

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

Monday, October 10, 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**

Chairman Page welcomed everyone to the October 10, 2011 Regular Session of the Board of County Commissioners. He requested that persons rise for the Pledge of Allegiance to the Flag.

Chairman Page informed the public that a 4:00 p.m. Special Session was held prior to the Regular Session to interview candidates for the Sheriff's appointment.

**Agenda Adjustments**

Chairman Page announced that Item No. 6, Report from the ½ cent Sales and Use Tax for Public Transportation Committee, and Item No. 7, Report from the 1/4 cent Sales and Use Tax for Education Committee, had been removed from the agenda.

**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. Tuesday – Sunday. Durham County Commissioners' meetings are rebroadcasted on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- The City-County Sustainability Office to accept applications for the Durham Home Energy Retrofit Program. The program is designed to save qualified homeowners and renters in Durham County energy and money by providing specific energy retrofits to the home, including attic insulation, sealing air ducts, and programmable thermostats. Approximately 200 homes would be accepted on a first come, first served basis. There would be no income requirement, but a fee would be imposed to participate with certain restrictions on which types of houses can participate. More information and to apply could be found at [www.greenerdurham.net](http://www.greenerdurham.net). Persons interested should click on the link at the top of the page that says "Home Energy Savings Program Applications

Now Being Accepted.” Applications would be available through County Engineering and Environmental Services located at 120 E. Parrish St., 1<sup>st</sup> Floor, Durham, NC 27701 or by calling (919) 560-7999.

- Durham’s 5th Annual Project Homeless Connect to be held on Thursday, October 13, at the Durham Bulls Athletic Park from 10 a.m. – 4 p.m. This annual event helps the Durham community’s homeless citizens connect with service providers who can assist with housing, food, and medical care. For more information or to volunteer, call Lanea Foster at 560-4570, x22267.
- The Kids Voting Durham Youth candidate forum for Durham Mayor and City Council Elections would be held on November 1 from 6:30 p.m. – 8:30 p.m. at the Holton Career & Resource Center on Driver Street. Sponsors would be seeking youth and adult volunteers to help with the Forum. Call Carolyn Kruger at 560-7321 for information.
- Primary municipal elections would be held on Tuesday, October 11. Polls would open at 6:30 a.m. and close at 7:30 p.m.

Vice-Chairman Reckhow encouraged citizens to participate in the Kids Voting Candidate Forum and reiterated that the Forum would be held on November 1 at the Holton Career & Resource Center.

### **Minutes**

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the September 12, 2011 Regular Session and September 26, 2011 Regular Session Minutes of the Board.

The motion carried unanimously.

### **Appointment for Replacement of Sheriff**

Durham County Sheriff Worth Hill submitted his resignation effective January 1, 2012. Pursuant to N.C.G.S. 162-3, the Board of County Commissioners had the statutory authority to replace the Sheriff upon his resignation. During its 4:00 p.m. Special Session, the Board interviewed four candidates for the position—Mike Andrews, Tony Butler, Ricky Hart, Roy Taylor.

Chairman Page apologized for not being in attendance for the interviews as he had to attend a funeral.

Vice-Chairman Reckhow stated for the record her appreciation for all the candidates who put their names forward. She remarked that the interview process was well run, thanks to staff, and that the forum was very good for the candidates.

Commissioner Bowser commended the four candidates for representing themselves well and for articulating positive views for the County. He wished that all four persons could be appointed to the position, although only one can be chosen.

Commissioner Howerton and Commissioner Karriker concurred with Vice-Chairman Reckhow and Commissioner Bowser’s comments.

Clerk to the Board Michelle Parker-Evans distributed voting ballots to the Commissioners.

Deputy County Attorney Carol Hammett announced that the Commissioners unanimously voted for Mike Andrews, Chief Deputy, Sheriff's Department.

Chairman Page congratulated Mr. Andrews on the appointment and invited him to come forward for comments.

Mr. Andrews expressed gratitude to the Board for the appointment and issued thanks to those who contributed to his ongoing hard and dedicated work to the Durham County Sheriff's Department. He briefly remarked on his goals for the Department.

Chairman Page thanked Mr. Andrews and all of the candidates who applied for the Sheriff's position.

### **Resolution—One-Quarter-Cent Sales Tax**

The Board was authorized a referendum for a one-quarter-cent sales tax on November 8, 2011. While it was the expressed intent of the Board to use the proceeds for education, the statutorily-required ballot language did not permit the Board to make this distinction. Consequently, a resolution was proposed to memorialize the Board's intent on how the proceeds would be used if approved by the voters.

Chairman Page read the following resolution into the record:

#### RESOLUTION

WHEREAS, on June 27, 2011, the Durham County Board of Commissioners approved a resolution to place a One-Quarter-Cent County Sales and Use Tax Referendum before the voters on November 8; and

WHEREAS, the Board of County Commissioners recognizes that it is critical that Durham County adequately provide funding for public education; and

WHEREAS, if successful, the levy of this Article 46 one-quarter-cent County sales and use tax will provide Durham County with a new source of revenue and will generate approximately \$9.2 million initially with an expectation of growth of this revenue in future years; and

WHEREAS, should the referendum not be approved by the voters, Durham County Commissioners will have to use the property tax as the primary funding source available for education funding of Durham Public Schools, Durham Technical Community College, and Durham's Partnership for Children; and

WHEREAS, the Board of County Commissioners hereby establishes a 10-year commitment to allocate the Article 46 one-quarter-cent (1/4-cent) County sales and use tax proceeds as follows:

- 67.12% of the funding will be allocated to Durham Public Schools in a manner agreed upon between the Durham Board of County Commissioners and the Durham Public

Schools' Board of Education. Funding will be used to maintain teachers and school personnel. (A review and adjustments may be necessary from time to time in order to re-evaluate the needs initially agreed upon by the County Commissioners and the Board of Education);

- 21.74% will be used for debt service on Durham Public Schools capital projects;
- 8.97% of the funding will be allocated to Durham Technical Community College in a manner agreed upon between the Durham Board of County Commissioners and the Durham Technical Community College's President. Funding will be based on needs identified to support need-based scholarships for Durham residents to attend Durham Technical Community College. (A review and adjustment may be necessary from time to time in order to re-evaluate the needs initially agreed upon by the County Commissioners and the Durham Technical Community College President); and
- 2.17% of funding will be allocated to Durham's Partnership for Children in a manner agreed upon between the Durham Board of County Commissioners and the Durham's Partnership for Children's Executive Director. Funding will go towards programs supporting a seamless transition for young children as they prepare to enter kindergarten. If voters approve the tax, an additional \$200,000 (to achieve an initial \$400,000) will be appropriated in the initial year of collections, after which this additional amount will come from growth in sales tax proceeds above the original estimate of \$9.2 million. (A review and adjustment may be necessary from time to time to re-evaluate the needs initially agreed upon by the County Commissioners and the Durham's Partnership for Children Executive Director); and

WHEREAS, the Board maintains its authority and discretion to make modest adjustments to the percentages listed in the aforementioned section of this resolution:

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Durham Board of County Commissioners, do hereby state the Board's intent to use the revenues from the Article 46 one-quarter cent (1/4 cent) County sales and use tax to support public education in Durham County for an initial 10-year period.

BE IT FURTHER RESOLVED that proceeds from the one-quarter cent (1/4 cent) County sales and use tax in later years will be used to address priorities for public school operational and capital needs as identified by the Board of County Commissioners.

This the 10<sup>th</sup> day of October , 2011.

/s/ All Five Commissioners

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Commissioner Howerton questioned the effectiveness of the resolution if another Board were to be elected in the future.

Chairman Page stated that to his understanding, use of the funding may be re-evaluated over time if another need arises and may be redirected.

County Manager Ruffin affirmed Chairman Page's statement. He clarified for Commissioner Howerton that one Board cannot bind a future Board and does not have to honor the resolution; however, he hoped that a future Board would respect the intent of the current Board.

Vice-Chairman Reckhow opined that it would be unpopular for a future Board to unwind the use of the One-Quarter-Cent tax once it is established. She used need-based scholarships at Durham Technical Community College (DTCC) as an example.

Chairman Page requested that the resolution be amended as follows:

- 8.97% of the funding will be allocated to Durham Technical Community College in a manner agreed upon between the Durham Board of County Commissioners and the Durham Technical Community College's President **and Board of Trustees**. Funding will be based on needs identified to support need-based scholarships for Durham residents to attend Durham Technical Community College. (A review and adjustment may be necessary from time to time in order to re-evaluate the needs initially agreed upon by the County Commissioners and the Durham Technical Community College President **and Board of Trustees**); and
- 2.17% of funding will be allocated to Durham's Partnership for Children in a manner agreed upon between the Durham Board of County Commissioners and the Durham's Partnership for Children's Executive Director **and Board of Directors**. Funding will go towards programs supporting a seamless transition for young children as they prepare to enter kindergarten. If voters approve the tax, an additional \$200,000 (to achieve an initial \$400,000) will be appropriated in the initial year of collections, after which this additional amount will come from growth in sales tax proceeds above the original estimate of \$9.2 million. (A review and adjustment may be necessary from time to time to re-evaluate the needs initially agreed upon by the County Commissioners and the Durham's Partnership for Children Executive Director **and Board of Directors**); and

Chairman Page explained that while the leaders of both organizations could ultimately make the decisions, each organization should obtain the support of its respective board.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the resolution as amended.

The motion carried unanimously.

### **Proclamation—Community Planning Month**

The Board was requested to proclaim October 2011 as Community Planning Month to recognize the commitment and contributions made by citizens and professional staff that participate in planning and plan implementation for the improvement of the Durham community.

Chairman Page read the following proclamation into the record:

#### PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, and urban and rural areas; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, a key component of community planning is the involvement of all of Durham citizens in making choices that determine the future quality of life in Durham; and

WHEREAS, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions planning makes to the quality of our community and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of Durham's appointed and elected boards and commissions and other citizen planners who have contributed their time and expertise to the improvement of the City and County of Durham, North Carolina; and

WHEREAS, we recognize the many valuable contributions made by professional planners of the Durham City-County Planning Department and extend our heartfelt thanks for the continued commitment to public service by these professionals:

NOW, THEREFORE, BE IT RESOLVED that I, Michael Page, Chairman of the Durham Board of Commissioners, do hereby proclaim the month of October 2011 as

#### COMMUNITY PLANNING MONTH

in the County of Durham, North Carolina in conjunction with the celebration of National Community Planning Month.

This the 10<sup>th</sup> day of October, 2011.

/s/ Michael D. Page, Chairman

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On behalf of Planning Director Steve Medlin, the 35 Planners within City-County Planning Department, and the citizens who serve on various City and County Planning boards and committees, Teri Danner, City-County Planning Supervisor, thanked the Board for issuing the proclamation. She highlighted activities planned during the month of October.

Vice-Chairman Reckhow publicized that the Planning staff and Joint City-County Planning Committee collaborated to update the Comprehensive Plan and would host workshops in various quadrants of the community in November. She invited citizens who are interested in planning to

partake in the workshops and asked Ms. Danner to ensure that press releases detailing the workshops be published.

Ms. Danner announced that workshops would be held on November 10 at the Main Library and on November 17 at South Regional Library; a location for the November 3 workshop was to be determined.

Chairman Page presented the proclamation to Ms. Danner.

Chairman Page thanked Vice-Chairman Reckhow for her comments. He placed emphasis on the number of citizens who may be interested in land use planning in the Durham community. He expressed delight in hearing Ms. Danner comment on interacting with high school students to bring awareness to planning.

### **Consent Agenda**

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

- a. Approve the request for an exception to formal bidding under the “piggyback” rule allowed under NCGS 143-129(g) and authorize the County Manager to enter into a contract with Southeastern Specialty Vehicles in the amount of \$224,997.00;
- b. Authorize the execution of contract with Jury Systems Incorporated for the Jury Selection and Processing System in the amount of \$97,754.00, and to execute any other related contracts, if necessary, not to exceed the project budget of \$120,000.00;
- c. Authorize execution of an amendment with Edge Office for additional furnishings and the approval of a separate contract with Brame for seating for the Durham County Administrative Building Fifth (5th) Floor Improvement in the total amount of \$11,353.23 thus increasing the overall amount for furnishings for this project to \$146,502.74;
- \*d. Approve Budget Ordinance Amendment No. 12BCC000019 to appropriate \$24,000 in grant funding from the Mary Reynolds Babcock Foundation to support Durham Cooperative Extension’s Strengthening Families Coalition Programming through December 31, 2011;
- \*e. Approve Budget Ordinance Amendment No. 12BCC000020 transferring \$64,269 from DSS to General Services to fund two positions (2.0 FTE) and equipment transferred to General Services for the care of the Human Services Building;
- f. Approve the contract with Advanced Imaging Systems in the amount of \$60,000.00 to continue the project that began in 2009 to convert Real Estate Indices into an electronic format that is searchable using an alphanumeric format; and

- \*g. Approve the changes to Durham County's Procedures for Citizen Appointments.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 12BCC000019 to appropriate \$24,000 in grant funding from the Mary Reynolds Babcock Foundation to support Durham Cooperative Extension's Strengthening Families Coalition Programming through December 31, 2011.

DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000019

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	\$71,105,637	\$24,000	\$71,129,637

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic & Physical Development	\$5,171,579	\$24,000	\$5,195,579

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

This the 10<sup>th</sup> day of October, 2011.

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Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 12BCC000020 transferring \$64,269 from DSS to General Services to fund two positions (2.0 FTE) and equipment transferred to General Services for the care of the Human Services Building.

DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000020

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

Expenditures:

	<u>Function</u>		
	<u>GENERAL FUND</u>		
General Government	\$77,091,814	\$64,269	\$77,156,083
Human Services	\$105,297,072	(\$64,269)	\$105,232,803

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

This the 10<sup>th</sup> day of October, 2011.

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Consent Agenda Item No. g. Approve the changes to Durham County's Procedures for Citizen Appointments.

PROCEDURES FOR CITIZEN APPOINTMENTS

*The Board of County Commissioners (BOCC), by statute, shall appoint members to various boards, committees, commissions, and authorities to assist in the operation of county government. The BOCC is desirous of appointing qualified, knowledgeable, and dedicated people to serve on the aforesaid boards, commissions, committees, or authorities, and to that end solicits the interest and participation of the citizens of Durham County in providing information and recommendations to assist the BOCC in identifying qualified candidates for said appointments.*

APPLICATION PROCESS

1. The Clerk to the Board of County Commissioners shall administratively publicize available positions on Boards, Commissions, and Committees. The available positions will be published on the Durham County website; community websites and postings; and in any newspaper having general circulation throughout the County, once a week for two weeks, beginning 14 days in advance of the deadline for submitting applications.
2. In addition to publicizing procedures, the Clerk shall administratively solicit interested citizens through faith, community, and professional organizations when appropriate.
3. Twenty-five (25) days prior to the expiration of the terms, a notice will be mailed to each person who is eligible for reappointment requesting an indication of his or her interest in continuing to serve. If an individual is not eligible for reappointment, he or she will be notified and given the reason for being ineligible.
4. At least twelve (12) days prior to the appointments by the Board of County Commissioners, all applications for the vacant position must be in the hands of the County Clerk. The Clerk will check each applicant for eligibility.

5. A copy of the applications submitted will be sent to all Commissioners at least ten (10) days prior to the meeting at which action will be taken.
6. The Board of County Commissioners, by majority vote, may request interviews with applicants as necessary.
7. All boards, committees, commissions, and authorities may submit recommendations for appointments to the Board of County Commissioners, but County Commissioners are under no obligation to appoint those recommended individuals to vacancies unless required by contract or statute.
8. When the advertising or re-advertising of positions for boards, commissions, committees, etc. does not produce an appointee within the time frame prescribed for the necessary number of qualified persons to fill the vacancies indicated, the Clerk will re-advertise for an additional period. If after 60 days no qualified applicants are produced the Board of County Commissioners may, on its own initiative, name person(s) to serve.
9. The Board of County Commissioners may appoint at large applicants for statutory positions until the required designation is filled.
10. When vacancies and positions appointed pursuant to this policy occur prior to the expiration of the term of office, the Board of County Commissioners shall appoint a person to serve the remainder of the term.
11. The Chairman of the Board of County Commissioners shall prepare a letter of notification of appointment or non-appointment to the applicants and a copy for the affected board, notifying each of the appointment or non-appointment.
12. All applications received shall be retained for at least one (1) year. Applications shall be kept on file for all active appointees. These will be treated as public records and made available upon request for the cost of copying.
13. After the appointment by the Board of County Commissioners, the appointee shall contact the Clerk to the Board to be sworn in and receive the Code of Ethics.

#### ELIGIBILITY REQUIREMENTS

1. Any citizen of Durham who is eighteen (18) years of age or older is eligible to serve on the appointed boards, commissions, committees or authorities. Prospective applicants are strongly encouraged to attend the Neighborhood College program sponsored by Durham County and the City of Durham.

2. Citizens appointed must be residents of Durham County, with the exception of those committees whose statutory composition may require otherwise; and for those appointed to serve on the Durham Center Managed Care Organization Board.
3. All Durham County and City taxes must not reflect any delinquencies before an application is submitted. Property taxes must be current both prior to appointment and during the term of the appointment. However, if the appointee's taxes become delinquent during the term of the appointment, the appointee shall be allowed up to 180 days to bring the property taxes current, provided the appointee shall have established a repayment plan with the Tax Administrator's Office.
4. If an applicant is not eligible for appointment due to unpaid taxes, the name will not be included on the ballot for BOCC approval.
5. If the member is delinquent in the listing and/or payment of taxes for which an appeal has not been filed, the Clerk to the Board will notify the Chairman of the Board of County Commissioners. Upon receipt of notification from the Clerk to the Board, the Chairman will notify the member that he or she may be removed from the board, commission, committee or authority. The Commissioners shall consider the board member's status at a regularly scheduled meeting of the Board of County Commissioners.
6. All boards, committees, commissions, and authorities requiring special areas of knowledge should be considered in that light.
7. Citizens may serve on only two (2) boards, committees, commissions, or authorities at one time, unless exempted by the nature of the position he or she may hold in governmental service, or as may be required by statute.
8. The Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serve on boards, commissions, committees, and authorities. No citizen may serve more than eight (8) years in any one position, unless otherwise stated by statute. This policy may be waived by the Board of County Commissioners only if there are no other applicants who meet the eligibility requirements.
9. New appointees to boards, committees, commissions, or authorities shall attend a training orientation presented by the County Attorney's Office and Clerk's Office within six months of appointment. Sessions will be held in January, April, August and November. Two day time sessions and two evening sessions will be held within the six month period.

#### ATTENDANCE REQUIREMENTS

1. The Clerk to the Board shall inform all boards and appointees of the attendance policy and shall notify the Board of County Commissioners and the appointee when absences constitute more than 50%.

2. The clerk or liaison to the boards, commissions, committees, or authorities shall be responsible for keeping an attendance record and notifying the Clerk to the Board of unacceptable attendance.
3. If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year, he or she is obligated to resign.
4. The Clerk to the Board shall notify the appointee of the unacceptable attendance record and request that the applicant resign from the board or commission.
5. The Clerk to the Board shall notify the Board of County Commissioners when the limit of absences of any appointee has been reached, and the appointee does not resign.
6. The Board of County Commissioners shall hold a hearing at a regularly scheduled Commissioners' meeting to remove the appointee from the board or commission. The appointee shall be given the opportunity to appeal the decision at the time of the hearing. The Board may, at its discretion, allow the appointee to remain on the board or commission or remove the appointee.

#### REPORTING REQUIREMENTS

1. All boards, committees, commissions, or authorities shall keep meeting minutes and submit approved minutes to the Clerk's Office to be posted on the County's website.
2. All boards, committees, commissions, or authorities are required to submit a written report to the Board of County Commissioners on an annual basis. Said report should include accomplishments, objectives for the upcoming year, and annual attendance of membership.

#### Adjournment

There being no further business, Chairman Page adjourned the meeting at 7:35 p.m.

Respectfully Submitted,



Yvonne R. Jones  
Deputy Clerk to the Board