

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

Monday, June 27, 2011

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
 - “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 Social Services is recruiting special families to provide loving foster care for children who need a safe place to live. An information session will be held on Tuesday, June 28 at 7pm at the Summit Church. The address is 2335-114 Presidential Drive in Durham. For more information contact, Montina Swift at 560-8344.
4. **Minutes** 5 min.

June 6, 2011 Worksession
June 13, 2011 Regular Session

5. **Presentation of the 2010 Laserfiche Run Smarter Award for County Government**

10 min.

On January 10, 2011, Durham County Government's Legal and Health Departments were presented with the 2010 Run Smarter Award for the County Government category in Los Angeles, California. These award winners are chosen on an annual basis based on the criteria of: 1) Creativity of the solution; 2) Operational improvements realized by the organization; 3) Use of Laserfiche software and resources; and 4) Inspiration potential for other Laserfiche users to think more inventively in their own organizations. The Legal Department was represented by Nina F. Bullock, Legal Department DMI Project Manager and the Health Department was represented by Michelle Williams, Health Department Assistant DMI Project Manager.

Since its inception, the Legal Department has experienced a significant decrease in expenditures, while yielding a substantial increase in employee productivity. Completion of this project will provide increased security for sensitive documents and allow for attorneys to access all files directly from their laptops in the courtroom.

The Health Department implemented Laserfiche to provide a "paperless" move into the new Human Services facility. All medical records were converted to digital format, providing greater efficiency and enhanced customer service, while reducing costs, delays and employee errors.

Resource Persons: Perry Dixon, Information Technology Director; Lowell L. Siler, County Attorney; Gayle Harris, Public Health Director

County Manager's Recommendation: The Manager recommends the Board receive the award.

6. **June Anchor Award Winner – Willie A. Alston**

10 min.

Mr. Willie A. Alston, Durham County Firefighter based at Bethesda, is the winner of this month's Anchor Award. In a correspondence from Sarah Hogan of Durham Parks and Recreation, Mr. Alston is recognized for his longtime contributions and support of the Special Olympics and more recently your 15 years of assistance with Durham Senior Games.

In her correspondence, Ms. Sarah Hogan noted that he has served as volunteer for Special Olympics for 30 years. She added that he "originally built a torch and caldron," and ever since has "repaired, updated and replaced it when needed." In addition he has coordinated "the torch run, ensuring the safety and personally being on site for both the Special Olympics and Senior Games." She concludes, "It is rare to find such a talented and dedicated volunteer!"

Resource Person: Michael D. Page, Chair, Durham Board of County Commissioners

County Manager's Recommendation: The Manager recommends that the Board present the Anchor Award to Mr. Willie A. Alston along with sincere congratulations of the entire organization for his outstanding community service.

7. **Recognition of Ellen Holliman and Earl Phillips for Awards Received from NC Council of Community Programs**

10 min.

Ellen Holliman received the prestigious Allan D. Spader Award from the NC Council of Community Programs during its recent Spring Policy Forum in Raleigh. The award is given to an Area Director or LME staff member who has done the most to bring others together in a collaborative manner to work on a statewide issue for the ultimate improvement of the MH/DD/SA system.

Earl Phillips received the Emerging Leadership Award for an Area Board member in recognition of his effective and energetic advocacy on behalf of The Durham Center in that position and his outstanding service to the citizens of Durham County.

Resource Person: Ellen Holliman, Area Director, The Durham Center

County Manager's Recommendation: The Manager recommends that Ms. Holliman and Mr. Phillips be recognized.

8. **Consent Agenda**

15 min.

- a. Accept the property tax release and refund report for May 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Authorize the execution a five year contract with Correct Care Solutions, Inc. to provide comprehensive health care services for the persons in the custody of the Sheriff and the youth detained at the Youth Home. The FY 11-12 contract will be for an amount not to exceed \$3,371,271 including a per diem charge of \$2.89 per inmate per day for any month with an average daily population greater than 558;
- c. Authorize the County Manager to enter into Interlocal agreement with ABC Board to provide maintenance services to ABC locations, with the ability to renew for 5 consecutive years;
- d. Amend the design contract with DTW Architects and Planners, Ltd. for the Renovations to EMS Station #1, in the amount of \$124,950.00 (basic and additional services) and reimbursable expenses in the amount of \$17,000.00, for a total \$141,950.00, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursement to \$237,450.00. (See Attachment 1, Pages 1-7);
- e. Accept the 2010 Annual Report from the Durham County Industrial Facilities and Pollution Control Financing Authority;
- f. Approve the Lease Agreement to Durham Public Schools for the City of Medicine Academy, and authorize the Manager to approve non-substantive changes and execute the Lease;
- g. 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 2012 Budget;
- h. Approve the attached contract with Urban Ministries of Durham (UMD) for Shelter Operations and Case Management During FY11-12 (pending approval of the FY11-12 proposed budget);
- i. Approve the lease amendment extending UMD's lease an additional 10 years;

- j. Authorize the County Manager to execute the FY11-12 contract with Durham Chamber of Commerce, Inc., subject to passage of the FY11-12 Budget;
- k. Authorize the County Manager to execute the FY11-12 contract with Downtown Durham, Inc., subject to passage of the FY11-12 Budget;
- l. Approve the contract with Commercial Printing Co. in the amount of \$165,600 and requests that the Board authorize the Manager to execute the contract;
- m. Designate in fund balance for DSS Medicaid Cost Settlement funds received in FY11 in the amount of \$290,538.58 that will be unspent at fiscal year ending June 30, 2011;
- n. Approve the contract to support the position of Assistant District Attorney for Domestic Violence (pending approval of the proposed FY 11-12 budget);
- o. Approve the attached Interlocal Agreement between Durham and Orange Counties for the continued management and operation of the Little River Regional Park;
- p. 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 \$542,982 and auxiliary maintenance service costs to support the shelter;
- q. Renew the annual Interlocal Cooperation Agreement with the City of Durham for the programming of Durham Government TV;
- r. Approve the Cooperative Agreement between Durham County and Commodity Credit Corporation for the amount of \$547,015, and authorize the County Manager to execute the Cooperative Agreement, as well as the corresponding conservation easements on the Harris and Prodigal Farms;
- s. Authorize execution of contract with O'Brien/Atkins Associates, P.A. to provide professional services for the programming and master planning of the Detention Center Expansion, in the amount of \$242,000.00, plus a reimbursable amount of \$5,000.00 thus totaling \$247,000.00 and to execute any other related contracts, if necessary, not to exceed the estimated budget of \$250,000.00;
- t. Approve Capital Project Amendment No. 11CPA000013 to officially close multiple completed projects allowing them to become final assets and begin depreciation and approval of Budget Ordinance Amendment 11BC000069 moving \$123,917.26 of unspent project funds to the Debt Service Fund to offset debt service payments related to project financings;
- u. Approve Capital Project Amendment No. 11CPA000014 transferring \$1,155,000 from three 2007 GO Bond funded DPS capital projects (Carrington Middle School, Neal Middle School, DSA Carr Building) to two other 2007 GO Bond funded DPS capital projects (Sandy Ridge Elementary School and City of Medicine Academy) and one 2009 COPS and GO Bond funded DPS capital project (Lakewood Montessori Middle School);
- v. Approve Capital Project Amendment No. 12CPA000001 appropriating budgeted County Contribution funds for four capital projects beginning July 1, 2011;
- w. Amend the Board's November 9, 2007 agreement with Quintiles Transnational to extend the time period allowed for reimbursement of training expenses to December 31, 2011;
- x. Appoint Drew Cummings to the Juvenile Crime Prevention Council as required by N.C. General Statute;
- y. Appoint NACO Voting Delegate and Alternate Delegate;
- z. Approve the Resolution and authorize the Finance Director to execute the appropriate documents once LGC approval is obtained;

- aa. Approve the Interlocal Agreement with the City of Durham to Implement the Gang Reduction Strategy.

9. **Public Hearing – Unified Development Ordinance (UDO) Text Amendment – Commercial Infill District (TC1000006)**

10 min.

The Board is requested to conduct a public hearing and receive public comments on the Unified Development Ordinance (UDO) Text Amendment – Commercial Infill District (TC1000006); and

To Adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 1, General; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 9, Landscaping and Buffering; Article 10, Off-Street Parking and Loading; and Article 16, Definitions.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Anne Kramer, Planner; and Julia Mullen, Planner

County Manager’s Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

10. **Adoption of the FY2011-2012 Budget Ordinance**

20 min.

The Durham County Manager presents the FY2011-2012 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget and Fiscal Control act, which requires adoption of the Annual Budget no later than July 1.

Resource Persons: Mike Ruffin, Durham County Manager; Pam Meyer, Director, Budget & Management Services

County Manager’s Recommendation: The County Manager recommends that the Board approve the FY2011-2012 Budget Ordinance.

11. **Approval of the Durham County Bus and Rail Investment Plan**

10 min.

The North Carolina General Assembly has enacted the “Local Government Public Transportation Sales Tax Act” Article 43 of Chapter 105 of the North Carolina General Statutes (Session Law 2009-527), which authorizes counties and transportation authorities to levy a local sales and use tax for the purpose of financing local public transportation systems. A copy of the Session Law is attached. Triangle Transit has established a Special District comprising of Durham County, as a single county district for purposes of the Act. In order to levy the local sales and use tax, the County Commissioners must first approve the Durham County Bus and Rail Investment Plan (the “Plan”) submitted by Triangle Transit regarding the use of the proceeds of the tax.

Pursuant to N.C.G.S 105-508.1(2), the Plan provides for equitable use of the net proceeds and considers (i) the identified needs of local public transportation systems in

the district, (ii) human service transportation systems within the district, and (iii) expansion of public transportation systems to underserved areas of the district. The financial plan must also be approved by the Metropolitan Planning Organization. The plan may be revised from time to time.

The proceeds of a tax levied under this Act may only be used for the benefit of the Special District and may only be expended in accordance with the Plan for financing, constructing, operating, and maintaining public transportation systems. A public hearing on the Plan was held on June 13, 2011.

Resource Person: Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board approve the Durham County Bus and Rail Investment Plan.

12. **Resolution Authorizing a Special Advisory Referendum on the Issue of Levying a One-Half Percent (1/2%) Local Sales and Use Tax for Public Transportation**

10 min.

The North Carolina General Assembly has enacted the "Local Government Public Transportation Sales Tax Act" Article 43 of Chapter 105 of the North Carolina General Statutes (Session Law 2009-527), which authorizes counties and transportation authorities to levy a local sales and use tax for the purpose of financing local public transportation systems. A copy of the Session Law is attached. This tax is slightly different from other taxes imposed by the County. The Local Government Public Transportation Sales Tax Act authorizes the regional public transportation authority (Research Triangle Regional Public Transportation Authority dba Triangle Transit) to levy the tax, not the County, once approved by the voters. Pursuant to Part 3 of the Act, applicable to Durham County, in order to levy the local sales and use tax, the County Commissioners must first authorize the Triangle Transit to call an advisory referendum on the question of whether to levy the local sales and use tax. Triangle Transit has established a Special District comprising of Durham County, as a single county district for purposes of the Act. Additional counties may be added if they choose to move forward with the tax at a later date.

The proceeds of a tax levied under this Act may only be used for the benefit of the Special District and may only be expended in accordance with the financial plan adopted in conjunction with this Tax for financing, constructing, operating, and maintaining public transportation systems. A copy of a proposed Resolution which would authorize Triangle Transit to call for the question to be placed on the November 8, 2011 ballot is attached. If the referendum is favorable, then the Triangle Transit could subsequently levy the tax. A public hearing on this matter was held on June 13, 2011.

Resource Person: Lowell L. Siler, County Attorney

County Manager's Recommendation: The Manager recommends that the Board adopt the resolution authorizing Triangle Transit to call a referendum on the one-half percent (1/2%) local sales and use tax for public transportation.

13. **Resolution Calling An Advisory Referendum On Imposing A One-Quarter Cent (1/4¢) County Sales And Use Tax**

10 min.

The North Carolina General Assembly has enacted the “One-Quarter Cent (1/4¢) County Sales and Use Tax Act” Article 46 of Chapter 105 of the North Carolina General Statutes (Session Law 2007-323), which authorizes counties to levy a local sales and use tax. A copy of the Session Law is attached. In order to levy the local sales and use tax, the County must conduct an advisory referendum on the question of whether to levy the local sales and use tax.

A copy of a proposed Resolution which would call for the question to be placed on the November 8, 2011 ballot is attached. If the referendum is favorable, then the Board of Commissioners could subsequently levy the tax.

Resource Person: Lowell L. Siler, County Attorney

County Manager’s Recommendation: The Manager recommends that the Board adopt the Resolution calling for a referendum on the One-Quarter Cent (1/4¢) County Sales and Use Tax.

14. **Board and Commission Appointments**

10 min.

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Board of Adjustment
- Criminal Justice Partnership Act Advisory Board
- Durham Technical Community College Board of Trustees
- EMS Council
- Juvenile Crime Prevention Council
- Jury Commission
- Library Board of Trustees
- Nursing Home Community Advisory Committee
- Social Services Board
- Women’s Commission

Resource Person: Michelle Parker-Evans, Clerk to the Board

County Manager’s Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

15. **RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA**

20 min.

2 hrs. 35 min.