

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

Monday, November 14, 2011

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser and Brenda A. Howerton

Absent: Chairman Michael D. Page and Commissioner Pam Karriker

Presider: Vice-Chairman Reckhow

Opening of Regular Session

Vice-Chairman Reckhow welcomed everyone to the November 14, 2011 Regular Session of the Board of County Commissioners. She requested that persons rise for the Pledge of Allegiance to the Flag.

Commissioner Howerton moved, seconded by Commissioner Bowser, to excuse Chairman Page and Commissioner Karriker from the meeting.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow

Noes: None

Absent: Karriker and Page

Vice-Chairman Reckhow recognized Towanda Witherspoon, The Durham Center, to sing the National Anthem. Ms. Witherspoon was reinvited by Chairman Page after she sang the National Anthem during the Board's November 7 Worksession.

Agenda Adjustments

Vice-Chairman Reckhow noted that Consent Agenda Items No. 6a and Item No. 8 were removed from the agenda. Revised agendas were placed at each Commissioner's station.

Announcements

Vice-Chairman Reckhow 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 p.m. Tuesday – Sunday. Durham County Commissioners’ meetings are rebroadcasted on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- The FY 2012-2013 Nonprofit Agency Funding process begun on November 4, 2011 with the opening of the pre-application submission period. All Durham community nonprofits interested in applying for FY 2013 nonprofit funding must first submit a Pre-Application Questionnaire and accompanying documents no later than midnight EST on Thursday, December 15, 2011. This initial assessment is used to determine which potential applicants meet the eligibility criteria outlined in the County’s nonprofit policy. Those agencies meeting the eligibility criteria would then be invited to apply for FY 2013 funding. The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy would be available on the County’s website through December 15, 2011. Early submission of the Pre-Application Questionnaire was encouraged. Citizens may contact Laura Jensen, Budget and Management Services, at 560-7065 for additional information.
- The final Strategic Plan Town Hall meeting would be held on Monday, November 21, 7:00 – 9:00 p.m., at the East Regional Library, 211 Lick Creek Lane. The meeting would provide an opportunity for citizens to help craft Durham County’s Strategic initiative. For more information, contact Michael Davis at 560-0000.

Commissioner Howerton urged citizens to attend the November 21 Strategic Plan Town Hall meeting.

Minutes

Commissioner Howerton moved, seconded by Commissioner Bowser, to approve as submitted the October 24, 2011 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow

Noes: None

Absent: Karriker and Page

Register of Deeds Willie L. Covington Receives Archives Award from The Federation of Genealogical Societies

Vice-Chairman Reckhow reported that Durham County Register of Deeds Willie L. Covington received the Archives Award from the Federation of Genealogical Societies. The Archives Award is presented to an organization or an individual in recognition of exceptional contributions in the area of archival access, preservation, or services. It recognizes individuals, programs, or organizations that have worked to preserve or increase the availability of original historical documents in any format. The Archives Award was presented on September 8, 2011 at the organization’s annual conference by Patricia A. Oxley, President of the Federal of Genealogical Societies.

According to Janice A. Fritsch, FGS Award Committee Chair, "Mr. Covington recognized the need to take swift action to preserve the Durham County vital records (birth, delayed birth, marriages and deaths) that were in a rapid state of deterioration. It is an honor for the (FGS) to present this award to Willie L. Covington for his efforts in preserving the Durham County vital records so they will be accessible now and for future generations."

Mr. Covington has served as Durham County Register of Deeds since 1996.

Mr. Covington issued brief remarks of appreciation and accepted the plaque from Vice-Chairman Reckhow.

Consent Agenda

Commissioner Howerton moved, seconded by Commissioner Bowser, to approve the following consent agenda items:

- a. Removed prior to meeting
- *b. Approve Budget Ordinance Amendment No. 12BCC000025 in the amount of \$7,750 from the NC Public Health Foundation for the QI 101 Program;
- *c. Approve Budget Ordinance Amendment No. 12BCC000026 from the NC Department of Health and Human Services in the amount of \$33,328 for the Family Planning Program;
- *d. Approve Budget Ordinance No. 12BOCC000027 in the amount of \$1,038,654, recognizing \$1,034,042 in additional revenues and appropriating Fund Balance committed for social services of \$4,612 for allocation of federal and state funds adjustments;
- *e. Approve Budget Ordinance No. 12BOCC000028 in the amount of \$106,167 by appropriating At-Risk Case Management Cost Settlement funds in Fund Balance committed for social services;
- *f. Approve Budget Ordinance Amendment No. 12BCC000029 from DTMI, Duke University Medical Center in the amount of \$150,801 for the Durham Diabetes Coalition Project and to establish two provisional health educator positions and one provisional public relations officer position (3 FTEs) related to the project; *Vice-Chairman Reckhow praised the project and invited Gayle Harris, Public Health Director, to elaborate on the project;*
- *g. Approve Budget Ordinance Amendment No. 12BCC000030 to recognize funds in the amount of \$8,000 from UNC-Chapel Hill for an STI study;
 - i. Accept the Board of Adjustment Annual Report for the Fiscal Year 2010;
 - j. Approve the assignment and authorize the County Manager to execute the instrument and any further documents and instruments associated with the 2010 Single Family Rehabilitation Grant from the North Carolina Housing Finance Agency;

- l. Terminate the lease subject to the payoff of the remaining rental payments and approve the fee simple conveyance to DCVB for \$10.00;
- m. Declare the personal property described herein as surplus and authorize the donation of the ambulance to the Beck Community Development Foundation on the condition that they donate it to the Village of Santiago Coltzingo; and
- *n. Appoint Commissioner Pam Karriker to Boards and Committees; and reappoint Vice-Chair Ellen Reckhow to the Triangle Transit Authority.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow
Noes: None
Absent: Karriker and Page

*Document(s) related to this item follow:

Consent Agenda Item No. b. Approve Budget Ordinance Amendment No. 12BCC000025 in the amount of \$7,750 from the NC Public Health Foundation for the QI 101 Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000025

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	\$71,346,885	\$7,750	\$71,354,635

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$105,885,987	\$7,750	\$105,893,737

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

This the 14th day of November, 2011.

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 12BCC000026 from the NC Department of Health and Human Services in the amount of \$33,328 for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000026

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	\$71,354,635	\$33,328	\$71,387,963

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$105,893,737	\$33,328	\$105,927,065

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

This the 14th day of November, 2011.

Consent Agenda Item No. d. Approve Budget Ordinance No. 12BOCC000027 in the amount of \$1,038,654, recognizing \$1,034,042 in additional revenues and appropriating Fund Balance committed for social services of \$4,612 for allocation of federal and state funds adjustments.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000027

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	\$71,354,635	\$33,328	\$71,387,963
Other Financing Sources	\$17,845,599	\$4,612	\$17,850,211

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$105,927,065	\$1,038,654	\$106,965,719

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

This the 14th day of November, 2011.

Consent Agenda Item No. e. Approve Budget Ordinance No. 12BOCC000028 in the amount of \$106,167 by appropriating At-Risk Case Management Cost Settlement funds in Fund Balance committed for social services.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000028

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 Financing Sources	\$17,850,211	\$106,167	\$17,956,378

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$106,965,719	\$106,167	\$107,071,886

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

This the 14th day of November, 2011.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 12BCC000029 from DTMI, Duke University Medical Center in the amount of \$150,801 for the Durham Diabetes Coalition Project and to establish two provisional health educator positions and one provisional public relations officer position (3 FTEs) related to the project.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000029

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	\$72,572,005	\$150,801	\$72,722,806

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$107,071,886	\$150,801	\$107,222,687

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

This the 14th day of November, 2011.

Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 12BCC000030 to recognize funds in the amount of \$8,000 from UNC-Chapel Hill for an STI study.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000030

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	\$72,722,806	\$8,000	\$72,730,806

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$107,222,687	\$8,000	\$107,230,687

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

This the 14th day of November, 2011.

Consent Agenda Item No. n. Appoint Commissioner Pam Karriker to Boards and Committees; and reappoint Vice-Chair Ellen Reckhow to the Triangle Transit Authority.

Commissioner Pam Karriker was appointed to the following Boards and Commissions to fill the Board seat vacated by Commissioner Heron.

- Animal Control Advisory Committee
- Durham Joint City-County Committee
- Durham City-County Planning Committee
- Durham/Wake Work Group
- Hollow Rock Access Steering Committee
- Memorial Stadium Authority (liaison)
- Piedmont Food & Agricultural Processing Center Steering Committee

- Project Access Steering Committee
- Triangle J Council of Governments
- Volunteer Farmland Protection Board

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 12BCC000031 to recognize funds from The Durham Center-Sheriff's Office Softball Challenge raffle ticket sale and approve their disbursement to the requested charities.

Commissioner Bowser commended The Durham Center and Sheriff's Office employees for their hard and dedicated work to raise money for charities. He requested that Ellen Holliman, The Durham Center Director, come forward to share their efforts with the public.

Commissioner Bowser moved, seconded by Commissioner Howerton, to approve Consent Agenda Item No. h.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow
Noes: None
Absent: Karriker and Page

Consent Agenda Item No. k. Authorize the execution of contract amendments to Swanson + Stewart Architects, P.A. in the amount \$11,600.00 and to D. Washington Group and any other related contracts including change orders if necessary not to exceed the available construction budget of \$917,154.00.

Commissioner Howerton requested to pull this item to inquire about the location of the D. Washington Group and to seek additional information regarding the construction to be performed at Lincoln Community Health Center (LCHC).

Vice-Chairman Reckhow highlighted that the remaining funds would allow for further improvements at LCHC.

Commissioner Howerton moved, seconded by Commissioner Bowser, to approve Consent Agenda Item No. k.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow
Noes: None
Absent: Karriker and Page

Closed Session

Commissioner Howerton moved, seconded by Commissioner Bowser, to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of *Superior Court Case 10 CvS 5868, Chancellor's Ridge Homeowners Association; Kim Preslar; and Kristen Corbell vs. Durham County and Southern Durham Development, LLC.*

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow
Noes: None
Absent: Karriker and Page

Reconvene to Open Session

Vice-Chairman Reckhow announced that the Board met in closed session; directives were given to staff; no action was taken.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to excuse Commissioner Howerton from the November 28, 2011 Regular Session.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Reckhow
Noes: None
Absent: Karriker and Page

Adjournment

There being no further business, Vice-Chairman Reckhow adjourned the meeting at 7:37 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board