

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

Thursday, July 29, 2010

7:00 P.M. Regular Session – **Continuation from July 26, 2010**

**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 Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

**Opening of Regular Session**—Pledge of Allegiance

**Agenda Adjustments**

Vice Chair Reckhow requested to place an item at the end of the agenda to discuss the Board's adopted Rules of Procedures.

**Consent Agenda**

The following Consent Agenda items were pulled at the July 26, 2010 meeting for further discussion:

- a. Authorize the County Manager to enter into a contract with Urban Ministries of Durham in the amount of \$149,440 to provide emergency shelter services to the homeless population of Durham County;
- l. \*Approve Capital Project 11CPA000002 appropriating \$1,000,000 from the Collection System Rehabilitation Fund balance to the Collection System Rehabilitation Project;
- m. Authorize the County Manager to enter into janitorial service contracts with CJ Enterprise (\$9,410.64), Service Master Clean (\$388,244.00), Top Job Services (\$75,100.92), Fredrick's Housekeeping Services (\$33,768.00), and B&R Janitorial (\$126,730.44) to provide services to twenty-five Durham County buildings;
- n. Authorize the County Manager to enter into a service contract for Inmate meal preparation and food services with Aramark Correctional Services in the amount not to exceed \$693,955.

Manager Ruffin informed the Board that staff contacted Commissioners Bowser and Howerton regarding the questions they had on items (a), (l), and (m). The questions were satisfied unless the Board needed more discussion.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to approve items 7a, 7l, and 7m on the Consent agenda.

The motion carried unanimously.

Consent Agenda Item 7l. Approve Capital Project 11CPA000002 appropriating \$1,000,000 from the Collection System Rehabilitation Fund balance to the Collection System Rehabilitation Project.

**DURHAM COUNTY, NORTH CAROLINA  
2010-11 Capital Project Ordinance  
Amendment Number 11CPA000002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2010-11 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<b>Project</b>	<b>Current Budget</b>	<b>Inc./Dec.</b>	<b>Revised Budget</b>
Collection System Rehabilitation Project	\$1,400,000	\$1,000,000	\$2,400,000

Adopted this the 29<sup>th</sup> day of July, 2010.

Consent Agenda Item 7n.

Chairman Page recognized the two citizens who requested to pull Item 7n. Citizen Victoria Peterson questioned the bid process that awarded Aramark the food service contract at the jail. She stated that some inmates have expressed concern about how they are treated in the jail. One of the concerns is food. She suggested using some inmates to assist in food preparation to give them culinary experience.

Chairman Page thanked Ms. Peterson for bringing this matter up and acknowledged that he received two letters from inmates in jail that echo the concerns revealed by Ms. Peterson. He asked the Manager to investigate the concerns.

Dr. Lavonia Allison spoke about having no minority involvement in the bid process, and she suggested that there were several small minority businesses in Durham who could have participated in the bid process.

County Manager Ruffin responded that the jail food service bid was not suitable for a small business. He introduced personnel from the Sheriff's Office who were present to answer questions.

Captain Bazemore of the Sheriff's Office explained the bid process. He researched companies that qualified for the contract. He found six companies that qualified. The six companies attended the pre-bid conference. However, on the day of the bid, there were only two companies that bid. There was no minority participation. Aramark submitted a responsive bid and ultimately was awarded the contract. The County cannot dictate who Aramark hires. Aramark has a program where they teach culinary skills while they are working with jail programs. Most of the meals served are 3100 calories per day.

Chairman Page asked for an opportunity to tour the jail. The County Manager offered to arrange for a tour for the Commissioners.

The County Manager stated that in addition to the inmates, in emergency situations, the jail provides food for the County and the shelters.

Captain Bazemore indicated that Aramark provided menus each day. North Carolina statutes state that inmates must receive 2500-2800 calories per day per inmate.

Lt. Col. Natalie Perkins of the Sheriff's Office stated that the food served exceeded the caloric requirement for inmates. According to the jail personnel, many of the inmates are undernourished when they come in, and gain weight while in the facility.

Vice Chair Reckhow expressed concern regarding the caloric intake and suggested that personnel talk with a nutritionist from the Health Department about the recommended intake for the inmates. Captain Bazemore responded that inmates get an hour per day for exercise. Vice Chair Reckhow recommended having a nutritionist look at the calories vs. exercise to see if there was a match. Captain Bazemore clarified that the jail provides a plethora of diets, depending on the inmate's health situation.

Commissioner Reckhow moved, seconded by Commissioner Howerton to approve Item 7n on the Consent agenda.

The motion carried unanimously.

**Resolution Calling for a November 2, 2010 Durham County Special Referendum on Levying a ¼ cent County Sales and Use Tax (Article 46)**

County Manager Ruffin gave a brief explanation of the timetable for the referendum. According to Mike Ashe, Elections Director, the Board would have to take action before August 1, 2010 for the item to be placed on the November ballot for a vote. If the item was approved in November, the County would receive 15 months of sales tax in the amount of approximately \$8 million per year. The other option would be to put the item on the May ballot which would net the County nine months of sales tax for next fiscal year which would be around \$4 million.

Commissioner Bowser addressed the Board. He reminded the Board that there are a number of teachers who are funded by stimulus money which is likely to end this year. "We are probably going to be asked to pick those teachers up next year." He added that the community was not sympathetic that the County had to raise taxes to keep teachers in the classroom this year. "I would like to head that off for next year. This is one of the ways we can get prepared for it. We cannot count on a 7-10 percent tax increase to fund teachers next year."

Commissioner Bowser asked the Manager to clarify whether this tax would apply to food. The Manager responded that it would not be on food.

Commissioner Bowser commented that "we should ask the voters to approve. If they choose not to approve, they should understand next year, we will probably be looking at a huge property tax increase."

Commissioner Bowser concluded his comments by reminding the Board that in 2008, three of the commissioners voted for a food tax in Durham County. Food is a basic need and he could not support a tax on food. He added this tax would be targeted for education only.

Vice Chair Reckhow remarked that the tax would apply to prepared restaurant food. Manager Ruffin concurred.

Vice Chair Reckhow thanked Commissioner Bowser for addressing the issue. She expressed the desire to work with the State and General Assembly to find solutions. She reminded the Board about the pledge to form a committee to work together with the school system and legislators. She was concerned about the tight timeframe and felt uncomfortable discussing a referendum that would not allow adequate planning. She also commented that the economy has not rebounded at this point.

Commissioner Heron felt that the prepared food tax proposed in the last election would have been less invasive than the ¼ cent sales tax. She remarked that the Legislature should find other ways to fund the schools. She believed the "sin tax" on alcohol and tobacco would be a good source of revenue. She referenced the number of foreclosures in the area.

Chairman Page addressed the need to be proactive on the school issue rather than face last minute actions. He was concerned that members of the school system were not present to speak on the issue. He stated that he was committed to bringing the school system together to resolve the funding situation before next year.

Commissioner Howerton echoed Chairman Page on not waiting to the last minute. She asked for clarity on what would be taxed. County Manager Ruffin responded that grocery and drugs would not be taxed, however, prepared foods would be taxed.

Commissioner Bowser stated that we must move forward. It will take money to move forward. The Board needs to be proactive. He added that the ¼ cent tax would not cause any foreclosures. The ¼ cent sales tax encompasses more sources than the prepared food tax.

Commissioner Bowser asked if the resolution would have to be mandated if the situation improved and the tax was not needed. Attorney Siler responded that he didn't think it could be taken off the books.

Vice Chair Reckhow asked for more understanding in terms of the fact that classroom teachers were funded two years ago. \$13 million was moved away from teachers, and that was the exact amount requested in last year's budget. She referenced Mecklenburg and Wake Counties who funded less (per pupil) than Durham County; however, Durham County continued to have low performance. She would like to see the analysis and strategic plan on economic advancement.

Commissioner Bowser asked the Manager to clarify the cost for funding 345 teachers. Mr. Ruffin replied that funding 345 teachers at an average salary of \$55,000 would cost approximately \$18.9 million and would equate to an approximate 6.4% tax increase which would be around a 10% increase of the current tax rate.

Chairman Page recommended having a discussion with the school board to make sure there is a unified effort regarding the sales tax.

Commissioner Heron felt it was important to give the new superintendent an opportunity to assess the current situation and recommend what changes need to be made.

Chairman Page recognized Dr. Lavonia Allison and Darius Little who signed up to speak on the item.

Dr. Allison stated that she could not support the tax. She was appalled at the \$13 million that was moved from the teachers' funding. According to Dr. Allison, the tax would be regressive. (Darius Little yielded his time). She asked that the superintendent be given an opportunity to assess the situation.

Vice Chair Reckhow suggested the Board make a concerted effort to gather additional information and work with the superintendent over the next six months to find a solution. The Board needs to know that money is being well spent.

Commissioner Heron pleaded with the superintendent to look at some of the administrative costs and buildings owned by Durham Public Schools that are being supported by taxes. She suggested that the Manager and superintendent get together to see where we need to go.

Commissioner Bowser made a motion, seconded by Commissioner Howerton to approve a Resolution calling for a November 2, 2010 Durham County Special Referendum on Levying a ¼ Cent County Sales and Use Tax (Article 46) specifically for education.

There was discussion about having an election at a time other than November. Manager Ruffin stated that the item can go up for a special election at any time. There was further discussion about the costs associated with holding a special election.

The motion failed with the following vote:

Ayes – Bowser, Howerton  
Noes – Heron, Page, Reckhow

### **Rules and Procedures**

Vice Chair Reckhow asked to discuss the Rules of Procedure. She reminded the Board that there are Rules of Procedures for the meetings. She was concerned at the last meeting because the Board was not consistent regarding the public hearing time. She offered to discuss the matter at a future meeting because she found a minor discrepancy on page 8 which states "...the party making the request gets five minutes...." She then referred to a staff report summary stating 10 minutes.

The Board concurred that the discussion be tabled until the August 2 Worksession.

### **Board and Commission Appointments**

The Clerk distributed ballots to the Board for appointments to the following boards and commissions. The ABC Board appointment was deferred until the August Worksession:

Commissioner Heron commented that all the applicants for the Library Board had been interviewed and she recommended that the Commissioners accept the recommendations of the Library Board. The Attorney read the following results as approved by the Commissioners:

#### Area Mental Health Board (incumbents are underlined)

John G. Giragos

Monique Holsey-Hyman

#### Board of Adjustment

Daniel Edwards

#### Juvenile Crime Prevention Council

Jennifer G. Rogers

#### Library Board of Trustees

Henry E. Felder,

Paolo Mangiafico,

Allan Lang

Michael Schoenfeld

#### Nursing Home Community Advisory Committee

Kendra T. Coggins

#### Women's Commission

Heidi B. Marks

Workforce Development Board

Iheoma U. Iruka  
Casey Steinbacher

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 8:50 p.m.

Respectfully Submitted,

Michelle Parker-Evans  
Clerk to the Board