

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

Monday, April 26, 2010

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, and Commissioners Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: Vice-Chairman Ellen W. Reckhow

Presider: Chairman 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.; and
- On Wednesday, April 28th, the Durham Convention and Visitors Bureau is hosting its Annual Tribute Luncheon at 11:30a. The event is being held at American Tobacco, in Bay Seven. Historic preservation pioneer and Architect Eddie Belk will be honored at the occasion.
- Commissioner Heron announced that she attended the “Making a Difference” event. She commended the well put together activities and spoke about how encouraging the event was in showing what we can do in this community when we work together.

Agenda Adjustments

Chairman Page announced that Vice Chairman Reckhow was excused from the meeting. County Manager Ruffin announced that Attorney Siler was away attending a conference. Assistant County Attorney Carol Hammett was present to answer any questions.

Minutes

Commissioner Howerton moved, seconded by Commissioner Heron, to approve as submitted the April 5, 2010 Worksession, April 12, 2010 Regular Session, and the November 3, 2009 Joint

Meeting with Durham County Hospital Corporation Minutes of the Board.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Page
Noes: None

Proclamation Declaring 2010 the Year of the Young Child

Chairman Page recognized Angie Welsh, Chair of the Board of Durham's Partnership for Children, and Michael Palmer, immediate Past Chair of the Board. Chairman Page read the following Proclamation:

Proclamation to Declare 2010 The Year of the Young Child

Whereas, Early childhood — from birth to age 5 — represents the most critical time in children's development and is the foundation for later success in school and life; and,

Whereas, Making sure children are ready to learn is a community endeavor that involves parents, child care providers, policy makers, businesses, congregations and community agencies; and,

Whereas, Durham's Partnership for Children, a Smart Start Initiative, has strengthened and built awareness for high-quality early care and education by leading change efforts since 1994 with focus on strategies that have improved access and affordability of child care; and,

Whereas, High-quality early care is critical to support the current workforce of Durham families with young children who rely on child care to work, thereby reducing employee absenteeism and turnover; and,

Whereas, Early care and education is an important economic development strategy that nurtures the beginning of the talent pipeline, as research confirms that children who experience early learning success are more likely to finish school, more likely to attend college, and more likely to be employed; and,

Whereas, Recognizing that transition to kindergarten must be a smooth, coordinated process that provides a proper start for young children and contributes greatly to the minimization of the achievement gap and impacts an increase in this community's graduation rate; and,

Whereas, In order to support the stability and success of all families, comprehensive, bilingual, evidence-based family support and literacy services are offered to young children and their families; and,

Whereas, Access to health care and early intervention are promoted by collaborative community and government initiatives to positively impact young children's health; and,

Whereas, Family literacy initiatives and programs are supported to impact young children's language development, parent child interaction and school readiness; and,

Whereas, Durham's Partnership for Children, a Smart Start Initiative, and its many collaborating partners, are celebrating *15 Years Making Young Children A Priority*, and,

Now, therefore, be it resolved that we, the Board of **Durham County Commissioners**, do hereby proudly recognize the importance of the early childhood years birth to 5; and,

Proclaim 2010 The Year of the Young Child, to reinforce the Durham County's commitment to the stability of families, a safer and healthier community, Durham's long-term economic vitality, and the continuum of education that begins at birth.

This the ___ day of April, 2010.

Michael D. Page, Chair, Durham Board of County Commissioners

Ms. Welsh and Mr. Palmer received the Proclamation and thanked the Board for the years of support for the program. Mr. Palmer commented that the County had been with the Partnership every step of the way since its inception 15 years ago.

The Commissioners and audience applauded the Partnership on celebrating its 15th anniversary.

Proclamation – Financial Literacy Month in Durham County

Chairman Page recognized members of Consumer Credit Counseling. He read the following Proclamation:

**DURHAM COUNTY BOARD
OF
COUNTY COMMISSIONERS**

PROCLAMATION

WHEREAS, Financial Education is a critical part of our nation's free enterprise economy, and a variety of financial products has expanded opportunities for consumers; and

WHEREAS, informed consumers who know their choices, rights and responsibilities are better able to manage their finances and make wise choices; and

WHEREAS, the theme of this year's observance is "Financial Literacy: My Financial Health Determines My Future" in order to remind consumers that financial literacy is crucial to help them learn to develop a financial plan and manage their finances responsibly; and

WHEREAS, employing good financial management skills and maintaining a good credit record can help a consumer safeguard important issues in life such as obtaining a job, obtaining a mortgage to buy a home or financing a child's education;

WHEREAS, greater financial education is needed to adequately prepare students and adults to deal with complex financial issues and to understand their rights and responsibilities in the financial arena; and

WHEREAS, Consumer Credit Counseling Service of Durham provides a valuable service to people who need to better manage past financial choices and to help expand their understanding of the benefits of the prudent financial decision.

NOW, THEREFORE, be it resolved that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of April 2010 as

“NATIONAL FINANCIAL LITERACY MONTH”

in Durham County. I further urge citizens to observe this month and participate in various activities sponsored by Consumer Credit Counseling Service of Durham designed to educate and inform consumers about their financial rights and responsibilities.

This the 26th day of April, 2010

Michael D. Page, Chairman

Commissioners Bowser and Howerton applauded the work that Consumer Credit Counseling is doing in the community.

Ms. Robin Arcus, in charge of Financial Education, acknowledged that she brought her “Money Smart” class to the meeting. There are ten citizens enrolled in the class. She invited everyone to attend an event on Friday, April 30 from 4:30 – 8:30 pm at the CCB Plaza to learn more about how to strengthen your financial literacy. There will be free food and music.

Ms. Pamela Oxendine, Board Chair, thanked the Commissioners.

Dr. Deirdre Guion, the newest Board member urged everyone to bring their children to the event on Friday.

Consent Agenda

Chairman Page asked the Commissioners if they desired to pull any items from the Consent agenda. Commissioner Bowser pulled Item 7b. A citizen requested to pull items 7g and 7h.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- a. * Accept the property tax release and refund report for March 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;

- c. *Amend the contract with County Tax Services for property value discoveries and approve Budget Ordinance Amendment No.10BCC000071 in the amount of \$150,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected;
- d. *Approve Budget Ordinance Amendment No. 10BCC000072 to recognize \$112,024 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management;
- e. *Approve Budget Ordinance Amendment 10BCC000073 to amend the contract with Tax Management Associates by \$100,000 to include audit of hotel/motel occupancy, gross receipts on short term rentals, and gross receipts on heavy equipment. The contract amount is not to exceed \$250,000;
- f. Approve the attached Interlocal Agreement regarding the Piedmont Food & Agricultural Processing Center by and among the County of Alamance, the County of Chatham, the County of Durham and the County of Orange and authorize the Manager to execute the agreement.

The motion carried unanimously.

Commissioner Bower requested to pull the following item:

- b. *Amend the contract with Turner Business Appraisers for property value discoveries and approve Budget Ordinance Amendment No.10BCC000070 in the amount of \$450,000. Payment is made to TBA only after the County has collected the tax, at a rate of 30% of the amount collected;

Commissioner Bowser questioned whether or not the County is charging the City the same fee for Turner's services. Kim Simpson, Tax Collector replied that we pay 30 percent of the amount collected. The County bills the City for the City's portion of the 30 percent on a monthly basis.

Commissioner Bowser also questioned how some of the numbers were computed. Some of the numbers did not appear on the contract although they were on the Agenda Action Form. Manager Ruffin indicated that amount should have reflected \$793,000 instead of \$1.2 million. Ms. Simpson will make sure the contact is corrected.

Commissioner Bowser made a motion seconded by Commissioner Howerton to approve the contract with the corrected amount to be amended by \$450,000 not to exceed \$793,000.

The motion passed unanimously.

Chairman Page recognized Dr. Lavonia Allison to address the following two items:

- g. *Approve Budget Ordinance Amendment No. 10BCC000074 to appropriate \$10,435 in funding from Kids Voting North Carolina to support the Kids Voting Program through December 31, 2010;
- h. *Approve Budget Ordinance Amendment No. 10BCC000075 to appropriate \$2,586 in grant funding from a U.S. Election Assistance Commission Grant administered by Kids Voting North Carolina to support the Kids Voting Program through June 30, 2010.

Dr. Allison questioned why a position was being funded for the entire year when the election period ended in November.

Ms. Delphine Sellars, Cooperative Extension Director, responded that the education and training portion of the Kids Voting campaign is a year round event. The grant was obtained in 2006.

Commissioner Howerton made a motion seconded by Commissioner Heron to approve Consent Items 7g and 7h.

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 March 2010 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 attached report details releases and refunds for the month of March 2010.

Releases & Refunds for 2010 Taxes:	
Personal	<u>\$39,156.42</u>
Total for 2010 Taxes and Fees	\$39,156.42

Releases & Refunds for 2009 Taxes:	
Real Estate	\$ 6,414.63
Personal	\$ 59,644.30
Motor Vehicles	\$ 25,230.96
Vehicle Fees	<u>\$ 680.00</u>
Total for 2009 Taxes and Fees	\$ 91,969.89

Prior years' (2004-2008) releases and refunds for March 2010 are in the amount of \$292,703.89. The total current year and prior years' releases and refunds amount to \$423,830.20.

Consent Agenda Item No. b. Amend the contract with Turner Business Appraisers for property value discoveries and approve Budget Ordinance Amendment No.10BCC000070 in the amount

of \$450,000. Payment is made to TBA only after the County has collected the tax, at a rate of 30% of the amount collected.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000070

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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>			
Taxes	\$238,286,950	\$450,000	\$238,736,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$66,476,482	\$450,000	\$66,926,482

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

This the 26th day of April, 2010.

Consent Agenda Item No. c. Amend the contract with County Tax Services for property value discoveries and approve Budget Ordinance Amendment No.10BCC000071 in the amount of \$150,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected;

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000071

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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>			
Taxes	\$238,736,950	\$150,000	\$238,886,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$66,926,482	\$150,000	\$67,076,482

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

This the 26th day of April, 2010.

Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 10BCC000072 to recognize \$112,024 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000072

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,743,196	\$112,024	\$449,855,220

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Public Safety	\$45,113,452	\$112,024	\$45,225,476

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

This the 26th day of April, 2010.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment 10BCC000073 to amend the contract with Tax Management Associates by \$100,000 to include audit of hotel/motel occupancy, gross receipts on short term rentals, and gross receipts on heavy equipment. The contract amount is not to exceed \$250,000.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000073

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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> Taxes	\$238,886,950	\$100,000	\$238,986,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$67,076,482	\$100,000	\$67,176,482

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

This the 26th day of April, 2010.

Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 10BCC000074 to appropriate \$10,435 in funding from Kids Voting North Carolina to support the Kids Voting Program through December 31, 2010.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000074

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,855,220	\$10,435	\$449,865,655

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$5,793,498	\$10,435	\$5,803,933

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

This the 26th day of April, 2010.

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 10BCC000075 to appropriate \$2,586 in grant funding from a U.S. Election Assistance Commission Grant administered by Kids Voting North Carolina to support the Kids Voting Program through June 30, 2010.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000075

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,865,655	\$2,586	\$449,868,241

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$5,803,933	\$2,586	\$5,806,519

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

This the 26th day of April, 2010.

Durham Public Schools – Acquisition of Lot for Middle School “B”

On January 28, 2010, the Board of Education approved the acquisition of a small, adjacent lot to assist with the development of site access and safe traffic management at Middle School “B”. The property is 1.47 acres at 1423 Snow Hill Road for \$10,000. The Board of Education requests the County’s approval of the purchase price.

Chairman Page recognized Hugh Osteen, Assistant Superintendent of Operational Services, with Durham Public Schools. Mr. Osteen stated that the School Board requests approval to buy the undeveloped parcel at 1423 Snow Hill Road.

Commissioner Heron questioned whether purchasing the property would help with the concerns of residents. Mr. Osteen responded in the affirmative. He stated that this property would be the best site line. The closest landowner to the east would have a greater buffer.

Commissioner Bowser asked whether the City had been contacted to help with the cost since it will also be used for the park. Mr. Osteen stated that there are other co-development issues that the City will participate in regarding the park.

Dr. Allison signed up to speak on this item. She was concerned about which bond the money would come from? Mr. Osteen responded that 2003 land purchase and 2007 construction bonds were involved. Dr. Allison commented that the children are failing as money is spent on schools.

Commissioner Heron referenced the \$1.2 million approved for land. Mr. Osteen responded that there is still some money available and some of the funds have been moved. Any expenditures would require both BOCC and School Board approval.

Commissioner Bowser questioned how much money was approved for the actual construction. Mr. Osteen replied that the cost was approximately \$30 million. County Manager Ruffin clarified that the project budget amount was \$31,324,250.00.

Commissioner Howerton asked why we are continuing to build schools given that we have so many children leaving the schools or failing.

Mr. Osteen replied that demographics show a continued lull in middle and high schools. Durham Public Schools is trying to prepare for future capacity.

Commissioner Bowser commented that we pay bond money each year. He shared Commissioner Howerton's concerns.

Chairman Page asked if the property purchases were to accommodate growth. Mr. Osteen responded that the purchases are for land banking for future schools. He added that it will cost a lot more later or the land will not be available.

Commissioner Heron remarked that "we could not be in a better position as far as cost goes. The bids should be the best that they will be for a while."

Commissioner Bowser moved, seconded by Commissioner Heron to approve the purchase of 1.47 acres at 1423 Snow Hill Road in the amount of \$10,000 by the Board of Education for Middle School "B."

The motion carried unanimously.

Durham Public Schools – Acquisition of Real Property at Lowe's Grove

Mr. Osteen described the request. The Board of Education requests to purchase 6.79 acres of land at 1822 and 1824 Jester Road in the amount of \$543,200 (\$80,000/acre). The additional land is needed because of storm water and DOT issues. The Board of Education has entered into an agreement with the County and the State Employee's Credit Union to develop the former school site together. The school system is now down to about seven acres of functional land on this site.

Commissioner Bowser asked whether there was bond money for this school. Mr. Osteen responded that there was no current funding on this site. The land is being purchased for the future.

County Manager Ruffin stated that the County paid \$1 million for the land where the library is located. The County sold a portion of the land back to the schools for what the County paid for it. There is a pending contract with the Credit Union for the land purchase in the amount of \$1.2 million for approximately two acres.

Commissioner Bowser expounded about the history associated with this item. He recounted that Creekside Elementary School wanted to build on the Lowes Grove property. At that time, Mr. Osteen indicated that there was no intent to build an elementary school on the Lowes Grove site. He asked why would Durham Public Schools come back and ask to build. He added that there was a suggestion to build a school on the Hillside site. He felt this could have been avoided if

Creekside had followed the suggestion. He remarked that he has a problem with the School system coming back now.

Mr. Osteen responded to Commissioner Bowser's concerns. He stated that based on information at the time, it would not have been the place to build. Creekside has been overcrowded since the day it was built. He added that the community around Lowes Grove is happy to see an elementary school back at the site.

Commissioner Heron recalled that topography was an issue before. Mr. Osteen concurred and stated that there is no place to expand W. G. Pearson because of topography.

Chairman Page expressed concern about the traffic and safety issues. His greatest concern was Lowes Grove Middle School. He hoped that consideration will be given to protecting children crossing the street. Mr. Osteen responded that the additional property will allow more safety space.

Chairman Page recognized Dr. Allison who signed up to speak on this item. Dr. Allison indicated that the School Board is not raising enough questions so that the public understands what is going on. She pointed out that the explanations are not in writing and expressed concern about the questions being answered verbally. Dr. Allison stated that between 2001-2009, over \$361 million has been spent in projects.

Chairman Page directed Laura Jensen, Assistant to the County Manager, to relay Dr. Allison's concerns to the school system about not being able to gain information as needed.

Commissioner Heron moved, seconded by Commissioner Howerton to approve the purchase of 6.79 acres of land at 1822 and 1824 Jester Road in the amount of \$543,200 by the Board of Education.

The motion carried unanimously.

Board and Commission Appointments

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

Prior to the vote, the Board held a lengthy discussion regarding the Planning Commission applicants. Commissioner Bowser spoke on the issue. He had a conversation with Linda Smith who desires to be reappointed to the Planning Commission. He spoke with another individual on the Planning Committee and agreed to bring a proposal to the Board. He asked whether the other Commissioners would be willing to move an at large seat to the Oak Grove Township seat before the Board to allow Ms. Smith to be placed in an at-large seat on the Planning Commission.

Carol Hammett, Assistant County Attorney, offered that this method would interfere with the staggered terms. She did not recommend shifting one seat to another. She recommended that the person would have to resign and reapply for the seat.

After further discussion, the Board moved forward with the current slate of applicants for the Planning Commission.

The following appointments were made:

City-County Planning Commission

Antonio Jones

Criminal Justice Partnership Act Advisory Board

Mark A. Sochaski (Victim of a Crime)

Nursing Home Community Advisory Committee

Jennifer Albright

Open Space & Trails Commission

Clayton E. Swenson (Triangle Township)

City-County Appearance Commission

There was a tie vote. The item will be placed on the May 24 agenda.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:31 p.m.

Respectfully submitted,

V. Michelle Parker-Evans
Clerk to the Board