

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

Monday, February 28, 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, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

**Opening of Regular Session** —Pledge of Allegiance. Chairman Page reported that the Board met in Closed Session earlier *In the Matter of the Appeal of IBM Credit Corporation for the Valuation and Taxation of Real Property by Tax Year 2001, 01 PTC 544*, and to preserve the attorney-client privilege pursuant to G.S. §143-31.8.11(a)(3). No action was taken.

**Agenda Adjustments**

County Manager Ruffin announced that Item #7m was added to the Consent Agenda and under Item #9, the last Board appointment (Design District Review Team) was removed.

**Announcements**

Chairman Page made the following announcements:

- "In Touch with Durham County," the Durham County Television show, air 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 Board of County Commissioners wants to hear from residents and will host three "Conversations with Commissioners" over the next few weeks. Meetings will be held on March 1<sup>st</sup> at South Regional Library, 4505 S. Alston Avenue, at 7:00 pm; March 2<sup>nd</sup> at the Durham Center for Senior Life, 406 Rigsbee Avenue, at 1:00 pm; and March 3<sup>rd</sup> at our Main Library, 300 N. Roxboro Street, at 7:00 pm.
- Want to track the progress of the Durham County Human Services Building or the New County Courthouse? The Engineering Department has a link to a web page to view the

construction progress using photo updates. Using the County's homepage, [www.durhamcountync.gov](http://www.durhamcountync.gov), go to the "Engineering" site and select the Project Management Division. Once there, you may click the "PHOTO" links on the right side of each project to view the construction photos. For more information, call Ademola Shobande at 560-7991.

Vice Chair Reckhow commended the Library on the excellent newspaper insert highlighting programs and events taking place at the libraries.

Commissioner Heron invited everyone to support the Animal Protection Society by attending the gala "Tails and Twilight," at the Washington Duke Inn on March 12, 2011 at 6:00pm.

### **Minutes**

Vice Chair Reckhow made the following corrections to the February 7, 2011 Worksession Minutes:

Pg 8 – last sentence under Vice-Chairman Reckhow's comments should read "Stadium Drive" instead of "The stadium...."

The following corrections were made to the February 14, 2011 Regular Session Minutes:

Pg 24 – 1<sup>st</sup> paragraph, 8<sup>th</sup> line should read "will serve us" instead of "we'll service..."

The next paragraph should read Vice-Chairman Reckhow assumed the role as "presider".....

Commissioner Howerton moved, seconded by Commissioner Heron, to approve minutes from the January 31, 2011 Strategic Planning Worksession, February 7, 2011 Worksession, and February 14, 2011 Regular Session as amended.

The motion carried unanimously.

### **Resolution Honoring Deputy County Manager Carolyn Phipps Titus**

Chairman Page read the following Resolution honoring the service of retiring Deputy County Manager Carolyn Titus.

#### **Durham County Board of Commissioners Resolution**

**WHEREAS, Carolyn Phipps Titus** has rendered loyal and faithful service for the past twenty-eight years to Durham County Government and the citizenry of this community, and

**WHEREAS**, Carolyn has exhibited strength of character, mark ed ability, and deep and abiding interest in all that she has pursued, more than fulfilling all of her official duties with superior credit, and

**WHEREAS**, Carolyn leaves an unmatched legacy of invaluable service and outstanding achievement because everything entrusted in her care was handled with sincerity of heart and dedication of purpose, and

**WHEREAS**, Carolyn has demonstrated and displayed a myriad of diversified skills and abilities, critical thinking, tough negotiation and strategic planning, that helped her to effectively maneuver the many complexities of multi-million dollar corporate offerings in economic development, and

**WHEREAS**, Carolyn has become known within the organization for the steadiness of her demeanor, a winning smile and a compassionate disposition, all behavior that has served to the advantage of the County, and,

**WHEREAS**, her staff and community partners have expressed deep regret about her impending departure but have vowed to uphold the same standards of excellence she has exemplified, and

**WHEREAS**, Carolyn will be sorely missed by those of us who have been privileged to walk, some all, and most a portion of these years with her, shall sense an infinite void, and

**WHEREAS**, Carolyn has done all of the aforementioned and much, much more than mere words on paper can describe, including service and commitment that extended far beyond the bounds of the workday, and

**THEREFORE, BE IT RESOLVED** that the Board of County Commissioners does hereby express its most sincere and deepest appreciation to

### **CAROLYN PHIPPS TITUS**

for your generous contributions of time, energy and expertise to Durham County Government and public service.

**BE IT THEREFORE RESOLVED** that we hereby salute, commend and applaud your March 1, 2011 retirement from Durham County Government and join together in adopting this resolution of professional tribute and appreciation this twenty-eighth day of February, 2011.

This the 28<sup>th</sup> day of February 2011

All signatures

Ms. Titus thanked the Board for the Resolution and their support over the years.

Board members shared memories of working with Carolyn Titus beginning with her days in Mental Health. They applauded her for the impacts she had on fragile and vulnerable youth; and for her support in meeting challenges with a smile. The audience stood and applauded Ms. Titus.

### **Presentation of the Commissioners Community Circle Award**

Chairman Page recognized Judge Willis Whichard, recipient of the Commissioners Community Circle Award. Chairman Page read a plaque and presented it to Judge Whichard.

The Commissioners thanked Judge Whichard for all he has done for the community, and especially for his work on the Library Board.

Judge Whichard thanked the Board. He urged citizens to contribute old papers and artifacts about Durham to the North Carolina Collection project at the library.

### **Consent Agenda**

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

- a. Appoint a special Board of Equalization and Review, designate membership to this Board, appoint a Chair and Vice Chair, and approve compensation;
- b. \*Amend the contract with County Tax Services for property value discoveries and approve Budget Ordinance Amendment No. 11BCC000051 in the amount of \$50,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected ;
- c. Approve the Tax Administrator's request to begin advertising the 2010 tax liens in the month of March;
- d. \*Approve the resolution of tentative project award for the Reuse Water Capital Construction Project, approve Capital Project Ordinance Amendment No. 11CPA000007, and reduce the Reuse Wastewater Facility project budget by \$66,474.80;
- e. Approve the Local Emergency Planning Committee (LEPC)—Membership roster as presented;
- f. \*Approve Budget Ordinance Amendment No. 11BCC000052 to recognize N.C. Division of Public Health, Diabetes Prevention and Control Branch in the amount of \$1,000 for the Nutrition Division;
- g. \*Approve Budget Ordinance Amendment No. 11BCC000053 to recognize \$5,868.00 in one-time supplemental funds from the Department of Health and Human Services for the Syphilis Elimination Program in the Division of Health Education;
- h. \*Approve Budget Ordinance Amendment No. 11BCC000054 to recognize \$22,276 in additional Expanded HIV grant revenue from the Department of Health and Human Services for contracted services and miscellaneous supplies for the Jail Screening Program in the Division of Health Education;

- i. \*Approve Budget Ordinance Amendment No. 11BCC000 055 to recognize \$522,893 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management;
- j. Approve initial funding through an interfund fund loan from the General Fund not to exceed \$200,000 for the grant awarded for the 2010 Single-Family Rehabilitation Program;
- k. Authorize the execution of the construction contract with Riggs-Harrod Builders, Inc. in the amount \$246,722.00 (Base Bid plus Alternate #1), and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$271,394.00;
- l. Authorize execution of contracts with Edge Office for the purchase of Workstations, Case Goods, Conference Room Furnishings, and Seating from the GSA Buying Programs for the Durham County Administrative Building Fifth (5th) Floor Improvement in the total amount of \$128,714.51 and to execute any other related contracts, if necessary, not to exceed the budget of \$135,149.51; and
- m. Approve the nomination to the Duke University Health System Board of Directors.

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

Consent Agenda Item No. b. Amend the contract with County Tax Services for property value discoveries and approve Budget Ordinance Amendment No. 11BCC000051 in the amount of \$50,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected.

DURHAM COUNTY, NORTH CAROLINA  
 FY2010-11 Budget Ordinance  
 Amendment No. 11BCC000051

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY2010-11 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	\$243,732,809	\$50,000	\$243,782,809

Expenditures:

<u>Function</u>				
<u>GENERAL FUND</u>				
General Government	\$69,185,435	\$50,000	\$69,235,435	

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

This the 28th day of February, 2011.

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Consent Agenda Item No. d . Approve the resolution of tentative project award for the Reuse Water Capital Construction Project, approve Capital Project Ordinance Amendment No. 11CPA000007, and reduce the Reuse Wastewater Facility project budget by \$66,474.80.

**RESOLUTION FOR TENTATIVE PROJECT AWARDS  
FOR THE REUSE WATER PROJECT**

**WHEREAS**, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works; and

**WHEREAS**, the County of Durham has need for and intends to construct a Reuse Water project to install reclaimed water treatment, storage, and distribution system; and

**WHEREAS**, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan to Durham County in the amount and \$3,323,740 for the construction of the Water Reuse Project; and

**WHEREAS**, the North Carolina Department of Environment and Natural Resources as a condition of the loan requires a Resolution of Tentative Notice of Project Award prior to issuing their Authorization of Award.

**NOW, THEREFORE, BE IT RESOLVED:**

- That the Applicant conditionally authorizes the County Manager to enter into a construction administration contract with Camp Dresser & McKee, Inc. at a cost not to exceed \$301,000.
- That the Applicant tentatively authorizes the award of the construction contract to T.A. Loving, Inc., at a cost not to exceed \$3,421,295 and conditionally authorizes the County Manager to execute the contract.
- That the Applicant conditionally authorizes the County Manager to execute any related contracts, not to exceed the total project budget.
- The items tentatively and conditionally included in this resolution are approved subject to North Carolina Department of Environment and Natural Resources issuance of their Notice of Award.

This, the 28<sup>th</sup> day of February, 2011.

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Consent Agenda Item No. f . Approve Budget Ordinance Amendment No. 11BCC00005 to recognize N.C. Division of Public Health, Diabetes Prevention and Control Branch in the amount of \$1,000 for the Nutrition Division.

DURHAM COUNTY, NORTH CAROLINA  
 FY 2010-11 Budget Ordinance  
 Amendment No. 11 BCC 000052

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY Y 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>			
Intergovernmental	\$80,487,062	\$1,000	\$80,488,062

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$114,789,230	\$1,000	\$114,790,230

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

This the 28th day of February, 2011.

Consent Agenda Item No. 9g Approve Budget Ordinance Amendment No. 11 BCC 000053 to  
 recognize \$5,868.00 in one-time supplemental funds from the Department of Health and Human  
 Services for the Syphilis Elimination Program in the Division of Health Education.

DURHAM COUNTY, NORTH CAROLINA  
 FY 2010-11 Budget Ordinance  
 Amendment No. 11 BCC 000053

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY Y 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>			
Intergovernmental	\$80,488,062	\$5,868	\$80,493,930

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$114,790,230	\$5,868	\$114,796,098

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

This the 28th day of February 2011.

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Consent Agenda Item No. 9h Approve Budget Ordinance Amendment No. 11BCC00005 4 to recognize \$22,276 in additional Expanded HIV grant revenue from the Department of Health and Human Services for contracted services and miscellaneous supplies for the Jail Screening Program in the Division of Health Education.

DURHAM COUNTY, NORTH CAROLINA  
FY 2010-11 Budget Ordinance  
Amendment No. 11BCC000054

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY Y 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>			
Intergovernmental	\$80,493,930	\$22,276	\$80,516,206

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$114,796,098	\$22,276	\$114,818,374

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

This the 28th day of February 2011.

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Consent Agenda Item No. i Approve Budget Ordinance Amendment No. 11BCC00005 5 to recognize \$522,893 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management.

DURHAM COUNTY, NORTH CAROLINA  
FY 2010-11 Budget Ordinance  
Amendment No. 11BCC000055

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY Y 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>			



Intergovernmental	\$80,516,206	\$522,893	\$81,0	39,099
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Expenditures:

Function

GENERAL FUND

Public Safety	\$45,396,496	\$522,893	\$45,919,389
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All ordinances and portions of ordinances in conflict therewith are hereby repealed.

This the 28th day of February, 2011.

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**Public Hearing – Coordinated Transportation – FY 2011-2012 Community Transportation Grant Application Request**

The Cooperative Extension Service is requesting a public hearing on, and Board authorization to submit, the FY 2011-2012 Community Transportation Program grant to the North Carolina Department of Transportation (NCDOT). Durham County's Community Transportation Program provides transportation services for elderly and disabled citizens and for transitional Work First and general public employment transportation needs for Durham County.

The revenue from this grant and expenditures required of the county will be budgeted in the FY 2011-2012 budget for Coordinated Transportation. Cooperative Extension has applied for these grant funds annually, through NCDOT since 1999 to purchase vehicles and to subsidize the administrative costs associated with the Community Transportation Program. A public hearing is required for this application.

Chairman Page recognized Meg Scully, Mobility Manager, Cooperative Extension Service. Ms. Scully announced that only one vehicle needed to be replaced this year. She was present to answer questions.

No one signed up to speak at the public hearing.

Vice Chair Reckhow moved, seconded by Commissioner Heron to approve the resolution authorizing Durham County Cooperative Extension to submit the FY 2011-2012 Community Transportation Program Grant to the NC Department of Transportation.

The motion carried unanimously.

**Board and Commission Appointments**

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointment to boards and commissions.

Thefollowingappointmentsweremade:

AdultCareHomeCommunityAdvisoryCommittee

PatriciaCrispell                      ThomasDesmond  
ChristleGlosson                      CrystalTotten

Boxing&WrestlingCommission

RobertNauseef

CriminalJusticePartnershipActAdvisoryBoard

CharlesReece(At-Large)

**Adjournment**

ChairmanPageurgedcitizenstocometotheConversationswithCommissionersmeetings.

Therebeingnofurtherbusiness,ChairmanPageadjo urnedthemeetingat7:43pm.

RespectfullySubmitted,



V.MichelleParker-Evans  
ClerktotheBoard