

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

Monday, December 9, 2013

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chair Brenda A. Howerton, and Commissioners, Fred Foster, Jr., Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Michael D. Page

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

Agenda Adjustments

Chairman Page requested that a presentation by the Eno River Association be added to the agenda.

Announcements

Chairman Page made the following announcements:

- "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 or 97-5 at 10 a.m., 3:30 p.m. and 6:30 p.m. 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.
- "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.

- The Fiscal Year 14-15 Nonprofit Funding Program is now accepting pre-applications. All Durham community nonprofits interested in applying for funding must first submit a Pre-Application Questionnaire by midnight on December 19, 2013. Agencies meeting the eligibility criteria will be invited to apply for funding. Paperwork and additional information can be found on the County's Budget & Management Services webpage. For additional information, contact Andy Miracle at 919-560-7065.

Added Agenda Item - Eno River Association Presentation

Ms. Robin Jacobs, Executive Director, Eno River Association (ERA), extended holiday wishes to the Board and to the Durham community. Ms. Jacobs introduced the newly elected President of the ERA Board of Directors, Ms. Barbara Driscoll.

Ms. Driscoll thanked the Board for their continued support. She presented the Board and staff with 2014 calendars produced by the ERA. Ms. Driscoll announced that the calendars featured GPS coordinates that would link citizens with various "exotic" locations in Durham County.

Chairman Page thanked Ms. Jacobs and Ms. Driscoll for the presentation and their work with the ERA.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve as submitted the November 4, 2013 Worksession Minutes and November 11, 2013 Regular Session Minutes of the Board.

The motion carried unanimously.

Honoring Durham County Librarian Lynn Richardson on Her Recent Induction into the Historical Society of NC

Chairman Page introduced the item stating that the Board was requested to recognize Ms. Lynn Richardson, Durham County Library's North Carolina Collection Librarian, for her recent induction into the Historical Society of North Carolina. He stated that Ms. Richardson had been the head of Durham County Library's North Carolina Collection since 2001 and reviewed several of her accomplishments during her tenure. Chairman Page noted that the Historical Society was comprised of scholars of North Carolina history from colleges, universities, libraries and archives throughout the state and that participation was by invitation only, limited to no more than 75 active members.

Ms. Richardson thanked the Board for recognizing her induction into the Historical Society of North Carolina. She stated that the induction was even more of an honor because most of the inductees were from academic institutions and were not public librarians. Ms. Richardson commented that it had been a wonderful opportunity to serve as Durham County's local history librarian over the past 12 years. She thanked Ms. Tammy Baggett, Durham County Library Director; Mr. Mike Ruffin, County Manager; and other staff and volunteers. She stated that she looked forward to continuing to serve Durham County.

Commissioners Jacobs, Reckhow, and Howerton thanked Ms. Richardson for being such a tremendous resource for the community and congratulated her on her achievement.

Honoring 2014 Wells Fargo Principal of the Year Dr. William Logan

Chairman Page introduced the item stating that the Board was requested to recognize Dr. William Logan, Principal of Hillside High School who had been named the 2014 Wells Fargo Principal of the Year for Durham Public Schools (DPS). Chairman Page stated that the Wells Fargo Principal of the Year award was introduced in 1984 to recognize outstanding leadership in North Carolina schools and the role of the principal in establishing an environment conducive to the pursuit and achievement of academic excellence.

Chairman Page recapped Dr. Logan's career history. He noted that under Dr. Logan, the class of 2011 achieved a 100 percent graduation rate and that the school's graduation rate rose 5.5 percentage points to 83.8 percent between 2012 and 2013. Chairman Page concluded by saying that Dr. Logan would represent Region 3 (North Central) to become 2014 North Carolina Principal of the Year.

Dr. Logan thanked the Board for recognizing his award and Hillside High School. He continued saying that the school continued to make daily strides to improve student success and the school's status within the community. Dr. Logan closed by saying that that he was excited to compete at the regional and state levels to showcase the good things that were occurring in Durham Public Schools.

Vice-Chairman Howerton reflected on the announcement of Dr. Logan receiving the award. She noted the number of students who stood next to him enthusiastically the award was announced. Vice-Chairman Howerton thanked Dr. Logan for his work and for positively influencing the lives of young people.

Commissioner Jacobs congratulated Dr. Logan and thanked him for his work at Hillside High School. She stated that he had the full support of the Board at the competition finals.

Commissioner Reckhow commented that the key ingredient in school improvement was the principal as the instructional leader of the school. She stated that Dr. Logan was a role model for all other principals in the DPS system and thanked him for his excellent work.

Recognition of Durham County Engineering and Environmental Services Department, Utility Division as the Recipient of a Collection System of the Year Award

Chairman Page read the award given to staff at the competition into record.

Mr. Glen Whisler, County Engineering Director, stated that the Board was requested to recognize the Durham County Engineering and Environmental Services Department Utility Division staff for their efforts in being awarded the North Carolina American Water Works Association/Water Environment Association 2013 "Collection System of the Year" award, for systems of their size. Mr. Whisler stated that the mission of the North Carolina Collection

System of The Year Award was to identify and recognize the utility that protects the public health and the natural beauty of the environment through pro-active practices of management, operations and maintenance beyond what was required of its North Carolina Department of Environment and Natural Resources collection system permit. He continued saying that recipients of the award have demonstrated quality collections system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep its collection system in good working condition to minimize health hazards and property damage that occur due to sanitary sewer overflows during both wet weather and dry weather conditions.

Mr. Whisler briefly reviewed Durham County's collection system, which included examples of the innovative collection system methods consisting of a Geographical Information System based asset management system and a comprehensive analysis of all manhole top elevations and their respective flood elevations. Mr. Whisler added that during the 2013 fiscal year, the collection system had zero reportable sanitary sewer overflows. Mr. Whisler introduced several Utility Division staff members: Alvis Richardson, Operations and Maintenance Technician II; Paul Langfield, Maintenance and Collections System Manager; Shawn Davis, Operations Manager; Ted Cradle, Project Manager and Joe Pierce, Utility Division Manager.

County Manager Ruffin commented on how the Engineering and Environmental Services Department had vastly improved the wastewater treatment facility and various processes. He thanked staff for their dedication and hard work.

Consent Agenda

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

Commissioner Foster stated that he wished to pull items 8p and 8q.

Commissioner Reckhow stated that she wished to pull item 8p in order for Sheriff's Office staff to highlight the Project Lifesaver program for public awareness.

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to approve the following consent agenda items (8a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, r, s, t and u):

- a. *Approve Budget Ordinance Amendment No. 14BCC000028 to appropriate \$3,928.00 in funding from the NC State University – College of Agriculture and Life Sciences to support Durham Cooperative Extension commercial mail;
- b. Approve the appointment of Commissioner Ellen Reckhow as the Joint City/County member to the Triangle Transit Board;
- c. *Accept the property tax release and refund report for October, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;

- d. Approve the resolution requesting the North Carolina Department of Transportation accept 1200 linear feet of Hiddenbrook Drive to the Secondary Road System for state maintenance;
- e. Authorize the County Manager to amend the contract with Extreme Monitoring Concepts, LLC for Electronic Monitoring Services not to exceed \$125,000 for Fiscal Year 2014 and if necessary, to amend the contract for any additional units needed;
- f. Approve the proposed purchase by the Wake County Board of Education of property located at 5707 Comstock Road, identified by parcel #158128, pursuant to NC Gen. Stat. §153A-15;
- g. Adopt the attached Resolution regarding the Mini-Brooks Exemption which reflects changes to the procurement of certain architectural, engineering and surveying services;
- h. Approve the refund of \$228.00 for the overpayment of excise tax to Law firm of Morris, Russell, Eagle & Worley, PLLC;
- i. *Approve Budget Ordinance No. 14BCC000030 recognizing additional revenue in the amount of \$25,000 from Duke University Health System;
- j. Authorize the County Manager to enter into a contract with Polydyne Inc. for the purchase of approximately 100,000 pounds of emulsion polymer per year with a total contract price not to exceed \$119,000 per year. The contract for the remainder of this fiscal year, January 1 to June 30, 2014, will be for a maximum of \$59,500;
- k. Adopt a resolution requesting the North Carolina Department of Transportation accept Costin Court into the Secondary Road System for state maintenance;
- l. Adopt a resolution requesting the North Carolina Department of Transportation accept Clausun Court into the Secondary Road System for state maintenance;
- m. Authorize the County Manager to enter into an Enterprise Agreement with Microsoft and to purchase licenses using funds scheduled for that purpose from the Technology Life Cycle Replacement capital project;
- n. Authorize the County Manager to enter into a contract to purchase a NetApp storage network appliance and installation services from ePlus, Inc using existing Technology Life Cycle Replacement capital project funds;
- o. Authorize the County Manager to enter into a Service Agreement with Microsoft for Office365 cloud services using Information Services & Technology department's operating funding from the current fiscal year;

- r. *Approve Budget Ordinance Amendment No. 14BCC000033 for the amount of \$220,355 from the NC Department of Health and Human Services for the Nutrition Division and establish two provisional nutritionist positions through September 30, 2014;
- s. *Approve Budget Ordinance Amendment No. 14BCC000034 to recognize \$15,370 in funding from DOVE Institute and \$2,000 from Durham County Farm Bureau in the Cooperative Extension budget;
- t. Approve the request and authorize the Chief Financial Officer to remove the Receivables from the County's financial records;
- u. Approve the proposed contract amendments with Jackson Lewis, LLP and Womble Carlyle Sandridge & Rice, LLP and authorize the County Manager to execute the amendments.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000028

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	\$52,774,578	\$3,928	\$52,778,506

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$4,703,620	\$3,928	\$4,707,548

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

This the 9th day of December, 2013.

Consent Agenda Item No. c.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of October, 2013.

Releases & Refunds for 2013 Taxes

Real	\$ 89,935.18
Personal	\$271,919.09
Registered Vehicles	\$ 46,916.90
Vehicle Fees	\$ 1,695.00
Solid Waste	<u>\$ 366.00</u>
Total for 2013 Taxes and Fees	\$410,832.17

Prior year's (2009-2012) releases and refunds for October, 2013 are in the amount of \$303,911.51. The current year and prior year's releases and refunds amount to \$714,743.68.

Consent Agenda Item No. i.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000030

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>			
Contributions & Donations	\$199,674	\$25,000	\$224,674

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$85,393,493	\$25,000	\$85,418,493

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

This the 9th day of December, 2013.

Consent Agenda Item No. r.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000033

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	\$52,783,500	\$220,355	\$53,003,855
<u>BENEFITS PLAN FUND</u>			
Other Financing Sources	\$16,547,116	\$19,310	\$16,566,426

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$84,588,960	\$19,310	\$84,608,270
Human Services	\$85,418,493	\$201,045	\$85,619,538
<u>BENEFITS PLAN FUND</u>			
Other Financing Sources	\$5,209,554	\$19,310	\$5,228,864

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

This the 9th day of December, 2013.

Consent Agenda Item No. s.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000034

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	\$53,003,855	\$17,370	\$53,021,225

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$4,707,548	\$17,370	\$4,724,918

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

This the 9th day of December, 2013.

Board and Commission Appointments

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

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

Adult Care Home Community Advisory Committee

Christa Gatson – Foster, Howerton, Jacobs, Page and Reckhow

Harvey Kirby – Foster, Howerton, Jacobs, Page and Reckhow

Delores McNair – Howerton, Jacobs, Page and Reckhow

Animal Welfare Advisory Committee

Sue Darling – Howerton, Jacobs, Page and Reckhow

Community Child Protection Team/Child Fatality Prevention Team

Sean Haley – Howerton, Jacobs and Reckhow

Glen LaBar Jr. – Foster, Howerton, Jacobs, Page and Reckhow

Durham Tourism Development Authority

Seth Jernigan – Howerton, Jacobs, and Reckhow

Firefighter's Relief Fund Board of Trustees

Everett Harris III – Foster, Howerton, Jacobs, Page and Reckhow

Public Health Board

Ferdinand Allison III – Foster, Howerton, Jacobs, Page and Reckhow

Mary Ann Fuchs – Foster, Howerton, Jacobs, Page and Reckhow

Transportation Advisory Board

DeDreana Freeman – Foster, Howerton, Jacobs, Page and Reckhow

Miles Simpson – Foster, Jacobs, Page and Reckhow

Triangle J Water Resources Committee

Michael Brewer – Foster, Howerton and Page

Items Pulled From Consent Agenda

Consent Agenda Item No. p

- p. Approve Budget Amendment 14BCC000031 appropriating \$1,000 of Wal-Mart Foundation grant funds to support the Project Lifesaver program

Commissioner Foster stated that he pulled agenda item 8p because Wal-Mart did not provide its employees with a living wage. However, he maintained that he was in full support of the Project Lifesaver program.

Commissioner Reckhow stated that she pulled agenda item 8p in order to highlight the program because it was commendable and that it would be helpful for a Sheriff's Office staff member to enlighten citizens about the availability of the program who may be in need of assistance.

Mr. Paul Sherwin, Sheriff's Office Public Information Officer, stated that the Project Lifesaver program was fairly new and had three participants enrolled. He stated that the program is intended to assist caregivers locate individuals who wander from their residences due to cognitive impairments. Mr. Sherwin continued saying that the program would be provided free to Durham County residents and that caregivers must provide proof that the individual had a cognitive impairment that predisposes them to wandering.

Chairman Page asked where the Sheriff's Office receives the remainder of its funding for the program. Mr. Sherwin responded that the initial investment in the program of \$4,000 was paid by the Durham Autism Society and was used to purchase the tracking transmitters that the individuals wear in order to be located. He continued saying that the \$1,000 grant from Wal-Mart would allow the Sheriff's Office to purchase two additional transmitters.

Commissioner Jacobs asked if information about the program would be available on the Sheriff's Department website. Mr. Sherwin stated the information was currently available on the website.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve Budget Amendment 14BCC000031 appropriating \$1,000 of Wal-Mart Foundation grant funds to support the Project Lifesaver program.

The motion passed 4-1 with the following vote:

Ayes: Howerton, Jacobs, Page and Reckhow
Noes: Foster

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000031

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	\$52,782,500	\$1,000	\$52,783,500

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$50,545,790	\$1,000	\$50,546,790

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

This the 9th day of December, 2013.

Consent Agenda Item No. q

- q. Approve Budget Ordinance Amendment 14BCC000032 to approve an increase in the FY14 distribution to Bahama Volunteer Fire Department from the Bahama Fire Tax Special Revenue Fund by \$50,859, with the funding source being an appropriation of fund balance

Commissioner Foster stated that he pulled agenda item 8q due to the funds that were requested for the repair of a Fire Department brush fire truck. He cited concern that the 2004 model year vehicle was past its current life expectancy, and therefore a \$50,000 investment to replace the chassis was not financially feasible. Commissioner Foster stated that the County should invest in a brand new brush fire truck to replace the one in question.

County Manager Ruffin stated that he had been in contact with Chief Len Needam, Bahama Volunteer Fire Department. Mr. Ruffin explained that the vehicle in question was being remounted by having an existing vehicle body placed on a new chassis and engine. He continued saying that the manufacturer's representative recommended that the vehicle be remounted in lieu of being replaced. County Manager Ruffin stated that Chief Needam advised the County that the price may increase if the agenda item were delayed.

Commissioner Jacobs stated that she would defer to the recommendation of staff.

Chairman Page questioned the life expectancy of the vehicle once the remount was completed. Mr. Mark Schell, Acting Fire Marshall, stated that the life of the body is 20 to 25 years and the life of the chassis is 9 to 12 years depending on vehicle usage. He explained that the mechanical standard was that during the life of one vehicle body, the chassis could be changed twice. Chairman Page asked what the cost would be to purchase a new brush fire truck. Mr. Schell stated that the cost would be approximately \$100,000. He concluded by saying that the cost of \$50,000 to remount the vehicle included purchasing the new chassis, moving the body to the new chassis and upgrading all of the safety equipment.

Referring to the fire study report, Commissioner Reckhow stated that the 20-year time for these types of vehicles was referenced. She continued to say that the report identified several other older vehicles within the Bahama Volunteer Fire Department and other fire departments that needed to be replaced. Commissioner Reckhow suggested that the County develop a unified capital improvement plan to address this issue.

Commissioner Jacobs moved, seconded by Commissioner Reckhow, to approve Budget Ordinance Amendment 14BCC000032 to approve an increase in the FY14 distribution to Bahama Volunteer Fire Department from the Bahama Fire Tax Special Revenue Fund by \$50,859, with the funding source being an appropriation of fund balance

The motion passed 4-1 with the following vote:

Ayes: Howerton, Jacobs, Page and Reckhow
Noes: Foster

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000032

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	\$50,859	\$157,134

Expenditures:

<u>Function</u>			
<u>SPECIAL REVENUE FUNDS</u>			
Public Safety	\$3,781,690	\$50,859	\$3,832,549

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

This the 9th day of December, 2013.

Adjournment

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



James N. Jackson
Deputy Clerk to the Board