$1,251,218.55.

(Recorded in Appendix A in the Permanent Supplement of the November 26, 2012 Regular Session Minutes of the Board.)

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 13BCC000043 appropriating \$39,648 from the restricted State Forfeitures fund balance.

Amendment No. 13BCC000043

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	\$21,556,377	\$39,648	\$21,596,025

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$47,071,330	\$39,648	\$47,110,978

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

This the 26th day of November, 2012.

Consent Agenda Item No. d. Approve Budget Amendment No. 13BCC000044 and Capital Project Amendment No. 13CPA000006 moving a \$400,000 2011 round CDBG Scattered Site Housing grant from the General Fund to a multi-year project.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000044

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	\$52,405,457	-\$400,000	\$52,005,457

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$85,805,449	-\$400,000	\$85,405,449

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

This the 26th day of November, 2012.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Capital Project Ordinance
Amendment No. 13CPA000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Scattered Site Housing III Project (41201200DC096)	\$0	\$400,000	\$400,000
Open Space Land Acquisition	\$9,050,755	\$850,000	\$9,900,755

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

This the 12th of November, 2012.

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 13BCC000045 to appropriate \$3,000,000 of Enterprise Fund unrestricted net assets for contribution to the Revenue Bond Refunding of the Enterprise System Revenue Bonds, Series 2002.

DURHAM COUNTY, NORTH CAROLINA
 FY 2012-13 Budget Ordinance
 Amendment No. 13BCC000045

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	\$6,724	\$3,000,000	\$3,006,724

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Utilities	\$8,433,612	\$3,000,000	\$11,433,612

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

This the 26th day of November, 2012.

Consent Agenda Item No. i. Approve Budget Amendment 13BCC000046 changing the budget revenue category for an already approved Sheriff's department grant (Budget Ordinance Amendment No. 13BCC000039) approved November 12, 2012.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000046

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	\$52,005,457	\$2,500	\$52,007,957
Contributions & Donations	\$753,883	-\$2,500	\$751,383

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

This the 26th day of November, 2012.

Consent Agenda Item No. 1. Approve Budget Ordinance Amendment No. 13BCC000047 in the amount of \$28,805 from the NC Department of Health and Human Services for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000047

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	\$52,007,957	\$28,805	\$52,036,762

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$85,316,506	\$28,805	\$85,345,311

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

This the 26th day of November, 2012.

Resolution Authorizing the Levy of a One-Half Percent (1/2%) County Sales and Use Tax for Public Transportation

County Manager Mike Ruffin introduced this item to the Board. He reported that the North Carolina General Assembly enacted the "Local Government Public Transportation Sales Tax Act" Article 43 of Chapter 105 of the North Carolina General Statutes (Session Law 2009-527, the "Act"), which authorizes transportation authorities to levy a local sales and use tax for the purpose of financing local public transportation systems. On June 27, 2011, the Board authorized Research Triangle Regional Public Transportation Authority dba Triangle Transit to place an advisory referendum on the question of whether to levy the local sales and use tax to be placed on the November 8, 2011 ballot. A majority of those voting in the referendum voted in favor of the levy of the tax.

County Manager Ruffin highlighted the proposed resolution's request for Triangle Transit to levy the one-half percent sales and use tax pursuant to the Act. He noted that the tax does not apply to food, as exempted by N.C.G.S. § 105-506.2. The proceeds of said tax may only be used for the benefit of the Special District, created by Triangle Transit, and may only be expended in accordance with the adopted financial plan entitled, the "Durham County Bus and Rail Investment Plan" for financing, constructing, operating, and maintaining public transportation systems. If the tax is levied by TTA prior to January 1, then the collection of the tax would begin on April 1, 2013.

Chairman Page called signed speakers forward for comments.

The following speakers spoke in support of the resolution:

Gerry Cohen, 8909 Taymouth Court, Raleigh 27613

Mike Shiflett, 206 W. Club Blvd., Durham 27704

Vice-Chairman Reckhow thanked Mr. Cohen for his work with drafting the transit bill and getting it passed through the General Assembly. She also thanked him for his service on the Orange County Referendum.

Vice-Chairman Reckhow thanked Mr. Shiflett for standing as leader of the Durham-Orange Transit citizen group and for hours of volunteering to get the referendum passed.

Vice-Chairman Reckhow informed the public of improvements to transit in the future as a result of the one-half percent sales tax.

Commissioner Howerton invited David King, CEO and General Manager of Triangle Transit, forward for remarks.

Commissioner Cousin pointed out that he served as Commissioner when this item was first proposed; he expressed delight to serve as Commissioner to see the proposal passed.

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to adopt the Resolution Authorizing the Levy of a One-Half Percent (1/2%) County Sales and Use Tax for Public

Transportation pursuant to Article 43 of Chapter 105 of the North Carolina General Statutes.

The motion carried unanimously.

Chairman Page thanked Mr. King and Wib Gulley, General Counsel for Triangle Transit, for their efforts.

RESOLUTION AUTHORIZING THE LEVY OF A ONE-HALF PERCENT (1/2%)
COUNTY SALES AND USE TAX FOR PUBLIC TRANSPORTATION

WHEREAS, Article 43 of Chapter 105 of the North Carolina General Statutes (Session Law 2009-527), entitled "Local Government Public Transportation Sales Tax Act" enacted by the North Carolina General Assembly, authorizes counties and transportation authorities to levy a local sales and use tax for the purpose of financing local public transportation systems; and

WHEREAS, pursuant to N.C.G.S. § 105-509(a), on June 22, 2011, the regional public transportation authority (hereinafter, the "Authority") created a Special District consisting of the entire area of Durham County (hereinafter the "Special District"); and

WHEREAS, pursuant to N.C.G.S. § 105-510, the Durham County Board of Commissioners authorized, by Resolution dated June 27, 2011, an advisory referendum on the question of whether to levy a local sales and use tax in the County; and

WHEREAS, the referendum was held on November 8, 2011, in accordance with the procedures set forth in N.C.G.S. 163-287, at which a majority of those voting in the referendum voted for the levy of the tax, and such results were certified by the Board of Elections; and

WHEREAS, the Board of County Commissioners wish to authorize the Authority to levy said sales and use tax, effective April 1, 2013.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH RESOLVE:

1. The Board of Commissioners hereby authorizes the Authority to levy within the Special District one-half percent (1/2%) local sales and use taxes authorized by Section 2(b) of Session Law 2009-527, and codified as Part 4 of Article 43 of Chapter 105 of the General Statutes of North Carolina.
2. Except as provided in Part 4 of Article 46 of Chapter 105, the adoption, levy, collection, administration, and repeal of the local sales and use tax shall be in accordance with Article 39 of Chapter 105 of the General Statutes of North Carolina. This tax does not apply to food, as exempted by N.C.G.S. § 105-506.2.
3. Collection of the tax by the North Carolina Secretary of Revenue, and liability therefore, shall begin and continue on and after the first day of April, 2013.

4. The net proceeds of the tax levied herein shall be distributed by the Secretary of Revenue to the Special District and shall be expended by the Special District only for financing, constructing, operating, and maintaining public transportation systems in accordance with a finance plan entitled the 'Durham County Bus and Rail Investment Plan' adopted by the Board of County Commissioners pursuant to G.S. 105-508.1. The Special District shall use the net proceeds to supplement and not to supplant or replace existing funds or other resources for public transportation systems.
5. This Resolution is effective upon its adoption, and a certified copy hereof shall be forwarded to board of trustees for the Authority.

Adopted, this the 26th day of November, 2012.

Closed Session

Chairman Page announced that the Board met in Closed Session prior to the meeting to discuss the following and provided direction to staff:

1. Pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.
2. Pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of (insert case information or it may end after "privilege").

Chairman Page stated that the Board also met in 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).

Chairman Page congratulated County Manager Mike Ruffin for his stellar performance within the past year in leading the County and maintaining sound fiscal stability and for his leadership of the Strategic Plan initiative and of Durham County employees.

Vice-Chairman Reckhow thanked County Manager for an excellence performance.

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker, to approve a 4.25% salary increase for the County Manager.

The motion carried unanimously.

County Manager Ruffin extended thanks to the Board and expressed joy in serving the citizens of Durham County.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:10 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