

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

Monday, July 29, 2013

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 Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners Michael D. Page, and Ellen Reckhow

Absent: Commissioner Wendy Jacobs (excused)

Presider: Chairman Foster

Opening of Regular Session—Chairman Foster asked everyone to join in the Pledge of Allegiance.

Agenda Adjustments

County Manager Michael Ruffin stated that he had a brief announcement. Chairman Foster stated that the announcement would be heard following agenda item 7, Citizen Board Appointments.

Announcements

Chairman Foster 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 pm on 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 needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk’s Office at 919-560-0025, visit the County’s website, or email Clerk@dconc.gov for more information. Please note that all City and County taxes must be current at the time of application.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve the June 24, 2013 Regular Session and the January 31, 2013 Budget Retreat Minutes of the Board.

The motion carried unanimously.

Consent Agenda

Chairman Foster asked the Commissioners if they desired to pull any items from the Consent agenda.

Commissioner Reckhow stated that she wished to pull items “a,” “b,” and “l” for comment.

Vice-Chair Howerton stated that she wished to pull item “p” for discussion.

Commissioner Reckhow moved, seconded by Commissioner Page, to approve the following consent agenda items (5c, d, e, f, g, h, i, j, k, m, n, o, q, r, s, t and u):

- c. Approve the FY2013-2014 Warrant Control Office Interlocal Agreement with the City of Durham and authorize the Manager to execute the agreement;
- d. Approve the attached amendment to the HOME Consortium Joint Cooperation Agreement;
- e. *Approve Budget Ordinance Amendment No. 14BCC000001 appropriating \$3,698.34 from the NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- f. *Approve Budget Ordinance Amendment No. 14BCC000002 to appropriate \$82,000 in funding from The Duke Endowment in support of The Incredible Years program;
- g. *Approve Budget Ordinance Amendment 14BCC000003 to appropriate \$57,945 in funding from the Governor’s Crime Commission for Project BUILD;
- h. *Approve the Resolution designating the position of Sheriff’s Office Major to serve as the County’s designee for reviewing and making recommendations on ABC permits;
- i. Authorize the Manager to execute the Phase I agreement with Syngenta Biotechnology, Inc.;
- j. Approve the sole source exemption for the purchase of multi-year voting equipment maintenance and hardware and software licensing agreements; and authorize the county Manager to enter into a multi-year agreement with ES&S, in the amount of \$268,498;

- k. Approve the Records Retention Schedule issued by the North Carolina Department of Cultural Resources for records maintained by the Sheriff;
- m. *Approve Capital Project Amendment No. 14CPA000001 appropriating budgeted County Contribution funds for seven capital projects;
- n. *Approve Capital Project 14CPA000002 appropriating \$1,250,000 from the Collection System Rehabilitation Fund fund balance to the Collection System Rehabilitation FY 14 Project (SE050);
- o. *Approve Capital Project Amendment No. 14CPA000003 moving \$595,000 from two 2007 GO Bond funded DPS capital projects (Merrick-Moore Elementary School and R.N. Harris Elementary School) to the Jordan High School 2007 GO Bond funded project;
- q. Authorize the Manager to enter into a contract with Extreme Monitoring Concepts, LLC for Electronic Monitoring services in the amount of \$115,200 for FY2014;
- r. *Approve Budget Ordinance Amendment No. 14BCC000004 to recognize funds in the amount of \$3,750 from the state of North Carolina for the Refugee Health Program;
- s. *Approve a portion of the unspent proceeds from the issuance of long-term financing (issued in March, 2013) as the funding source for the purchase of the Bethesda Volunteer Fire Department's assets/inventory and Budget Ordinance Amendment No. 14BCC000005 transferring \$1,107,011.28 to the newly established Bethesda Service Tax District Fund;
- t. *Approve Budget Ordinance Amendment No. 14BCC000006 appropriating \$150,000 of Capital Financing Fund fund balance to transfer to a new capital project supporting a limited water system to be installed in the community of Rougemont. These funds will be combined with already approved grant funds from a CDBG grant (\$600,000) to support the creation of a Rougemont Community Water System Upgrade capital project (\$750,000). General Fund dollars will fund purchases made before grant funds are available through an interfund loan of that amount and will be reimbursed/repaid once the grant funds become available;
- u. *Accept the property tax release and refund report for June, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. e.

**DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000001**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$51,988,818	\$3,698	\$51,992,516

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$48,612,566	\$3,698	\$48,616,264

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

This the 29th of July, 2013.

Consent Agenda Item No. f.

**DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$51,992,516	\$82,000	\$52,074,516

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$4,472,375	\$82,000	\$4,554,375

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

This the 29th of July, 2013.

Consent Agenda Item No. g.

DURHAM COUNTY, NORTH CAROLINA

**FY 2013-14 Budget Ordinance
Amendment No. 14BCC000003**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$52,074,516	\$57,945	\$52,132,461

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Economic and Physical Development	\$4,554,375	\$57,945	\$4,612,320

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

This the 29th of July, 2013.

Consent Agenda Item No. h.

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION
(919) 779-0700**

Location: 3322 Garner Road
Raleigh, NC 27610

Mail: 4307 Mail Service Center
Raleigh, NC 27699-4307

RESOLUTION OF THE COUNTY OF DURHAM, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and WHEREAS the County of Durham, wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904(f);

BE IT THEREFORE RESOLVED that a Sheriff's Office Major is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the County of Durham, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the County of Durham, should be mailed or delivered to the official designated above at the following address:

Mailing Address: P.O. Box 170, Durham, NC 27702
Office Location: 510 South Dillard Street
City: Durham, NC 27701
Phone: 919-560-0897

This the 29th day of July, 2013.

Fred Foster, Jr.
Chairman of the Board of County Commissions

Sworn to and subscribed before me this the 29th day of July, 2013.

V. Michelle Parker-Evans
Durham County Clerk to the Board

Consent Agenda Item No. m.

**DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Capital Project Ordinance
Amendment No. 14CPA000001**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2013-14 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Inc./Dec.	Revised Budget
Open Space Land Acquisition (DC083)	\$10,700,755	\$500,000	\$11,200,755
Hollow Rock Project (DC086)	\$200,720	\$300,000	\$500,720
DSS Building Demolition (DC136)	\$0	\$812,000	\$812,000
Ongoing Roof Replacement Project (4190DC073)	\$0	\$113,746	\$113,746
Ongoing Parking Resurfacing (4190DC074)	\$0	\$241,722	\$241,722
Major Laserfishe Upgrade Project (4200DC102)	\$0	\$150,000	\$150,000
County Stadium New Signage Project (4190DC075)	\$0	\$225,000	\$225,000

This the 29th of July, 2013.

Consent Agenda Item No. n.

**DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Capital Project Ordinance
Amendment No. 14CPA000002**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2013-14 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Inc./Dec.	Revised Budget
Collection Rehabilitation Fund FY14 Project (SE050)	\$0	\$1,250,000	\$1,250,00

This the 29th of July, 2013.

Consent Agenda Item No. o.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Capital Project Ordinance
Amendment No. 14CPA000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2013-14 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects.

2007 GO Bond Project	Current Budget	Inc./Dec.	Revised Budget
R.N. Harris Elementary School (SH141)	\$6,691,126	(\$345,000)	\$6,346,126
Merrick Moore Elementary School (SH143)	\$4,938,418	(\$250,000)	\$4,688,418
Jordan High School (SH125)	\$4,501,802	\$595,000	\$5,096,802

This the 29th of July, 2013.

Consent Agenda Item No. r.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$52,132,461	\$3,750	\$52,136,211

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$83,836,226	\$3,750	\$83,839,976

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

This the 29th of July, 2013.

Consent Agenda Item No. s.

**DURHAM COUNTY, NORTH CAROLINA
 FY 2013-14 Budget Ordinance
 Amendment No. 14BCC000005**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$106,275	\$1,107,011.28	\$1,213,286.28

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>SPECIAL REVENUE FUNDS</u>			
General Government	\$2,742,601	\$1,107,011.28	\$3,849,612.28

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

This the 29th of July, 2013.

Consent Agenda Item No. t.

**DURHAM COUNTY, NORTH CAROLINA
 FY 2013-14 Budget Ordinance
 Amendment No. 14BCC000006**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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>CAPITAL FINANCING FUND</u>			
Other Financing Sources	\$28,009,472	\$150,000	\$28,159,472

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>CAPITAL FINANCING FUND</u>			
General Government	\$55,597,881	\$150,000	\$55,747,881

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

This the 29th of July, 2013.

Consent Agenda Item No. u.

Releases & Refunds for 2013 Taxes	
Personal	\$ 38,442.29
Registered Vehicles	\$ 22,380.46
Vehicle Fees	<u>\$ 580.00</u>
Total for 2013 Taxes and Fees	\$ 61,402.75

Releases & Refunds for 2012 Taxes	
Real Estate	\$ 251.17
Personal	\$ 49,792.70
Registered Vehicles	\$ 83,183.66
Vehicle Fees	<u>\$ 1,065.00</u>
Total for 2012 Taxes and Fees	\$ 134,292.53

Prior year's (2002-2011) releases and refunds for June, 2013 are in the amount of \$6,300.98. The current year and prior year's releases and refunds amount to \$201,996.26.

Items Removed from Consent Agenda

Consent Item 5a. Approve the attached contract with Downtown Durham, Inc. in the amount of \$150,000 and authorize the County Manager to execute the contract; and

Consent Item 5b. Approve the attached contract with the Greater Durham Chamber of Commerce in the amount of \$265,000; and authorize the Manager to execute it;

Commissioner Reckhow stated that she pulled items "a" and b" to point out that both consent items approve contracts which have living wage provisions. She commented that House Bill 74 was recently passed by the North Carolina General Assembly. Commissioner Reckhow continued saying that if Governor McCrory did not veto the bill; the contracts would most likely have to be amended as they referenced living wages.

County Attorney Lowell Siler stated that he discussed the legislation in question with Ms. Deborah Craig-Ray, Assistant County Manager. He added that if the adopted legislation was signed into law by the Governor, that provisions within the contracts would become void.

Commissioner Reckhow requested that the County Manager draft a letter to Durham Congregations, Associations and Neighborhoods (CAN) alerting them of the provision included in House Bill 74 and urge them to communicate with Governor McCrory. She also requested that the County Manager follow-up with the Governor's Office and reiterate concerns about the living wage provisions. Commissioner Reckhow noted that there was also a provision that would negatively impact the Durham County Commute Trip Reduction Program.

Vice-Chair Howerton requested that the City of Durham be included in communications regarding the impact of House Bill 74.

Commissioner Reckhow commented that she requested a change in the Greater Durham Chamber of Commerce contract regarding working with local institutions of higher learning. She stated that the provision will now include working with Durham Public Schools and Durham Technical Community College.

Consent Item 5l. Receive and approve the 2012 Property Tax Settlement Report; charge the Tax Collector with 2013 Property Taxes; and authorize the relief of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due.

Commissioner Reckhow commended Ms. Kim Simpson, County Tax Administrator, and the Tax Administration Department for achieving the highest tax collection rate in the County's history during FY12-13.

Consent Item 5p. Approve the proposed Amendment to the Interlocal Agreement with the City of Durham for a Joint Disparity Study.

Vice-Chair Howerton questioned when the Joint Disparity Study would be completed and if there was a timeline available. Mr. George Quick, Finance Director, stated that once the contract was approved, it should be signed by all parties by mid-August and there would be sufficient funds available to being the study with the Durham County and the City of Durham. Mr. Quick continued stating that near the end of the third-quarter of FY13-14, the report should be available. Vice-Chair Howerton asked if the Board would be notified if the study was not completed by the end of the third-quarter. Mr. Quick replied in the affirmative. He added that because of negotiations with Griffin & Strong to attain a reduced price, the time allotted to complete the study was extended from 8 months to 12 months.

Commissioner Page moved, seconded by Vice-Chair Howerton, to approve consent agenda items (5a, b, l and p).

The motion carried unanimously.

Board Appointments

Chairman Foster recognized citizens who signed up to speak.

Mr. Allan Lang stated that he was immediate past chair of the Library Board of Trustees. He recommended that the three members whose terms have expired be reappointed to the Board. Mr. Lang also commented on the need to increase the amount of training available at Durham Technical Community College to prepare citizens for careers at the GE Aviation Plant in the wake of the Durham County allotting funds for the plant expansion.

Commissioner Reckhow discussed an email to the Board from Ms. Kimberly Shaw, Chair of the Alcohol Beverage Control Board (ABC), recommending that the Board reappoint incumbents whose terms have expired. Commissioner Reckhow suggested that the Board delay voting on the reappointments if the Board had reservations about the incumbents because of a pending investigation regarding the ABC Board.

Commissioner Page stated that he was contacted by Ms. Shaw, but was prepared to proceed with the vote because the information provided did not differ from what was already received.

Chairman Foster stated that the appointments to the ABC Board would proceed as scheduled.

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

While the votes were being tallied, County Manager Ruffin introduced Mr. Geoff Durham, President and CEO of Downtown Durham, Inc.

Mr. Lee Worsley, Deputy County Manager, introduced Ms. Mattie Sue Stevens, the new International City-County Managers Association Fellow (ICMA). Ms. Stevens received a Master's of Public Administration from the University of North Carolina at Chapel Hill and would be working with Durham County and the City of Durham.

Ms. Stevens gave brief remarks thanking the Board for the opportunity to work with Durham County Government.

The Board made the following appointments (incumbents are underlined):

Adult Care Home Community Advisory Committee

Amanda Borer – Foster, Howerton, Page and Reckhow
Betty Boyles – Foster, Howerton, Page and Reckhow
Gloria Clemens Trowers – Foster, Howerton, Page and Reckhow
Carmella La Bianca – Foster, Howerton, Page and Reckhow
Pamela O'Quinn – Foster, Howerton, Page and Reckhow
Dana Powell – Foster, Howerton, Page and Reckhow

Alcoholic Beverage Control Board

Norwood Miller – Foster, Howerton and Page
Rufus Sales – Foster, Howerton and Page

Citizens Advisory Committee

Shamieka Rhinehart – Foster, Page and Reckhow

Convention Center Authority

Richard Ford – Foster, Howerton, Page and Reckhow

Durham-Wake Counties Research and Production Service District

Ronald Hunter – Foster, Howerton, Page and Reckhow
Ray Gunner – Howerton, Page and Reckhow
Robert Teer, Jr. – Howerton, Page and Reckhow
Tom Colwell – Howerton, Page and Reckhow

Environmental Affairs Board

Mark Fogel – Foster, Howerton, Page and Reckhow

Juvenile Crime Prevention Council

Gayle Harris – Foster, Howerton, Page and Reckhow

Allan Lang – Foster, Howerton and Reckhow
Nicole Jimerson – Foster, Howerton, Page and Reckhow
Jennifer Rogers – Foster, Howerton, Page and Reckhow

Women's Commission

Jo Ann Pennix – Foster, Howerton, Page and Reckhow
Cheryl Thomas – Foster, Howerton, Page and Reckhow

Workforce Development Board

Jessie Pickett-Williams – Foster, Howerton, Page and Reckhow
Sharon McCormick – Foster, Howerton, Page and Reckhow
Gerald Spence – Foster, Howerton, Page and Reckhow

Added Agenda Item—Announcement by the County Manager

County Manager Ruffin read a prepared statement announcing his retirement as Durham County Manager, effective January 31, 2014.

The Board acknowledged Mr. Ruffin's letter of retirement and reflected on his tenure as Durham County Manager.

County Attorney Siler praised Manager Ruffin's professionalism and thanked him for his leadership.

Closed Session

Commissioner Reckhow moved, seconded by Commissioner Page, to adjourn to Closed Session pursuant to G. S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

The motion carried unanimously.

Reconvene to Open Session

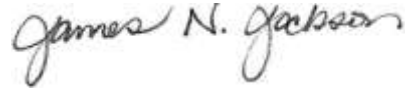
Chairman Foster announced that the Board met in closed session; directives were given to staff; no action was taken.

Adjournment

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to adjourn the regular session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink that reads "James N. Jackson". The signature is written in a cursive style with a large, looping initial "J".

James N. Jackson
Deputy Clerk to the Board