

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

Monday, September 26, 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: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to add a closed session immediately following the consent agenda to discuss Chancellor's Ridge Homeowners Association, Kim Preslar and Kristen Corbell, Plaintiffs vs. Durham County, a body politic and Corporate, Durham County Board of Commissioners and Southern Durham Development Inc., pursuant to N.C.G.S. § 143-318.11(3).

The motion carried unanimously.

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 pm on 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.
- Durham's 5th annual Project Homeless Connect will be held on Thursday, October 13, at the Durham Bulls Athletic Park from 10 a.m. – 4:00 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.
- One Stop No Excuse Voting is currently underway in Durham. Voting locations are the Durham Board of Elections, North Regional Library, and South Regional Library. Call the Board of Elections at 560-0700 for operating hours.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the August 22, 2011 Special Session Minutes, September 6, 2011 Special Session Minutes, and September 7, 2011 Worksession Minutes of the Board.

The motion carried unanimously.

Recognition of the Tax Department for Receiving a 2011 Employee Productivity Award from the North Carolina Association of County Commissioners

The Board recognized employees of the Durham County Tax Department for receiving a 2011 Employee Productivity Award from the North Carolina Association of County Commissioners during its annual conference in August.

Kim Simpson, Tax Administrator, recognized Tax Department employees Teresa Hairston, Robie McLamb, and Don Bogumil for their implementation of a project which “Improves Delinquent Collections using License Plate Recognition Technology”. She reported that the project was in collaboration with the Durham Sheriff’s Office, which allows deputies in the field to identify vehicles that have delinquent taxes. The result has been an overall improvement in Durham County motor vehicle tax collections.

Chairman Page congratulated Ms. Simpson and her staff along with the Sherriff’s Office for receiving the award. He read the inscription on the plaque aloud to the public.

Vice-Chairman Reckhow commended Ms. Simpson and staff for their work on the project and for their innovative efforts, which results in maintaining the top collection rate among the Big 10 counties in the state.

Commissioner Howerton thanked Ms. Simpson and Tax staff for their diligent work.

County Manager Ruffin announced that the Tax Department exceeded its collection goal for this year.

Chairman Page presented the plaque to Ms. Simpson. He asked Ms. Simpson to relay the Board’s thanks and appreciation to the remainder of her staff.

Recognition of Interim Deputy County Manager Michael Palmer

The Board recognized Michael J. Palmer for his numerous and significant administrative accomplishments and for devoting his time, energy, and expertise to the enhancement of Durham County Government. Mr. Palmer readily accepted a temporary assignment to return to Durham County Government in the capacity of Interim Deputy County Manager in May 2011, during which time he participated in all administrative management areas; and during the medical absence of the County Manager, Mr. Palmer stepped up for several months to serve as the Interim County Manager, employing his unique skills and abilities to maintain normal operations for Durham County Government.

Chairman Page read the following resolution into the record:

RESOLUTION

WHEREAS, Michael J. Palmer readily accepted a temporary assignment to return to Durham County Government in the capacity of Interim Deputy County Manager in May 2011, during which time he participated in all administrative management areas; and

WHEREAS, additionally, during the medical absence of the County Manager, Mr. Palmer stepped up for several months to serve as the Interim County Manager, employing his unique skills and abilities to maintain normal operations for Durham County Government; and

WHEREAS, because of his previous 11-year managerial tenure with Durham County where Mr. Palmer earned a reputation as a gifted manager and a respected community leader, he was uniquely qualified to seamlessly manage Durham County Government and performed admirably during the period:

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

MICHAEL J. PALMER

for his numerous and significant administrative accomplishments, and for devoting his time, energy, and expertise to the enhancement of Durham County Government.

BE IT FURTHER RESOLVED that we wish for him a wealth of success as he transitions from this government organization and returns to the private sector to continue to lend his considerable skills and expertise to the greater Durham community.

This the 26th day of September, 2011.

/s/ All Four Commissioners

The Commissioners gave individual remarks, thanking Mr. Palmer for his knowledge and willpower to fulfill the temporary assignment and for his outstanding work.

County Manager Ruffin expressed appreciation for Mr. Palmer's leadership during his absence.

Mr. Palmer remarked on his brief return to Durham County and his dedication to the community.

Proclamation—National Long Term Care Residents' Rights Month

The Board proclaimed October as National Long-Term Care Residents' Rights Month and urged the citizens of Durham County to join in celebrating the more than 1.6 million individuals living in 16,000 nursing homes and 1 million individuals living in 50,000 board and care/assisted living facilities in the US.

Chairman Page read the proclamation into the record as follows:

PROCLAMATION

WHEREAS, there are more than 1.6 million individuals living in 16,000 nursing homes, and one million individuals living in 50,000 board and care-assisted living facilities in the U.S.; and

WHEREAS, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

WHEREAS, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

WHEREAS, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their rights as community members and citizens, including the right to have a say in their care; and

WHEREAS, individuals and groups across the country will be celebrating Residents' Rights Month with the theme "Welcome Home: Creating Connections Between Residents and the Community" to emphasize the importance of affirming these rights through facility practices, public policy, and resident-centered decision-making that impacts quality of care and quality of life:

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

NATIONAL LONG-TERM CARE RESIDENTS' RIGHTS MONTH

in the County of Durham. I encourage all citizens to join us in these important observances.

This the 26th day of September, 2011.

/s/ Michael D Page, Chairman

Jennifer Albright, Committee Chair, invited citizens to attend the Long-term Residents Forum on Thursday, October 13, 1:30 p.m. – 4:30 p.m., at the Senior Center for Life.

Resolution—Dr. Evelyn Schmidt

Chairman Page announced that the Resolution paying tribute to Dr. Evelyn Schmidt, Director of Lincoln Community Health Center, had been pulled due to her inability to attend the meeting. The presentation would be arranged for another meeting.

Proclamation—Sickle Cell Month

The Board was requested to proclaim September as Sickle Cell Month and urge the citizens of Durham County to learn more about the disease. Sickle Cell Disease is an inherited and chronic blood disorder that occurs in roughly one of every 350 African-American births; and all Durham County citizens are directly or indirectly affected by this illness in terms of its impact on our economic, social, and health care systems.

Commissioner Howerton read the following proclamation:

PROCLAMATION

WHEREAS, Sickle Cell Disease is an inherited and chronic blood disorder that occurs in roughly one of every 350 African-American birth; and

WHEREAS, one in 10 African Americans carries the gene for sickle cell trait; and

WHEREAS, all Durham County citizens are directly or indirectly affected by this illness in terms of its impact on our economic, social, and health care systems; and

WHEREAS, services and care are available through the Duke-UNC Comprehensive Sickle Cell Center, The North Carolina Sickle Cell Syndrome Program, medical centers, local health departments, and federal and state agencies such as the BridgesPointe Foundation to help those afflicted with Sickle Cell Disease lead full and productive lives; and

WHEREAS, these agencies work cooperatively to provide high quality education, testing, screening, counseling, referral, and medical services; and

WHEREAS, research on the treatment, management, and cure for this disorder is vital to improving the health and quality of life of all persons with Sickle Cell Disease:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Board of County Commissioners, do hereby proclaim September 2011 as

SICKLE CELL MONTH

in Durham County. I urge all citizens to learn more about Sickle Cell Disease.

This the 26th day of September, 2011.

/s/ Michael D Page, Chairman

Gail Aiken, President, Bridge Pointe Foundation Board of Directors, thanked the Board for the proclamation and briefly elaborated on the objectives of the Foundation and its work with young adults with Sickle Cell Anemia.

Elaine Whitworth, Director, Bridge Pointe Foundation, emphasized the extended life expectancy for persons with Sick Cell Anemia.

Chairman Page presented the proclamation to Ms. Aiken and Ms. Whitworth.

Consent Agenda

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

- *a. Accept the Property Tax Releases and Refund Report for August 2011 and authorize the Tax Assessor to adjust the records as outlined in the report;
- b. Approve the write off of all Receivables prior to July 1, 2001 from the County's EMS financial records;
- *c. Approve Budget Ordinance Amendment No. 12BCC000014 appropriating \$15,255 of insurance settlement funds for the purchase of a Sheriff undercover vehicle;
- *d. Adopt the resolution, authorize the Manager's signature, and approve the Budget Ordinance Amendment No. 12BCC000015 appropriating \$17,525 of grant funds for the purchase of "Checkpoint" equipment;
- *e. Approve Budget Ordinance Amendment No. 12BCC000016 to appropriate \$15,844 of Enterprise Fund fund balance and recognize this transfer to the Benefits Plan Fund in the amount of \$15,844 for additional benefits expenditures for Enterprise Fund employees made in FY2010 through FY2012;
- *f. Approve Budget Ordinance Amendment No. 12BCC000017 accepting and appropriating the \$141,190 JAG award;
- *g. Approve Budget Ordinance Amendment No. 12BCC000018 to recognize revenue received from the NCACC in the amount of \$1,000 for the Productivity Award and amend the Tax Administration Department budget to appropriate the funds for use by the Tax Administration Department for staff recognition programs;
- h. Appoint Jessie Pickett-Williams—Vocational Rehabilitation, as member to the Workforce Development Board per NC General Statutes for an authority position;
- i. Approve the amendment to the Management Agreement between the City, County, and Global Spectrum for the Durham Convention Center;
- j. Approve the revised Interlocal Cooperation Agreement for the Historic Preservation Commission; and
- k. Approve establishing three full-time care coordination positions and one part-time assessment specialist position as funded by the SAMHSA grant. Total amount requested is \$214,464. All positions are funded with federal dollars through SAMHSA.

The motion carried unanimously.

Document(s) related to this item follow:

Consent Agenda Item No. a. Accept the Property Tax Releases and Refund Report for August 2011 and authorize the Tax Assessor to adjust the records as outlined in the report.

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 August, 2011.

Releases & Refunds for 2011 Taxes	
Real Estate	\$ 87,305.09
Personal	\$ 300,785.93
Registered Vehicles	\$ 22,433.62
Vehicle Fees	\$ 660.00
Solid Waste	<u>\$ 1045.00</u>
Total for 2011 Taxes and Fees	\$ 412,229.64

Prior years' (2008-2010) releases and refunds for August 2011 are in the amount of \$291,208.71. The total current year and prior years' releases and refunds amount to \$703,438.35.

(Recorded in Appendix A in the Permanent Supplement of the September 26 2011 Regular Session Minutes of the Board.)

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 12BCC000014 appropriating \$15,255 of insurance settlement funds for the purchase of a Sheriff undercover vehicle.

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Budget Ordinance
 Amendment No. 12BCC000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Revenues	\$7,097,164	\$15,255	\$7,112,419

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Public Safety	\$44,708,228	\$15,255	\$44,723,483

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

This the 26th day of September, 2011.

Consent Agenda Item No. d. Adopt the resolution, authorize the Manager's signature, and approve the Budget Ordinance Amendment No. 12BCC000015 appropriating \$17,525 of grant funds for the purchase of "Checkpoint" equipment.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 12BCC000015

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	\$70,946,922	\$17,525	\$70,964,447

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$44,723,483	\$17,525	\$44,741,008

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

This the 26th day of September, 2011.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 12BCC000016 to appropriate \$15,844 of Enterprise Fund fund balance and recognize this transfer to the Benefits Plan Fund in the amount of \$15,844 for additional benefits expenditures for Enterprise Fund employees made in FY2010 through FY2012.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 12BCC000016

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>BENEFITS PLAN FUND</u>			
Other Financing Sources	\$15,596,736	\$15,844	\$15,612,580

SEWER UTILITY FUND

Other Financing Sources	\$128,173	\$15,844	\$144,017
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Expenditures:

Function

BENEFITS PLAN FUND

Utilities	\$175,996	\$15,844	\$191,840
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SEWER UTILITY FUND

Other Financing Sources	\$806,076	\$15,844	\$821,920
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of September, 2011.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 12BCC000017 accepting and appropriating the \$141,190 JAG award.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 12BCC000017

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	\$70,964,447	\$141,190	\$71,105,637

Expenditures:

Function

GENERAL FUND

Public Safety	\$44,741,008	\$141,190	\$44,882,198
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of September, 2011.

Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 12BCC000018 to recognize revenue received from the NCACC in the amount of \$1,000 for the Productivity Award and amend the Tax Administration Department budget to appropriate the funds for use by the Tax Administration Department for staff recognition programs.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 12BCC000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Revenues	\$77,090,814	\$1,000	\$77,091,814

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$77,090,814	\$1,000	\$77,091,814

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

This the 26th day of September, 2011.

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to adjourn to a closed session to discuss Chancellor's Ridge Homeowners Association, Kim Preslar and Kristen Corbell, Plaintiffs vs. Durham County, a body politic and Corporate, Durham County Board of Commissioners and Southern Durham Development Inc., pursuant to N.C.G.S. § 143-318.11(3).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session; directives were given to staff; no action was taken.

Southern Durham Development

The Board was requested to receive the "Preliminary Evaluation of the 751 Sewer Service Request" and consider the request for sewer service to the 751 Development.

On September 1, 2011, Coulter, Jewell, Thames, PA requested a wastewater treatment allocation and pump station capacity for the proposed 751 Development on behalf of Southern Durham Development.

On September 7, 2011, the Board reviewed the request and directed staff to prepare a report on the request for the September 26, 2011 Board of County Commissioners Meeting. The staff report was distributed on September 23, 2011.

County Engineer Glen Whisler presented a PowerPoint presentation, outlining background information on the 751 Development and details of the sewer service request.

Mr. Whisler and staff addressed comments and questions posed by the Board regarding possible issues with the sewer extension.

Chairman Page asked County Attorney Siler if the Board would be acting improperly by approving the sewer extension.

County Attorney Siler responded that nothing legal could be found to indicate that the Board's action would be inappropriate.

Chairman Page called the following signed speakers forward for comments:

Lewis Cheek, K&L Gates LLP, representing Southern Durham Development, 430 Davis Drive, Durham 27560

Dan Jewell, Coulter, Jewell, Thames, PA, representing Southern Durham Development, 1025 Gloria Avenue, Durham 27701

Commissioner Bowser moved, seconded by Commissioner Howerton, to approve the request for sewer service to the 751 Development.

Vice-Chairman Reckhow expressed hope that the Board would delay action on the item, as not to renege on an informal agreement with the City regarding extending a sewer line across boundary lines. She suggested delaying action for two weeks to allow further discussion.

Discussion ensued pertaining to the sewer line extension.

Chairman Page and Commissioners Bowser and Howerton stated their positions for supporting the request.

Vice-Chairman Reckhow reiterated her desire to postpone voting on the request to allow the Board to discuss further the City's comments in regards to the sewer line extension.

Chairman Page called for a vote on the motion.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Page

Noes: Reckhow

Board of County Commissioner Vacancy Ballot

The Board was requested to continue discussion of the process to fill the seat of former County Commissioner Becky Heron, who resigned her post effective August 1, 2011.

Commissioner Howerton acknowledged and thanked the Democratic Party for their participation in the process. She extended appreciation to the candidates who applied for the vacancy and stressed that the Board would make a decision at that meeting.

Commissioner Bowser issued a statement thanking the candidates for their submissions and explained his reasons for compromising on his candidate of choice.

Chairman Page emphasized the importance of the Board reaching a consensus on one candidate; if not, then the process would continue until a majority three vote is obtained.

County Attorney Siler informed the Board that it must make a decision within 60 days from the effective date of former Commissioner Heron's resignation.

Chairman Page stated that the deadline date would be September 29.

County Attorney Siler announced that the Board selected Pamela Karriker as its new Commissioner, replacing Ms. Heron.

Ms. Karriker thanked the Board for its vote and for the opportunity to serve the community as Commissioner.

Chairman Page thanked the other candidates for their patience and for working with the Board while making its selection. He urged the candidates to participate in the plethora of volunteer opportunities available in Durham.

Board and Commission Appointments

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

Chairman Page asked Commissioners to forward to him their requests for serving on specific boards and commissions by Wednesday, September 28.

The Board made the following appointments; incumbents are underlined:

Adult Care Home Community Advisory Committee
Kathy Silbiger

Audit Oversight Committee
Manual Rojas

Industrial Facilities & Pollution Control Authority
Miles Simpson

Memorial Stadium Authority

Frank W. Davis Jr.

Nursing Home Community Advisory Committee

Dalisay Quiambao-Stevenson

Women's Commission

Diane Freeman

Shonda Santos

Workforce Development Board

Sharon McCormick (Private Sector)

Lisa Pineiro (Private Sector)

Gerald Spence (Private Sector)

As the Social Services Board appointment resulted in a tie vote, Chairman Page requested that the appointment be reconsidered at the October 3 Workession when Ms. Karriker would be able to cast her vote as a sworn Commissioner.

Chairman Page reminded staff to include a discussion of adding more seats to the Memorial Stadium Authority on the October 3 Worksession agenda.

Commissioner Bowser mentioned that Mr. Omar Beasley submitted his application for appointment; however, his name was not on the ballot.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:43 p.m.

Respectfully Submitted,

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

Yvonne R. Jones
Deputy Clerk to the Board