

REVISED
(See Item No. 5
Addition—Item No. 7
Deletion—Item No. 9[s])

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, June 22, 2009

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

“Public Charge”

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

6:00 P.M.—Closed Session

The Board is requested to adjourn to closed session to consult with an attorney, to preserve the attorney-client privilege, and to consider the performance of a public officer pursuant to N.C. Gen. Stat. §§ 143-318.11(a)(3) & (6).

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcement** 5 min.

The July 27 Regular Session of the Board has been moved to July 20.
4. **Minutes** 5 min.
 - a. May 26, 2009 Regular Session
 - b. May 28, 2009 Budget Worksession

5. **Recognition of Durham County's Receipt of Five NACo Awards for 2009**

5 min.

Durham County has won five NACo (National Association of Counties) Achievement Awards this spring. The Library received four awards and Social Services received one for their inventive programs.

The NACo Achievement Awards program annually recognizes innovative county government programs across the country. As the NACo award letters cite, it honors high caliber county programs and projects and is "proud to confer this award and recognize [Durham County's] hard work to promote quality, efficient, and responsive management and administration."

Durham County Library Winning Programs:

- **GenText Book Club** – a book club for people in their 20s and 30s that meets monthly in Durham restaurants and bars.
- **Get Set, Get Ready, Let's Read!** – an early literacy program where library personnel visit 15 in-home childcare centers with star ratings of 1 or 2 (the lowest possible ratings).
- **Poetry for Everyone** – a series of events, held at various library facilities, during which local celebrities, elected officials, and poets share their favorite poems in public.
- **Write On!** – a writing workshop for teens that teaches young people to redefine their relationship with the written word by turning them into writers as well as readers.

Department of Social Services Winning Program:

- **GAP (Guardianship Assistance Program)** – the State's first child welfare kinship care program.

Resource Person(s): **Gina Rozier, Marketing and Development Manager, Durham County Library** and **Sammy Haithcock, DSS Director**

County Manager's Recommendation: Congratulate the respective leadership and staff from Durham Library and Durham Social Services for receiving these outstanding national achievements.

6. **Proclamation for "Durham College Day"**

5 min.

Sixty-two years ago, Dr. Lucinda McCauley Harris started a school to prepare youth for successful business careers. The school eventually became Durham Business College and finally Durham College. The two-year school was nationally accredited as a junior college and trained students in many areas such as accounting, business administration, computer science, and medical technology between 1947 and 1980 when it closed.

Alumni will gather on June 26, 27, and 28 in Durham to hold a reunion and to celebrate the 62nd Anniversary of the founding of the college. A proclamation has been prepared at the group's request.

Resource Person(s): Commissioner Joe Bowser

County Manager's Recommendation: The Manager's recommendation is that the Board approve the proclamation and present to Durham College Alumni Representatives.

7. **Recognition of 100th Anniversary of North Carolina Central University's Charter Day**

5 min.

North Carolina Central University will commemorate "Charter Day" on June 30th. This occasion marks the 100th Anniversary of the signing of the articles of incorporation of the precursor of the school, the National Religious Training School and Chautauqua for the Colored Race.

Founder James E. Shepard actually considered other locations for his institution but the support of the merchants of Durham and the Duke family led to the establishment of NCCU in Durham County just outside the City limits. During the years, North Carolina Central University and Durham County have forged a strong partnership to help improve the lives of the people of this community. The institution was chartered on June 30, 2009 and opened its doors on July 10, 1910.

The "Charter Day" event at B. N. Duke Auditorium set for 10:00 am will mark the opening ceremony of the celebration of NCCU's Centennial Year activities.

Resource Person(s): Chairman Michael D. Page

County Manager's Recommendation: **The County Manager's recommendation is that the Board approve the proclamation and honor the outstanding contributions that North Carolina Central University leaders, officials, and alumni have made over the past 100 years in enhancing the quality of life for others in Durham County and beyond.**

8. **Recognition of Retiring DSS Director—Sammy Haithcock**

5 min.

The Board of County Commissioners is requested to recognize the Department of Social Services Director, Sammy Haithcock, as he prepares to retire from a successful and noteworthy career in social services. A resolution has been prepared and will be presented by the Board of County Commissioners.

Resource Person(s): Durham County Commission Chairman Michael D. Page, Durham County Commissioner Joe W. Bowser, and Durham County Manager Michael M. Ruffin

County Manager's Recommendation: The Manager's recommendation is that the Board present the resolution honoring Sammy Haithcock for his outstanding career in social services, note his many contributions to the Durham community, and wish him well in his retirement.

9. **Consent Agenda**

15 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for May 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Appointments—Juvenile Crime Prevention Council;
- c. Approve the Sale of 414 Salem Street to Michael Hamblin for \$3,800;
- d. Approval of the Amended Documents Related to the 2009B Variable Rate COPS (adopt the resolution and authorize the execution of the required documents upon approval by the Local Government Commission);
- e. Authorize the County Manager to execute a one-year contract with the Animal Protection Society of Durham Inc. for the operation of the Durham County Animal Shelter for \$571,199.00);
- f. Left blank intentionally;
- g. Commissioner Appointment to Downtown Durham Inc. Board of Directors (reappoint Vice-Chairman Ellen W. Reckhow to Downtown Durham Inc.'s Board of Directors for FY 2009-10);
- h. Approve funding for the final Cultural Master Plan Projects;
- i. Purchase of Self-Check Machines and RFID Based Security Gates for Main, Southwest, and South Regional Libraries (authorize the execution of a contract with 3M in the amount of \$436,439 for the purchase of RFID [Radio Frequency Identification] systems for the Main, South, and Southwest Libraries);
- j. Request for Lease Extension for the Scarborough & Hargett Funeral Home (authorize the County Manager to execute the lease amendment for Scarborough and Hargett Funeral Home to transition out of the property by August 31, 2009 at a rate of \$9,250 per month; after such time, the premises should be vacated in order for the Justice Center to remain on schedule);
- k. Stormwater Agreement for the Southwest Regional Library (approve the stormwater agreement for the Southwest Regional Library and authorize the Manager to execute);
- l. Interlocal Agreement with the City of Durham regarding Construction of Alternate Storm Drain Piping associated with the Construction of the Human Services Complex (approve the Interlocal Agreement with the City of Durham related to the construction of an alternate storm drain pipe along the 500 block of East Main Street and authorize the Manager to execute the agreement);
- m. Budget Ordinance Amendment 09BCC000075—Recognizing Additional Revenue for DSS (Child Care Subsidy Funds—\$277,738; Net Medicaid Cost Settlement—\$201,255 for FY 2007-08—designate \$92,000 in fund balance for subsequent years and \$109,255 in fund balance for DSS);
- n. Budget Ordinance Amendment No. 09BCC000076—Technical Adjustment for Collection and Use of Lottery Funds (Agreement with Durham Public Schools Regarding 3% Reduction of Fiscal Year 2008-09 Operating Budget) (make technical adjustments to the General Fund and Debt Service Fund related to collection of Lottery Funds; this amendment makes those technical adjustments without altering the original intent or amount of the lottery funds);
- o. Budget Ordinance Amendment 09BCC000077—Recognize Additional Revenue of \$58,141 for FY 2008-2009 Rural Operating Assistance Program (ROAP);

- p. Contract Approval: Medical Services for the Durham County Detention Facility and the Youth Home (RFP # 07-012) (authorize the execution of a one-year contract with Correct Care Solutions Inc. to provide comprehensive health care services for persons in the custody of the Sheriff and the youth detained at the Youth Home; the contract will be for an amount not to exceed \$3,068,027, plus a per diem charge of \$2.78 per inmate, per day for any month with an average daily population greater than 610);
- q. Capital Project Ordinance Amendment 09CPA000018—Appropriation of Reimbursement Funds for the Open Space and Farmland Preservation (DC083) Capital Project (increase the DC083 Open Space and Farmland Preservation Capital Project from \$7,957,755 to \$8,500,755 to reflect NC Agricultural Development and Farmland Preservation Trust Fund grant monies and open space partnership contributions received);
- r. Capital Project Amendment No. 09CPA000019—Durham Public Schools General Obligation Bond Project Budget Adjustments (move \$235,000 from the completed 2003 GO Bond funded Mangum Elementary capital project to the 2003 GO Bond funded Morehead Elementary capital project); and
- s. ~~Health & Human Services Financing (2009B certificates) (adopt the resolution and authorize the execution of the required documents upon approval by the Local Government Commission).~~

10. **Public Hearing—Zoning Map Change—Wilson Property (Z0900003)**

15 min.

To approve a request for a zoning map change for approximately 0.67 acres located at 4905 and 4933 Wake Forest Highway, north side of Wake Forest Highway east of Patterson Road [PINs 0851-03-90-9899 (partial) and 0861-03-00-1861 (partial)].

Request: RR; F/J-B to RS-20; F/J-B; and to adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval, 12-2 on May 12, 2009. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Amy Wolff, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

11. **Adoption of FY2009-2010 Budget Ordinance**

15 min.

The Durham County Manager presents the FY2009-2010 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

(As the public hearing for the recommended budget was held on June 8, no citizen comments will be allowed at this meeting.)

Resource Person(s): Mike Ruffin, Durham County Manager, and Pam Meyer, Director Budget & Management Services

County Manager's Recommendation: The County Manager recommends the Board approve the FY2009-2010 Budget Ordinance.

12. **Modifications to the SWAP**

30 min.

The Finance Department is recommending that the 2004 Swap be modified as follows:
Extend Maturity to: May 1, 2031
Increase the Notional amount to: \$186,365,000
Increase the Indicative Margin

These changes have been discussed with the LGC, and it intends to request approval during its July 7 meeting.

These items are included in the resolution for Board approval.

Mr. Quick recently discussed the performance of the Swap with the Commissioners and the savings generated over the past 58 months. These modifications are expected to increase the savings going forward.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The County Manager recommends the adoption of the resolution and authorize the execution of the required documents upon approval by the Local Government Commission.

13. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Area Mental Health Board
- Bicycle & Pedestrian Advisory Committee
- Board of Adjustment
- City-County Appearance Commission
- DTCC Board of Trustees
- EMS Advisory Council
- Environmental Affairs Board
- Jury Commission
- Juvenile Crime Prevention Council
- Transportation Advisory Board
- Women's Commission
- Workforce Development Board

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

2 hrs. 5 min.