

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

Monday, May 14, 2012

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

“Public Charge”

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 pm. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance (5 min)
 - 1a. **Acceptance of a Commissioner’s Resignation and Discussion Regarding the Replacement of a Vacant Commissioner’s Seat**
 - 1) On Wednesday, May 9, 2012, Commissioner Joe Bowser submitted his resignation for the seat of Durham County Commissioner. The Board is requested to accept the resignation and discuss the replacement of a vacant Commissioner’s seat. Attached please find NC General Statute § 153A-27 regarding replacement of a vacant Commissioner’s seat.

County Manager’s Recommendation: The Manager recommends that the Board (i.) accept the resignation of Commissioner Joe Bowser and (ii.) review and discuss the NC General Statute 153A-27, the statute that addresses appointing a qualified person to fill a vacancy on the Board of Commissioners.
2. **Agenda Adjustments (5 min)**
3. **Announcements (5 min)**
 - “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.
4. **Minutes (5 min)**

- 1) April 23, 2012 Regular Session
- 2) April 21, 2012 PAC 1 Meeting
- 3) March 29, 2012 Legislative Breakfast

5. Resolution – Durham Lions Club 90th Anniversary (5 min)

- 1) The Board is requested to congratulate the Durham Lions Club on their 90th Anniversary. The Durham Lions Club held its first meeting and was chartered in 1922, only five years after the Lions Club International was founded in 1917. From the beginning, the Durham Lions Club has established programming that focus on activities for youth and a specialized interest in people with visual impairments.
- 2) Volunteers and the local community play an intricate role in the success of the Durham Lions Clubs' efforts. With this support and partnerships, the Durham Lions Club sponsors four Scout Troops, is committed to the capital campaign for the Duke Eye Center, sends campers to the North Carolina Lions Camp Dogwood, a camp retreat for the blind and visually impaired, supports the Boys and Girls Home of North Carolina, awards scholarships to Durham Public Schools graduates and supplies reading glasses and exams for those in need. Recently, the Durham Lions Club helped support Duke students who set up an eye clinic in India.

Resource Persons: Chairman Michael Page and Kaaren Johanson, President, Durham Lions Club

County Manager's Recommendation: The County Manager recommends that the Board read and present the resolution in honor of the Durham Lions Club's 90th Anniversary to Kaaren Johanson.

6. Proclamation – Older Americans Month (5 min)

- 1) When Older Americans Month was established in 1963, only 17 million living Americans had reached their 65th birthdays. About a third of older Americans lived in poverty and there were few programs to meet their needs. Interest in older Americans and their concerns was growing, however. In April of 1963, President John F. Kennedy's meeting with the National Council of Senior Citizens served as a prelude to designating May as "Senior Citizens Month." Thanks to President Jimmy Carter's 1980 designation, what was once called Senior Citizens Month, is now called "Older Americans Month," and has become a tradition.
- 2) Today, one in seven Americans, or 40 million people, is age 65 years or older. While most older Americans are active members of their families and communities, others are at risk of losing their independence. These include almost 5.5 million Americans age 85 years and older, those who are living alone without a caregiver, those living in nursing homes or other institutional settings, members of minority groups, older persons with physical or mental impairments, older persons residing in rural areas, low income older persons, and those who are abused, neglected or exploited.

- 3) Older Americans Month is a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since JFK has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities. Older Americans Month is celebrated across the country through ceremonies, events, fairs and other such activities.
- 4) The Department of Social Services, Health Department, the Durham Partnership for Seniors, Triangle J and the Durham Center for Senior Life are requesting that the Board of Commissioners declare May as Older Americans Month in Durham County and help to promote this observance to Durham residents.
- 5) DSS will host the annual Celebration of Life luncheon for DSS Adult Services clients ages 70+ on May 24 at St. Philips Episcopal Church. Commissioners are invited to attend.

Resource Persons: Bob Wallace, Program Manager, Adult Services, DSS; Margaret Keller, Durham Partnership for Seniors; Joan Pelletier, Triangle J; Gail Souare, The Durham Center for Senior Life; Linda Crawford, Director of the Retired and Senior Volunteer Program of Durham County and Mary Warren, Chairperson for Friends of Durham County RSVP (Retired and Senior Volunteer Program).

County Manager's Recommendation: The Manager recommends that the Board approve a proclamation declaring Older Americans Month in Durham County and to raise community awareness of the need for to strengthen the system of care for our older residents.

7. Proclamation – Foster Care Month 2012 (5 min)

- 1) The Board is requested to proclaim May as Foster Care Month.
- 2) All children deserve a safe, happy life - including the 400,000 American children and youth in foster care. Young people in foster care especially need nurturing adults on their side because their own families are in crisis and unable to care for them. Each May, we salute the compassionate [people who make a difference](#) by serving as foster parents, relative caregivers, mentors, advocates, social workers, and volunteers. Thanks to these unsung heroes, many formerly abused or neglected children and teens will either safely reunite with their parents, be cared for by relatives, or be adopted by loving families.
- 3) In Durham County, there were 171 children and youth in foster care on April 01, 2012. Two major events will be held in May to commemorate Foster Care month:
- 4) ***Walk for the Children*** – Saturday, May 19, 2012 9:00 a.m. The walk will start at the Durham County DSS parking lot, 300 block of East Main Street, across from the Durham Housing Authority. Walkers will take East Main Street to the Farmers Market and surrounding areas and then return to the same parking lot. The public is invited to participate and asked wear white T-shirts and blue denim bottoms to promote visibility and cohesiveness.

- 5) ***Foster Parent Appreciation Celebration*** - Saturday, May 19, 2010 at 11 am – 3 pm at Wheels Family Fun Park (Invitation Only).

Resource Persons: Gail Perry, Interim Director; Jovetta Whitfield, Program Manager Child Placement and Permanency Services; Montina Swift, Supervisor-Family to Family; Tonya Askew-Foster, Parent Recruiter

County Manager’s Recommendation: The County Manager recommends that the Board proclaim May as Foster Care Month.

8. Recognition – Gayle Harris, Recipient of Duke University School of Nursing 2012 Distinguished Alumna Award (5 min)

- 1) On April 20, 2012, Duke University School of Nursing awarded Durham County Health Department Director Gayle Harris, BSN’72, MPH, RN, the 2012 Distinguished Alumna Award. Harris earned a Bachelor of Science degree in nursing from Duke and a master of public health degree from UNC-CH. She has nearly forty years of service in the health department.
- 2) “Gayle Harris is committed to addressing the health of the public and eliminating the many health disparities we see across our local community,” said Dean Catherine L. Gilliss, DNSc, RN, FAAN, Helene Fuld Health Trust Professor of Nursing and Vice Chancellor for Nursing Affairs. “Her work reflects Duke Medicine’s mission to improve community health and lead efforts to eliminate health inequalities.”
- 3) During her career with the Durham County Health Department, Harris has worked her way up from public health nurse to director of nursing, and assistant director before receiving her current appointment in 2009. Accomplishments in her role as health director include overseeing the design and construction of a 280,000 square-foot human services building, which opened in 2011. She also spearheaded the health department’s collaborations with Duke, including Durham Health Innovations, a project that seeks to improve the health status of Durham County residents. Harris is co-principal investigator and a steering committee member of the Durham Diabetes Coalition. The five-year program, which also involves the National Center for Geospatial Medicine, is supported by a \$6.2 million grant from the Bristol-Myers Squibb Foundation’s national diabetes initiative, Together on Diabetes.
- 4) Harris currently serves as president of the executive board of the North Carolina Public Health Association and vice chair of the Project Access of Durham County Board of Directors. Project Access links Durham residents who lack health insurance with a network of clinics, laboratories, pharmacies, and hospitals that donate their services.
- 5) Harris also is a member of the Durham Community Health Network, and the community advisory board for the Diabetes Improvement Project, which is an initiative of the African-American Health Improvement Project in Duke’s Division of Community Health. She serves on the Duke University School of Nursing Alumni Council.

- 6) She is a member of the North Carolina Association of Local Health Directors, North Carolina Public Health Association, North Carolina Nurses Association, and the American Nurses Association. She was the recipient of the University of North Carolina at Chapel Hill (UNC-CH) School of Public Health Distinguished Alumnus Award in 1995 and was inducted into Sigma Theta Tau International Honor Society of Nursing in 1990.

Resource Person: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners recognize Gayle Harris for this achievement.

9. **Recognition of Kimberly Simpson, Recipient of the 2012 Tax Collector of the Year (5 min)**

- 1) The North Carolina Tax Collectors' Association named Kimberly H. Simpson, 2012 Tax Collector of the Year on April 20, 2012 during their annual conference. Ms. Simpson was nominated by employees of Durham County Tax Administration and another taxing jurisdiction in North Carolina.
- 2) In a letter to County Manager Ruffin, informing him of the award to Kimberly Simpson; it was stated "this award is given each year to the Collector that has promoted improvement and enhancement to the area of tax collection and internal office procedures. This individual should display a willingness to provide new and creative ideas to the area of tax techniques. This individual challenges themselves, their team, and others in the tax field to promote the best customer service to the citizens of North Carolina. Kim has met and exceeded all of these areas and has set a high standard for others to follow."

Resource Person: Marqueta Welton, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners recognize Kimberly Simpson for this achievement.

10. **Consent Agenda (15 min)**

- a. Receive the Durham Open Space and Trails (DOST) 2011 annual report;
- b. Award the construction contract for the Stirrup Iron Creek Lift Station Improvements to Eberhart Construction, Inc., in the amount of \$298,000, and authorize the County Manager to execute the contracts, and any related contracts, not to exceed a total project budget of \$321,840;
- c. Receive and approve the FY 13 Planning Department Work Program;
- d. Approve the request to grant the Planning Director authority to seek approval from the North Carolina Environmental Management Commission for this watershed protection overlay boundary change;

- e. Approve the amendment to the contract between the Department of Social Services and One Source in the amount of \$1,904,776;
- f. Approve Budget Ordinance Amendment No. 12BCC000073 to amend the budget as indicated to increase the budget by \$10,522 for Durham County Cooperative Extension;
- g. Approve Budget Ordinance Amendment No. 12BCC000074 to amend the budget as indicated to increase the budget by \$1,000 for Durham County Cooperative Extension;
- h. Approve Budget Ordinance Amendment No. 12BCC000075 to amend the budget as indicated to increase the budget by \$1,070 for Durham County Cooperative Extension;
- i. Approve Budget Ordinance Amendment No. 12BCC000076 to amend the budget as indicated to increase the budget by \$3,535 for Durham County Cooperative Extension;
- j. Approve Budget Ordinance No. 12BCC000077 recognizing additional revenues in the in the amount of \$87,848 for Title IV E Child Care and Direct Medical Funds programs;
- k. Approve Budget Ordinance Amendment No. 12BCC000078 in the amount of \$57,424 from the NC Department of Health and Human Services for the Nutrition Division;
- l. Approve Budget Ordinance Amendment No. 12BCC000079 in the amount of \$15,175 from the NC Department of Health and Human Services for training;
- m. Receive and approve Juvenile Crime Prevention Council's Annual Funding Plan for FY 2012-2013 as presented;
- n. Approve Budget Ordinance Amendment No. 12BCC000080 to transfer \$50,000 from the BOCC Contingency fund to the County Attorney budget and authorize the County Attorney to enter into a contract for consulting services related to the Health and Human Services construction;
- o. Approve the Interlocal Agreement between Durham County, Orange County and TTA regarding the allocation of costs for the planning, construction, operation and maintenance of the light rail project.

11. Public Hearing - Durham Comprehensive Plan Update (15 min)

- 1) The Board is requested to conduct a public hearing and receive public comments on the Durham Comprehensive Plan update; and approve updates to the Durham Comprehensive Plan. The Comprehensive Plan was presented to the Board for discussion at their May 7, 2012 Worksession.
- 2) The *Durham Comprehensive Plan* sets out Durham's policies on how the City and County provide public facilities and services and guide growth in Durham. Projects

and tasks identified in the Plan form the basis of the Planning Department's annual work plan and provide policy guidance to other County and City departments.

- 3) The *Durham Comprehensive Plan* was adopted by the Durham County Board of Commissioners and the Durham City Council in February 2005. Planning staff initiated a Plan update in September 2010. The primary purposes of the update are to define new projects and tasks to be accomplished over the next five years, revise policies in order to meet new conditions and directives of the elected officials, and to remove policies pertaining to projects and tasks that have been completed. The Memo from the Planning Director includes two attachments:
 - a) Attachment 1: Draft Comprehensive Plan Update, mark-up version
 - b) Attachment 2: Resolution

Resource Person: Laura D. Woods, AICP, Senior Planner

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing on updates to the *Durham Comprehensive Plan*; and approve updates to the *Durham Comprehensive Plan*.

12. Durham Public Schools – Resolution to Reallocate of a Portion of Authorized and Unissued 2007 School Bond Proceeds and Capital Project Amendment No. 12CPA000010 Reallocating Durham Public Schools 2007 General Obligation Bond Funding For A Technology Project (\$9,039,174) From The New High School “A” Capital Project (SH126) (10 min)

- 1) On April 26, 2012, the DPS Board of Education requested a change in the use of a portion of the proceeds of the School Bonds that were approved at a referendum on November 6, 2007 and have not been issued from the construction of New High School “A” to the purchase of technology equipment in order to meet current standards and equity across all DPS schools. A copy of the Resolution approved by the Board of Education is attached. High School enrollment has subsided since the planning of the 2007 Bond and demographic projections do not indicate a significant need for more space, especially in light of charter growth, in the next 3 to 8 years. Therefore, the building of New High School “A” is not planned before 2018 (land has already been purchased) and it is requested that \$9,039,174 be reallocated for district-wide technology equipment such as teacher laptops, smart boards, digital cameras and classroom computers. A request to reallocate the remaining approximately \$31 million may be proposed and will be subject to approval by this Board at a future date.
- 2) The School Superintendent and his staff have provided sufficient information to allow the County Manager to investigate the need for reallocation of a portion of the unissued 2007 School Bond proceeds. The reallocation of \$9,039,174 will not jeopardize any of the existing projects funded in whole or in part with 2007 School Bond proceeds. No other projects allocated in the 2007 Bond proceeds are in need of additional funding at this time.

Resource Person(s): Hugh Osteen, Asst. Superintendent Operational Services; Carol Hammett, Deputy County Attorney

County Manager's Recommendation: The County Manager recommends the Board approve (i) the Resolution to Reallocate The Use Of A Portion Of The 2007 General Obligation School Bonds From The New High School 'A' Project To A District-Wide Technology Upgrade Project and (ii) approve Capital Project Amendment No. 12CPA000010 reallocating \$9,039,174 of 2007 GO Bond funds from the "New High School 'A' capital project (SH126) to a new "Technology" capital project (SH156).

13. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)

14. Closed Session (60 min)

- 1) The Board is requested 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.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board adjourn into Closed Session, and instruct staff accordingly.