

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

Monday, July 23, 2012

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 Philip R. Cousin, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance. Chairman Page announced that the Board met in Closed Session prior to the 7:00 meeting and would reconvene in Closed Session following the Regular Session.

Agenda Adjustments

There were no adjustments to the agenda.

Announcements

Chairman Page welcomed Commissioner Philip R. Cousin back to the Board. Commissioner Cousin will fill the vacancy left by former Commissioner Joe W. Bowser. Commissioner Cousin remarked that he was glad to be back.

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 County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk’s Office at 919-560-0025, visit the County’s website, or email Clerk@durhamcountync.gov for more information. Please note that all City and County taxes must be current at the time of application.

- The Chairman of the Board of County Commissioners will resume office hours for citizens on Wednesday, August 1st from 2:00 P.M. to 5:00 P.M. Appointments can be made by calling me at 949-4022.
- The Mayor, Police Chief, and Sheriff will hold a violent crime reduction update to the community on July 26, 2012 at Holton Career and Resource Center from 6:30 – 8:00 pm.

Minutes

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to approve the minutes of the June 25, 2012 Regular Session.

The motion carried unanimously.

Introduction of Human Resources Director

County Manager Mike Ruffin introduced Cora Wilson, Durham County Human Resources Director, effective July 9, 2012. He shared the following:

Ms. Wilson holds a law degree from North Carolina Central University, and served as an adjunct professor in the EMPA (Executive Masters of Public Administration) programme in the area of personnel from 2008-2009. She is also a graduate of The University of North Carolina at Chapel Hill where she double majored in Industrial Relations and Psychology.

Prior to joining Durham County, she held progressively responsible Senior Human Resources positions at GlaxoSmithKline from 2002 until her appointment. Her human resources expertise covers an extensive career at several corporate entities including a position as Director of Human Resources for Midway Airlines Corporation in Morrisville, and service as EEO Workforce Leader/Principal Business Analyst at Carolina Power and Light Company, now Progress Energy.

The Board welcomed Ms. Wilson.

Public Comment Period

The Board held a public comment period as required. No one signed up to speak during the public comment period.

Consent Agenda

Chairman Page asked if anyone had items to be pulled. A citizen signed up to speak on item 7i. Items 7e and 7h were removed from the agenda prior to the meeting.

Commissioner Howerton requested to comment on item 7c. She remarked that she was very proud of Durham County and the adopted smoking ordinance during her recent NACo Conference in Pittsburgh. She noted that Durham was acknowledged several times during the conference for being ahead of others.

Commissioner Howerton moved, seconded by Commissioner Karriker, to approve the following consent agenda items (7a, b, c, d, f, g, j, k, l, m, n, and o).

The motion carried unanimously.

- a. *Approve Budget Ordinance Amendment No. 12BCC000094 to recognize \$14,637 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management;
- b. *Approve Budget Ordinance Amendment No. 12BCC000095 to appropriate \$18,928 of Bethesda Fire District Special Revenue Fund balance and recognize this transfer to the General Fund in the amount of \$12,114 and the Benefits Plan Fund in the amount of \$6,814 for expenses made in FY 2011-12 only;
- c. *Approve Budget Ordinance Amendment No. 13BCC000001 appropriating \$33,674 from restricted fund balance into the Public health budget for continued implementation of the Smoking Rule;
- d. *Approve Capital Project Amendment No. 13CPA000001 appropriating budgeted County Contribution funds for four capital projects;
- f. Receive and approve the 2011 Property Tax Settlement Report. Charge the Tax Collector with 2011 Property Taxes. Authorize the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due;
- g. Authorize the execution of contract with Strategic Connections, Inc., for the audiovisual installation at the new Durham County Durham County Courthouse & Parking Structure (DCCCH & PS) Project in the amount \$1,684,284.26 (Proposed Total Base Cost plus 3rd year extended warranties), and to execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$1,785,341.32;
- j. *Approve the attached New Resolution covering the Refunding of the Series 2012 Revenue bonds;
- k. *Approve Budget Ordinance Amendment No. 13BC000003 moving \$56,190 from the Information Technology department to the Durham County Library, and approve a new contract with SirsiDynix for a new cloud based integrated library system;
- l. Authorize the County Manager to enter into a contract with Manatron in the amount of \$95,286.00, and to authorize the County Manager to execute any amendments not to exceed the project budget of \$150,000.00. The contract is for the upgrade of the current recording software system to the latest version GRM Recorder;
- m. *Accept the property tax release and refund report for June, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by this report;

- n. Approve placing \$390,000 in Medicaid Cost Settlement Funds into committed fund balance for Public Health;
- o. Appoint Commissioner Karriker to the Memorial Stadium Authority.

*Document(s) related to this item follow:

Consent Agenda Item No. a.

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 12BCC000094

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	\$77,124,694	\$14,637	\$77,139,331

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Public Safety	\$46,233,312	\$14,637	\$46,247,949

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

This the 23rd day of July, 2012.

Consent Agenda Item No. b.

DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 12BCC000095

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>DEBT SERVICE FUND</u>			
Other Financing Source	\$24,098,251	\$ 12,114	\$24,110,365
<u>BENEFITS PLAN FUND</u>	\$16,148,220	\$ 6,814	\$16,155,034

SPECIAL REVENUE FUND

Other Financing Source	\$ 293,312	\$ 18,928	\$ 312,240
<u>Expenditures:</u>			
<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$46,247,949	\$ 12,114	\$46,260,063
<u>BENEFITS PLAN FUND</u>	\$16,148,220	\$ 6,814	\$16,155,034
<u>SPECIAL REVENUE FUND</u>			
General Government	\$ 1,827,330	\$ 18,928	\$ 1,846,258

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

This the 23rd day of July, 2012.

Consent Agenda Item No. c

DURHAM COUNTY, NORTH CAROLINA
 FY 2012-13 Budget Ordinance
 Amendment No. 13BCC000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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 Financing Sources	\$16,472,661	\$33,674	\$16,506,335

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$79,460,742	\$33,674	\$ 79,494,416

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

This the 23rd day of July, 2012.

Consent Agenda Item No. d.

DURHAM COUNTY, NORTH CAROLINA
 2012-13 Capital Project Ordinance
 Amendment Number 13CPA000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2012-13 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<i>Project</i>	Current Budget	Inc./Dec.	Revised Budget
Open Space Land Acquisition	\$10,200,755	\$500,000	\$10,700,755
FY13 Telecommunications Upgrade (VOIP)	\$0	\$300,000	\$300,0000
Hollow Rock/New Hope Project	\$140,720	\$60,000	\$200,720
Administrative Building Boiler Replacement	\$0	\$500,000	\$500,000

Adopted this the 23rd day of July, 2012.

Consent Agenda Item No. j.

A regular meeting of the Board of Commissioners for the County of Durham, North Carolina, was held in the County Commissioners' Meeting Room on the 2nd Floor of the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, the regular place of meeting, at 7:00 P.M., on July 23, 2012.

Present: Chairman Michael D. Page, presiding, and Commissioners _____

Absent: _____

* * * * *

Commissioner _____ introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

RESOLUTION AMENDING A RESOLUTION RELATING TO THE AUTHORIZATION AND ISSUANCE OF ENTERPRISE SYSTEM REVENUE REFUNDING BONDS, SERIES 2012 OF THE COUNTY OF DURHAM, NORTH CAROLINA

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the "County") is considering authorizing the issuance of Enterprise System Revenue Refunding Bonds, Series 2012 of the County (the "Bonds") in an amount not exceeding \$14,000,000 for the purpose of providing funds, with other available funds not exceeding \$3,000,000, for refunding all or a portion of the outstanding Enterprise System Revenue Bonds, Series 2002 of the County; and

WHEREAS, the Board of Commissioners for the County (the "Board") on June 11, 2012 passed a resolution relating to the Bonds entitled: "RESOLUTION RELATING TO THE AUTHORIZATION AND ISSUANCE OF ENTERPRISE SYSTEM REVENUE REFUNDING BONDS, SERIES 2012 OF THE COUNTY OF DURHAM, NORTH CAROLINA" (the "Resolution"); and

WHEREAS, since the Resolution was passed the County has determined to issue the Bonds in a manner that is different from that which is reflected in the Resolution and it is desirable to amend the Resolution accordingly;

NOW, THEREFORE, BE IT RESOLVED by the Board, as follows:

Section 1. The Board hereby amends the first sentence of Section 4 of the Resolution to read as follows: "The Board hereby confirms or recommends the selection of the following professionals to be on the financing team for the Bonds and that their services be utilized to the extent required and where appropriate:

- | | |
|---|---|
| Bond counsel | Robinson, Bradshaw & Hinson, P.A., |
| Financial advisor | DEC Associates, Inc. |
| Trustee, bond registrar
and paying agent | U.S. Bank National Association |
| Purchaser | Banc of America Public Capital Corporation. |
| Purchaser's counsel | Hunton & Williams LLC" |

Section 2. This resolution shall take effect immediately upon its passage. Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed by the following vote:

Ayes: Commissioners _____

Noes: _____

* * * *

I, V. Michelle Parker-Evans, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on July 23, 2012 as relates in any way to the passage of the resolution described therein and that said proceedings are recorded in Minute Book No. ____ of the minutes of said Board, beginning on page ____ and ending on page ____.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the County Commissioners' Meeting Room on the 2nd Floor of the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., except that regular meetings scheduled to be held on a holiday will be held on the next succeeding day that is not a holiday at the same place and time, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this ____ day of ____ 2012.

Clerk to the Board of Commissioners

Consent Agenda Item No. k.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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>			

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$81,775,474	-\$56,190	\$ 81,719,284
Cultural and Recreation	\$10,838,834	\$56,190	\$10,895,024

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

This the 23rd day of July, 2012.

Consent Agenda Item No. m.

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 June, 2012.

Releases & Refunds for 2012 Taxes

Personal	\$57,490.62
Motor Vehicle	\$16,337.93
Motor Vehicle Fees	<u>\$ 980.00</u>
Total for 2012 Taxes and Fees	\$74,808.55

Releases & Refunds for 2011 Taxes

Real Estate	\$ 375.58
Personal	\$19,690.58
Motor Vehicles	\$26,892.95
Motor Vehicle Fees	<u>\$ 590.00</u>
Total for 2011 Taxes and Fees	\$47,549.11

Prior years' (2008-2010) releases and refunds for June, 2012 are in the amount of \$16,808.18. The current year and prior years' releases and refunds amount to \$139,165.84.

Board and Commission Appointments

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

The following appointments were made:

Alcoholic Beverage Control Board

Wayland Burton

Deirdre Guion

Audit Oversight Committee

Harrison Shannon

Convention Center Authority

Patrick Byker

Richard Ford

Dangerous Dog Appeal Board

James Brown

Tina Brantley

Motiryo Keambiroiro

EMS Council

Christopher Wilcox

Library Board of Trustees

Joe Hewitt

Nursing Care Home Community Advisory Committee

Ann Burgess

Dave Strausfeld

Manager Ruffin recognized and publicly thanked Emily Nwakpuda, a graduate intern from North Carolina State University. He commended her for the stellar job she did working with the Crime Cabinet. He also introduced Emily Leik, IMCA intern, who will be working between the City of Durham and Durham County; and Ellen Whelan-Wuest, the new Assistant to the County Manager.

Item Removed from the Consent Agenda

Chairman Page indicated that a citizen signed up to speak on Item 7i of the Consent Agenda:

- i. Authorize the County Manager to execute the Utility Contract for these extensions to the County sanitary sewer system and reuse water system to the 751 South development.

Mr. Steve Bocckino, 7340 Abron Drive, spoke in opposition to the County extending the sanitary sewer system and reuse water system to the 751 development. He was concerned about possible sewage spillage and the proximity to Jordan Lake.

Ms. Melissa Rooney, 301 Spring Garden Drive, raised two concerns: watershed issues and the issue of an independent survey. She urged the Commissioners to consider requesting an independent survey. She remarked that two of the interim commissioners were not elected by the citizens.

Vice Chair Reckhow raised questions to Glen Whisler, County Engineer, regarding long ranging planning for Triangle Wastewater Treatment plant. She asked for an estimate of sewage capacity. Mr. Whisler responded that the plant's capacity at this point is 12 million gallons per day. Currently, four (4) million gallons of sewage are received from City and County usage per day. The current flow is 20 percent less than what was estimated in 2005. The projections made when the plant was expanded were in the 20-25 year range. The flows have been significantly

less than the projection at that time. Vice Chair Reckhow commented that upcoming changes from Research Triangle Park could affect the projections.

She asked questions regarding the contract, page 4, #10. She asked about any plans or intents to expand further into the City's service area. Mr. Whisler explained the language will allow extensions within the County service area. There are none anticipated at this time.

Mr. Whisler was not aware of any other sewer line areas that crossed Army Corp of Engineers' property; however, he agreed to research the issue.

The Vice Chair asked for a clarification of Page 6, #7 of the contract – wording of last sentence not clear. It was not clear that the County would be reimbursed under all circumstances. Brian Wardell, Assistant County Attorney, responded. The intent is that County will be secure whether or not the developer is solvent or insolvent—the investment would be guaranteed.

Vice Chair Reckhow posed the question, “What is the identified water source?” Cal Cunningham, representing Southern Durham Development, responded that it is the intent to install a community well system. Mr. Cunningham further stated that North Carolina has a vast amount of ground water, and there are other areas that use ground water for large developments.

Steve Medlin, City/County Planning Director, responded to Vice Chairman Reckhow's question regarding a special use permit hearing. Mr. Medlin affirmed that a special use permit would be needed for a community well system.

Vice Chair Reckhow discussed information received from the Corp of Engineers regarding the impact of the sewage lines. She suggested that the Board defer action until after the special use permit hearing.

Commissioner Howerton moved, seconded by Commissioner Karriker to authorize the County Manager to execute the Utility Contract for these extensions to the County sanitary sewer system and reuse water system to the 751 South development.

Ayes: Page, Cousin, Howerton, Karriker

Noes: Reckhow

Closed Session

Chairman Page announced that the Board would resume the Closed Session.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session and evaluated the following appointed and elected officials and recommended the following allowances, effective July 1, 2012:

Willie Covington, Register of Deeds	4.25%
Michelle Parker-Evans, Clerk to the Board	4.25%
Lowell Siler, County Attorney	4.25% + \$250 travel allowance increase
Kimberly Simpson, Tax Administrator	4.25%

Commissioner Howerton moved, seconded by Vice Chair Reckhow that the recommendations be approved.

The motion carried unanimously.

Chairman Page indicated that the Board also recommended that the salary for the Tax Administrator be increased by 4.0% to bring her salary in line with other competing counties.

Vice Chair Reckhow moved, seconded by Commissioner Karkiker to approve the 4.0% increase in addition to the 4.25% merit increase.

AYES: Page, Cousin, Karkiker, Reckhow
NOES: Howerton

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:20 pm.

Respectfully Submitted,



V. Michelle Parker-Evans
Clerk to the Board