

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

Monday, February 13, 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.
2. **State of the County Address** – Chairman Page 30 min.
3. **Agenda Adjustments** 5 min.
4. **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.
 - Need help with tax preparation? The VITA Program offers free tax help to low- to moderate-income people who cannot prepare their own tax returns. An office is now open at Northgate Mall. Durham County along with Durham City, Duke Law School, NCCU School of Law, NC Legal Aid and others are sponsors of the service. To schedule an appointment, call (919) 667-1822 or log on to www.nc-tac.com.
 - The Main Durham County Library sponsors, “Heard it Through the Grapevine: Traditional & Ethnic Reconstruction and the Harlem Renaissance” on Sunday, February 19, at 3 p.m. Join Dr. Otis Alexander for a dramatization of the works of Georgia Douglas Johnson, Langston Hughes, Paul Laurence Dunbar and other writers of the Reconstruction and Harlem Renaissance. Audience participation is encouraged.

5. Minutes

5 min.

December 12, 2011 Regular Session
January 3, 2012 Work Session
January 9, 2012 Regular Session

6. Resolution –William H. Burch

5 min.

The Board is requested to pay tribute to William H. Burch, R Ph., and Chairman of the Durham County Board of Health who resigned his responsibilities on January 14. This extraordinary leader worked with four Health Directors and oversaw the substantial growth and development of the department during his 15 years of service.

Resource Person: Gayle B. Harris, Durham County Public Health Director

County Manager’s Recommendation: The County Manager recommends that the Board read and present the Resolution to William H. Burch, RPh.

7. Introduction – Director, Board of Elections

5 min.

Ms. Carol Anderson, Chair of the Board of Elections will be present to introduce the newly appointed Board of Elections Director, Michael E. Perry. Mr. Perry was appointed Elections Director, effective January 23, 2012.

Resource Person: Ms. Carol Anderson, Chair of the Board of Elections

County Manager’s Recommendation: The Manager recommends that the Board recognize and congratulate Mr. Perry on his appointment.

8. Consent Agenda

15 min.

- a. Approve the Elections Director’s salary pursuant to G.S. 163-35c, Compensation of Directors of Elections. Based on survey data, the Human Resources Department supports the recommended \$80,000 salary for Michael E. Perry effective January 23, 2012;
- b. Accept the 3-year ambulance franchise renewal request, and schedule the request for a second reading, final approval on February 27, 2012;
- c. Accept the property tax release and refund report for January 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- d. Accept the property tax release and refund report for December 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;

- e. Approve the Tax Administrator's request to begin advertising the 2011 tax liens in the month of March;
- f. Approve Budget Ordinance Amendment No. 12BCC000049 in the amount of \$5,000 from NACCHO for the Environmental Health Division to develop a Durham Medical Reserve Corps;
- g. Approve Budget Ordinance No. 12BCC000050 to recognize additional revenues in the amount of \$335,196 to support the Child Care Program and Low Income Energy Assistance Program;
- h. Approve Budget Ordinance Amendment No. 12BCC000051 to increase the Coordinated Transportation budget by \$113,876; and (2) authorize the County Manager to enter into a standard service contract with Susie Taxi Company for the provision of transportation services in an amount not to exceed \$113,876;
- i. Approve Budget Ordinance Amendment 12BCC000052 to increase the budget for Coordinated Transportation by \$24,286;
- j. Amend the Coordinated Transportation FY2012 budget to recognize an increase the budget for by \$34,000. The Targeted Transit Assistance Program (Section 5317) Grant will allow for expanded transportation service to residents who have a disability;
- k. Approve the Local Emergency Planning Committee (LEPC) membership roster as presented and accept the report of the past year's activities;
- l. Approve the Community Alert Notification System Interlocal Agreement and authorize the County Manager to execute the agreement;
- m. Authorize the County Manager to amend the design contract with The Freelon Group (TFG), P.A., to include the additional Construction Administration (CA) Phase and related services for the DCHS project in the amount of \$1,607,841.00 plus reimbursable expenses and additional services if necessary, estimated at \$80,392.00 for a total \$1,688,233.00, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursement to an amount not to exceed \$10,029,650.00;
- n. Authorize the County Manager to amend the contract with Amec E & I, Inc., (formerly Mactec Engineering and Consultants, Inc.) currently providing the CMT & SI services for the new Durham County Courthouse and Parking Structure (under construction) in the amount of \$522,000.00 thus increasing the CMT & SI budget to an amount not to exceed \$1,822,000.00;
- o. Authorize the execution of a consulting services agreement with Heery International, P.C. to provide moving consulting services for the new Durham County Courthouse in the amount not to exceed \$73,815.00 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$81,197.00.

- p. Approve an increase of the construction contingency for the new Durham County Human Services Building presently under construction in the amount of \$1,093,300.00 and authorizes the County Manager to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget. This request will increase the current construction contingency amount from \$3,279,900.00 to \$4,373,200.00 for a revised total construction budget not to exceed an amount of \$59,038,200.00;
- q. Appoint the recommended members to the Juvenile Crime Prevention Council per G.S. 143B-543.

9. Advance Public Comments on the FY 2012-2013 Budget

15 min.

The Board is requested to hold an Advance Public Comment session to receive public comments for the FY 2012-2013 Budget. As county staff begins the preparation of the fiscal year 2012-2013 budget, public input is being solicited on issues which may need to be addressed during the budget process.

The County Manager's Recommended FY 2012-2013 Budget will be presented to the Board of Commissioners on Tuesday, May 29, 2012, with individual budget work sessions with the Board to be scheduled for the period May 30-June 13, 2012. Final adoption of the FY 2012-2013 Budget Ordinance is scheduled for Monday, June 25, 2012.

Additionally, comments can also be e-mailed to commissioners@durhamcountync.gov.

Resource Person: Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The County Manager recommends that the Board hold the Advance Public Comment session on the Fiscal Year 2012-2013 Budget.

10. FY 2012-2013 Annual Action Plan "Needs" Public Hearing

15 min.

The City of Durham Department of Community Development requests that the Board of County Commissioners hold the FY 2012-2013 Annual Action Plan "Needs" public hearing on February 13, 2011 to receive citizen comments. The purpose of this meeting is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham for the 2012-2013 fiscal year.

Durham anticipates receiving approximately \$761,991 in HOME Consortium funds from the U. S. Department of Housing and Urban Development (HUD). In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus on target neighborhoods; including existing homeowner rehabilitation and first-time home homebuyer activities. Approximately, \$171,448 in non-federal funds will be needed from the HOME Consortium for the matching funds requirement of the HOME program.

Resource Person: Reginald J. Johnson, Interim Director of the City of Durham Department of Community Development

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners hold a public hearing on February 13, 2012 to receive comments related to Community Development needs.

11. Public Hearing - COPs Financing

15 min.

Durham County currently has under construction its Health and Human Services Complex. The project is funded in part by a \$56M variable rate loan with a liquidity facility guaranteed by the Federal Home Loan Bank of Atlanta. The guarantee expires on April 15, 2012. As such, the County wishes to take this opportunity to convert this variable rate loan to a fixed loan. In conjunction with this conversion, the County wishes to add \$11.3M to the loan to finance the following items bringing the total to \$67.3M.

1. A upgrade to the County Financial System	\$ 2,000,000
2. The purchase of replacement of personal computers, Servers, and other IT equipment	\$ 8,461,400
3. County Vehicles	\$ 817,200
Total	\$ 11,278,600

The bonds will be structured such that items 1, 2 & 3 above will be repaid in forty-eight (48) months with the total maturity not to exceed twenty (20) years. A public hearing will be required for the entire \$67.3 million, which we are requesting to be held during the February 13, 2012 meeting.

Resource Person: George K. Quick, Finance Director

County Manager's Recommendation: The County Manager recommends that the Board approve the financing in an amount not to exceed \$68 million per the attached Resolution, after holding the public hearing.

12. Request To Receive Update And Approve Merger Agreement Between The Durham Center And Wake County LME

The Durham Center and the Wake County LME, with input from their governing bodies and other representatives of their respective County governments, have finalized an Agreement for their merger addressing key provisions including:

- Separation of The Durham Center from Durham County Government and dissolution of the Wake County LME, allowing the formation of a new multi-county LME under the provisions of NC General Statute 122C.
- Start-up funds for facilities, IT systems, staffing, etc. based on the Seven-Year Pro Forma previously submitted, with funds totaling \$8,000,000 to be provided in equal parts – \$4,000,000 each by Durham and Wake County Governments. These funds would be

repaid by the Managed Care Organization (MCO) created by the merged LME at an interest rate of 1% over a five-year period.

- A new MCO Board comprised of eight members initially appointed by the Durham Board of County Commissioners, six by the Wake Board and two by the MCO Board.

The Agreement was approved on February 2, 2012 by the Area Board of The Durham Center and on February 6, 2012 by the Wake Board of County Commissioners.

The Board is requested to receive an update and approve the Agreement.

Resource Person: Ellen S. Holliman, Area Director, The Durham Center

County Manager's Recommendation: The County Manager recommends that the Board receive the update and approve the Agreement.

13. Letter of Intent to Lease MCO Corporate Property

10 min.

The Board is requested to approve the Letter of Intent (LOI) to lease property located in the Imperial Center at 4600 Emperor Boulevard, Durham County, until the Managed Care Organization (MCO) is legally created, which date is anticipated as July 1, 2012. This action is needed so that the Landlord (TTA) will begin the up-fit of the building to suit the incoming MCO. The effective date of the Lease will be July 1, 2012, or receipt of a Certificate of Completion from the City of Durham, whichever is earlier. As soon as the MCO is legally formed, the lease will be assigned to the MCO. The cost of the lease will be solely the responsibility of The Durham Center until the MCO is formed. The costs are deemed start up costs and will be paid from the funding provided to The Durham Center for that purpose.

This LOI is non-binding on the County, but will be used in order to authorize TTA to begin the up-fit of the building and develop a formal lease agreement. The lease agreement will be brought back before the Board of County Commissioners for final approval. The LOI is attached for your consideration.

Resource Person: Ellen Holliman, Director, the Durham Center

County Manager's Recommendation: The Manager recommends that the Board approve the terms of the Letter of Intent to lease space in the Imperial Center at 4600 Emperor Boulevard, Durham County, until the Managed Care Organization (MCO) is legally created, which date is anticipated as July 1, 2012.

14. Adoption of Board of Health Smoking Rule as the Durham County Smoking Ordinance and Budget Amendment to Implement the Changes

15 min.

The Board is requested to adopt the Board of Health Smoking Rule as the Durham County Smoking Ordinance with an effective date of August 1, 2012. In addition to incorporating the aspects of the existing ordinance and State Law, the Rule adds the following:

Smoking is prohibited in/on:

- City of Durham Grounds
- City of Durham Park System including playgrounds and athletic fields
- City or County Bus Stops
- Durham County Grounds
- Durham County Trails and Parks
- Durham Station Transportation Center (except as specifically designated)
- Durham Train Station (except as specifically designated)
- Sidewalks owned, leased, maintained, or occupied by the City or County of Durham **and** abuts Durham County grounds, the City of Durham Grounds, any public school or hospital grounds

All tobacco use is prohibited on County of Durham Human Services Facilities and Campus.

The Rule also requires extensive community education including information about smoking cessation opportunities.

The Board is requested to approve the allocation of \$75,500 from the Home Health sale proceeds in order to implement the educational activities and post the signage as specified in the Rule. These funds will be allocated as follows:

Expenses:

51000621200-5200159500: Miscellaneous supplies (signs and other materials) - \$50,859
51000621200-5200160100: Miscellaneous Contracts - \$25,000

Resource Persons: Sue McLaurin, Chair of the Board of Health; Gayle B. Harris, Public Health Director; and Bryan Wardell, Assistant County Attorney

County Manager's Recommendation: The County Manager recommends that the Board adopt the Rule and the Amendments to the Smoking Ordinance to be effective August 1, 2012 and approve the allocation of \$75,859 to implement the requirements.

15. Strategic Plan Adoption

20 min.

After months of hard work from County employees and the community, Durham County Government is prepared to submit its Strategic Plan for BOCC adoption.

The Strategic Plan contains five goals, as well as objectives, measures and initiatives that further define those goals and provide a framework for meeting those goals as an organization and as a community. The five goals are:

1. Community and Family Prosperity and Enrichment
2. Health and Well-being for All

3. Safe and Secure Community
4. Environmental Stewardship
5. Accountable, Efficient and Visionary Government.

Nearly 3,000 residents and County employees participated in the Strategic Planning Process, and this document reflects the community approach of this process.

Implementation of the plan officially begins in late February with a two-day session led by Zelos, Inc., one of the consultants for the Strategic Planning Process.

Resource Persons: Mike Ruffin, County Manager; Michael Davis, Assistant to the County Manager

County Manager's Recommendation: The County Manager recommends that the Board hear the presentation and adopt the Durham County Strategic Plan.

16. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

20 min.

17. Closed Session

30 min.

The Board is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

County Manager's Recommendation: The County Manager recommends that the Board adjourn to Closed Session and direct staff accordingly.

3 hrs. 50 min.