

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

Monday, March 26, 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 Joe W. Bowser, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

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

**Announcements**

Chairman Page made the following announcement:

- “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 p.m. on Tuesday – Sunday. The Durham 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.

**Minutes**

Vice-Chairman Reckhow moved, seconded by Commissioner Karriker, to approve as submitted the February 28, 2012 DPS School Board Tours and March 12, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

**Recognition of Stephanie Williams of The Durham Center for Award-Winning Housing Efforts**

Chairman Page recognized Stephanie Williams, Housing Specialist for The Durham Center, who was recently presented with a Human Relations Award by the City of Durham.

Ellen Holliman, Director, The Durham Center, spoke to Ms. Williams’ character and accomplishments. Ms. Holliman reported that the Fair Housing Award cites Stephanie’s positive attitude and outstanding, sustained efforts to promote and establish housing options for individuals with behavioral health needs. She played a key role in the successful application for a

\$300,000 U.S. Department of Housing and Urban Development (HUD) grant which established two programs in Durham to house homeless individuals and families in fair-market housing. Ms. Holliman continued to elaborate on Ms. Williams' leadership and assistance with providing assertive homeless outreach or rental assistance to over 600 people in FY11 to assist them in moving into independent living.

Ms. Williams attributed her success to The Durham Center staff and thanked the Board for the recognition.

Chairman Page congratulated Ms. Williams on the award and thanked her for her efforts.

Commissioner Howerton concurred with Chairman Page's congratulatory statement.

Vice-Chairman Reckhow highlighted Ms. Williams' accomplishment of assisting over 600 people and extended congratulations.

Commissioner Bowser issued congratulations to Ms. Williams and thanked her on behalf of the citizens she has assisted. He encouraged Ms. Williams to continue her dedicated work in the community.

**Resolution to Eliminate Discretionary Reversions of DPS Funding from the State Department of Public Instruction**

The State provides categorical allotments to school districts and then requires that districts return money to the State. This return of money to the State (discretionary reversion) camouflages the actual amount received by school districts and had been in effect for four years inclusive of 2012-2013. The cumulative loss in state funding for Durham Public Schools from the discretionary reversion over four years is \$32 million. Losing this amount of funding, added to other reductions in state funding, had been detrimental to the programs and services offered to the students of Durham Public Schools. Elimination of the discretionary reversion would provide funds critically needed for educational programs for all school systems in North Carolina. The Budget Advisory Committee and the School Board had adopted the resolution.

Chairman Page read the resolution into the record as follows:

RESOLUTION

WHEREAS, the discretionary reversion camouflages the actual amount received by school districts and has been in effect for four years; and

WHEREAS, the Durham Public School district had to revert \$4,919,281 to the State of North Carolina in 2009-2010; and

WHEREAS, the Durham Public School district had to revert \$6,609,061 to the State of North Carolina in 2010-2011; and

WHEREAS, the Durham Public School district had to revert \$9,287,021 to the State of North Carolina in 2011-2012; and

WHEREAS, the Durham Public School district will have to revert \$11,233,897 to the State of North Carolina in 2012-2013; and

WHEREAS, this is a cumulative loss of funding from the discretionary reversion for the Durham Public School district over four years of \$32,049,260; and

WHEREAS, the combined loss of state funding for the Durham Public School district over three years was \$53,100,000 and with the 2012-2013 discretionary reversion of \$11,233,897, the total cumulative loss in state funding over four years for the Durham Public School district will be \$64,333,897; and

WHEREAS, the Durham Public Schools Board of Education has had to make cuts in both personnel and program services due to the extensive budget cuts since 2008-2009; 405 positions have been cut—270 of which directly affected the classroom; and

WHEREAS, these significant reductions in state funds places an additional burden on local resources already impacted by the economic recession; 185 positions were funded locally to keep teachers in the classroom or the effect on the classroom would have been worse; and

WHEREAS, North Carolina's state per pupil expenditure of \$8,565 per student remains well below the US average of \$10,976 placing the state 42<sup>nd</sup> in the nation:

NOW, THEREFORE, BE IT RESOLVED that we, the Durham County Board of Commissioners, respectfully request that the North Carolina General Assembly eliminate the discretionary reversion for the betterment of public education for all school systems in North Carolina.

We, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Durham Public Schools Board of Education.

This the 26<sup>th</sup> day of March, 2012.

---

Vice-Chairman Reckhow, Budget Advisory Committee Member, recommended adding the resolution to the Legislative Agenda and forwarding a copy to General Assembly leaders and key committees. She discussed funding cuts and per pupil expenditure.

Commissioner Howerton stressed the placing of North Carolina as 42<sup>nd</sup> in the nation for per pupil expenditure. She expressed anticipation for discussing the issue with the legislators.

Commissioner Karriker echoed Vice-Chairman Reckhow's recommendation to add the resolution to the Legislative Agenda and to forward it to the General Assembly.

---

Chairman Page acknowledged Assistant Scoutmasters Paul Davis and Bryant Guy and Boy Scout Troop No. 467 who were in attendance.

**Resolution—National County Government Month**

Chairman Page read the following resolution into the record to recognize April as National County Government Month, which is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government:

RESOLUTION

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans; and

WHEREAS, Durham County Government and all counties take seriously their responsibility to protect and enhance the health, welfare, and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are essential to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services, and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, National Association of Counties President Lenny Eliason is encouraging counties to promote healthy living and lifestyle choices in communities across the country through his 2011-12 "Healthy Counties" presidential initiative; and

WHEREAS, each year since 1991, the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve; and

WHEREAS, Durham County Government will host a number of activities regarding physical health, nutritional health, home health, and community health during National County Government Month 2012:

NOW, THEREFORE, BE IT RESOLVED that we, the Durham County Board of Commissioners, do hereby resolve April 2012 as

NATIONAL COUNTY GOVERNMENT MONTH.

We encourage all County officials, employees, schools, and residents to participate in County Government celebration activities.

This the 26<sup>th</sup> day of March, 2012.

/s/ All Five Commissioners

Deborah Craig-Ray, Assistant County Manager for Communications, thanked the Board for the resolution and elaborated on planned events for County Government Week.

### **Consent Agenda**

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

- \*a. Contract with County Tax Services Inc. for property value discoveries and approve Budget Ordinance Amendment No. 12BCC000063 in the amount of \$125,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected;
- \*b. Approve Capital Project 12CPA000008 appropriating \$1,000,000 from the Collection System Rehabilitation Fund fund balance to the Collection System Rehabilitation Project (71006011SE046);
- \*c. Accept the property tax release and refund report for February 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- d. Award the construction contract for the Woodfield Creekstone Force Main to Sullivan Eastern, Inc., in the amount of \$238,900; award the construction administration contract to The John R. McAdams Company, Inc., in the amount of \$5,900; authorize the County Manager to execute the contracts; and to authorize the County Manager to execute any related contracts, not to exceed a total project budget of \$256,745;
- e. Amend the contract with Westaff, Inc. in the amount of \$50,137 to perform business listing processing for approximately 12,000 business accounts, which includes assisting the Assessor with the extension request, processing listings, and performing desk audits for compliance;
- f. Authorize the County Manager to enter into a contract with Schneider Building Electric in the amount of \$97,980.00 to extend card access to a total of 19 entry points at the Durham County Administration Building;
- g. Approve the refund of \$212.00 for the overpayment of excise tax to The South Mountain Group, Inc.;
- h. Item removed prior to meeting;
- i. Approve the ambulance franchise modification of Johnston Ambulance Services Franchise;
- \*j. Approve Capital Project Amendment No. 12CPA000009 moving \$300,000 from two 2007 GO Bond funded DPS

capital projects (Club Boulevard Elementary, DSA Carr Building) to one 2007 GO Bond funded DPS capital project (Jordan High School);

- \*k. Approve Budget Amendment No. 12BCC000064 appropriating \$11,216 of property liability settlement funds to support the purchase of an undercover vehicle for the Sheriff's Narcotics Unit;
  - l. Appoint Chairman Michael Page as the Joint City-County Member of the Triangle Transit Board;
- \*m. Approve Budget Ordinance Amendment No. 12BCC000065 to amend the Animal Kind contract to allow the reimbursement of \$7,555 from NC Department of Agriculture and Consumer Services Spray/Neuter Program to Durham County be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- n. Approve the resolution for the Durham Board of Education to allocate a portion of its local funding appropriated by the Durham County Board of Commissioners to cover the cost of Key Government Finance, Inc. for the purposes of securing its refresh of infrastructure.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. a. Contract with County Tax Services Inc. for property value discoveries and approve Budget Ordinance Amendment No. 12BCC000063 in the amount of \$125,000. Payment is made to CTSI only after the County has collected the tax, at a rate of 30% of the amount collected.

DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000063

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>			
Taxes	\$250,308,475	\$125,000	\$250,433,475

Expenditures:

Function  
GENERAL FUND

General Government      \$83,912,112              \$125,000              \$84,037,112

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

This the 26<sup>th</sup> day of March 26, 2012.

---

Consent Agenda Item No. b. Approve Capital Project 12CPA000008 appropriating \$1,000,000 from the Collection System Rehabilitation Fund fund balance to the Collection System Rehabilitation Project (71006011SE046).

DURHAM COUNTY, NORTH CAROLINA  
 2011-12 Capital Project Ordinance  
 Amendment Number 12CPA000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2011-12 capital project ordinance is hereby amended to reflect budget adjustments for the following projects:

<i>Project</i>	Current Budget	Inc./Dec.	Revised Budget
Collection System Rehabilitation Project	\$2,400,000	\$1,000,000	\$3,400,000

Adopted this the 26<sup>th</sup> day of March, 2012.

---

Consent Agenda Item No. c. Accept the property tax release and refund report for February 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

The Board of Commissioners is requested to accept the property tax release and refund report for February 2012 and authorize the Tax Assessor to adjust the records. 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 February 2012.

Releases & Refunds for 2012 Taxes

Personal	\$ 2,824.63
Total for 2012 Taxes and Fees	\$ 2,824.63

Releases & Refunds for 2011 Taxes

Real Estate	\$ 39,359.92
Personal	\$ 623,839.33
Registered Vehicles	\$ 27,962.92
Vehicle Fees	\$ 1,175.00

Total for 2011 Taxes and Fees \$ 692,337.17

Prior years' (2005-2010) releases and refunds for February 2012 are in the amount of \$21,979.72. The current year and prior years' releases and refunds amount to \$717,141.52.

(Recorded in Appendix A in the Permanent Supplement of the March 26, 2012 Regular Session Minutes of the Board.)

---

Consent Agenda Item No. j. Approve Capital Project Amendment No. 12CPA000009 moving \$300,000 from two 2007 GO Bond funded DPS capital projects (Club Boulevard Elementary, DSA Carr Building) to one 2007 GO Bond funded DPS capital project (Jordan High School).

DURHAM COUNTY, NORTH CAROLINA  
 2011-12 Capital Project Ordinance  
 Amendment Number 12CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2011-12 capital project ordinance is hereby amended to reflect budget adjustments for the following projects:

<i>Project</i>	Current Budget	Inc./Dec.	Revised Budget
Club Boulevard ES Renovation (SH138)	\$3,776,377	(\$100,000)	\$3,676,377
Durham School of the Arts Carr Bldg. (SH148)	\$14,936,636	(\$200,000)	\$14,736,636
Jordan High School Access Drive (SH125)	\$2,271,576	\$300,000	\$3,116,576

Adopted this the 26<sup>th</sup> day of March, 2012.

---

Consent Agenda Item No. k. Approve Budget Amendment No. 12BCC000064 appropriating \$11,216 of property liability settlement funds to support the purchase of an undercover vehicle for the Sheriff's Narcotics Unit.

DURHAM COUNTY, NORTH CAROLINA  
 FY 2011-12 Budget Ordinance  
 Amendment No. 12BCC000064

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	\$7,116,913	\$11,216	\$7,128,129



Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$84,037,112	\$11,216	\$84,048,328

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

This the 26<sup>th</sup> day of March 26, 2012.

---

Consent Agenda Item No. m. Approve Budget Ordinance Amendment No. 12BCC000065 to amend the Animal Kind contract to allow the reimbursement of \$7,555 from NC Department of Agriculture and Consumer Services Spray/Neuter Program to Durham County be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services.

DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000065

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	\$76,451,749	\$7,555	\$76,459,304

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,880,307	\$7,555	\$45,887,862

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

This the 26<sup>th</sup> day of March 26, 2012.

**Public Hearing—First Public Hearing on Durham County Small Cities CDBG Application to NC Dept. of Commerce**

Drew Cummings, Assistant County Manager, reported that Durham County was eligible to apply for the FY 2011 Small Cities Community Development Block Grant (CDBG) of \$400,000 from the NC Dept. of Commerce for Scattered Site Housing projects. The County would have considerable flexibility in using the grant funds to restore, rehabilitate, or replace decrepit housing in the county.

Application for these funds requires two public hearings prior to grant submission but does allow them to be held on the same day. Both public hearings were separately advertised. The public hearings were set to publicize the proposed assistance policy as well as the proposed recipients and projects on which Durham County, after fully advertising this opportunity, proposed to spend the money. After a mandatory RFP for application assistance, Durham County had been working with The Wooten Company to prepare our application.

Vice-Chairman Reckhow requested an explanation of holding both public hearings on the same day.

Mr. Cummings explained that although the two public hearings had separate notification requirements, they could be held on the same day.

Warren Wooten, AICP, Project Coordinator, The Wooten Company, provided details of the CDBG program.

Mr. Wooten addressed comments and questions raised by the Commissioners.

Chairman Page opened the public hearing that was properly advertised and called signed speaker Darius Little, 2645 Oleander Drive, Durham 27703, forward for comments.

Mr. Little deferred his comments until the second public hearing.

As no one else signed up to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

No action was taken.

**Public Hearing—Second Public Hearing on Durham County Small Cities CDBG Application to NC Dept. of Commerce**

Warren Wooten, AICP, Project Coordinator, The Wooten Company, stated that this item was the second of two public hearings required *prior* to the submission of the grant application. Durham County was eligible to apply for the FY 2011 Small Cities Community Development Block Grant (CDBG) of \$400,000 from the NC Dept. of Commerce for Scattered Site Housing projects. The County would have considerable flexibility in using these grant funds to restore, rehabilitate, or replace decrepit housing in the county.

Drew Cummings, Assistant County Manager, mentioned that some emergency funds are available for rental and utility assistance but no funding for urgent repairs.

Mr. Cummings and Mr. Wooten responded to Commissioners' questions.

Chairman Page opened the public hearing that was properly advertised and called signed speaker Darius Little, 2645 Oleander Drive, Durham 27703, forward for comments.

Mr. Cummings responded to Mr. Little's questions.

County Attorney Lowell Siler inquired about the eligibility Chapel Hill residents who live within Durham County.

Mr. Wooten responded that Chapel Hill residents who live within Durham County and apply would be eligible for funding.

Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the submission of CDBG grant and authorize the Chairman and County Manager to sign all grant-related documents.

The motion carried unanimously.

### **Discussion of Issues for 2012 NC Legislative Agenda**

Deborah Craig-Ray, Assistant County Manager, noted that the North Carolina General Assembly would convene the Short Session at Noon on May 16 in Raleigh. A meeting had been scheduled with the members of the Durham Legislative Delegation on Thursday, March 29, at 8:15 a.m. in the Commissioners Chambers to discuss proposed legislative items for consideration during the session.

Ms. Craig-Ray presented the following Local Issues to the Board for discussion:

1. Seek legislation changing the number of Durham County Memorial Stadium Authority members from 5 to 9 and modify terms to 4 years rather than the current 5 years.
2. Seek legislation to increase childcare subsidies to meet needs of children needing child care in Durham and reject efforts to cut such subsidies.
3. Seek legislation to transfer adult guardian funding to Social Services from Mental Health LME's.

Ms. Craig-Ray reviewed the following:

- Remaining Priority Items from 2011 Session:

No items are eligible for Short Session. Two of our priority bills were ratified:

1. 911 Centers/Confidentiality (SB98) and Enhanced Protection for Victims and Witnesses (SB268)
2. "Increase Durham County Pistol Permit Application" (SB298) was filed but did not meet the crossover test.

The Board discussed the following topic:

- Oppose Video Sweepstakes Legislation.

- The 2010 law that attempted to ban online sweepstakes games has been ruled unconstitutional. That means that these games continue to operate for now. The issue now appears headed for the state Supreme Court.

Ms. Craig-Ray presented the following NCACC Priority Goals for reaffirmation:

1. Oppose shift of state transportation responsibilities to counties
2. Reinstate ADM and Lottery Funds for school construction
3. Ensure Mental Health Funding
4. Preserve the existing local revenue base
5. Authorize local revenue options (HB 861 was filed by Reps. Michaux and Hall but did not meet crossover)

#### Directives

1. Obtain additional information on Local Issues Nos. 2 and 3.
2. Invite Social Services Director and board members and a Durham Public Schools representative to the Legislative Breakfast on Thursday, March 30.

#### **Board Appointments**

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

The following appointments were made; incumbents are underlined:

##### *Audit Oversight Committee*

Harrison Shannon Jr.

##### *Bicycle & Pedestrian Advisory Commission*

Cynthia F. Van Der Wiele (Education; Recommended by JCCPC)

##### *Juvenile Crime Prevention Council*

Lauren Wright (Substance Abuse Professional)

##### *Nursing Home Community Advisory Committee*

Jessica Fines

##### *Piedmont Food & Agricultural Processing Center*

Ronald Bodkin (Business Representative)

Jamie DeMent (Farmer)

#### **Closed Session**

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to adjourn into Closed Session pursuant to the following:

- 1) G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property for open space at 7099 Wake Forest Highway owned by Southview Developers LLC, and 1003 Santee Road owned by Prometheus Development Corporation.
- 2) G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry;
- 3) G.S. § 143-318.11(a)(6) to 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; and
- 4) G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Page announced that the Board met in Closed Session; directives were given to staff.

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 9:35 p.m.

Respectfully Submitted,

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

Yvonne R. Jones  
Deputy Clerk to the Board