

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

Monday, December 12, 2011

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

Agenda Adjustments

Chairman Page added Eno River Association Presentation and Recognition of the Former Sheriff to the agenda.

Commissioner Bowser requested to add a discussion regarding Library meeting room usage.

Chairman Page placed the Library discussion on the agenda to follow Board and Commission Appointments.

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 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 FY 2012-2013 Nonprofit Agency Funding process begun on November 4, 2011 with the opening of the pre-application submission period. All Durham community nonprofits interested in applying for FY 2013 nonprofit funding must first submit a Pre-Application Questionnaire and accompanying documents no later than midnight EST on Thursday, December 15, 2011. This initial assessment is 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 FY 2013 funding. The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy would be available on the County’s website through December 15, 2011. Early

submission of the Pre-Application Questionnaire was encouraged. Citizens may contact Laura Jensen, Budget and Management Services, at 560-7065 for additional information.

- Help make Christmas special for a family or an elderly or disabled adult in Durham by participating in the Share Your Christmas Program. Durham County DSS, in partnership with The Volunteer Center of Durham and the Herald Sun, pairs individuals and groups with Durham residents at the 200% poverty income level. To make a donation or adopt a family, call Kim Shaw at 613-5109 or Kathy Kenney at 613-5101.
- On Sunday, December 18 at 3:00 p.m., at the Hayti Heritage Center, 804 Old Fayetteville Street, the Durham Library would present a discussion of the 1951 Blue vs. Durham federal court case that changed school funding during the “separate but equal” era preceding the 1954 Brown decision. African Americans in Durham won a landmark lawsuit for the equalization of school funding. Eddie Davis would lead a discussion with a panel of the original plaintiffs.
- The Health Department to give flu vaccines—shots or mist—free of charge to anyone ages 6 months and older on Monday, Wednesday, and Fridays in the Human Services Building at 414 East Main Street. For further information, call the flu hotline at 560-7300.

Chairman Page thanked citizens who participated in the Strategic Planning process, particularly the Town Hall forums, for their insightful input and comments.

Commissioner Howerton spoke to a domestic violence program that was held at Union Baptist Church prior to the meeting and acknowledged that violence within the City *and* County was being addressed.

Eno River Association Presentation

Robin Jacobs, Executive Director, and Milo Pyne, President, Eno River Association (ERA), 4404 Guess Road, Durham 27712, presented a 2012 calendar to each Commissioner and thanked them for their ongoing service and support of the parks and open space within Durham County.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the November 28, 2011 Regular Session and November 21, 2011 Strategic Plan Town Hall Meeting Minutes of the Board.

The motion carried unanimously.

Recognition of Sheriff Worth Hill

Chairman Page recognized outgoing Sheriff Worth Hill, whose last day in service would be December 31, for his dedicated 47 years in law enforcement and for his service to Durham County.

The Commissioners, County Manager, and County Attorney each expressed their appreciation to Sheriff Hill for his service in the community and wished him well in his retirement.

Sheriff Hill remarked on his experience as Sheriff and expressed delight in providing service to the citizens of Durham. He also commended the Board for selecting his successor Mike Andrews as Mr. Andrews would continue to serve in the best interest of Durham.

County Cares Campaign

County Manager Mike Ruffin introduced Nina F. Bullock, Administrative Assistant to the County Attorney, who was appointed earlier in the day as the County Cares Campaign Chair. He praised Ms. Bullock for her outstanding efforts as a leader, which yielded phenomenal results.

Ms. Bullock reported that the purpose of the new federated format is to shield employees from being overwhelmed with fundraising requests throughout the year. Initially, an Executive Committee was assembled to structure the new federated format. Upon completion of the new format, the first County Cares Campaign Committee was formed with representatives from each County Department. The campaign ran from September 29 – November 3, 2011, a total of five weeks.

Ms. Bullock presented the results of the 2011 County Cares Campaign in which Durham County employees donated a total of \$80,112.62 to be distributed to the following organizations: 1) Durham Rescue Mission, 2) John Avery Boys & Girls Club, 3) Juvenile Diabetes Research Foundation, 4) Susan G. Komen, and 5) United Way of the Greater Triangle. These organizations were selected by County Employees through an internal online voting process.

Ms. Bullock recognized committee members who were instrumental in the success of the County Cares Campaign and discussed specific details of the Campaign process. She concluded her report by presenting oversized checks to the five aforementioned organizations.

Recognition—NC School Board Association

Chairman Page announced that the Durham County Board of Commissioners received the 2011 County Commissioners Award from the North Carolina School Boards Association on November 15, which was held at the Koury Convention Center in Greensboro, NC, in recognition of the commissioners' outstanding support of public education. The NCSBA honors one Board of Commissioners each year at its annual conference. The selection was based on a nomination letter submitted by the Durham Public Schools Board of Education that detailed the positive negotiations between the two bodies during the recent budget process.... *"It would have been easy, given the anti-tax, anti-government feeling of the times, for the commissioners to have walked away from those challenges. But that has not been the attitude of Durham's county board.*

In a time of great economic stress, the Durham County Board of Commissioners has been a stalwart and actively engaged partner and supporter of the Durham County Public Schools, recognizing the importance of public education to the county's long-term economic prosperity. For that, we at Durham Public Schools are delighted to nominate the dedicated public servants

on the Durham County Board of Commissioners for the NCSBA County Commissioners Award.”
(Chairman Minnie Forte Brown)

Chairman Page thanked the Commissioners who attended the conference and the Durham Public Schools Board of Education for the nomination.

A video was shown to honor the Durham County Board of Commissioners.

Chairman Page read the inscription on the plaque that was presented to the Commissioners.

Vice-Chairman Reckhow and Commissioner Howerton recapped their experiences from the conference and thanked the citizens for their votes and support.

Chairman Page reiterated his thanks to the Board of Education.

Recognition—GreenNC Award

The Board was requested to acknowledge that Durham County, along with the City of Durham, was named “Municipality of the Year” by the US Green Building Council Triangle Chapter in recognition of our leadership in environmental sustainability. The award was presented at the Green Awards Gala during the GreenNC Symposium on December 8 at the Durham Convention Center.

Durham County has shown leadership in this area through adoption of the Durham Greenhouse Gas Emissions Reduction Plan, commitment to building LEED certified facilities, implementation of residential energy efficiency programs, installation of electric vehicle charging stations, and other actions that improve our local, regional, and global environment.

Tobin L. Freid, Sustainability Manager, thanked the Board for the recognition and encouraged citizens to visit www.greenerdurham.net for information regarding sustainability in Durham.

Chairman Page read the inscription on the plaque and presented it to Ms. Freid.

Community Circle Award

The Board was requested to congratulate World Overcomers Christian Church (WOCC) for being the recipient of the December 2011 Commissioners Community Circle Award.

On Thanksgiving 2011, the CARE Ministry Team at WOCC led the distribution of more than 1,300 Thanksgiving meals to residents of Durham and surrounding areas. The mega move to provide for people in need during the holiday is an annual practice for the nondenominational church located in RTP.

The CARE Ministry’s outreach effort this past holiday gave recipients turkeys, side items, and other groceries needed to make a complete Thanksgiving meal.

The BOCC celebrates WOCC's outstanding commitment to volunteerism and tremendous influence on the people of Durham.

Chairman Page issued comments of praise about WOCC and its mission.

Representatives of WOCC thanked the Board for the award and elaborated on their ministries. Members of the WOCC congregation who were present were recognized.

Commissioner Howerton commented on WOCC's contribution to the schools.

Chairman Page presented the award to the representatives of WOCC.

County Manager Ruffin briefly shared his initial encounter with Pastor Andy Thompson of WOCC.

Chairman Page stated that the Commissioners Community Circle Award, created by the Board of County Commissioners, is designed to recognize the outstanding dedication of individuals and extraordinary services provided by community organizations to Durham's citizens. He urged organizations to apply.

Commissioner Bowser asked the youth to take note of WOCC's efforts and be encouraged.

Consent Agenda

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

- *a. Approve the 2012 Board of County Commissioners' meeting schedule as presented;
- *b. Approve Budget Ordinance Amendment No. 12BCC000039 appropriating \$2,058,009.18 of FY 2010-11 General Fund revenue, now residing in FY 2011-12 General Fund fund balance, and transferring it to the Capital Financing Fund to comply with the County's debt financing policy;
- c. Approve the Interlocal Agreement between Durham and Orange Counties for the continued management and operation of the Little River Regional Park;
- d. Delegate the authority to the Tax Assessor to grant extension until April 15, 2012 for business personal property upon written request showing good cause;
- *e. Accept the property tax release and refund report for November 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- f. Approve the Resolution approving the installment purchase agreement between the Durham Public Schools Board of Education and Lenovo Financial Services, Inc. for the purchase of certain computer hardware, software, and related

- equipment to be used for instructional purposes at Hillside High School;
- g. Set a public hearing on the proposed street closing—South Mineral Springs Road;
 - *h. Approve Budget Ordinance Amendment No. 12BCC000040 to recognize a total of \$4,000 in funding from Doing Good in the Neighborhood for Cooperative Extension Project BUILD;
 - *i. Approve Budget Ordinance Amendment No. 12BCC000041 to recognize a total of \$400 in funding form NC Cooperative Extension Service for Durham Cooperative Extension postage;
 - *j. Approve Budget Ordinance Amendment No. 12BCC000042 to recognize a total of \$3,000 in funding from Kids Voting NC for Cooperative Extension’s Kids Voting program; and
 - *k. Approve Capital Project Amendment No. 12CPA000006 moving \$1,295,507 from four completed 2003 GO Bond funded DPS capital projects (New Elementary ‘B’, New Middle School ‘A’, Lowes Grove Middle School, and Hillside High School) to two other 2003 GO Bond funded DPS capital projects (Shepard Middle School, and the Bacon Street Center).

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Approve the 2012 Board of County Commissioners’ meeting schedule as presented.

**BOARD OF COUNTY COMMISSIONERS
 2012 MEETING SCHEDULE**

January 3*	Worksession	9:00 am
January 9	Regular Session	7:00 pm
January 23	Regular Session	7:00 pm
February 6	Worksession	9:00 am
February 13	Regular Session	7:00 pm
February 27	Regular Session	7:00 pm
March 5	Worksession	9:00 am
March 12	Regular Session	7:00 pm
March 26	Regular Session	7:00 pm
April 2	Worksession	9:00 am
April 9	Regular Session	7:00 pm
April 23	Regular Session	7:00 pm
May 6	Worksession	9:00 am
May 14	Regular Session	7:00 pm
May 29*	Regular Session	7:00 pm
June 4	Worksession	9:00 am
June 11	Regular Session/Budget Public Hearing	7:00 pm

June 25	Regular Session/Budget Adoption	7:00 pm
July 23	Regular Session	7:00 pm
August 6	Worksession	9:00 am
August 13	Regular Session	7:00 pm
August 27	Regular Session	7:00 pm
September 4*	Worksession	9:00 am
September 10	Regular Session	7:00 pm
September 24	Regular Session	7:00 pm
October 1	Worksession	9:00 am
October 8	Regular Session	7:00 pm
October 22	Regular Session	7:00 pm
November 5	Worksession	9:00 am
November 12	Regular Session	7:00 pm
November 26	Regular Session	7:00 pm
December 3	Worksession/Election of Chair/Vice	9:00 am
December 10	Regular Session	7:00 pm

*Tuesday meeting due to holiday

Worksession Cancelled - NACO Winter Legislative Meeting March 3-7

Consent Agenda Item No. b. Approve Budget Ordinance Amendment No. 12BCC000039 appropriating \$2,058,009.18 of FY 2010-11 General Fund revenue, now residing in FY 2011-12 General Fund fund balance, and transferring it to the Capital Financing Fund to comply with the County's debt financing policy.

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 12BCC000039

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 Financing Sources	\$18,456,378	\$2,058,009	\$20,514,387

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$78,159,070	\$2,058,009	\$80,217,079

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

This the 12th day of December, 2011.

Consent Agenda Item No. e. Accept the property tax release and refund report for November 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

The Board is requested to accept the property tax release and refund report for November 2011. 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 November 2011.

Releases & Refunds for 2011 Taxes	
Real Estate	\$ 4,999.25
Personal	\$ 19,955.49
Registered Vehicles	\$ 26,705.13
Vehicle Fees	<u>\$ 1,105.00</u>
Total for 2011 Taxes and Fees	\$ 52,764.87

Prior years' (2001-2010) releases and refunds for November 2011 are in the amount of \$55,234.38. The current year and prior years' releases and refunds amount to \$107,999.25.

(Recorded in Appendix A in the Permanent Supplement of the December 12, 2011 Regular Session Minutes of the Board.)

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 12BCC000040 to recognize a total of \$4,000 in funding from Doing Good in the Neighborhood for Cooperative Extension Project BUILD.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000040

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	\$72,952,895	\$4,000	\$72,956,895

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$5,195,579	\$4,000	\$5,199,579

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

This the 12th day of December, 2011.

Consent Agenda Item No. i. Approve Budget Ordinance Amendment No. 12BCC000041 to recognize a total of \$400 in funding form NC Cooperative Extension Service for Durham Cooperative Extension postage.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000041

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	\$72,956,895	\$400	\$72,957,295

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Economic and Physical Development	\$5,199,579	\$400	\$5,199,979

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

This the 12th day of December, 2011.

Consent Agenda Item No. j. Approve Budget Ordinance Amendment No. 12BCC000042 to recognize a total of \$3,000 in funding from Kids Voting NC for Cooperative Extension's Kids Voting program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000042

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	\$72,957,295	\$3,000	\$72,960,295

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$5,199,979	\$3,000	\$5,202,979

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

This the 12th day of December, 2011.

Consent Agenda Item No. k. Approve Capital Project Amendment No. 12CPA000006 moving \$1,295,507 from four completed 2003 GO Bond funded DPS capital projects (New Elementary ‘B’, New Middle School ‘A’, Lowes Grove Middle School, and Hillside High School) to two other 2003 GO Bond funded DPS capital projects (Shepard Middle School, and the Bacon Street Center).

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Capital Project Ordinance
 Amendment No. 12CPA000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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>			
New Elementary ‘B’ – Spring Valley ES (SH103)	\$15,658,700	(\$44,305)	\$15,614,395
New Middle School ‘A’ (SH083)	\$1,300,000	(\$1,198,869)	\$101,131
Lowes Grove Middle School (SH097)	\$10,407,680	(\$52,155)	\$10,355,525
Hillside High School (SH088)	\$536,485	(\$178)	\$536,307
Shepard Middle School (SH107)	\$10,301,050	\$975,507	\$11,276,557
Bacon Street Center (SH130)	\$1,668,000	\$320,000	\$1,988,000

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

This the 12th of December, 2011.

Public Hearing—Durham Trails and Greenways 2011 Master Plan Update

Helen Youngblood, AICP Senior Planner, reported that the Durham Open Space and Trails Commission (DOST) in spring 2011 voted to recommend approval endorsing the changes which

have been proposed in the document. An important step in updating the 2001 adopted Trails and Greenways Master Plan was having it go through several reviews with various community groups and DOST. The Durham Open Space and Trails Commission recommended approval in the spring of 2011. The Planning Commission recommended approval of the update to the plan at its September 13th 2011 meeting.

The Board of Commissioners could recommend approval of a revised version of the update, defer action on the item, or not approve an update. Staff recommends approval.

Ms. Youngblood highlighted revisions made in the Trails and Greenways Master Plan.

Vice-Chairman Reckhow commended the Plan and noted that she found minor typos, which had been referred to staff. She also noted that the leadership listing of the Board of County Commissioners should be updated.

Ms. Youngblood addressed Vice-Chairman Reckhow's concerns regarding moving forward with implementation of the Plan.

Vice-Chairman Reckhow directed staff to develop a priority to-do list to move the Plan forward.

Chairman Page opened the public hearing that was properly advertised. He called signed speaker John Goebel, Chair, Durham Open Space and Trails Commission, 2 Creekview Lane, Durham 27705, for comments.

Mr. Goebel further addressed Vice-Chairman Reckhow's concerns and urged the Board to approve the Plan.

As no one signed up to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to adopt the 2011 Durham Trails and Greenways Master Plan update.

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.

The following appointments were made (incumbents are underlined):

Library Board of Trustees

Crystal Dresbach (recommended by LBOT)

Shawn J. Miller (recommended by LBOT)

Nursing Home Community Advisory Committee

Benjamin McCathern

Janette E. Warsaw

Barbara Szombatfalvy

Public Health Board

Ferdinand V. Allison III (Dentist)

Transportation Advisory Board

Wayland H. Burton

Richard B. Ford

Women's Commission

Jatinder Dhillon

Danielle Kowalczyk

Discussion of the Library Meeting Rooms

Commissioner Bowser requested to add this item to the agenda to discuss his concerns in regards to public usage of Durham County library meeting rooms. He explained his previous request during the renovations of Southwest and South Regional Libraries for setup of their meeting rooms to be modeled after Orange County libraries, which were available on-demand. Once renovations to the libraries were completed, he learned that the meeting rooms at Southwest Library were for reserved purpose only.

Vice-Chairman Reckhow inquired about the purpose of the smaller meeting rooms in the libraries.

Library Director Tammy Baggett explained the policy for reserving meeting rooms.

Commissioner Bowser questioned the logic of one individual occupying a larger meeting room.

Vice-Chairman Reckhow asked if meeting rooms are first-come, first-served if no reservations are made.

Ms. Baggett responded in the affirmative.

Ms. Baggett mentioned that this issue had been placed on the January 19, 2012 Library Board of Trustees meeting agenda.

County Manager Ruffin stated that he would report results of the January 19 meeting to the Board of Commissioners.

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to adjourn to 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).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session; directives were given to staff.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to set the salary for incoming Sheriff Mike Andrews \$123,648.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:38 p.m.

Respectfully Submitted,

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

Yvonne R. Jones
Deputy Clerk to the Board