

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

Monday, June 28, 2010

5:30 P.M.

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

Closed Session

Vice Chair Reckhow moved, seconded by Commissioner Howerton, to adjourn to closed session to:

- a) Consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a) (6); and
- b) Consult with an attorney, to preserve the attorney-client privilege, and to discuss the case in the matter of *Kendrick Estates Investment Corporation, et al. v. Durham County*, 09CVS 07684, pursuant to G.S. 143.318.11(a)(3).

The motion carried unanimously.

7:00 P.M. Regular Session

Reconvene to Open Session

Chairman Page announced that the Board met in closed session. Directives were provided to staff.

Pledge of Allegiance

Agenda Adjustments – There were no adjustments to the agenda.

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 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.
- Durham County received the Neighborhood Conservation Award from the Historic Preservation Society of Durham for work on the Former East Durham/Holton Junior High School.
- A community meeting on the Triangle Regional Transit Program will be held **June 30, 5:30pm-8:00 pm at the Durham County Main Library**, 300 North Roxboro St. This is an opportunity for citizens to meet, share ideas and discuss future bus and rail transit. For more information contact, Brad Schulz, Triangle Transit at 919-485-7434.
- The Environmental Management Commission will be holding an important public hearing **Wednesday June 30, at 7pm at Neal Middle School**. They will be considering the possible changes to the proposed Falls Lake Rules, which will add considerably to Durham’s tax burden and greatly affect both existing and future development of all kinds. Please consider attending this event and making your voice heard. 7pm, this Wednesday, June 30th, at Neal Middle School at 201 Baptist Church Road here in Durham.
- Beginning **July 12**, applications will be accepted for the 2010 Durham Neighborhood College Term. This nine week program is co-sponsored by the City and County of Durham and helps residents learn about government operations directly from leaders responsible for overseeing key services. Applications will be available on the City or County websites and in the Clerk to the Board’s Office. **The deadline to apply is August 13**. Call 560-0000 for more information.

Vice Chairman Reckhow announced that the City Transportation Department will hold a public meeting about the possible closure of Pickett Road. The meeting will be held Tuesday, June 29th, 6:30 pm at Trinity School.

Commissioner Bowser announced that the Department of Transportation will address the Riddle Road traffic issue that was discussed by residents at several Worksessions. He read the following email from the Department of Transportation:

I wanted to provide a short update since the BOCC Worksession that we attended on Monday June 7th. After that session we asked our staff to reinvestigate any crashes that may be in the statewide crash database. During the review it was discovered that there have been more crashes that are considered correctable by the installation of a protected-permitted left turn signal on NC 55 at Riddle Road. Based on that review our staff recommends the installation of "left turn arrows" for both directions of NC 55 at this intersection. We are developing the plans now and we are working with the City of Durham to upgrade the traffic signal. The work should be complete by the end of July.

Please feel free to share this information with others. You may contact me at 220-4600 or by e-mail if there are any questions.

*Thanks,
Joey Hopkins
Deputy Division Engineer*

Commissioner Heron announced that the Bahama Volunteer Fire Department celebrated its 50th anniversary.

Chairman Page announced that the Parkwood Library is now closed. The new South Regional Library will open July 28.

Minutes

Vice Chairman Reckhow noted a correction to the June 14, 2010 minutes. On Page 2, 2nd paragraph under Announcements, the text should read "Chairman Page encouraged.....at **Neal Middle School**, which would be the.....finalizing the Rules."

Commissioner Howerton moved, seconded by Commissioner Heron, to approve the May 25, 2010 Budget Worksession and the June 14, 2010 Regular Session with the aforementioned correction to the June 14, 2010 Minutes of the Board.

The motion carried unanimously.

June Anchor Award Winner – Michael Perry

Chairman Page announced that this item would be deferred until the July 26th Regular Session due to an emergency that required Mr. Perry to leave the meeting.

Consent Agenda

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

- a. Consider the appointment of Ms. Simpson to the position of Tax Administrator and approve the purchase of Public Official Bond in the amount of \$250,000. The effective date of the four-year appointment is July 1, 2010;
- b. Accept the ambulance franchise request for modification and approve the change for the addition of Basic Life Support and Advanced Life Support to their Specialty Care Transport Program for transfers between Duke and affiliated facilities;
- c. Authorize the County Manager to execute a one (1) year contract with the Animal Protection Society of Durham, Inc. for the operation of the Durham County Animal Shelter for \$554,063;
- d. *Approve Budget Ordinance Amendment No. 10BCC000086 to appropriate \$5,000 in contract funding from the City of Durham to provide an Anti-Gang Information phone line through December 31, 2011;
- e. *Accept the property tax release and refund report for May 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- f. Approve the financing with Wells Fargo Bank to cover capital projects in the FY 2011 budget and authorize the Manager and the Finance Director to execute the necessary documents;
- g. Authorize the execution of a project management services contract with Phoenix Business Consulting for the ERP upgrade to SAP ERP 6.0 not to exceed \$352,000 to be paid from the Capital Project Amendment No. 10CPA000015 which appropriated \$2,500,000.00 to the capital project, ERP (Enterprise Resource Planning) Upgrade Project (42001910DC135);
- h. Approve the Home and Community Care Block Grant Funding Plan as presented. Funding for the Plan has been incorporated into the Manager's proposed FY 2011 budget;
- i. *Approve the Capital Project Amendment No. 10CPA000016 to officially close multiple completed projects allowing them to become final assets and begin depreciation;
- j. *Approve Budget Ordinance Amendment 10BCC000087 to close the Emergency Services Special Revenue fund with the remaining landline surcharge fund balance plus accrued interest earnings to be transferred to the Debt Service Fund for funding of the debt service of the replacement microwave antennae (per the Interlocal Agreement with the City);
- k. *Approve Capital Project Amendment No. 10CPA000017 appropriating \$200,000 to create a new capital project for the 2010 Single-Family Rehabilitation Program;
- l. Approve the three-month extension to the Ten Year Plan Contract with Durham Affordable Housing Coalition;
- m. Approve the contract for Assistant District Attorney for Jail Population Management (Bond Hearing Project) in the amount of \$59,029;
- n. Approve a Resolution to Donate vehicle to Animal Protection Society, Inc.;
- o. Appoint Geraldine Robinson, DSS Director, and Georgette Ray O'Mary, Sheriff designee, to the Juvenile Crime Prevention Council as required by the N.C. General Statutes;

p. Appoint Stephen M. Mihaich, Police designee, to the Criminal Justice Partnership Act Advisory Board as required by the N.C. General Statutes.

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 10BCC000086 to appropriate \$5,000 in contract funding from the City of Durham to provide an Anti-Gang Information phone line through December 31, 2011.

DURHAM COUNTY, NORTH CAROLINA
 FY 2008-09 Budget Ordinance
 Amendment No. 10BCC000086

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$81,851,576	\$5,000	\$81,856,576

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Economic and Physical Development	\$6,242,061	\$5,000	\$6,247,061

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

This the 28th day of June, 2010.

Consent Agenda Item No. e. Accept the property tax release and refund report for May 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Releases & Refunds for 2010 Taxes:	
Personal	\$ 14,427.10
Motor Vehicles	<u>\$ 155.81</u>
Total for 2010 Taxes and Fees	\$ 14,582.91

Releases & Refunds for 2009 Taxes:	
Real Estate	\$ 7,705.92
Personal	\$ 82,512.44
Motor Vehicles	\$ 32,972.73
Vehicle Fees	<u>\$ 1,450.00</u>

Total for 2009 Taxes and Fees \$124,641.09

Consent Agenda Item No. i. Approve the Capital Project Amendment No. 10CPA000016 to officially close multiple completed projects allowing them to become final assets and begin depreciation

DURHAM COUNTY, NORTH CAROLINA
 FY 2009-10 Capital Project Ordinance
 Amendment No. 10CPA000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

<i>Project</i>	Current Budget	Inc./Dec.	Revised Budget
New Elementary School A (SH057)	\$12,319,828	\$0	\$12,319,828
Carrington Middle School (SH058)	\$8,392,846	\$0	\$8,392,846
Chewning Middle School (SH059)	\$6,280,186	\$0	\$6,280,186
Durham School Of The Arts (SH060)	\$378,801	\$0	\$378,801
Neal Middle School Renovation (SH061)	\$178,406	\$0	\$178,406
Rogers-Herr Middle School (SH062)	\$11,799,948	\$0	\$11,799,948
Facilities/Transport (SH063)	\$236,402	\$0	\$236,402
Pearson Elementary (SH069)	\$251,642	\$0	\$251,642
Githens Middle School (SH071)	\$2,578,739	\$0	\$2,578,739
Technology Improvements (SH073)	\$1,669,267	\$0	\$1,669,267
Playground Safety Compliance (SH074)	\$1,082,594	\$0	\$1,082,594
Activity Buses (SH075)	\$307,215	\$0	\$307,215
Systemwide Measures (SH076)	\$432,454	\$0	\$432,454
Burton Elementary (SH077)	\$69,849	\$0	\$69,849
Parkwood Elementary (SH078)	\$618,091	\$0	\$618,091
New D Elementary (SH081)	\$13,258,179	\$1	\$13,258,178
New E Elementary (SH082)	\$768,411	\$0	\$768,411
Neal Middle School Upgrade (SH085)	\$450,000	\$1	\$449,999
Riverside High School (SH091)	\$410,207	\$0	\$410,207
Southern High School (SH092)	\$518,106	\$0	\$518,106
Fayetteville Street Elementary (SH096)	\$8,180,226	93,018	\$8,087,208
Jordan High School (SH099)	\$223,170	\$0	\$223,170
Northern High School (SH100)	\$177,769	\$0	\$177,769
Jordan High School (SH101)	\$55,625	\$0	\$55,625
Eno Valley Elementary (SH104)	\$329,212	\$0	\$329,212
Southwest Elementary (SH110)	\$240,000	\$316	\$239,684
Neal Middle School Upgrade (SH112)	\$105,000	\$0	\$105,000
Hillside High School (SH113)	\$90,000	\$996	\$89,004
Lakeview School (SH117)	\$398,910	\$0	\$398,910
North Regional Branch Library (DC073)	\$6,323,172	\$36,909	\$6,286,263

This the 28th day of June, 2010.

Consent Agenda Item No. j. Approve Budget Ordinance Amendment 10BCC000087 to close the Emergency Services Special Revenue fund with the remaining landline surcharge fund balance plus accrued interest earnings to be transferred to the Debt Service Fund for funding of the debt service of the replacement microwave antennae (per the Interlocal Agreement with the City);

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000087

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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>SPECIAL REVENUE FUNDS</u>			
Other Financing Sources	\$520,016	\$410,636	\$930,652
<u>DEBT SERVICE FUND</u>			
Other Financing Sources	\$96,487,561	\$410,636	\$96,898,197

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>SPECIAL REVENUE FUNDS</u>			
General Government	\$1,545,565	\$410,636	\$1,956,201
<u>DEBT SERVICE FUND</u>			
General Government	\$96,758,600	\$410,636	\$97,169,236

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

This the 28th day of June, 2010.

Consent Agenda Item No. k. Approve Capital Project Amendment No. 10CPA000017 appropriating \$200,000 to create a new capital project for the 2010 Single-Family Rehabilitation Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Capital Projects Ordinance
Amendment No. 10CPA000017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Inc./Dec.	Revised Budget
2010 Single-Family Rehabilitation Program	\$0	\$200,000	\$200,000

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

This the 28th day of June, 2010.

Review of Funding Recommendation for Durham Companions

Commissioner Howerton requested a board review of the funding recommendation for Durham Companions. Durham Companions requested \$15,775 for Fiscal Year 2011 and received \$4,670 in Fiscal Year 2010. The County Manager recommended no funding for the nonprofit in Fiscal Year 2011. Commissioner Howerton requested that the Board hear from citizens who were present to speak on the issue. She recommended that the Board reconsider funding \$10,000 in the budget for Durham Companions.

Chairman Page recognized speakers who signed up to discuss the item.

Mr. McDonald Vick, Interim Director of Durham Companions, apologized for the way the nonprofit application was originally presented to the Board. He added that the former Director who submitted the application was no longer with the organization. Mr. Vick, a retired police officer, volunteered to head up the program approximately two months ago. Mr. Vick stated that "Durham Companions has existed for 27 years." It has been very effective in the community and works closely with Durham Police Department, Mental Health, Durham Public Schools, and the Department of Social Services. Funds have been cut to the program by approximately 75 percent. He added that Durham Companions has had a 95 percent success rate in keeping kids out of trouble.

Mr. Zyvan Lee, Board member for Durham Companions; Ms. Tecla McFadden, Durham Companions mentor and parent; Mr. Donald Pinchback; Mr. Arnold Dennis; Ms. Jackie Wagstaff; and Mr. Donald Hughes all spoke about the positive impacts of the mentoring program and asked the Board to consider putting money toward Durham Companions.

Chairman Page acknowledged a letter received from Dr. Harvey McMurray, Chair of the Durham Companions Board.

Vice Chairman Reckhow asked Mr. Vick if the program received funding from the City of Durham in the budget. Mr. Vick responded that the program received approximately \$2000.00.

The Board continued the discussion and expressed concern and disappointment about the application and performance problems recently encountered by Durham Companions.

Chairman Page read a letter which all nonprofit recipients will receive this year. He stressed the importance of following procedures and deadlines.

Commissioner Bowser applauded Mr. Vick for volunteering to help this program. He stated that he had no problem with the \$10,000 funding request.

Commissioner Reckhow recounted the past achievements of Durham Companions. She suggested funding the current year's amount minus 15% for penalties regarding performance issues.

Commissioner Howerton recommended funding the agency on a provisional basis. They would have to be in compliance by December.

Chairman Page offered that the current funding level be maintained and by December, the reporting would be submitted. The records would include plans for how the money will be spent.

Commissioner Heron concurred with using the 15% penalty suggestion and have the group come back in December for further funding consideration.

Vice Chair Reckhow made a motion seconded by Commissioner Heron that the County approve \$4,000 and require a revised application and budget before the contract is signed.

Commissioner Bowser made a substitute motion seconded by Commissioner Howerton to provide \$10,000 for this budget year contingent upon new budget application showing where monies will be spent and contingent upon all reports due by the middle of this budget year.

Chairman Page offered a third substitute motion to fund Durham Companions at the current level (\$4,670) provided they bring all necessary reporting requirements on time by December and if they have met the requirements, they can come back and make additional funding requests.

Commissioner Bowser rescinded his substitute motion and seconded Chairman Page's motion.

Ms. Laura Jensen, Assistant to the County Manager, clarified that reports are due November 15 and February 15.

Vice Chair Reckhow rescinded her original motion and supported Chairman Page's motion.

Commissioner Heron expressed concern about setting a precedent for other groups who were not funded.

The motion passed unanimously.

Adoption of FY 2010-2011 Budget Ordinance

The County Manager submitted the FY 2010-2011 Annual Budget Ordinance to the Board of County 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.

County Manager Mike Ruffin was present to answer any questions.

Vice Chair Reckhow stated that the Board worked hard to avoid teacher cuts.

Commissioners Howerton and Bowser acknowledged the youth participation and expressed appreciation to the "Umbrella Coalition" for their work in helping to support teachers and schools.

Commissioner Heron read the following statement:

"I am sorry that Durham County must raise taxes this year. We will raise taxes more than each of our adjacent counties. It is important for our citizens to realize that the tax increase is in part for voter approved bonds and to try and keep teachers employed. The State is making significant cuts in the education budget. Why?"

The NC Constitution of 1971 Article IX, Sec. 3, (2) allows the General Assembly to "assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate." And they have been doing just that especially when times are bad. The first push-off to local government that I remember was in the nineties when the General Assembly deemed that the State would no longer pay utility bills.

So who pays the additional costs of public education? Ultimately the property owners of Durham County pay as the only tax we can increase is the property tax. One must remember that the renters also pay property tax in the form of increased rent.

This year the General Assembly is doing it to us again by reducing the approbation for schools to such an extent that teachers will be fired unless the County increases it funding.

One has to ask why the legislature has not increased the so-called sins taxes (alcoholic beverages and cigarettes) and applied that money to retain teachers. Could it be that the lobbyists have more to say about sin taxes than the public about education? That is the way it appears.

I am disappointed that the NC Association of Counties as well as the Durham County Board of Commissioners has not aggressively lobbied for sins taxes to pay for education. Instead we sit here and passively accept the dictates of the lobby controlled General Assembly!

All indications are that next year money from the State for schools will be worst than this year. If the State continues to push more school funding on the County, than we must have other sources of revenue. The people must have property tax relief."

Commissioner Bowser stated that this is another year that employees did not get a raise. He expressed concern about the new positions proposed in the budget, specifically the Assistant Public Health Director and the General Services Stadium Manager and technician positions. He added that "we could have given employees \$150 with the savings from the new positions." Therefore, he would not support the budget because of the new positions.

Chairman Page thanked staff (especially Budget). He commended the Umbrella Coalition for advocating for children; and added that we must begin now to advocate so we will not be in the same position next year. He stressed the importance of starting ongoing dialogue now. He thanked the Durham County employees for their patience and understanding and for continuing to provide the level of service for Durham County. He reminded the Manager that if something happens in mid-year, the Board should be sure to look at a way to reward employees.

Chairman Page opened the Public Hearing for citizens who signed up to speak.

Elisa Benitez, representing the Umbrella Coalition, spoke about the teacher shortage and loss of instructional positions and critical programs.

Allan Lang asked the Board to carefully watch the income level of citizens as they prepare budgets.

Chairman Page closed the Public hearing.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the 2010-2011 Annual Budget Ordinance for Durham County.

AYES: Page, Reckhow, Heron, Howerton

NOES: Bowser

The motion carried 4-1.

**ANNUAL BUDGET ORDINANCE
Durham County, North Carolina
FY 2010-2011**

WHEREAS, the proposed budget for FY 2010-11 was submitted to the Board of Commissioners on May 24, 2010 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on June 14, 2010, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 28, 2010, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2010 and ending June 30, 2011, there are hereby appropriated from taxes and other revenues the following by function and fund:

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Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2010 at an anticipated collection rate of 97.75 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate
Durham County-countywide	\$.7459

Section 4. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2010 at an anticipated collection rate of 98.3 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate	District	Rate
Bahama Fire District	\$.0600	Lebanon Fire District	\$.1000
Bethesda Fire District	\$.0900	New Hope District	\$.0695
Eno Fire District	\$.0599	Parkwood Fire District	\$.1100
		Redwood Fire District	\$.1075

Section 5. There is hereby levied a tax at the rate shown below, per \$100.00 valuation of property listed for taxes as of January 1, 2010, for property located within the Durham County portion of the Durham-Wake Counties Research Triangle Park Research and Production Service District for the raising of revenue for said district. The anticipated collection rate is 98.3 percent.

	Tax Rate	Appropriation
Research & Production Service District	\$.0360	\$637,161

There is hereby appropriated to the Durham-Wake Counties Research and Production Service District from the net proceeds of this tax the amount of \$637,161 for use in said district in such manner and for such expenditures as is permitted by law from the net proceeds of this tax. In the event the actual net proceeds from the tax levy of the Research and Production Service District exceed the appropriated amount, the actual net proceeds from the tax shall constitute the appropriation from said tax levy.

Section 6. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules. (See Attachment 1)

Section 7. The following authorities shall apply to transfers and adjustments within the budget:

- a) The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b) The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c) The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d) The County Manager may enter into the following agreements within funds:
 - Form and execute grant agreements within budgeted appropriations;
 - Execute leases of up to \$15,000 for normal and routine business within budgeted appropriations (County as Tenant only);
 - Enter consultant, professional, maintenance, or other service agreements of up to \$40,000 within budgeted appropriations;
 - Approve renewals for service and maintenance contracts and leases;
 - Purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;
 - Reject any and all bids and readvertise to receive bids;
 - Waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e) County Manager can transfer between functions, and/or funds for merit, pay plan adjustments, health benefits, and reclassifications.
- f) Transfers between funds and transfers from the contingency account may be executed **only** by the Board of Commissioners.

Section 8. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated and unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

Current Expense Fund	\$4,064,246
Capital Outlay Fund	<u>\$465,672</u>
Total Appropriation	\$4,529,918

Section 9. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance.

The total local appropriation for Durham Public Schools for FY 2010-11 is as below:

Current Expense	\$107,032,189
Capital Outlay	<u>\$1,370,000</u>
Total Appropriation	\$108,402,189

- a) In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b) The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c) Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.
- d) Durham Public Schools is authorized to use Public School Building Capital Funds, and Lottery Funds for capital outlay requests, with the approval of the Board of Commissioners.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 10. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocates sufficient funds to continue the teacher supplement at a rate of 12.5 percent for teachers with less than 10 years experience; 13.5 percent for teachers with 10-20 years experience; and 14.5% for teachers with 20 years or more experience.

Section 11. In accordance with G.S. 159-13.1, the following financial plans for intragovernmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue	\$2,463,115
Estimated Expense	\$2,463,115

BENEFITS PLAN FUND

Estimated Revenue	\$15,261,793
Estimated Expense	\$15,261,793

Section 12. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund	\$204,734
George Linder Memorial Fund	\$250

Community Health Trust Fund

\$4,250,000

Section 13. This ordinance incorporates the County's Capital Financing Policy to designate up to 20% of dedicated revenues as County Contribution for pay-as-you-go projects. For Fiscal Year 2010-11, the County Contribution is designated at 2.66%.

Section 14. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Penalties and Fees		
Ordinance Code #	Violation Description	Penalty Amount
105.3.5	Permit not posted or kept on premises	\$65.00
307.2	Unpermitted open burning (Immediate)	\$750.00
308.3	Careless use of ignited object (Immediate)	\$750.00
603	Use of non-approved heating appliance	\$65.00
703.1	Breach in fire wall/fire stops	\$65.00
703.2.1	Fire or exit door inoperative	\$200.00
703.2.1	Fire tower door open (Immediate)	\$750.00
310.3	"No Smoking" signs not posted where appropriate	\$65.00
310.2	Smoking in prohibited areas (Immediate)	\$750.00
901.4	Sprinkler or fire alarm inoperable	\$200.00
Appendix C	Fire hydrants not complying with code	\$65.00
903.1	Sprinkler system not complying with code	\$65.00
905.1	Standpipe system not complying with code	\$65.00
315.2.1	Sprinkler head(s) blocked/covered (Immediate)	\$750.00
505.1	Street address numbers not posted	\$65.00
505.1	Street address numbers not visible	\$65.00
901	Sprinkler/standpipe needs testing	\$65.00
901	Fire alarm system needs testing	\$65.00
1005.1	Storage in or on fire escape (Immediate)	\$750.00
1005.1	Blocked egress (Immediate)	\$750.00
1005.1	Locked exit doors (Immediate)	\$750.00
1005.1	Overcrowding (Immediate)	\$750.00
1003.2.8	Fire exit or aisle blocked (Immediate)	\$750.00
315.2.2	Storage in or on fire escape (Immediate)	\$750.00
1003.3	Exit or egress door needs repair	\$65.00
315.2.2	Blocked stairwells or stairways (Immediate)	\$750.00
1003.2.10	Exit illumination and marking	\$65.00
1003.2.10.2	Absence of required exit directional signs	\$65.00
404.1	Approved fire evacuation plan required	\$65.00
404.3	Fire drill performance not acceptable	\$65.00
405.2	No monthly fire drill reported	\$65.00
3405.3	Improper use of flammable liquids (Immediate)	\$750.00
3404.3.3	Flammable liquid not stored according to code	\$65.00
3405.3	Improper dispensing of flammable liquid (Immediate)	\$750.00

3402.2.10	Above-ground tanks not diked	\$65.00
2703.2.4	Tank installation not according to code	\$65.00
3404	Tank storage not according to code	\$65.00
1504.1	Spray painting in non-approved area	\$65.00
1504.1.2	Spray booth not complying to code	\$65.00
3003.3	Compressed gas cylinders not secured	\$65.00
105.1.2	No hazardous materials permit	\$65.00
2704	Chemical storage is not according to code	\$65.00
1003.7.2.5	Maximum occupancy not posted	\$65.00
308.5	Use of open flame cooking device	\$65.00
105.2.2	Failure to get tank work permit prior to work	\$500.00

Penalties and Fees (continued)

105.2	Failure to obtain permits required by code	\$500.00
112.1	All other violations of the code	\$65.00

NOTE: The term "Immediate" as it appears above means that the Fire Marshal's Office may issue a citation immediately and the violation must be corrected by the violating party immediately.

Fire Prevention Permit Fees

Section 1: The fees set forth in this section are fixed for the issuance of the permits required by the Fire Prevention Code. Such permits, unless stated otherwise on the face of the permit, shall be valid for a period of one year from the date of issue, subject to revocation for failure to comply with the fire Prevention Code. Renewal of permits shall be subject to fees in effect for the period of renewal.

Technical Code #	Activities Requiring Permits	Fee
105.6.2	Amusement Buildings	\$65.00
105.7.1	Automatic Fire Extinguishing Systems	\$65.00
105.6.3	Aviation Facilities	\$65.00
105.6.5	Battery Systems	\$65.00
105.6.9; 105.7.2	Compressed Gases	\$65.00
105.6.9	Covered Malls, Buildings	\$65.00
105.6.12	Cutting and Welding	\$65.00
105.6.16	Fire Hydrants and Valves	\$65.00
105.6.9	Manufacturing, Storage, Handling, & Sale or use of explosives, fireworks, explosive material (60-day permit)	\$150.00
105.7.3	Fire Alarm & Detection Systems & Related Equipment	\$50.00
105.7.4	Fire Pumps & Related Equipment	\$65.00
105.6.17	Flammable and Combustible Liquids (per site or service station)	\$65.00
105.6.20	Fumigation & Thermal Insecticide Fogging	\$65.00
105.7.6	Hazardous Materials	\$65.00
105.6.23	High-Pressure Storage	\$65.00
105.6.22	HPM Facilities	\$200.00
105.7.7	Industrial Ovens	\$65.00
105.6.28	Liquefied Petroleum Gas	\$65.00
105.6.26	Lumber Yards & Woodworking Plants	\$65.00
105.6.29	Magnesium	\$65.00

105.6.30	Miscellaneous Combustible Storage	\$65.00
105.6.34	Places of Assembly	\$65.00
105.6.35	Private Fire Hydrants	\$65.00
105.6.37	Pryoxylin Plastics	\$65.00
105.6.38	Refrigeration Equipment	\$65.00
105.6.39	Repair Garages, Service Stations	\$65.00
105.6.41	Spraying or Dipping	\$65.00
105.7.11	Stand Pipe Systems	\$65.00
105.6.42	Storage of Scrap Tires & Tire Byproducts	\$65.00
105.6.45	Waste Handling	\$65.00
105.6.46	Wood Products	\$65.00
105.7.5	Installation, abandonment, removal, or retrofitting of any AGST, UGST, Pipeline (per site) (add \$75.00 per tank removed or installed)	\$150.00

All other permit fees required by the Technical Code and not listed shall be \$65.00

User Fees

Description		Fee
Plans Review for all Life Safety Permits:		
	Subdivision (plus \$20 per fire hydrant required)	\$30.00
Building - New and Renovations:		
	Building less than 5,000 sq. ft.	\$75.00
	Building 5,000 - 10,000 sq. ft.	\$125.00
	Building 10,000 sq. ft. or more (plus \$25 per 5,000 sq. ft. over 10,000 sq. ft.)	\$125.00
Hazardous Chemicals:		
	Class A - 55 gals. or 500 lbs.	\$50.00
	Class B - 55 to 550 gals. or 550 to 5,000 lbs.	\$200.00
	Class C - 550 to 5,500 gals. or 5,000 to 50,000 lbs.	\$300.00
	Class D - 5,500 gals. or 50,000 lbs.	\$400.00

Inspection Fee Schedule

All owners or tenants of buildings in Durham County, which are required to be inspected by the Durham County Fire Marshal's Office are subject to the following inspection fee schedule:

Inspection Activities		Fee
	Periodic Inspection	None
	First inspection pursuant to permit application	None
	First re-inspection for non-compliance if code requirements are met	None
	First re-inspection for non-compliance if code requirements are not met	\$200.00
	Second and subsequent re-inspections for non-compliance	\$400.00

FY11 Fee Schedule

See Attachment 1.

Adopted this the 28th day of June 2010.
Board and Commission Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to the following boards and commissions. The appointments are listed below:

City-County Appearance Commission
Olumayowa Alabi

Criminal Justice Partnership Act Advisory Board
Lao Rubert (Community-Based Corrections Program)

EMS Council
Cary D. Cain II(N.C. State Highway Patrol
Dennis Tingen (EMS Providers – Duke Life Flight)

Environmental Affairs Board
Wanona Satcher (Public Health)

Juvenile Crime Prevention Council
Timothy A. Burris (Member of Business Community)
Rev. Johnnie W. Foster Jr. (Member of Faith-Based Community)
Rhonda B. Parker (Parks and Recreation Representative
Karen K. Thompson (United Way or other Nonprofit Agency Representative)

Women's Commission
Ruth Kennedy
Stephanie Watson

Workforce Development Board
Alvis Aikens (Community Based Organization)

Appointment of Voting Delegate at NACO Conference

Commissioner Bowser moved, seconded by Commissioner Heron to designate Vice Chairman Reckhow as the Board's voting delegate and Commissioner Howerton as the alternate voting delegate at the NACO Conference in Reno, Nevada.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:50 p.m.

Respectfully Submitted,

V. Michelle Parker-Evans
Clerk to the Board