

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

Monday, January 27, 2014

7:00 P.M. Regular Session

MINUTES

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

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

Absent: Chairman Michael D. Page

Presider: Vice-Chair Brenda A. Howerton

Opening of Regular Session—Vice-Chair Howerton asked everyone to join in the Pledge of Allegiance.

Vice-Chair Howerton asked that everyone observe a moment of silence in memory of former Durham County Commissioner Rebecca "Becky" Heron, who passed away on January 23, 2014.

Commissioner Reckhow moved, seconded by Commissioner Jacobs that Chairman Page's absence be excused.

The motion carried unanimously.

Agenda Adjustments

There were no adjustments to the agenda.

Announcements

Vice-Chair Howerton 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.
- As Chair of the Board of County Commissioners, Commissioner Page will hold office hours for citizens on Wednesdays from 2:00 pm to 5:00 pm. Appointments can be made by calling him at (919) 949-4022.
- Got a question for Durham County Government? Durham County will host an "Ask DCo" live Twitter chat on Wednesday, January 29 from 2:00 p.m. - 3:00 p.m., featuring guest host the Durham County Sheriff's Office. Just use the hashtag #AskDCo and staff will be available to answer your questions. Be sure to follow the Twitter accounts @DurhamCounty and @DurhamSheriff and get ready to "Ask DCo" from your computer or mobile device.
- Durham County Government is collaborating with North Carolina State University to deliver workshops in Durham with the aim of providing farmers with the tools to reduce food safety risks and meet market requirements. Registration is FREE for the first and second workshop. Breakfast and snack will be provided (optional- You can purchase a boxed lunch for \$10 each day). Portions of the first workshop will take place outside. Please wear comfortable walking shoes, bring a water bottle, and appropriate weather gear. The workshop will take place rain or shine.

Flyers with additional details are located near the agenda notebook outside the Chambers. To register, contact Lisa Marochak, (919) 560-0558.

Minutes

Commissioner Reckhow moved, seconded by Commissioner Foster, to approve as submitted the January 6, 2014 Worksession and January 13, 2014 Regular Session Minutes of the Board.

The motion carried unanimously.

Resolution Honoring Southern High School's NCHSAA 3AA Football Championship

Vice-Chair Howerton read the following resolution into record:

SOUTHERN HIGH SCHOOL 2013 NCHSAA 3AA FOOTBALL CHAMPIONSHIP

WHEREAS, the Southern High School Spartan Football Team became the North Carolina High School Athletic Association's 2013 State 3AA Football Champions on December 14, 2013 by mounting an impressive come from behind win of 38-31 over the Shelby Crest Chargers; and

WHEREAS, Coach Adrian Jones and his staff led this determined team to use its tenacity to battle back from being down 21-7 at halftime, to surge forward to post an exciting victory at the BB&T Field in Winston-Salem; and

WHEREAS, while the Southern Spartans lost two of its first three games, they did not lose again and finished the season by winning three of their last four games by one touchdown or less; and

WHEREAS, while the entire team worked collaboratively to earn this coveted title, three Southern Spartans were recognized for their impressive performance in the championship game:

- Kendall Hinton was named Most Valuable Player leading with four touchdowns and throwing for 332 yards.
- Maurice Trowell was named Outstanding Offensive Player contributing 198 receiving yards and two touchdowns.
- Dominique Mims was named Outstanding Defensive Player thanks to his 14 tackles.

WHEREAS, the success of this dynamic, determined team has brought tremendous pride and recognition to the entire Durham Community.

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham Board of County Commissioners, do hereby salute Coach Adrian Jones, his coaching staff, and all members of the

2013 SOUTHERN HIGH SCHOOL FOOTBALL TEAM

for winning its first ever NCHSAA 3AA Championship. We call upon all citizens of Durham County to join in saluting these outstanding young athletes and the entire Southern coaching and athletic staff for a phenomenal job well done!

This the 27th day of January, 2014.

/s/ All Commissioners

Mr. Darius Robinson, Head Football Coach, accepted the resolution on behalf of students, parents and staff who supported the team in achieving its first state football championship. Mr. Robinson acknowledged former head coach, Mr. Adrian Jones, who is now working as an Assistant Coach at North Carolina Central University. Mr. Robinson recognized the team captains, the football team in its entirety, the cheerleading team, staff and parents.

Commissioner Reckhow stated that she was very pleased and proud with the accomplishment made by the Southern High School football team. She stated that their performance displayed a “never give up” attitude and enabled them to win the game despite unfavorable weather conditions.

Vice-Chair Howerton congratulated the football team for their hard work over the course of the football season. She commented that the Southern High School and Durham communities were very proud of what they achieved.

Commissioner Jacobs also congratulated the Southern High School football team on their 3AA championship victory. She stated that it was great to see the number of people present to support their recognition tonight and hoped that they win the title again next year. Commissioner Jacobs commented that she was in attendance at the game between Southern and Hillside high schools and that it was good to see area high school teams playing at Durham County Stadium.

Commissioner Foster stated that he was especially proud of Southern High School as the parent of a former student. He stated that the school achieved something that others said they were unable to do. Commissioner Foster commended students for achieving not only in athletics, but also in the classroom.

Resolution Honoring County Manager Michael M. Ruffin

Vice-Chair Howerton read the following resolution into record:

MICHAEL M. RUFFIN

WHEREAS, Michael M. Ruffin began his leadership of Durham County Government when he was hired as County Manager by the Board of County Commissioners in November 2000; and

WHEREAS, early on he became highly regarded by the organization and the community for his strong professional abilities and insightful leadership skills; and

WHEREAS, during his administration, he skillfully managed several state economic downturns, along with the unprecedented national economic crisis by instituting prudent budget and management practices that significantly mitigated the effects of these downturns on the programs and services of Durham County; and

WHEREAS, Mike Ruffin successfully managed fiscal operations during his tenure allowing Durham to maintain its position as one of only 5 other counties in North Carolina that share a AAA-rating with both Moody's Investor Services and Standard and Poor's; and

WHEREAS, his steady focus on capital improvements resulted in three successful bond issues for schools, libraries and museums, and separately, the financing and construction of a new \$90 million Human Services Building and a \$119 million courthouse which have permanently changed the skyline of Durham; and

WHEREAS, Mike Ruffin leaves behind an unmatched legacy of service, compassion for others and accomplishments throughout the entire Durham County, North Carolina community.

NOW THEREFORE BE IT RESOLVED that we, the members of the Board of County Commissioners do hereby extend grateful and sincere appreciation to

MICHAEL M. RUFFIN

for the distinguished and professional manner in which he performed his official duties serving as Durham County Manager, and for all of his efforts to improve the quality of life for all.

BE IT FURTHER RESOLVED that we hereby wish for him a wealth of success as he commences his well-earned retirement.

This the 27th day of January 2014.

/s/ All Commissioners

Mr. Mike Ruffin, County Manager, thanked the Board for the recognition and gave brief remarks discussing his career in public service and tenure with Durham County Government. Mr. Ruffin thanked his family and staff for their support, which allowed him to perform the high level of work necessary to serve the citizens of Durham County.

Commissioner Reckhow stated that the resolution presented to Mr. Ruffin only "scratched the surface" regarding the level of accomplishment during his tenure. She discussed many of County Manager Ruffin's successful projects and policies. Commissioner Reckhow stated that many of the things that that he did as County Manager helped to instill a high level of confidence in Durham County Government. She concluded by thanking him for 13 years of leadership and service.

Commissioner Foster thanked County Manager Ruffin for his service. He noted that Mr. Ruffin provided assistance to him as a new commissioner. Commissioner Foster extended well wishes to Mr. Ruffin and his family as they transition into a new phase of life.

Commissioner Jacobs remarked that Mr. Ruffin's presence made a huge difference to her as a new commissioner. She then commented that he had always been patient, responsive and created an atmosphere of confidence within the organization. Commissioner Jacobs wished Mr. Ruffin the best during his retirement.

Vice-Chair Howerton recounted her professional interactions with County Manager Ruffin. She stated that although they had not always seen things the same way, that they were able to collaborate for the good of Durham County. Vice-Chair Howerton stated that Mr. Ruffin was a huge help to her as a county commissioner and would be missed by the organization.

Mr. Lowell Siler, County Attorney, stated that he enjoyed working with County Manager Ruffin during his tenure. He extended his thoughts and prayers as Mr. Ruffin entered retirement.

Consent Agenda

Vice-Chair Howerton asked the Commissioners if they desired to pull any items from the Consent agenda.

County Manager Ruffin said that he requested that item "j" be pulled until after the closed session meeting of the Board.

Commissioner Reckhow stated that she wished to pull items "h" and "k."

Commissioner Reckhow moved, seconded by Commissioner Foster, to approve the following consent agenda items (7a, b, c, d, e, f, g, i, l, m, n and o):

- a. Renew the Interlocal Agreement for property tax collections with the Town of Morrisville, Town of Chapel Hill, City of Raleigh and amend the Interlocal Agreement with the City of Durham;
- b. Amend the contract with Evans & Associates Consulting Group for business personal property audit services as proposed and approve the Contract Amendment to increase contract amount by \$60,000.00 not to exceed \$100,000.00;
- c. *Accept the property tax release and refund report for December, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- d. Authorize the Manager to execute the contract with One Source in the amount of \$55,606 to begin the document imaging of Child Care records;
- e. Approve the request to acquire the vacant lot located at 1202 Lincoln Street adjacent to W.G. Pearson Middle School;
- f. Accept the 3-year ambulance franchise renewal request, and schedule the request for a second reading, final approval on February 10, 2014;

- g. Approve the sale of 401 Clay Street to Ann Simmonds for \$5,000.75 and 613 Panama Terrace to Rick Ramsey for \$3,274.39;
- i. Pursue the upset bid process for 712 Kent Street, 2400 Owen Street and 1007 Drew Street. A resolution to offer the properties in an “upset bid” sale is attached;
- l. Authorize the execution of the contract to repair the elevators in the Judicial Building, in the amount of \$54,406.00;
- m. Set the salary during the filing period at \$94,706 and assess and set the salary of the sheriff when the new or incumbent Sheriff takes office after the election;
- n. *Approve Budget Ordinance No. 14BCC000039 recognizing additional revenue in the amount of \$3,279,791 for Child Care and the Progress Energy – Energy Neighbor Fund;
- o. Appoint Mr. Raymond L. Echevarria, Jr. as Trustee for the Parkwood Volunteer Fire Department.

The motion carried unanimously.

*Document(s) related to this item follow:

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 December, 2013.

Releases & Refunds for 2013 Taxes	
Real Property	\$100,897.32
Personal	\$ 31,209.27
Registered Vehicles	\$ 42,174.09
Vehicle Fees	<u>\$ 630.00</u>
Total for 2013 Taxes and Fees	\$174,910.68

Prior year’s (2008-2012) releases and refunds for December, 2013 are in the amount of \$52,568.96. The current year and prior year’s releases and refunds amount to \$227,479.64.

Consent Agenda Item No. n.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000039

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	\$53,100,747	\$3,279,521	\$56,380,268
Contributions & Donations	\$224,674	\$270	\$224,944

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$85,705,396	\$3,279,791	\$88,985,187

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

This the 27th day of January, 2014.

Board Appointments

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

Laura Martin – Foster, Howerton, Jacobs and Reckhow

City-County Appearance Commission

Frederick Jernigan – Howerton, Jacobs and Reckhow

Firefighter's Relief Fund Board of Trustees

Jeffrey Wolfe – Foster, Howerton, Jacobs and Reckhow

Public Health Board

James Miller – Foster, Howerton, Jacobs and Reckhow

Items Pulled From Consent Agenda

Consent Agenda Item No. h

- h. Authorize the Manager to execute the grant contract with DENR for \$200,000 for the Hollow Rock access area improvements; and to develop a draft Interlocal Agreement with Orange County regarding the proposed improvements and on-going management responsibilities;

Commissioner Reckhow stated that she pulled the item to comment because of its importance. She commended Ms. Jane Korest, Division Head for Open Space and Real Estate, and staff for successfully obtaining a grant from the State of North Carolina. Commissioner Reckhow commented that the \$200,000 grant would assist with the initial development of the Hollow Rock access area improvements. She stated that it was important for the public to know that the area was inactive, but would become a functional place with

the planned renovations. Commissioner Reckhow requested that staff notify the other governmental and non-profit partners that the grant was received.

Ms. Korest responded stating that meetings had already been held with Orange County Government staff to discuss the next steps in development. She said that it was the intent of staff to forward a joint memorandum to all the partners and individuals who participated in the advisory committee announcing the next phase.

Commissioner Jacobs also thanked Ms. Korest and staff for their continued work in securing grants on behalf of Durham County. Ms. Korest recognized Mr. Brendan Moore, Open Space Land Manager, for his work in obtaining the grant. Commissioner Jacobs discussed her involvement with the Hollow Rock Preserve, as well as the history of the efforts to preserve the area. She noted that former Commissioner Becky Heron had also been heavily involved with the project.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to authorize the Manager to execute the grant contract with DENR for \$200,000 for the Hollow Rock access area improvements; and to develop a draft Interlocal Agreement with Orange County regarding the proposed improvements and on-going management responsibilities.

The motion carried unanimously.

Consent Agenda Item No. k

- k. Review the North Carolina Department of Transportation's 2013 – 2014 Annual Secondary Road Construction Program changes.

Referencing a letter addressed to Chairman Page dated January 16, 2014 and the agenda item “backup” materials, Commissioner Reckhow expressed concern regarding the quantity of funds that were available statewide for secondary road improvements.

Mr. Brandon Jones, NC Department of Transportation (NCDOT) Division Maintenance Engineer, responded that legislation passed last year dramatically reduced the amount of funding for the Secondary Road Construction Program. Mr. Jones continued saying that \$12 million would be allotted for a statewide priority that would be recurring contingent upon funding. Mr. Jones noted that all unpaved roads within the state were now prioritized statewide, whereas previously funds were allocated per county. He stated that the \$15 million noted in the “backup” materials represented Durham County's one-time share of funds allocated to counties based on their secondary road mileage.

Commissioner Reckhow expressed her belief that the funding reductions were severe and that over time the conditions of secondary and rural roads within Durham County would deteriorate. She questioned if there would be any future alternative that could remedy the situation. Mr. Jones stated that the Secondary Road Construction Program was only one program used to upgrade the secondary road system. He continued saying that the NCDOT continued to receive secondary road maintenance and secondary resurfacing funds, which were separate from secondary road construction funds. Commissioner Reckhow inquired about the maintenance budget. Mr. Jones replied stating that the budget would be “tight” due to revenue constraints.

Commissioner Reckhow asked how many unpaved roads within Durham County needed to be addressed. NCDOT staff stated that there was a database available that showed where every secondary road ranked statewide with regard to construction, maintenance and resurfacing.

Commissioner Foster asked for budget information regarding secondary road resurfacing. Providing a historical comparison, Mr. Jones stated that statewide during FY2011 \$300 million was available for contract resurfacing and there was a current availability of \$433 million. He then stated that during FY2011 Durham County had \$6.2 million available for contract resurfacing and a current availability of \$7.4 million. Commissioner Foster asked if NCDOT was responsible for the Alston Avenue widening/resurfacing project. NCDOT staff stated that the Alston Avenue project was part of the NC Transportation Improvement Program and bids would be accepted in April 2015.

Referencing the “backup” materials labeled *Secondary Road Fund Allocations*; Commissioner Jacobs requested clarification on the “total” and “funding amount” line items. Mr. Jones stated that total referred to the total amount or cost of the project, whereas the funding amount was the amount funds from the current budget that must be used to pay for the cost of the project in question. Commissioner Jacobs asked staff to remain mindful that there were some secondary roads that citizens did not want to be paved. Mr. Jones responded stating that when a road is ranked high enough to be considered for paving that a right-of-way permission from property owners would be obtained. He continued saying that in the event that property owners did not want the road to be paved that the funds would be reallocated for next highly ranked project.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve the review the North Carolina Department of Transportation’s 2013 – 2014 Annual Secondary Road Construction Program changes.

The motion carried unanimously.

Closed Session

Commissioner Jacobs moved, seconded by Commissioner Reckhow, to adjourn into closed session 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, pursuant to G.S. § 143-318.11(a)(6); and to adjourn into closed session pursuant to 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

Vice-Chair Howerton announced that the Board met in closed session. Direction was provided to staff.

Consent Agenda Item No. j

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to authorize the County Manager to amend the design contract with The Freelon Group (TFG), P.A., to include the additional Construction Administration (CA) Phase and related services for the DCHS project in the amount of \$634,357.00, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursable expenses up to \$11,368,133.00 if needed.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to appoint Lee Worsley as Interim County Manager of Durham County, NC effective February 1, 2014 until such time as a full time County Manager begins employment.

The motion passed 3-1 with the following vote:

Ayes: Howerton, Jacobs and Reckhow
Noes: Foster

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve the employment agreement for Lee Worsley as Interim County Manager of Durham County, NC.

The motion passed 3-1 with the following vote:

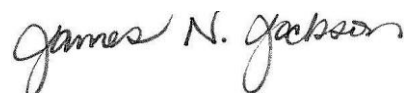
Ayes: Howerton, Jacobs and Reckhow
Noes: Foster

Adjournment

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



James N. Jackson
Deputy Clerk to the Board
Clerk to the Board