

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

Monday, June 22, 2009

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 Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Chairman Page announced that the July 27 Regular Session would be moved to July 20.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve as submitted the May 26, 2009 Regular Session and May 28, 2009 Budget Worksession Minutes of the Board.

The motion carried unanimously.

Recognition of Durham County's Receipt of Five NACo Awards for 2009

Chairman Page announced that Durham County has won five NACo (National Association of Counties) Achievement Awards this spring. The Library received four awards and Social Services received one for its inventive programs.

The NACo Achievement Awards program annually recognizes innovative county government programs across the country. As the NACo award letters cite, it honors high caliber county programs and projects and is "proud to confer this award and recognize [Durham County's] hard work to promote quality, efficient, and responsive management and administration."

Chairman Page recognized the following winning programs of Durham County:

- GenText Book Club – a book club for people in their 20s and 30s that meets monthly in Durham restaurants and bars.

- Get Set, Get Ready, Let's Read! – an early literacy program where library personnel visit 15 in-home childcare centers with star ratings of 1 or 2 (the lowest possible ratings).
- Poetry for Everyone – a series of events, held at various library facilities, during which local celebrities, elected officials, and poets share their favorite poems in public.
- Write On! – a writing workshop for teens that teaches young people to redefine their relationship with the written word by turning them into writers as well as readers.

Gina Rozier, Marketing and Development Manager, Durham County Library, expressed appreciation regarding the support received from the Durham community and the Board of County Commissioners. She stated that the support has allowed the Library to create exemplary, award winning programming. She introduced the following program coordinators for the NACo award:

- Marian Fragola, Humanities Coordinator, Durham County Library
- Karlene Fyffe, Durham County Library
- Jennifer Lohmann, Durham County Library
- Autumn Winters, Librarian, Durham County Library

Commissioner Heron expressed gratitude for Durham County Library's programs and the hardworking staff that make it possible.

Chairman Page commended the leadership as well as the staff for the amazing, innovative programs in the Durham community.

Vice-Chairman Reckhow complemented staff on the inventive ways to encourage the community to be more active and be involved in the programs.

Commissioner Bowser congratulated and urged staff to continue doing a great job.

Skip Auld, Library Board Director expressed appreciation for the Board's support and the support given by the Durham community.

Department of Social Services Winning Program:

- GAP (Guardianship Assistance Program) – the State's first child welfare kinship care program.

Sammy Haithcock, DSS Director, commented that the program is an effort to help families to avoid placing children coming into foster care. He stated that the group has managed to develop a program that has saved close to \$200,000. He thanked the Board for the recognition.

Michael Ward, Guardianship Assistance Program Social Worker, thanked the Board for funding and supporting the program. He acknowledged the Commissioners for assistance in obtaining a program that keeps children with their families.

Jovetta Whitfield, Acting DSS Director, echoed Mr. Haithcock and Mr. Ward's comments regarding the support received from the BOCC, DSS, and the Durham community.

Commissioner Bowser stated that the Board is extremely proud of the awards that were received. He thanked staff for the program and encouraged staff to keep up the good work.

Proclamation for “Durham College Day”

Chairman Page announced that 62 years ago, Dr. Lucinda McCauley Harris started a school to prepare youth for successful business careers. The school eventually became Durham Business College and then finally Durham College. The two-year school was nationally accredited as a junior college and trained students in many areas such as accounting, business administration, computer science, and medical technology between 1947 and 1980 when it closed.

Alumni gathered on June 26, 27, and 28 in Durham to hold a reunion and to celebrate the 62nd Anniversary of the founding of the college. A proclamation was prepared at the group’s request.

PROCLAMATION

WHEREAS, Dr. Lucinda McCauley Harris founded “McCauley Business School” in 1946 for the purpose of training youth for successful business careers; and

WHEREAS, from humble beginnings in a five-room house on what is now South Roxboro Street, the school eventually developed into Durham Business College; and

WHEREAS, at its permanent Fayetteville Street campus, the institution included a women’s dormitory, a men’s dormitory, a student union, a physical education building, and a Learning Resource Center; and

WHEREAS, in 1970, the college was licensed by the North Carolina Board of Education. In 1971 the name was changed to Durham College, and the school was accredited as a junior college for business by the Association of Independent Colleges and Schools; and

WHEREAS, in 1972, the institution was accredited by the Southern Association as a candidate for regional accreditation and, in 1973, re-licensed by the NC Board of Education to award the Associate in Applied Science (AAS) in all two-year programs; and

WHEREAS, Dr. James W, Hill, the school’s second president, expanded the college curriculum to establish accredited programs in laboratory technicians and court reporting, in addition to education in accounting, business administration, computer science, medical technology, and liberal arts; and

WHEREAS, hundreds of proud Durham College graduates are well respected and making a great impact in various professions throughout their communities:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim Saturday, June 27, 2009, as

“DURHAM COLLEGE DAY”

in Durham County, a celebration of the 62nd anniversary of the founding of this college. I call upon all citizens to celebrate the positive and significant accomplishments that alumni have made in Durham County and beyond.

This the 22nd day of June, 2009.

/s/ Michael D. Page, Chairman

Commissioner Bowser accepted the proclamation.

Recognition of 100th Anniversary of North Carolina Central University's Charter Day

Chairman Page stated that North Carolina Central University (NCCU) would commemorate "Charter Day" on June 30th. The occasion marks the 100th Anniversary of the signing of the articles of incorporation of the precursor of the school, the National Religious Training School, and Chautauqua for the Colored Race.

Founder James E. Shepard considered other locations for his institution, but the support of the merchants of Durham and the Duke family led to the establishment of NCCU in Durham County just outside the City limits. During the years, North Carolina Central University and Durham County have forged a strong partnership to help improve the lives of the people of this community. The institution opened its doors on July 10, 1910 and would be chartered on June 30, 2009.

The "Charter Day" event at B. N. Duke Auditorium set for 10:00 a.m. would mark the opening ceremony of the celebration of NCCU's Centennial Year activities.

PROCLAMATION

WHEREAS, in 1909, Dr. James Edward Shepard chartered the National Religious Training School and Chautauqua for the Colored Race, and from humble beginnings, the institution opened to students on July 5, 1910; and

WHEREAS, the Durham Merchants Association and black business leaders Dr. Aaron M. Moore, Mr. John Merrick, and educator Mr. William G. Pearson raised \$25,000 for the institution, and along with land donated by philanthropist Brodie Leonidas Duke, the school was located on 25 acres just outside the city limits of Durham in the Hayti community; and

WHEREAS, in 1915, the school was sold then reorganized, becoming the National Training School; and

WHEREAS, the General Assembly in 1923 appropriated funding to buy and maintain the school as a publicly supported institution; and

WHEREAS, in 1925, the school was chosen by the N.C. General Assembly to become the nation's first state-supported liberal arts college for African Americans and named North Carolina College for Negroes; and

WHEREAS, in 1947, the N.C. General Assembly changed the name of the school to North Carolina College at Durham and then to North Carolina Central University in 1969; and

WHEREAS, North Carolina Central University became a part of The University of North Carolina system in 1972; and

WHEREAS, its leaders have been legendary, beginning with Dr. Shepard from 1910-1947, followed by notables including Dr. Alfonso Elder, Dr. Samuel P. Massie, Dr. Albert N. Whiting, Dr. LeRoy T. Walker, Dr. Tyronda R. Richmond, Attorney Julius L. Chambers, Dr. James H. Ammons, and Dr. Charlie Nelms; and

WHEREAS, over the years, this storied university has produced more than 40,000 alumni including teachers, lawyers, social workers, and other professionals continuing a legacy that will be perpetual nationally and internationally:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim Tuesday, June 30, 2009, as:

“NORTH CAROLINA CENTRAL UNIVERSITY CHARTER DAY”

in Durham County. I further call upon all citizens to celebrate the numerous and significant accomplishments that this educational institution has made over 100 years by providing degrees in more than 100 fields of study and graduate degrees in 40 disciplines.

This the 22nd day of June, 2009.

/s/ Michael D. Page, Chairman

Charlie Nelms, Chancellor, North Carolina Central University, stated that it is very rewarding to be recognized for NCCU's Charter Day. He invited the Board to not only attend the events on June 30 but throughout the year to enjoy and participate in all the upcoming activities. He recognized the contributions of those who have made it possible for him and staff to stand before the Commissioners. He thanked the Board for their support and looked forward to partnering with Durham County in the future.

Bill Evans, Co-Chair, NCCU Centennial Planning Committee, stated that the committee is exceedingly excited about the upcoming year. He reiterated Mr. Nelms comments regarding the invitation to Charter Day.

Chairman Page congratulated Mr. Nelms and Mr. Evans.

Commissioner Bowser expressed joy regarding NCCU's growth, education, and physical structure.

Recognition of Retiring DSS Director—Sammy Haithcock

Chairman Page announced that the Board of County Commissioners requested to recognize the Department of Social Services Director, Sammy Haithcock, as he prepares to retire from a successful and noteworthy career in social services. A resolution was prepared and presented by the Board of County Commissioners.

Before reading the proclamation, Commissioner Bowser stated that Mr. Haithcock had been a very good driving force behind the success in the Durham County Social Services Department. He proceeded to read the resolution as follows:

RESOLUTION

WHEREAS, Sammy Haithcock has been the Director of the Durham County Department of Social Services for four years and has served in social services in North Carolina for over 37 years; and

WHEREAS, he has been a statewide leader in the social services system, having received Best Practice Awards for Cost Savings Measures and Improvements in Efficiency, Innovation in Services to Customers, and Profiles in Community Collaboration for Investing in Human Capital from NC Association of County Directors of Social Services; and

WHEREAS, Mr. Haithcock has been an innovative leader, implementing the Guardianship Assistance Program for which DSS received the Ketner award from the North Carolina Association of County Commissioners; and

WHEREAS, Mr. Haithcock has been an inspired risk taker, piloting the Latino Ombudsman Services for which DSS received the NCACDSS outstanding county award; and

WHEREAS, Mr. Haithcock has been a tireless motivator and advocate of DSS staff; and
WHEREAS, he has been a key leader and innovator in the design and implementation of Durham's System of Care; and

WHEREAS, he has dedicated his career to improving services to vulnerable families and individuals; and

WHEREAS, Mr. Haithcock has greatly impacted the Department of Social Services by focusing on partnerships with the community to implement innovative solutions that achieve positive results for Durham families and individuals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby salute

SAMMY R. HAITHCOCK

for his numerous and extraordinary accomplishments while serving as Director of Durham County Social Services. We commend, applaud, and recognize the tremendous positive impact that he has had on his staff, colleagues, and professional peers.

BE IT FURTHER RESOLVED that we wish him continued health, happiness, and a wealth of success as he begins a new journey in his life!

This the 22nd day of June, 2009.

/s/ All Five Commissioners

Vice-Chairman Reckhow voiced her opinion about Mr. Haithcock's "can-do" approach. She acknowledged the tremendous progress that was made during his 10-year tenure with System of Care.

Chairman Page commented on Mr. Haithcock's services to the community.

The Board honored Mr. Haithcock for his outstanding career in social services. They noted his many contributions to the Durham community and wished him well in his retirement.

Mr. Haithcock remark that it has been a privilege to work in Durham and a pleasure to work with staff that cares about the community

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for May 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Appointments—Juvenile Crime Prevention Council;
- c. Approve the Sale of 414 Salem Street to Michael Hamblin for \$3,800;
- *d. Approval of the Amended Documents Related to the 2009B Variable Rate COPS (adopt the resolution and authorize the execution of the required documents upon approval by the Local Government Commission);
- e. Authorize the County Manager to execute a one-year contract with the Animal Protection Society of Durham Inc. for the operation of the Durham County Animal Shelter for \$571,199.00);
- f. Left blank intentionally;
- g. Commissioner Appointment to Downtown Durham Inc. Board of Directors (reappoint Vice-Chairman Ellen W.

- Reckhow to Downtown Durham Inc.'s Board of Directors for FY 2009-10);
- h. Approve funding for the final Cultural Master Plan Projects;
 - i. Purchase of Self-Check Machines and RFID Based Security Gates for Main, Southwest, and South Regional Libraries (authorize the execution of a contract with 3M in the amount of \$436,439 for the purchase of RFID [Radio Frequency Identification] systems for the Main, South, and Southwest Libraries);
 - k. Stormwater Agreement for the Southwest Regional Library (approve the stormwater agreement for the Southwest Regional Library and authorize the Manager to execute);
 - *l. Interlocal Agreement with the City of Durham regarding Construction of Alternate Storm Drain Piping associated with the Construction of the Human Services Complex (approve the Interlocal Agreement with the City of Durham related to the construction of an alternate storm drain pipe along the 500 block of East Main Street and authorize the Manager to execute the agreement);
 - *m. Budget Ordinance Amendment 09BCC000075—Recognizing Additional Revenue for DSS (Child Care Subsidy Funds—\$277,738; Net Medicaid Cost Settlement—\$201,255 for FY 2007-08—designate \$92,000 in fund balance for subsequent years and \$109,255 in fund balance for DSS);
 - *n. Budget Ordinance Amendment No. 09BCC000076—Technical Adjustment for Collection and Use of Lottery Funds (Agreement with Durham Public Schools Regarding 3% Reduction of Fiscal Year 2008-09 Operating Budget) (make technical adjustments to the General Fund and Debt Service Fund related to collection of Lottery Funds; this amendment makes those technical adjustments without altering the original intent or amount of the lottery funds);
 - *o. Budget Ordinance Amendment 09BCC000077—Recognize Additional Revenue of \$58,141 for FY 2008-2009 Rural Operating Assistance Program (ROAP);
 - *q. Capital Project Ordinance Amendment 09CPA000018—Appropriation of Reimbursement Funds for the Open Space and Farmland Preservation (DC083) Capital Project (increase the DC083 Open Space and Farmland Preservation Capital Project from \$7,957,755 to \$8,500,755 to reflect NC Agricultural Development and Farmland Preservation Trust Fund grant monies and open space partnership contributions received);

- *r. Capital Project Amendment No. 09CPA000019—Durham Public Schools General Obligation Bond Project Budget Adjustments (move \$235,000 from the completed 2003 GO Bond funded Mangum Elementary capital project to the 2003 GO Bond funded Morehead Elementary capital project);
- s. Removed prior to meeting; and
- t. Appointment—NACo Annual Conference Voting Delegate (appoint Commission—Vice-Chairman Ellen W. Reckhow as the voting delegate and Commission Brenda A. Howerton as the alternate to the annual conference).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for May 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Releases & Refunds for 2008 Taxes:

Real Estate	\$68,730.53
Personal	\$107,886.15
Motor Vehicles	\$33,722.28
Vehicle Fees	\$595.00
Solid Waste Fees	\$0.00
Total for 2008 Taxes and Fees	<u>\$210,933.96</u>

Releases & Refunds for 2009 Taxes:

Real Estate	\$0.00
Personal	\$3,246.70
Motor Vehicles	\$900.97
Vehicle Fees	\$10.00
Solid Waste Fees	\$0.00
Total for 2009 Taxes and Fees	<u>\$4,157.67</u>

Consent Agenda Item No. d. Approval of the Amended Documents Related to the 2009B Variable Rate COPS (adopt the resolution and authorize the execution of the required documents upon approval by the Local Government Commission).

RESOLUTION APPROVING CHANGES RELATING TO VARIABLE RATE CERTIFICATES OF PARTICIPATION (2009B DURHAM COUNTY); APPROVING CERTAIN DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Board of Commissioners (the “Board”) of the County of Durham, North Carolina (the “County”) has, by a resolution adopted March 12, 2009, approved various documents relating to the delivery by the Durham Capital Financing Corporation (the “Corporation”) of \$55,985,000 Variable Rate Certificates of Participation (2009B Durham County) (the “Certificates”) pursuant to a Trust Agreement, dated as of April 1, 2009 (the “Trust Agreement”), between the Corporation and First-Citizens Bank & Trust Company, as Trustee (the “Trustee”); and

WHEREAS, the County is obligated to pay interest and principal with respect to the Certificates and such interest is currently accruing at a variable rate; and

WHEREAS, the County’s obligation to pay interest and principal with respect to the Certificates in certain circumstances is supported by a Standby Certificate Purchase Agreement, dated as of April 1, 2009 (the “Standby Agreement”), among the County, the Trustee and SunTrust Bank (the “Liquidity Provider”); and

WHEREAS, in order to lower the interest rate on the Certificates, it has been proposed that the Liquidity Provider provide a confirming letter of credit or liquidity facility (the “Confirmation”) relating to the Certificates that is to be issued to it by the Federal Home Loan Bank of Atlanta; and

WHEREAS, the Board of Commissioners for the County (the “Board”) has determined that it is in the best interests of the County that the County and the Corporation make certain changes to existing documents relating to the delivery of the Certificates and take other action in order to effectuate the delivery of the Confirmation; and

WHEREAS, there have been presented at this meeting copies of the following documents:

- a) a draft of the Confirmation;

- b) a draft of an Amended and Restated Trust Agreement, dated as of April 1, 2009 (the “Amended and Restated Trust Agreement”), between the Corporation and the Trustee that constitutes the Trust Agreement as amended to provide for the delivery of the Confirmation and make certain other changes; and
- c) a draft of an Amended and Restated Standby Certificate Purchase Agreement dated as of April 1, 2009 (the “Amended and Restated Standby Agreement”), among the County, the Trustee and the Liquidity Provider that constitutes the Standby Agreement as amended in connection with the delivery of the Confirmation;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

The Board hereby approves the form, terms and provisions of the Amended and Restated Standby Agreement and, insofar as they are applicable to the County, the terms and provisions of the Amended and Restated Trust Agreement and the Confirmation. The Chairman of the Board, the Vice-Chairman of the Board, the County Manager, the Finance Director of the County, the Clerk to the Board and the County Attorney are hereby authorized and directed to execute and deliver the Amended and Restated Standby Agreement in substantially the form presented, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County.

The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director of the County and the County Attorney in connection with this matter.

The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver any other documents, certificates, undertakings, agreements or instruments as they, with the

advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the documents approved hereby, including, without limitation, approving any required notices to owners of the Certificates and a remarketing circular relating to the Certificates.

This resolution shall take effect immediately upon its passage.

Consent Agenda Item No. m. Budget Ordinance Amendment 09BCC000075—Recognizing Additional Revenue for DSS (Child Care Subsidy Funds—\$277,738; Net Medicaid Cost Settlement—\$201,255 for FY 2007-08—designate \$92,000 in fund balance for subsequent years and \$109,255 in fund balance for DSS).

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Budget Ordinance
Amendment No. 09BCC000075

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$400,598,280	\$277,738	\$400,876,018

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Human Services	\$450,815,461	\$277,738	\$451,093,199

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

This the 22nd day of June, 2009.

Consent Agenda Item No. n. Budget Ordinance Amendment No. 09BCC000076—Technical Adjustment for Collection and Use of Lottery Funds (Agreement with Durham Public Schools Regarding 3% Reduction of Fiscal Year 2008-09 Operating Budget) (make technical adjustments to the General Fund and Debt Service Fund related to collection of Lottery Funds; this amendment makes those technical adjustments without altering the original intent or amount of the lottery funds)

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Budget Ordinance

Amendment No. 09BCC000076

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$37,564,761	-\$356,021	\$37,208,740
<u>DEBT SERVICE FUND</u>			
Other Financing Sources	\$46,025,120	-\$2,671,267	\$43,353,853

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other	\$31,344,508	-\$356,021	\$30,988,487
<u>DEBT SERVICE FUND</u>			
Other	\$46,330,574	-\$2,671,267	\$43,659,307

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

This the 22nd day of June, 2009.

Consent Agenda Item No. o. Budget Ordinance Amendment 09BCC000077—Recognize Additional Revenue of \$58,141 for FY 2008-2009 Rural Operating Assistance Program (ROAP).

DURHAM COUNTY, NORTH CAROLINA
 FY 2008-09 Budget Ordinance
 Amendment No. 09BCC000077

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$400,876,018	\$58,141	\$400,934,159

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$451,093,199	\$58,141	\$451,151,340

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

This the 22nd day of June, 2009.

Consent Agenda Item No. q. Capital Project Ordinance Amendment 09CPA000018—Appropriation of Reimbursement Funds for the Open Space and Farmland Preservation (DC083) Capital Project (increase the DC083 Open Space and Farmland Preservation Capital Project from \$7,957,755 to \$8,500,755 to reflect NC Agricultural Development and Farmland Preservation Trust Fund grant monies and open space partnership contributions received).

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Capital Projects Ordinance
Amendment No. 09CPA000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Inc./Dec.	Revised Budget
Open Space & Farmland Preservation Project	\$7,957,755	\$543,000	\$8,500,755

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

This the 22nd day of June, 2009.

Consent Agenda Item No. r. Capital Project Amendment No. 09CPA000019—Durham Public Schools General Obligation Bond Project Budget Adjustments (move \$235,000 from the completed 2003 GO Bond funded Mangum Elementary capital project to the 2003 GO Bond funded Morehead Elementary capital project).

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Capital Projects Ordinance
Amendment No. 09CPA000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Inc./Dec.	Revised Budget
Mangum Elementary Project (SH106)	\$5,001,840	-\$235,000	\$4,766,840
Morehead Elementary Project (SH108)	\$4,435,304	\$235,000	\$4,670,304

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

This the 22nd day of June, 2009.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. j. Request for Lease Extension for the Scarborough & Hargett Funeral Home (authorize the County Manager to execute the lease amendment for Scarborough and Hargett Funeral Home to transition out of the property by August 31, 2009 at a rate of \$9,250 per month; after such time, the premises should be vacated in order for the Justice Center to remain on schedule).

Staff was directed to evaluate the progress for the replacement facility and determine whether an additional lease extension is appropriate.

Commissioner Heron suggested that a report be available to the Board at the August 24 Regular Session.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve consent agenda item No. j.

The motion carried unanimously.

Consent Agenda Item No. p. Contract Approval: Medical Services for the Durham County Detention Facility and the Youth Home (RFP # 07-012) (authorize the execution of a one-year contract with Correct Care Solutions Inc. to provide comprehensive health care services for persons in the custody of the Sheriff and the youth detained at the Youth Home; the contract will be for an amount not to exceed \$3,068,027, plus a per diem charge of \$2.78 per inmate, per day for any month with an average daily population greater than 610).

County Manager Ruffin pulled this item to allow Gayle Harris, Public Health Director, to discuss the changes that were made to the contract.

Ms. Harris responded to the Board's concerns about the cost of the contract as well as the average daily population. She explained the reason for the change.

Vice-Chairman Reckhow thanked Ms. Harris and staff for renegotiating the contract. She suggested that staff consider ways to amend the budget that could be applied to the State prison system and the County detention facility. She stated that this could reduce the County's potential liability associated with inmate care. She requested that staff communicate with the Legislators.

Commissioner Heron moved, seconded by Commissioner Howerton, to approve Consent Agenda Item No. p.

The motion carried unanimously.

Public Hearing—Zoning Map Change—Wilson Property (Z0900003)

Planning Director Steven Medlin presented the Board with the request for a zoning map change for approximately 0.67 acres located at 4905 and 4933 Wake Forest Highway, north side of Wake Forest Highway east of Patterson Road [PINs 0851-03-90-9899 (partial) and 0861-03-00-1861 (partial)].

Mr. Medlin stated that the staff recommended approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval, 12-2 on May 12, 2009. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Per a question by Commissioner Heron, Mr. Medlin stated that if this property is rezoned, it would allow four units to be placed on the property. The property is approximately two acres. The front portion of the site is currently zoned RS-20, which is adjacent to Wake Forest Highway. The subdivision would be reviewed at the administrative level, which is staff level approval.

Chairman Page opened the public hearing that was properly advertised.

As no one requested to speak on the agenda item, Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow, seconded by Commissioner Heron, to approve the proposed Zoning Map Change—Wilson Property (Z0900003).

The motion carried unanimously.

AN ORDINANCE AMENDING THE DURHAM UNITED DEVELOPMENT ORDINANCE BY TAKING THE HEREAFTER DESCRIBED PROPERTY OUT OF RR; F/J-B ZONING DISTRICT AND ESTABLISHING THE SAME AS RS-20; F/J-B DISTRICT

BE IT ORDAINED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1. THAT THE DURHAM COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING ON ZONING CASE Z0900003 AND VOTED ON June 22, 2009 TO APPROVE THE ZONING MAP CHANGE REQUEST DESCRIBED HEREIN.

SECTION 2. THAT THE DURHAM ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE ARE HEREBY AMENDED BY TAKING THE FOLLOWING DESCRIBED PROPERTY OUT OF RR; F/J-B ZONING AND PLACING THE SAME IN AND ESTABLISHING THE SAME AS RS-20; F/J-B ZONING.

THE PORTION OF THE FOLLOWING DESCRIBED PROPERTY THAT IS CONTAINED IN THE COUNTY'S JURISDICTION, AND TO THE CENTERLINES OF ANY ADJOINING PUBLIC RIGHT-OF-WAYS:

PINs: 0851-03-90-9899 (partial) and 0861-03-00-1861 (partial)

BEGINNING at a point on the western property line of Lot 2, as shown on a plat entitled "property of George W. Currin", dated February 5, 1981, prepared by Southeastern Surveys, Inc. and recorded in Plat Book 98, Page 159, Durham County Registry; said beginning point being located North 15 degrees 37 minutes 47 seconds East, 150.00 feet from an iron stake on the northern right-of-way line of Wake Forest Highway (N.C. Hwy. 98) at the southwest corner of the above referenced Lot 2; thence from said beginning point North 15 degrees 37 minutes 47 seconds East, 127.25 feet to an iron stake in the southern property line of the property of Oak Grove Athletic Association; thence along the southern property line of the Oak Grove Athletic Association, South 74 degrees 22 minutes 13 seconds East, 157.11 feet to an iron stake; thence continuing along the property line of Oak Grove Athletic Association, South 32 degrees 56 minutes 51 seconds East, 192.33 feet to a point; thence North 74 degrees 22 minutes 13 seconds West, 301.33 feet to the point and place of BEGINNING, containing 29,168 square feet and being the northern portion of Lots 1 and 2 as shown on a plat entitled "property of George W. Currin", dated February 5, 1981, prepared by Southeastern Surveys, Inc. and recorded in Plat Book 98, Page 159, Durham County Registry, and also being the northern portion of that property conveyed to Michael Wilson in Deed Book 6142, Pages 773 and 782, Durham County Registry.

SECTION 3. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

SECTION 4. ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

Adoption of FY2009-2010 Budget Ordinance

County Manager Ruffin presented the FY2009-2010 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. The submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

As the public hearing for the recommended budget was held on June 8, no citizen comments were allowed at the meeting.

County Manager Ruffin made the following remarks:

"I want to thank each of you for your hard work on next year's budget. The adoption of the Fiscal Year 2010 Budget Ordinance tonight concludes what could only be described as a very difficult process. Thank you for your patience, your feedback, and your support.

I also want to thank Pam Meyer and our entire Budget staff for the outstanding job they did this year. This budget, unlike any I have ever seen, posed unique challenges. We simply would not be where we are tonight without them.

A special thank you goes out to all our department and agency heads. We stood together in a year that required great sacrifice, which I thought sent a very strong message about how much we worked together to produce a responsible budget. They are team players, and their hard work and support made a huge difference.

Finally, I think it's important to pay tribute to our County employees. No one in this year's process sacrificed the way they sacrificed. They gave up their annual raises and longevity so their fellow employees would have jobs. In spite of great sacrifice, we never heard a complaint from one of them – a testimony to the quality of employees that we have. Is there any wonder we are known far and wide for the services we provide?

Next year will require that we manage two very difficult budgets. The one you're adopting tonight, and the one that you will see next year this time. We begin work on both budgets on July 1 and look forward to working with each of you as we navigate ourselves through very troubled waters.

Let me now recognize Pam Meyer who will present the budget ordinance and make a few clarifying comments after which we look forward to your questions and comments.”

Pam Meyer, Budget Director, presented the budget ordinance as follows:

ANNUAL BUDGET ORDINANCE
Durham County
North Carolina
FY 2009-10

WHEREAS, the proposed budget for FY 2009-10 was submitted to the Board of commissioners on May 26, 2009 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on June 8, 2009, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 22, 2009, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2009 and ending June 30, 2010, there are hereby appropriated from taxes and other revenues the following by function and fund:

Section 1. Summary of Appropriations by Fund and Function - FY 2009-10							
Function	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Total Appropriation
General Government	\$29,398,309	---	---	---	---	---	\$29,398,309
Public Safety	\$43,382,053	---	---	\$4,028,374	---	---	\$47,410,427
Transportation	\$12,500	---	---	---	---	---	\$12,500
Environmental Protection	\$3,464,315	---	---	---	---	---	\$3,464,315
Economic and Physical	\$5,178,116	---	---	\$619,487	---	---	\$5,797,603
Human Services	\$474,464,053	---	---	---	---	---	\$474,464,053
Education	\$106,950,853	---	---	---	---	---	\$106,950,853
Cultural and Recreation	\$10,576,863	---	---	---	---	---	\$10,576,863
Utilities	---	---	---	---	---	\$8,150,719	\$8,150,719
Other	\$31,949,389	\$550,000	\$38,385,437	\$1,519,181	\$47,456,677	\$794,084	\$120,654,768
Total Appropriations	\$705,376,451	\$550,000	\$38,385,437	\$6,167,042	\$47,456,677	\$8,944,803	\$806,880,410

Section 2. Summary of Revenues by Fund and Revenue Category - FY 2009-10							
Category	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Total Appropriation
Taxes	\$237,381,950	---	\$13,545,488	\$5,967,026	---	---	\$256,894,464
Licenses and Permits	\$713,391	---	---	---	---	\$3,000	\$716,391
Intergovernmental	\$438,552,103	---	---	---	---	---	\$438,552,103
Contributions and Donations	\$1,137,257	---	---	---	---	---	\$1,137,257
Investment Income	\$1,165,000	---	\$100,000	---	\$25,000	\$100,000	\$1,390,000
Rental Income	\$63,595	---	\$391,257	---	\$26,716	---	\$481,568
Service Charges	\$13,418,983	---	---	---	\$219,323	---	\$13,638,306
Enterprise Charges	---	---	---	---	---	\$8,475,543	\$8,475,543
Sewer Connection Fees	\$656,000	---	---	---	---	\$366,260	\$1,022,260
Other Revenues	\$235,907	\$550,000	\$1,800,000	---	---	---	\$2,585,907
Other Financing Sources	\$12,052,265	---	\$22,548,692	\$200,016	\$47,185,638	---	\$81,986,611
Total Revenue	\$705,376,451	\$550,000	\$38,385,437	\$6,167,042	\$47,456,677	\$8,944,803	\$806,880,410

Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2009 at an anticipated collection rate of 97.75 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate
Durham County-Countywide	\$.7081

Section 4. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2009 at an anticipated collection rate of 98.3 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate
Bahama Fire District	\$.0600
Bethesda Fire District	\$.0900
Eno Fire District	\$.0599
Lebanon Fire District	\$.1000
New Hope District	\$.0570
Parkwood Fire District	\$.1100
Redwood Fire District	\$.1075

Section 5. There is hereby levied a tax at the rate shown below, per \$100.00 valuation of property listed for taxes as of January 1, 2009, for property located within the Durham County portion of the Durham-Wake Counties Research Triangle Park Research and Production Service District for the raising of revenue for said district. The anticipated collection rate is 98.3 percent.

	Tax Rate	Appropriation
Research & Production Service District	\$.0361	\$619,487

There is hereby appropriated to the Durham-Wake Counties Research and Production Service District from the net proceeds of this tax the amount of \$619,487 for use in said district in such manner and for such expenditures as is permitted by law from the net proceeds of this tax. In the event the actual net proceeds from the tax levy of the Research and Production Service District exceed the appropriated amount, the actual net proceeds from the tax shall constitute the appropriation from said tax levy.

Section 6. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules.

Section 7. The following authorities shall apply to transfers and adjustments within the budget:

- a. The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b. The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c. The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d. The County Manager may enter into the following agreements within funds:
 - Form and execute grant agreements within budgeted appropriations;
 - Execute leases of up to \$15,000 for normal and routine business within budgeted appropriations (County as Tenant only);
 - Enter consultant, professional, maintenance, or other service agreements of up to \$40,000 within budgeted appropriations;
 - Approve renewals for service and maintenance contracts and leases;
 - Purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;
 - Reject any and all bids and readvertise to receive bids;
 - Waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e. County Manager can transfer between functions, and/or funds for merit, pay plan adjustments, health benefits, and reclassifications.
- f. Transfers between funds and transfers from the contingency account may be executed only by the Board of Commissioners.

Section 8. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated and

unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

Current Expense Fund \$4,189,944
Capital Outlay Fund \$480,074
Total Appropriation \$4,670,018

Section 9. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance.

The total local appropriation for Durham Public Schools for FY 2009-10 is as below:

Current Expense \$99,807,663
Capital Outlay \$2,370,000
Total Appropriation \$102,177,663

- a. In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b. The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c. Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.
- d. Durham Public Schools is authorized to use Public School Building Capital Funds, Public School Building Bond Funds, and Lottery Funds for capital outlay requests, with the approval of the Board of Commissioners.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 10. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocates sufficient funds to continue the teacher supplement at a rate of 12.5 percent for teachers with less than 10 years experience; 13.5 percent for teachers with 10-20 years experience; and 14.5% for teachers with 20 years or more experience.

Section 11. In accordance with G.S. 159-13.1, the following financial plans for intra-governmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue \$2,430,287

Estimated Expense \$2,430,287

BENEFITS PLAN FUND

Estimated Revenue \$12,937,614
 Estimated Expense \$12,937,614

Section 12. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund \$210,849
 George Linder Memorial Fund \$250
 Community Health Trust Fund \$8,514,180

Section 13. This ordinance incorporates the County's Capital Financing Policy to designate up to 20% of dedicated revenues as County Contribution for pay-as-you-go projects. For Fiscal Year 2009-10, the County Contribution is designated at 7.15%.

Section 14. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Adopted this the 22rd day of June 2009.

Attachment 1

FY 2009-10
 Fee Schedule

Department	Fee Type	FY 2008-09 Adopted Fees	FY 2009-10 Adopted Fees
All Departments	8.5 x 11 paper copies	\$0.05/page (unless otherwise stated)	same
Animal Control	Impoundment		
	1st offense + boarding fee + civil penalty	\$25	same
	2nd offense + boarding fee + civil penalty	\$60	same
	3rd offense + boarding fee + civil penalty	\$95	same
	4th offense and subsequent offenses	\$150	same
	Boarding		
	Dogs	\$12/day	same
	Cats	\$8/day	same
	Civil penalties		
	1st offense	\$50	same
	2nd offense	\$100	same
	3rd offense and subsequent offenses	\$150	same
	License fee		
	Unaltered animals	\$75/animal	same
	Altered animals	\$10/animal	same
	Rabies vaccination	\$10	same
Board of Elections	Reports - 8.5 x 11 paper	Free	same
	Diskettes and CDs - processing fee	\$25	same
	Labels - duplex on 8.5 x 11 paper	Free with furnished labels	same
	Certificates	\$1	same
	Maps		
	8.5 x 11 paper	Free	same
	34 x 42 paper	\$10	same
Fire Marshal	See attached detail		
General Services	Solid Waste Management fee (County)	\$90/year	same
	Solid Waste Management fee (City)	\$70/year	\$90/year
	Solid Waste Management fee (out of County users)	\$150/year	same
Library	Overdue fines on all materials (books, DVDs, CDs, etc.)	Fee structure is the same for all materials: 3-day grace period, \$1 on 4th day, \$0.25/day, maximum \$5 per book; maximum \$25 per account when all items returned; maximum fines allowed for checkout - \$10; referral to collection agency when balance in lost materials exceeds \$50	same
	Legal notice fee	\$10/account at time of notification 60 days	same
	AV rental equipment	\$5/day/item, no maximum	same
	Duplicating	\$0.10/page	same
	Out-of-County users	\$45	same

FY 2009-10
 Fee Schedule

Department	Fee Type	FY 2008-09 Adopted Fees	FY 2009-10 Adopted Fees
Library	Meeting room rental fee	<i>Nonprofits:</i> no refreshments - free; refreshments - \$25 <i>Commercial/For-profit:</i> meetings up to 4 hours - \$100; meetings more than 4 hours - \$200 (no separate fee for refreshments; fee included in room rental) <i>Partners:</i> free	same
Environmental Engineering	Land Disturbance Plan Review Fees		
	Land Disturbance Plan Review, per acre charge	\$75	same
	Land Disturbance Fees		
	Permits for 12,000 sq. ft. to 1 acre (per job charge)	\$235	same
	Permits for 1 acre to 10 acres (per acre charge)	\$490	same
	Permits for more than 10 acres (per acre charge)	\$735	same
	Reinspection fee	\$200	same
	Second reinspection fee	\$400	same
	Unauthorized Land Disturbance Activities		
	Permits for 12,000 sq. ft. to 1 acre (per job charge)	\$470	same
	Permits for 1 acre to 10 acres (per acre charge)	\$980	same
	Permits for more than 10 acres (per acre charge)	\$1,470	same
	Stormwater Plan Review		
	Stormwater Plan Review 21,780 sq. ft. to 1 acre (per job charge)	\$200	same
	Stormwater Plan Review more than 1 acre (per acre charge)	\$300	same
	Stream Delineation Cape Fear River Basin	\$600 base fee plus \$25 per acre	same
	Stormwater Permit Renewal Fee		
	Permits for 21,780 sq. ft. to 1 acre	\$100	same
	Permits for more than 1 acre	\$150/disturbed acre	same
	Reissuance of Revoked Permits		
	Permits (per acre charge)	\$490	same
	Permits for 12,000 sq. ft. to 1 acre (per job charge)	\$235	same
	Extensions		
	Permits for more than 10 acres (per acre charge)	\$183.75	same
	Permits for 1 acre to 10 acres (per acre charge)	\$122.50	same
	Permits 12,000 sq. ft. to 1 acre (per job charge)	\$58.75	same
Utilities	Monthly service fees (County customers with City water)	\$3.02/hundred cubic feet	\$3.23/hundred cubic feet
	Monthly service fees (County customers without City water)		
	1 or 2 bedrooms	\$16.38	\$17.53
	3 bedrooms	\$36.87	\$39.45
	4 or more bedrooms	\$59.19	\$63.33
	Plan review fee (per submittal)	\$300 for first submittal; \$150 for each resubmittal	same
	Inspection/Management fee	\$2/linear foot	same
	Reinspection fee (per inspection)	\$200	same
	Lateral fee (per service)	At cost	same
	Lateral inspection fee	\$300	same
	Capital Recovery Charges		

FY 2009-10
 Fee Schedule

Department	Fee Type	FY 2008-09 Adopted Fees	FY 2009-10 Adopted Fees
Utilities			
	Single family (min. 2 bedrooms)	\$634 each	same
	Single family (each bedroom above 2)	\$323/bedroom	same
	Multi-family units (apartments, duplexes, condominiums; min. 2 bedrooms)	\$647 each	same
	Multi-family units (apartments, duplexes, condominiums; each bedroom above 2)	\$323/bedroom	same
	Multi-family (motels, hotels)	\$323/room	same
	Multi-family (motels, hotels with cooking facilities in room)	\$472/room	same
	Nursing/Rest home	\$161/bed	same
	Nursing/Rest home with laundry	\$323/bed	same
	Office - per shift	\$67/person	same
	Factory - per shift	\$67/person	same
	Factory with showers - per shift	\$93/person	same
	Store/Shopping Center/Mall	\$323/1,000 sq. ft.	same
	Store/Shopping Center/Mall with food service (ADD)	\$109/seat	same
	Restaurant (greater of per seat or per 15 sq. ft. of dining area)	\$108	same
	Restaurant - 24-hour service	\$135/seat	same
	Restaurant - single service (exclusive of fast food)	\$67/seat	same
	School - day with cafeteria, gym, showers	\$40/student	same
	School - day with cafeteria only	\$32/student	same
	School - day with neither cafeteria nor showers	\$28/student	same
	School - boarding	\$161/person	same
	Church (not including food service, day care, camps)	\$7/seat	same
	Miscellaneous (based on daily average flow of facilities not described above)	\$2.69/gallon	same
	Surcharge Fees		
	BOD (Biochemical Oxygen Demand) <i>Surcharge is applied for discharge concentrations greater than 250 mg/L</i>	\$349.18/1,000 lbs.	same
	TSS (Total Suspended Solids) <i>Surcharge is applied for discharge concentrations greater than 180 mg/L</i>	\$60.44/1,000 lbs.	same
	TKN (Total Kjeldahl Nitrogen) <i>Surcharge is applied for discharge concentrations greater than 40 mg/L</i>	\$0.75/lb.	same
	TP (Total Phosphorous) <i>Surcharge is applied for discharge concentrations greater than 5 mg/L</i>	\$3.31/lb.	\$6.87/lb.
	Permit Applications		
	Initial application fee for all applicants	\$300	same
	Significant Industrial User Permit fee	\$600	same
	Permit modification fee	\$200	same
	Authorization to Construct review	\$300	same
	Monitoring Charges		
	Sampling without Mercury 1631	\$55	same

FY 2009-10
 Fee Schedule

Department	Fee Type	FY 2008-09 Adopted Fees	FY 2009-10 Adopted Fees
Utilities			
	Sampling with Mercury 1631	\$175	same
	Aluminum	\$17	same
	Ammonia	\$16	same
	Arsenic	\$17	same
	BOD5	\$20	same
	Cadmium	\$17	same
	CBOD5	\$20	same
	Chloride	\$12	same
	Chromium	\$17	same
	COD	\$18	same
	Copper	\$17	same
	Cyanide	\$35	same
	Fluoride	\$16	same
	Lead	\$17	same
	Mercury (Method 245.1)	\$25	same
	Mercury (Method 1631)	\$75	same
	Molybdenum	\$17	same
	Nickel	\$17	same
	Oil and grease	\$35	same
	Oil and grease (nonpolar)	\$45	same
	pH	\$5	same
	Selenium	\$17	same
	Silver	\$17	same
	Temperature	\$5	same
	TKN	\$21	same
	Total Nitrogen	\$30	same
	Total Phosphorous	\$16	same
	TSS	\$11	same
	Total Toxic Organics	\$800	same
	Volatile Organic Chemicals	\$150	same
	Zinc	\$17	same
	Acetone	\$1200 for	same
	Ethyl Acetate	complete	same
	Isopropyl Acetate	Pharma	same
	Methylene Chloride	Test	same
	n-Amyl Acetate	Group	same
Emergency Medical Services (EMS)			
	Basic Life Support (BLS) service fee + mileage	\$525 + \$9/mile	same
	Advanced Life Support #1 (ALS #1) service fee + mileage	\$610 + \$9/mile	same
	Advanced Life Support #2 (ALS #2) service fee + mileage	\$635 + \$9/mile	same
	Extra attendant	\$50/transport	same
	Special event coverage (30-hour minimum)	\$150/hour	same
	Waiting time (after initial 30 minutes)	\$75/half hour	same
	Treatment (without transport)	\$250	same
	Bike team services	\$50/hour	same

FY 2009-10
 Durham County Fire Prevention and Protection Code
 Adopted Fee Schedule for Inspections, Permit Services and Violations

Attach

Penalties and Fees		
Ordinance Code #	Violation Description	Penalty Amount
105.3.5	Permit not posted or kept on premises	\$50.00
307.2	Unpermitted open burning (Immediate)	\$500.00
308.3	Careless use of ignited object (Immediate)	\$500.00
603	Use of non-approved heating appliance	\$50.00
703.1	Breach in fire wall/fire stops	\$50.00
703.2.1	Fire or exit door inoperative	\$200.00
703.2.1	Fire tower door open (Immediate)	\$500.00
310.3	"No Smoking" signs not posted where appropriate	\$50.00
310.2	Smoking in prohibited areas (Immediate)	\$500.00
901.4	Sprinkler or fire alarm inoperative	\$200.00
Appendix C	Fire hydrants not complying with code	\$50.00
903.1	Sprinkler system not complying with code	\$50.00
905.1	Standpipe system not complying with code	\$50.00
315.2.1	Sprinkler head(s) blocked/covered (Immediate)	\$500.00
505.1	Street address numbers not posted	\$50.00
505.1	Street address numbers not visible	\$50.00
901	Sprinkler/standpipe needs testing	\$50.00
901	Fire alarm system needs testing	\$50.00
1005.1	Storage in or on fire escape (Immediate)	\$500.00
1005.1	Blocked egress (Immediate)	\$500.00
1005.1	Locked exit doors (Immediate)	\$500.00
1005.1	Overcrowding (Immediate)	\$500.00
1003.2.8	Fire exit or aisle blocked (Immediate)	\$500.00
315.2.2	Storage in or on fire escape (Immediate)	\$500.00
1003.3	Exit or egress door needs repair	\$50.00
315.2.2	Blocked stairwells or stairways (Immediate)	\$500.00
1003.2.10	Exit illumination and marking	\$50.00
1003.2.10.2	Absence of required exit directional signs	\$50.00
404.1	Approved fire evacuation plan required	\$50.00
404.3	Fire drill performance not acceptable	\$50.00
405.2	No monthly fire drill reported	\$50.00
3405.3	Improper use of flammable liquids (Immediate)	\$500.00
3404.3.3	Flammable liquid not stored according to code	\$50.00
3405.3	Improper dispensing of flammable liquid (Immediate)	\$500.00
3402.2.10	Above-ground tanks not diked	\$50.00
2703.2.4	Tank installation not according to code	\$50.00
3404	Tank storage not according to code	\$50.00
1504.1	Spray painting in non-approved area	\$50.00
1504.1.2	Spray booth not complying to code	\$50.00
3003.3	Compressed gas cylinders not secured	\$50.00
105.1.2	No hazardous materials permit	\$50.00
2704	Chemical storage is not according to code	\$50.00
1003.7.2.5	Maximum occupancy not posted	\$50.00
308.5	Use of open flame cooking device	\$50.00
105.2.2	Failure to get tank work permit prior to work	\$500.00

FY 2009-10

Attachment 1

Durham County Fire Prevention and Protection Code
 Adopted Fee Schedule for Inspections, Permit Services and Violations

Penalties and Fees (continued)		
105.2	Failure to obtain permits required by code	\$500.00
112.1	All other violations of the code	\$50.00
<i>NOTE: The term "Immediate" as it appears above means that the Fire Marshal's Office may issue a citation immediately and the violation must be corrected by the violating party immediately.</i>		
Fire Prevention Permit Fees		
Section 1: The fees set forth in this section are fixed for the issuance of the permits required by the Fire Prevention Code. Such permits, unless stated otherwise on the face of the permit, shall be valid for a period of one year from the date of issue, subject to revocation for failure to comply with the fire Prevention Code. Renewal of permits shall be subject to fees in effect for the period of		
Technical Code #	Activities Requiring Permits	Fee
105.6.2	Amusement Buildings	\$50.00
105.7.1	Automatic Fire Extinguishing Systems	\$50.00
105.6.3	Aviation Facilities	\$50.00
105.6.5	Battery Systems	\$50.00
105.6.9; 105.7.2	Compressed Gases	\$50.00
105.6.9	Covered Malls, Buildings	\$50.00
105.6.12	Cutting and Welding	\$50.00
105.6.16	Fire Hydrants and Valves	\$50.00
105.6.9	Manufacturing, Storage, Handling, & Sale or use of explosives, fireworks, explosive material (90-day permit)	\$100.00
105.7.3	Fire Alarm & Detection Systems & Related Equipment	\$50.00
105.7.4	Fire Pumps & Related Equipment	\$50.00
105.6.17	Flammable and Combustible Liquids (per site or service station)	\$50.00
105.6.20	Fumigation & Thermal Insecticide Fogging	\$50.00
105.7.6	Hazardous Materials	\$50.00
105.6.23	High-Pressure Storage	\$50.00
105.6.22	HPM Facilities	\$200.00
105.7.7	Industrial Ovens	\$50.00
105.6.28	Liquefied Petroleum Gas	\$50.00
105.6.26	Lumber Yards & Woodworking Plants	\$50.00
105.6.29	Magnesium	\$50.00
105.6.30	Miscellaneous Combustible Storage	\$50.00
105.6.34	Places of Assembly	\$50.00
105.6.35	Private Fire Hydrants	\$50.00
105.6.37	Polyoxylin Plastics	\$50.00
105.6.38	Refrigeration Equipment	\$50.00
105.6.39	Repair Garages, Service Stations	\$50.00
105.6.41	Spraying or Dipping	\$50.00
105.7.11	Stand Pipe Systems	\$50.00
105.6.42	Storage of Scrap Tires & Tire Byproducts	\$50.00
105.6.45	Waste Handling	\$50.00
105.6.46	Wood Products	\$50.00
<i>All other permit fees required by the Technical Code and not listed shall be \$50.00</i>		

FY 2009-10

Attachment 1

Durham County Fire Prevention and Protection Code
 Adopted Fee Schedule for Inspections, Permit Services and Violations

User Fees	
Description	Fee
Plans Review:	
Subdivision (plus \$20 per fire hydrant required)	\$30.00
Building - New and Renovations:	
Building less than 5,000 sq. ft.	\$50.00
Building 5,000 - 10,000 sq. ft.	\$90.00
Building 10,000 sq. ft. or more (plus \$20 per 5,000 sq. ft. over 10,000 sq. ft.)	\$90.00
Hazardous Chemicals:	
Class A - 55 gals. or 500 lbs.	\$50.00
Class B - 55 to 550 gals. or 550 to 5,000 lbs.	\$200.00
Class C - 550 to 5,500 gals. or 5,000 to 50,000 lbs.	\$300.00
Class D - 5,500 gals. or 50,000 lbs.	\$400.00
Inspection Fee Schedule	
All owners or tenants of buildings in Durham County, which are required to be inspected by the Durham County Fire Marshal's Office are subject to the following inspection fee schedule:	
Inspection Activities	Fee
Periodic Inspection	None
First inspection pursuant to permit application	None
First re-inspection for non-compliance if code requirements are met	None
First re-inspection for non-compliance if code requirements are not met	\$200.00
Second and subsequent re-inspections for non-compliance	\$400.00

Commissioner Heron commended the County Manager's budget message. She requested that the County consider ways to improve fire protection at the Eno Fire Department.

County Manager Ruffin stated that staff has agreed to investigate, follow up, and report back to the Board on the findings.

Commissioner Bowser thanked the entire Durham County staff who understood what the County was up against in this economic crisis. He elaborated by stating that staff worked hard to decrease spending to avoid a tax increase. He gave a special thanks to Public Health for continuing to maintain their services to the community during the recent budget decrease.

Vice-Chairman Reckhow concurred with Commissioner Bowser's comments. She expressed gratitude to the departments that have stepped up with a "can-do" approach at the County Manager's request regarding the departmental budget reductions.

Commissioner Howerton thanked the Durham citizens for understanding the issues the County faced as related to the budget.

Chairman Page echoed comments made by fellow Commissioners. He urged the citizens of Durham to be more involved in dialogue with the Legislators as it relates to issues in the neighboring counties.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the FY2009-2010 Budget Ordinance.

The motion carried unanimously.

Modifications to the SWAP

George K. Quick, Finance Director, recommended that the 2004 Swap be modified as follows:

Extend Maturity to:	May 1, 2031
Increase the Notional amount to:	\$186,365,000
Increase the Indicative Margin	

Mr. Quick recently discussed the performance of the Swap with the Commissioners and the savings generated over the past 58 months. These modifications are expected to increase the savings going forward.

In response to Vice-Chairman Reckhow's concerns, Mr. Quick stated that the total number of bonds had various maturities, and as the bonds mature, the savings that the County obtains would decrease. He explained the financial planner's prediction. He stated that under the increased amount, the County would keep the same policy; therefore, the savings are expected to accumulate at a higher level.

Vice-Chairman Reckhow raised the point that the County is substantially reducing the risk by setting aside half of what is being saved.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the SWAP modifications.

The motion carried unanimously.

Board and Commission Appointments

Vonda Sessoms, Clerk to the Board, distributed ballots to the Board to make appointments to the following boards and commissions.

The following appointments were made (incumbents are underlined):

Area Mental Health Board

Lascal A. Webley Jr. (At-large)

Bicycle & Pedestrian Advisory Committee

Daniel A. Clever (Organization)

Ken Kaye (Education)

Board of Adjustment

George Kolasa (Regular Session)

City-County Appearance Commission

Jacqueline Blue

Lesley Stobert

DTCC Board of Trustees

David L. Dodson

Lee Johnson Jr.

EMS Advisory Council

Randy K. Carden (EMS Affiliate)

Environmental Affairs Board

Karalyn Colopy (Education/Communication)

Reuben S. Jones III (Engineer)

Deborah Luecken (Air Resources)

Jury Commission

Robert Shoaf

Juvenile Crime Prevention Council

Pauletta B. Bracy (Citizen)

Arnold Dennis (Citizen)

Keith Howard (Citizen)

Julia Linehan (Juvenile Defense Attorney)

Anna L. Mosley (Citizen)

Carolyn Nichols (Citizen)

Angela Nunn (Citizen)

Herman Scott (Citizen)

Transportation Advisory Board

James Ray Sanders

Women's Commission

Rosa S. Anderson

Marian Andrews

Shauna Johnson

Lucille McMillan

Workforce Development Board

Sharon McCormick (Private Sector)

Gerald Spence (Private Sector)

Jessie Pickett-Williams (Public Sector)

Closed Session

Commissioner Heron moved, seconded by Commissioner Howerton, to consider the performance of a public officer pursuant to N.C. Gen. Stat. § 143-318.11(a)(3) & (6)

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session; no action was taken.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:35 p.m.

Respectfully Submitted,

Angela M. Pinnix
Administrative Assistant
Clerk to the Board's office