

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

Monday, May 23, 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, and Brenda A. Howerton

Absent: Becky Heron

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Chairman Page announced that Commissioner Heron requested to be excused from the meeting.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to excuse Commissioner Heron.

The motion passed unanimously.

Vice Chair Reckhow requested to be excused from the May 26, 2011 Special Budget Worksession.

Commissioner Howerton moved, seconded by Commissioner Bowser to excuse Vice Chair Reckhow from the May 26, 2011 Worksession.

The motion passed unanimously.

Agenda Adjustments

There were no adjustments to 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 daily; 4:00 p.m. on Mondays; and 6:30 p.m. 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.

The Durham City-County Planning Department wants to propose changes to the Mixed-Use zoning district in the Durham Unified Development Ordinance. A visioning workshop to seek citizen input will be held Tuesday, May 24 at 6pm at the Durham County Library Main Auditorium, located at 300 North Roxboro Street.

Vice Chair Reckhow announced that she attended the Dedication Ceremony for Terminal II of the Raleigh-Durham Airport. She presented a picture to the Board and directed the Clerk to display the picture in a prominent location.

Minutes

Minutes were submitted for the following meetings:

April 11, 2011 Regular Session
April 26, 2011 Special CIP Meeting
May 2, 2011 Worksession

Commissioner Howerton moved, seconded by Commissioner Vice Chair Reckhow to approve the minutes as submitted.

The motion passed unanimously.

Proclamation – Hunger Awareness Month

Chairman Page recognized Rhonda Stevens, Assistant Director, Family Economic Independence; and Pinkie Davis-Boyd, Program Manager, Food and Nutrition Services, DSS.

Chairman Page read the following Proclamation:

WHEREAS, Durham County is home to more than 268,330 residents; and

WHEREAS, there are 39,487 individuals in Durham County living at or below the poverty level, representing 15.6% of Durham's residents; and

WHEREAS, the US Department of Agriculture estimates that 14.8% (above national average) or 50.2 million Americans lived in households considered to be food insecure, meaning their access to enough food is limited by lack of money and other resources, for at least part of 2009 including 17.2 million children; and

WHEREAS, according to Feeding America (America's Second Harvest), North Carolina's Food Insecurity Rate is 18.2% and North Carolina's Child Food Insecurity Rate is 20.3% with a 24.1% rate for children under age 5; and

WHEREAS, hunger has adverse consequences for all Americans, but particularly for children and mothers; and

WHEREAS, hunger impedes growth and development; and

WHEREAS, hunger is a significant predictor of adverse health conditions; and

WHEREAS, hunger is associated with behavior problems among preschoolers and school-age children; and

WHEREAS, the Food Bank of Central and Eastern North distributes 40 million pounds of food annually in Durham County.

WHEREAS, the Department of Social Services has experienced a 208% increase in the number of recipients of Food and Nutrition Services (Food Stamps) since 2001 - from 12,837 recipients on average in 2001 to 39,487 recipients in March 2011; and

WHEREAS, more than 39,487 Durham County residents have food on their tables thanks to the Food and Nutrition Services Program (Food Stamps) at the Durham County Department of Social Services; and

WHEREAS, half of all food stamp recipients are children and 18,444 children receive free/reduced lunches during the school year; and

WHEREAS, every resident of Durham should have enough to eat and sufficient nutrition to carry out the daily tasks of life and work; and

WHEREAS, the Department of Social Services Adult Services Program covers the cost for 193 of the 280 meals provided each day by Meals on Wheels; and

WHEREAS, the Food Bank of Central and Eastern North Carolina, the Community Kitchen at Urban Ministries of Durham and other non profits help to fill the gap for those who struggle to put food on their tables in Durham; and

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, do hereby proclaim June 2011, as

“Hunger Awareness Month”

I commend this observance to our residents and urge all citizens, community agencies, faith groups, and businesses to join with the Department of Social Services, to commit to participate in food drives and to promote and participate in activities that raise awareness about hunger in our community.

This the 23rd day of May 2011

/s/Michael D. Page, Chair
Durham County Board of Commissioners, North Carolina

Ms. Stevens reported that DSS received 1,000 new requests for assistance during the first quarter of this year.

Ms. Davis-Boyd invited the Board members to join DSS on June 9 at the Duke Street Office as they hand out food bags.

Resolution – Durham Alumni Chapter of Kappa Alpha Psi & Kappas of Durham Foundation for 90 Years of Excellence and Kappa Alpha Psi Fraternity, Inc. for 100 Years

Chairman Page recognized Mr. Harry Leak, Polemarch, to come forward to accept the Resolution.

Chairman Page read the following Resolution:

WHEREAS, Kappa Alpha Psi, Inc. was founded on the campus of Indiana University on January 5, 1911, and the Fraternity's fundamental purpose is achievement; and

WHEREAS, this year marks the centennial celebration for Kappa Alpha Psi and its more than 600 active undergraduate and alumni chapters; and

WHEREAS, 100 years ago, the Fraternity was founded to positively influence the social, political, and economic structure of society, particularly encouraging the strengthening of the African-American community; and

WHEREAS, since its founding, the illustrious members of Kappa Alpha Psi have persevered and achieved greatness, recognized both nationally and internationally, and its members' influences have been rooted in the shaping of American history; and

WHEREAS, the Durham (NC) Alumni Chapter of Kappa Alpha Psi Fraternity, Inc., founded in 1921, was the first graduate fraternity in the City of Durham; and

WHEREAS, the Durham Alumni have developed a strong reputation of excellence in numerous fields of endeavor (educational, civic, religious, and political); and

WHEREAS, 2011 marks the 90th anniversary for the Durham Alumni, and since its founding, the Chapter has consistently engaged itself in acts of achievement in the City of Durham and its surrounding communities; and

WHEREAS, the Durham Alumni's focus on merit and service to others has positively influenced the rich history of Durham and its continuous expansion of programming increasingly benefits the entire population; and

WHEREAS, the Durham Alumni and Kappas of Durham Foundation are active supporters of many programs positively impacting the community such as the *Annual Beautillion Militaire Leadership Training and Scholarship Program*, the STAR Program at Hillside High School, the

Guide Right Program at R. N. Harris Elementary School, St. Jude Children's Hospital, and are Summer Camp Sponsors at Piney Woods Park.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Board of County Commissioners, do hereby congratulate the

DURHAM ALUMNI CHAPTER OF KAPPA ALPHA PSI & KAPPAS OF DURHAM FOUNDATION AND KAPPA ALPHA PSI FRATERNITY, INCORPORATED

for having many years of excellence and positive influence on local, national, and international communities.

This the 23rd day of May, 2011.
/s/all Commissioners

Commissioners Howerton and Reckhow thanked the Kappas for their service in the community and in the schools.

Mr. Harry Leak, Polemarch, thanked the Commissioners for the recognition. He noted the many Kappa members of the Durham community who have served in significant roles in the community. The list included James E. Shepard, J. J. Babe Henderson, and C. C. Spaulding.

The Kappas all stood and were applauded.

Resolution – Deputy County Manager Wendell Davis

Chairman Page announced that Deputy County Manager Davis was honored earlier in the evening. Chairman Page read the following Resolution:

WHEREAS, Wendell M. Davis has rendered loyal and faithful service for the past 11 years to Durham County Government and its community, has exhibited marked ability, deep interest, and uniform attentiveness, and has fulfilled his duties with superior credit; and

WHEREAS, the Durham Board of County Commissioners appointed Mr. Davis to serve as Interim County Manager on two occasions during his tenure; and

WHEREAS, by his zeal and generous labors, he helped to improve the plight of many through his individual achievements, including: Program Committee Chair for four statewide conferences for the NC City/County Managers Association; creating two community fundraising events: Sigma Pi Phi—Alpha Tau Boulé Scholarship fund that awards \$10,000 annually to at-risk youth and St. Joseph Historic Foundation Celebrity Golf Tournament which funds Cultural Arts programming; and resolving one of Durham County's most controversial land use decisions in recent history—the construction of Southpoint Mall and its impact on the adjacent neighborhood Kennington Heights by crafting a win-win situation for all parties; and

WHEREAS, he served as Interim Tax Administrator, effectively managing the tax operation that corrected errors of some 93,000 parcels and developed quality control procedures to prohibit such errors from re-occurring, thereby restoring the public's trust; and

WHEREAS, his sincerity of purpose, commitment to equitableness, and eagerness to represent to the fullest extent possible everyone he served always eventuated in the noblest motive—the greater good. As a consequence, the steadiness of his demeanor will be sorely missed; and

WHEREAS, as the world of academia has lured him from public service, we fully anticipate that the same persistent good humor in the face of trials and vexation that would have crushed lesser men will continue to provide strong guidance and support as he explores and experiences a new environment:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Board of County Commissioners, do hereby express most sincere and deepest appreciation to

WENDELL M. DAVIS

for his generous contributions of time, energy, and expertise to Durham County Government.

BE IT FURTHER RESOLVED that this governing body does hereby salute, honor, commend, and applaud the positive impact that Mr. Davis has had on this governmental agency. We wish for him a wealth of success as he begins his new journey as Vice Chancellor for Administration and Finance at North Carolina Central University.

This the 23rd day of May, 2011.

/s/all Commissioners

Vice Chair Reckhow read comments from Commissioner Heron thanking Mr. Davis for his service.

The Board applauded Mr. Davis' work on the CIP, especially related to the new courthouse, human services complex, and the regional libraries; the strategic plan; and commitment to youth.

Attorney Siler expressed appreciation for the character of Mr. Davis. "He sets high standards for himself and expects others to follow suit."

Manager Ruffin expressed appreciation for this wise counsel provided by Mr. Davis over the years.

Mr. Davis remarked and thanked the County. He reminded everyone that "it's not about you, but about the citizens we serve."

Commissioners' Community Service Awards

Chairman Page recognized three groups that were nominated by the Volunteer Center for their work in Durham County:

Durham Friends of the Library – The Friends of the Durham Library consists of more than 1,000 volunteers that contribute financially to support the Durham County Library. Many of the Friends actively volunteer their time as well. Twice a year, the Friends host book sales at the Main Library that generates profits to support Library programs that the Durham public enjoys and relies on. The efforts of the Friends' Book Sorters enable thousands of dollars to be saved and put back into the library and community.

Carol Ann Walters of the Friends of the Durham Library accepted the award on behalf of the volunteers. She thanked the Board for the award.

Junior League of Durham and Orange Counties – The Junior League's volunteerism has positively impacted Durham County as it has been involved with the Durham County Cooperative Extension's Welcome Baby since its inception more than 25 years ago. They were instrumental in forming Welcome Baby and continue to play a supportive role. The Junior League partnered with Huggies Corporation "Every Little Bottom" program to raise awareness about diaper need and to help address that need in our community.

Shannon Tucker, incoming Junior League president, and Kate McAllister, outgoing president, accepted the award on behalf of the volunteers.

They invited everyone to attend the Durham Bulls game on June 11 and to bring a pack of diapers to the game.

Kate Mauldin – Individual volunteer – Ms. Mauldin volunteers with the Adolescent Parenting Program at DSS that helps neighborhoods build effective responses to families and children at risk of abuse and neglect. She was instrumental in encouraging her mentee to complete her education. The mentee graduated with a GED and was the keynote speaker at her graduation ceremony. The Board celebrates Kate's outstanding commitment to mentoring, volunteerism, and tremendous influence on the people of Durham.

Ms. Mauldin accepted the award on behalf of the Adolescent Parenting Program. She announced that there are 15 mentors needed for teen mothers.

County Manager's 2011-2011 Recommended Budget

County Manager Ruffin presented his Recommended Budget for FY 2011-2012 in accordance with G.S. 159-12 of the Local Government Budget & Fiscal Control Act.

Highlights included: no recommended property tax increase; a healthy fund balance; a 0.64 percent increase in funding for Durham Public Schools; flat funding for Durham Technical

Community College and the Museum of Life and Science; and a 4.3 percent reduction for non profit agencies. The manager proposes to restore normal pay raises for employees. There are no proposed reductions to County benefits.

(Appendix A: The complete budget presentation and PowerPoint will be made a part of the permanent minutes and can be found on the County's website).

Consent Agenda

Commissioner Bowser moved, seconded by Vice Chair Reckhow, to approve the following consent agenda items:

- a. *Accept the property tax release and refund report for April 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. *Amend the contract with County Tax Services for property value discoveries and approve Budget Ordinance Amendment No. 11BCC000065 in the amount of \$100,000;
- c. *Amend the contract with Tax Management Associates Inc. for property value discoveries and approve Budget Ordinance Amendment No. 11BCC000066 in the amount of \$50,000;
- d. Receive the Durham Open Space and Trails Commission 2010 Annual Report;
- e. Authorize the Planning Director to seek approval from the North Carolina Environmental Management Commission for interpretations of the Falls/Jordan Protected Area (F/J-B) boundary along Leesville Road in Durham County;
- f. Approve the addition of approximately 2,300 linear feet of Keystone Park Drive through the Keystone Crossing subdivision to the state's road maintained secondary road system subject to the certification of eligibility by the appropriate officials of the Division of Highways of the NC Department of Transportation;
- g. *Approve the 2011 A Refunding resolution and authorize the County Attorney and Finance Director to make technical non-material changes, if necessary;
- h. *Approve the attached resolution of support for the extension of a City of Roxboro water line roughly 3 miles south to the intersection of Red Mountain Road and NC 15-501;
- i. Grant the Manager authority to execute the rehabilitation contracts under the County's 2010 Single Family Rehabilitation Grant as recommended.

The motion passed unanimously.

*Document(s) related to this item follow:

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

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of April, 2011.

Releases & Refunds for 2011 Taxes	
Real	\$ 5,017.30
Personal	\$ 953.44
Total for 2011 Taxes and Fees	\$ 5,970.74

Releases & Refunds for 2010 Taxes	
Real Estate	\$ 40,785.99
Personal	\$ 56,430.95
Registered Vehicles	\$ 25,958.41
Vehicle Fees	\$ 1,025.00
Total for 2010 Taxes and Fees	\$124,200.35

Prior years' (2005-2009) releases and refunds for April, 2011 are in the amount of \$29,469.32. The total current year and prior years' releases and refunds amount to \$134,807.53.

Consent Agenda Item b. Amend the contract with County Tax Services for property value discoveries and approve Budget Ordinance Amendment No. 11BCC000065 in the amount of \$100,000.

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Budget Ordinance
 Amendment No. 11BCC000065

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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>			
Taxes	\$243,913,809	\$100,000	\$244,013,809

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 69,366,435	\$100,000	\$ 69,466,435

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

This the 23rd day of May, 2011.

Consent Agenda Item No. c. Amend the contract with Tax Management Associates Inc. for property value discoveries and approve Budget Ordinance Amendment No. 11BCC000066 in the amount of \$50,000.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000066

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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>			
Taxes	\$244,013,809	\$ 50,000	\$244,063,809

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 69,466,435	\$ 50,000	\$ 69,516,435

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

This the 23rd day of May, 2011.

Consent Agenda Item No. g. Approve the 2011 A Refunding resolution and authorize the County Attorney and Finance Director to make technical non-material changes, if necessary.

(Appendix B attached to permanent minutes)

Consent Agenda Item No. h. Approve the attached resolution of support for the extension of a City of Roxboro water line roughly 3 miles south to the intersection of Red Mountain Road and NC 15-501.

**A RESOLUTION BY THE DURHAM COUNTY BOARD OF COMMISSIONERS
SUPPORTING THE ROUGEMONT WATER LINE EXTENSION**

Whereas, formerly leaking underground storage tanks have polluted groundwater in certain parts of Rougemont, and

Whereas, the Durham County citizens with wells in those areas deserve clean, safe drinking water, and

Whereas, the North Carolina Department of Environment and Natural Resources is responsible for helping those affected residents find alternative means to clean, safe drinking water, and

Whereas, the North Carolina Department of Environment and Natural Resources has initiated conversations with Durham County, Person County, and the City of Roxboro about extending a City of Roxboro water line approximately 3 miles to the south to serve the affected residents in Rougemont, and

Whereas, Durham County would like to offer any and all assistance it can (non-financial) to support the completion of this project,

Now therefore be it resolved that the Durham County Board of County Commissioners does hereby

- a) Signal its enthusiastic support for the completion of the above described water line extension, and
- b) Direct its staff to continue working with the North Carolina Department of Environment and Natural Resources and other interested parties to further the cause of the water line extension.
- c) Direct its staff, if appropriate, to develop an Interlocal which would require the approval of the Board of County Commissioners for any further extensions off of any original extension.

Adopted, this the 23rd day of May, 2011.

Public Hearing – FY 11-12 Fee Ordinance: Durham City-County Inspections Department

Chairman Page recognized Gene Bradham, Director of Durham's City-County Inspections Department.

Mr. Bradham provided a brief summary of the proposed fee increase. The increases would be for residential construction for building, plumbing, and mechanical trades, and sign permits. He indicated that Durham would still be in line with selected peer cities, as well as the fees charged by local surrounding jurisdictions. The last increase was in July 2000.

Chairman Page opened the public hearing. There were no public comments. The Chair closed the public hearing.

Commissioner Bowser moved, seconded by Vice Chair Reckhow to approve the fee increase as requested.

The motion carried unanimously.

Public Hearing – TY 11-12 Fee Ordinance: Durham City-County Planning Department and Related Fees

Chairman Page recognized Steve Medlin, Director of Durham's City-County Planning Department.

Mr. Medlin confirmed that the public notification for the public hearing had been satisfied. He indicated that the fees generated from the proposed increase would total approximately \$700,000 in revenues for FY 11-12. The only fee affected would be an extension of the Technology Surcharge for one (1) year. The City Council approved the fee increase on the previous Monday.

Vice Chair Reckhow expressed concern about the temporary status of the technology fee and the fees associated with the Board of Adjustment. Mr. Medlin stated that the technology system was not complete, but it was in the final phases. Once the system is complete, a complete fee analysis will be conducted which may result in a future reduction that will cover maintenance costs.

Commissioner Bowser asked how Durham compared with other jurisdictions. He was concerned about the impact of fees, especially during these economic times. Mr. Medlin responded that Durham made a decision to fund the Planning Department through fees. Durham is very comparable to similar jurisdictions.

Mr. Medlin expounded on the benefits of the new system, once complete. The system would streamline the review process and make it more transparent.

Chairman Page opened the public hearing. There were no citizens who signed up to speak. Chairman Page closed the public hearing.

Vice Chair Reckhow moved, seconded by Commissioner Bower to approve the fee increase as recommended.

The motion carried unanimously.

Public Hearing – Rectification of 2010 Comprehensive Plan Amendments, A1100003

Chairman Page recognized Steve Medlin, Director of Durham's City-County Planning Department.

Mr. Medlin confirmed that the public notification for the public hearing had been satisfied. The purpose of the request is to make the County's Future Land Use Map consistent with amendments that were approved by City Council in 2010.

Chairman Page opened the public hearing. There were no citizens signed up to speak. Chairman Page closed the public hearing.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to approve the rectification of the 2010 Comprehensive Plan Amendments as requested.

The motion passed unanimously.

SWAP Modification

Chairman Page recognized George Quick, Finance Director.

Mr. Quick expounded on the request. In July of 2004, the County entered into an Interest Rate SWAP Agreement with Rice Financial Products for \$125.8 million. In July 2009, the County restructured the agreement by increasing it to the current level of \$186 million. At this time, we wish to increase the notional amount of the SWAP to a level not to exceed \$293 million. This level is projected to increase saving to \$3.4 million annually from the current level of \$2.1 million. He requested Board approval of the attached Resolution subject to LGC approval which we expect to obtain during their June Meeting. The cost of this transaction is expected to be in the \$250,000 range. He requested that the Board allow this cost to be funded from the unrestricted portion of the SWAP fund.

Commissioner Howerton moved, seconded by Commissioner Bowser to approve the recommended SWAP modification.

The motion passed unanimously.

Board and Commission Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board. The Board made the following appointments to boards and commissions:

- Adult Care Home Community Advisory Committee
Jeff Goll
- Durham-Wake Counties Research and Production Service District – Commissioner Bowser requested that no action be taken on this item until further research was conducted to find out Wake County's procedure for appointing Durham residents. The item will be placed on the June 13 agenda.
- Memorial Stadium Authority
Tommy Hunt

Adjournment

The Board discussed the May 26 Special Budget Worksession and agreed to cancel the meeting.

There being no further business, Chairman Page adjourned the meeting at 9:04 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michelle", with a long horizontal line extending to the right.

V. Michelle Parker-Evans
Clerk to the Board