

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

Monday, January 9, 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 Joe W. Bowser, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Vice-Chairman Reckhow reported on an event she recently attended at the Durham Library regarding cheese making. She encouraged citizens to partake in the abundance of programs scheduled from January to March 2012 at the Library.

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 on Mondays and 8:30 a.m., 12 noon, and 6:30 p.m. on Tuesday–Sundays. The 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.
- The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) to conduct a public hearing on the rail transit Alternatives Analysis at its board meeting on January 11, 2012. The meeting would commence in the Committee Room on the second floor of Durham City Hall (101 City Hall Plaza, Durham, NC) at 9:00 a.m. Citizens may sign in to request time to speak to the board—Transportation Advisory Committee (TAC). Citizens may also email their comments to comments@dchcmpo.org or post mail them to Andy Henry, Transportation Department, 101 City Hall Plaza, Durham, NC 27701. Comments would be accepted up to the time of the public hearing on January 11. TAC would likely vote on a Locally Preferred Alternative for the Durham-Orange County and the Durham-Wake County rail corridors at its subsequent meeting on February 8. For additional information, citizens may visit the DCHC MPO webpage or contact Andy Henry at (919) 560-4366 ext 36419 or andrew.henry@durhamnc.gov.
- “Designing Better Bus Service”, a public workshop to encourage citizens to help shape Durham’s growing transit system, to be held Wednesday, January 11, 2011 at the Durham Station, 2nd Level, 515 W. Pettigrew Street. An open house and presentations would be

held during two periods: 2:00 p.m. – 4:30 p.m. and 4:30 – 8:00 p.m. Additional information sessions would also be held Tuesday, January 17, 12:00 noon – 3:00 p.m., and Wednesday, January 18, 7:00 a.m. to 10:00 a.m., at the Durham Station.

- The Annual Durham City-County Martin Luther King Jr. Employee Celebration would be held on Wednesday, January 11, at 12 noon at the First Presbyterian Church, 305 E. Main Street.

Commissioner Howerton expressed concern regarding shootings in the community and inquired about the outcomes of several meetings amongst prominent leaders in Durham.

Chairman Page responded to Commissioner Howerton, stating that the group of leaders would hold another meeting within the week to further discuss an approach; he anticipated that a strategy would be revealed to the public as a result.

Commissioner Howerton requested that the Commissioners be informed of the meetings and its discussions.

Chairman Page explained to Commissioner Howerton that reports to the Commissioners were delayed as the group leaders had yet to make any decisions on the gun violence matter.

Vice-Chairman Reckhow enlightened the Board on the objective of a gun violence ad hoc subcommittee, formed from the Durham Crime Cabinet, and provided an update on the Subcommittee's recommendations to be presented at the January 13 Crime Cabinet meeting.

Chairman Page expressed urgent desire in addressing the gun violence issue in Durham.

Commissioner Bowser concurred with City and County leaders taking action against gun violence in Durham. He commented on the gun permit recommendation relayed by Vice-Chairman Reckhow on behalf of the ad hoc subcommittee.

Commissioner Bowser issued a statement as to his opinions and rebuttals of the Department of Social Services report from Durham County Internal Auditor Richard Edwards and report from the hired attorney.

In response to a question posed by Commissioner Bowser, County Attorney Lowell Siler responded that he could not point to anything illegal or unethical, per the Board of County Commissioners' Ethics Policy, for a Commissioner to recommend a Durham County citizen for a vacant job position in Durham County Government.

County Attorney Siler stated his support for the opinion issued by his office in regards to the Department of Social Services investigation. He elaborated on the hired attorney's report.

Chairman Page thanked Mr. Edwards and the hired attorney for their reports. He stated that he bestowed full confidence in the two individuals and expressed belief that they acted out of honesty and integrity.

Minutes

Commissioner Howerton moved, seconded by Commissioner Bowser, to approve as submitted the December 5, 2011 Worksession Minutes of the Board.

The motion carried unanimously.

Durham Center - Recognition

The Board was requested to recognize The Durham Center for two statewide Program of Excellence Awards presented recently by the NC Council for Community Programs.

Chairman Page reported that The Durham Center Access was recognized as a Program of Excellence in the Crisis Response category. DCA is anchored by its state-of-the-art 26,000-square foot crisis center near Durham Regional Hospital. Opened in 2008, the facility is the result of a partnership between The Durham Center, Durham Board of County Commissioners and Duke University Health Systems. The facility houses the DCA mobile crisis team, a psychiatric walk-in clinic, the DCA Assessment Team and a primary care clinic staffed by Lincoln Community Health Center. The award recognized DCA for meeting its goal of reducing admissions to State psychiatric and substance abuse hospitals by successfully stabilizing individuals in crisis and reintegrating them into the community.

Chairman Page further reported that The Durham Center Access Assessment Team was recognized as a Program of Excellence for Partnerships to Improve Services. The Team was developed in 2009 by The Durham Center and CJRC to conduct independent clinical assessments for uninsured Durham County citizens seeking mental health or substance abuse services. Since its inception the Team has helped The Durham Center absorb \$1.4+ million dollars in budget reductions without placing any consumer on a waitlist for needed services. Savings have been reallocated to providing more intensive services for individuals with severe and chronic mental health and substance abuse disabilities. Traditionally, these disabilities have resulted in homelessness, criminal justice involvement, unemployment, and intense use of high-cost local emergency departments and State hospitals.

Ellen S. Holliman, Area Director, The Durham Center, recognized the following persons who were in attendance for their joint collaborative efforts in The Durham Center Access's success: Lascel A. Webley Jr., Chair, Area Mental Health Board; Dan Shaw, Vice Chair, Consumer Family Advisory Committee; May Alexander, Director of The Durham Center Access Team; and Gudrun Parmer, Director, Criminal Justice Resource Center. Ms. Holliman thanked the Board for the recognition and briefly remarked on the work performed by The Durham Center Access.

Chairman Page extended thanks to Ms. Holliman and her team for the admirable work they do to improve the health and wellness of Durham citizens.

Consent Agenda

Commissioner Howerton moved, seconded by Commissioner Karriker, to approve the following consent agenda items:

- *a. Approve Budget Ordinance Amendment No. 12BCC000043 appropriating \$6,415 in parking fee revenue from DPAC performances to support contract costs associated with McLaurin Parking and G4S (security);
- b. Approve the amendment to the consulting contract with Zelos, Inc. in an amount, which is not to exceed \$16,000;
- *c. Approve Budget Ordinance Amendment No. 12BCC000044 in the amount of \$7,650 from the NC Department of Health and Human Services for the Breast and Cervical Cancer Control Program.;
- *e. Approve Budget Ordinance No. 12BCC000046 to transfer \$80,466 from the DSS budget to the County Attorney's budget for contracted legal services in the amount of \$80,466;
- *f. Approve Budget Ordinance Amendment No. 12BCC000047 in the amount of \$2,000 from the National Children's Study and approval for Public Health to use these funds to host an employee appreciation event for Public Health staff and retirees during Public Health month in April; and
- g. Authorize the approval to purchase AspireHR Resume Parsing (\$83,900), SAP Productivity Pak (\$159,080), and SAP Nakisa Talent Management (\$52,802) for a total amount of \$295,782 which is required for the Implementation and Enhancements to the SAP ECC 6.5 HCM Functional Module Project.

The motion carried unanimously.

Document(s) related to this item follow:

Consent Agenda Item No. a. Approve Budget Ordinance Amendment No. 12BCC000043 appropriating \$6,415 in parking fee revenue from DPAC performances to support contract costs associated with McLaurin Parking and G4S (security).

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000043

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>
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GENERAL FUND

Service Charges	\$14,449,589	\$6,415	\$14,456,004
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Expenditures:

Function

GENERAL FUND

General Government	\$80,217,079	\$6,415	\$80,223,494
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 9th day of January, 2012.

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 12BCC000044 in the amount of \$7,650 from the NC Department of Health and Human Services for the Breast and Cervical Cancer Control Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000044

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>GENERAL FUND</u> Intergovernmental	\$72,960,295	\$7,650	\$72,967,945

Expenditures:

Function

GENERAL FUND

Human Services	\$107,282,181	\$7,650	\$107,289,831
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 9th day of January, 2012.

Consent Agenda Item No. e. Approve Budget Ordinance No. 12BCC000046 to transfer \$80,466 from the DSS budget to the County Attorney's budget for contracted legal services in the amount of \$80,466.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000046

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>GENERAL FUND</u>			

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$80,223,494	\$80,466	\$80,303,960
Human Services	\$109,474,125	(\$80,466)	\$109,393,659

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

This the 9th day of January, 2012.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 12BCC000047 in the amount of \$2,000 from the National Children's Study and approval for Public Health to use these funds to host an employee appreciation event for Public Health staff and retirees during Public Health month in April.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000047

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>GENERAL FUND</u>			
Other Revenues	\$7,114,913	\$2,000	\$7,116,913

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,393,659	\$2,000	\$109,395,659

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

This the 9th day of January, 2012.

**Public Hearing on Coordinated Transportation Program (Section 5311): FY2012-2013
Community Transportation Grant Application**

Margaret Scully, Mobility Manager, Cooperative Extension, stated that Durham County's Community Transportation Program (CTP) provides transportation for persons who are elderly, who have a disability or who are transportation disadvantaged. Cooperative Extension has applied for 5311 grant funds through the NCDOT annually since 1999 to purchase vehicles and subsidize the administrative costs associated with the Community Transportation Program.

The CTP 5311 grant application requests \$149,832 from NCDOT. The NCDOT requires a local match of \$18,125 to be appropriated in the FY12-FY13 budget. The revenue from this grant and the expenditures required of the county as local match will be budgeted in FY12-FY13 for Coordinated Transportation.

Requested Budget

Admin:	\$ 62,832	(local match \$ 9,425)
Capital:	\$ 87,000	(local match \$ 8,700)
Total Grant	\$149,832	(local match \$18,125)

Ms. Scully requested that the Board (1) hold a public hearing on the proposed Section 5311 grant application allowing members of the community the opportunity to comment on the application and the County's transportation needs; (2) approve the resolution authorizing the submission of the grant application to the NC Department of Transportation (NCDOT), and (3) commit \$18,125 for inclusion in the County's FY13 budget to meet local match requirements.

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 Howerton, to approve the resolution authorizing the submission of the grant application to the NC Department of Transportation and to commit \$18,125 for inclusion in the County's FY13 budget to meet local match requirements.

The motion carried unanimously.

Public Hearing—Street Closing—South Mineral Springs Road (SC1100001)

Patrick Young, AICP, Assistant Planning Director, requested that the Board conduct a public hearing on the permanent closing of a 165-linear foot segment of the South Mineral Springs public right-of-way. The right-of-way is located at the southern terminus of South Mineral Springs Road at its intersection with Sherron Road.

Vice-Chairman Reckhow indicated that Page 4 of the Order Closing (Notary Public section) should reference Durham County and its officials in lieu of Durham City and City officials.

Mr. Young replied that the wording would reflect Durham County if the order is approved.

Chairman Page opened the public hearing that was properly advertised. He called signed speaker Ron Horvath, Horvath and Associates, 7002 Old Trail Drive, Durham 27712, forward to comment.

Mr. Horvath commented that he supported the street closing. Chairman Page closed the public hearing and referred the matter back to the Board.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt an order permanently closing 165-linear feet of South Mineral Springs Road.

The motion carried unanimously.

COUNTY OF DURHAM
ORDER PERMANENTLY CLOSING 165 LINEAR FEET OF
SOUTH MINERAL SPRINGS ROAD
(SC1100001)

WHEREAS, the Durham Board of County Commissioners adopted a Resolution on December 12, 2011, declaring its intent to close the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein;

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for four successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham Board of County Commissioners at its regular meeting on January 9, 2012 meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the Board of County Commissioners of the County of Durham having carefully considered the question of permanently closing the street or alley or portion thereof as it is more fully described in Attachment A, finds:

1. That closing of the street or alley described in Attachment A is not contrary to the public interest, and

2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the street described in Attachment A is permanently closed under the authority of GS 160A-299(c).
2. That utility easements that may be referenced in Attachment A or shown on the plat referenced in Attachment A shall be retained by the City and/or County, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in Attachment A shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in Attachment A.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City and/or County.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the County Clerk below.

Attachment A
LEGAL DESCRIPTION
Street Closing of:
Mineral Springs Road

ALL THAT CERTAIN tract or Parcel of Land Situated in the Township of Oak Grove, in the County of Durham and in the State of North Carolina, being more particularly described as follows:

Beginning at a point where the northwesterly right of way line of South Mineral Springs Road an Existing 60' Public Right of Way, intersects the southwesterly boundary line of lands now or formerly of Jerry W. McLaurin as described in DB 5600, PG 796 of the Durham, County Registry, said Point of Beginning having N.C. Grid Coordinate of N. 801,262.9149, E. 2,048,321.4459, as illustrated on a certain street closing plat entitled "Street Closing Plat for: Mineral Springs Road", prepared by S.D. Puckett & Associates, with a survey date of 8-30-2010 and being the Property herein described, and from said beginning point runs; thence, crossing said right of way of South Mineral Springs Road, S 69°43'22"E, 60.00 feet to a point in the southeasterly right of way line of said South Mineral Springs Road, said line also being the northwesterly property line of lands now or formerly of GDS Holdings, LLC, as described in DB 4657, PG 121 of the Durham County Registry; thence, running along the old southeasterly right of way line South Mineral Springs Road, S 20°16'38"W, 90.18 feet to a point in the curved northwesterly right of way line of Sherron Road an Existing Variable Width Public Right of Way; thence, along said curved right of way line, on a curve to the left, having a radius of 1,043.25 feet, an arc length of 184.97 feet, a delta of 10°09'32" and a chord bearing and distance of S 39°13'50"W, 184.73 feet to a point where said curved right of way line of Sherron Road

intersects the old right of way line for the aforementioned South Mineral Springs Road; thence, along said old right of way line, N 20°16'38"E, 264.89 feet to the point and place of beginning.

SAID ABOVE DESCRIBED tract or parcel of land containing within said bounds 10,147 S.F. or 0.233 Acre.

Consent Agenda Item Removed for Discussion

Consent Agenda Item No. d. Approve Budget Ordinance No. 12BCC000045 in the amount of \$2,184,294 for child welfare monthly caseworker visits and childcare funds.

Vice-Chairman Reckhow requested to pull this item to ask a question regarding the use of the childcare funds to move some children and families off of the waitlist and into childcare.

Antonia Pedroza, Assistant Director, Department of Social Services, responded in the negative.

Vice-Chairman Reckhow further inquired about federal and state budget cuts for childcare.

Commissioner Bowser stated the importance of spending each dollar in the budget to avoid future budget cuts.

Commissioner Bowser noted that the funds would not only provide childcare but also jobs.

Chairman Page briefly introduced Gail Perry, Interim Department of Social Services Director, to the public.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve Consent Agenda Item No. d.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000047

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>GENERAL FUND</u>			
Other Revenues	\$7,114,913	\$2,000	\$7,116,913

Expenditures:

Function
GENERAL FUND

Human Services	\$109,393,659	\$2,000	\$109,395,659
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 9th day of January, 2012.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 7:46 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Yvonne R. Jones".

Yvonne R. Jones
Deputy Clerk to the Board