

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

Monday, November 26, 2012

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

AGENDA

"Public Charge"

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

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

7:00 P.M. Regular Session

1. **Opening of Regular Session** - Pledge of Allegiance (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
 - 1) "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - 2) 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.
 - 3) The FY 2013-2014 Nonprofit Agency Funding process began on November 2, 2012 with the opening of the pre-application submission period. All Durham community nonprofits interested in applying for FY2014 nonprofit funding must first submit a Pre-Application Questionnaire no later than midnight on December 13, 2012. This initial assessment is used to determine which potential applicants meet the eligibility criteria outlined in the County's nonprofit policy. Those agencies meeting the eligibility criteria will then be invited to apply for FY2014 funding.

The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy will be available on the County's website from November 2, 2012 through December 13, 2012. Early submission of the Pre-Application Questionnaire is encouraged. For additional information, please contact Laura Jensen in the Budget and Management Services department at 560-7065.

- 4) Durham County will hold a second meeting with residents to discuss the Rougemont Community Water System. The meeting will take place on Thursday, November 29 at 6:30 pm at New Red Mountain Baptist Church (1401 Red Mountain Road). Please call 919 560-0065 for more information.

Durham County will also hold two general meetings to receive residents' feedback on other needs in northern Durham County. The first meeting will be held at 7:00 pm on Thursday, December 6th, at North Regional Library at 221 Milton Rd. The second will be held at 3:30pm on Thursday, December 13th, at the Bahama Ruritan Club at 8202 Stagville Rd.

- 5) Senior PharmAssist is Durham County's site for the state Seniors' Health Insurance Information Program (SHIIP) and this nonprofit will help any Medicare beneficiary in Durham evaluate his/her options for drug and health coverage. Medicare's annual election period (AEP) is ongoing through Dec. 7 and beneficiaries should take note: IT PAYS TO COMPARE! For the last three years, two-thirds of the people seen at Senior PharmAssist during the AEP needed to switch stand-alone Part D drug plans for an average savings of \$500-\$600. For more information contact Senior Pharmacist at (919) 688-4772.
- 6) Durham County residents can now add one more thing to the holiday shopping list, if they have neglected it - a flu shot. Flu shots at the Durham County Department of Public Health are now free of charge for anyone 6 months of age and older. Flu shots are available on Mondays, Wednesdays, and Fridays from 8:30 a.m. until 11:00 a.m., and from 1:00 p.m. until 4:00 p.m. On the first Wednesday of the month, shots will be offered from 8:30 a.m. until 11:00 a.m. only. No appointment is necessary. For additional information, call 560-7300 or check us on the web at www.dconc.gov.

4. **Minutes** (5 min)

- a. November 12, 2012 Regular Session

5. **Recognition of Outgoing County Commissioners Philip R. Cousin, Jr., and Pam Karriker** (20 min)

- 1) Board members have asked for time to extend personal reflections and good wishes to Commissioners Philip R. Cousin, Jr. and Pam H. Karriker as they prepare to leave the Board. Commissioner Karriker joined the Board in September 2011 and Commissioner Cousin joined the Board in July 2012.
- 2) Each will be presented with a plaque commending them for their outstanding service to the citizens of Durham County.

Resource Persons: Michael D. Page, Chairman Board of Commissioners

County Manager's Recommendation: The County Manager recommends that the members of the Board of County Commissioners extend sincere congratulations to Commissioners Cousin and Karriker for their outstanding leadership serving on the Board.

6. Recognition - Michael Becketts (5 min)

- 1) Mr. Michael Becketts is recognized for his efforts to help tenants who were facing eviction from the Lincoln Apartments community. Approximately 80 residents of the community received notices from their landlord that they were being evicted from their homes by the end of October.
- 2) Some residents of this low income community had been in their apartments for nearly 30 years and were unable to find new accommodations within the required timeframe. Neighbors appealed to the County and the City for help. Social Services Director Michael Becketts quickly offered the assistance of his department during what he termed a "crisis." He marshaled forces and held a "resource day" for the Lincoln tenants' right in their community. Social Services met with nearly 59 families provided the range of options and services that were needed by many of the tenants facing eviction. His compassion and quick offer of help went a long way toward helping persons see possible and helpful options during this major housing transition.

Resource Persons: Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommends that the Board recognize Social Services Director Michael Becketts for his efforts to support the residents of the Lincoln Apartments.

7. Award Recognizing Durham County for "Employment of Persons with Disabilities (5 min)

- 1) Durham County was nominated to receive the City of Durham's Mayor's Committee for Persons with Disabilities, "Disability Employment Awareness Month Award" for employment of persons with disabilities. A recognition program was held on Thursday evening, October 25 at Durham City Council Chambers. Jerelene Fullwood Carver, Director of Counseling and Disability Services at Shaw University in Raleigh served as the event's keynote speaker. Assistant County Manager Deborah Craig-Ray attended the program to receive the honor on behalf of Durham County Government.
- 2) Durham County Health Education Specialist Donna Rosser will read from her nomination letter at the meeting. Rosser also serves as a member of the Mayor's Committee for Persons with Disabilities.

Resource Persons: Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the award and thank Public Health Department Employee Donna Rosser for nominating Durham Government to receive this honor.

8. Consent Agenda (15 min)

- a. Accept the property tax release and refund report for October, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Approve the Ordinance amending Article 4 of Chapter 26 of the County of Durham Code of Ordinances, entitled "Sewer Use;"
- c. Approve Budget Ordinance Amendment No. 13BCC000043 appropriating \$39,648 from the restricted State Forfeitures fund balance;
- d. Approve Budget Amendment No. 13BCC000044 and Capital Project Amendment No. 13CPA000006 moving a \$400,000 2011 round CDBG Scattered Site Housing grant from the General Fund to a multi-year project;
- e. Approve the second amendment to the Interlocal Agreement with Wake County and the Town of Cary regarding Reclaimed Water Facilities subject to non-substantive changes by the County Attorney and authorize the County Manager to execute the amendment;
- f. Review and approve the renewal of the Interlocal agreement between Durham County and the City of Durham for the continuance of the Appearance Commission;
- g. Accept the 2011-2012 Annual Report of the Durham Board of Adjustment;
- h. Approve Budget Ordinance Amendment No. 13BCC000045 to appropriate \$3,000,000 of Enterprise Fund unrestricted net assets for contribution to the Revenue Bond Refunding of the Enterprise System Revenue Bonds, Series 2002;
- i. Approve Budget Amendment 13BCC000046 changing the budget revenue category for an already approved Sheriff's department grant (Budget Ordinance Amendment No. 13BCC000039) approved November 12, 2012;
- j. Appoint Michael D. Page and Ellen W. Reckhow to serve on the Special Tax Board;
- k. Approve the amendment to the contract with OneSource Document Solutions, Inc. in the amount of \$15,000 for the completion of the County Attorney's Office Document Imaging Project;
- l. Approve Budget Ordinance Amendment No. 13BCC000047 in the amount of \$28,805 from the NC Department of Health and Human Services for the Family Planning Program;

- m. Adopt the attached Resolution approving the structure of the Area Board of Alliance Behavioral Healthcare as defined in the merger agreement between The Durham Center and Wake County LME;
- n. Approve the contract amendment with Womble Carlyle Sandridge & Rice, LLP in an amount not to exceed \$30,000 and authorize the County Manager to execute the contract;
- o. Approve the contract amendment with Jackson Lewis, LLP in an amount not to exceed \$20,000 and authorize the County Manager to execute the contract;

9-13. ITEMS 9-13 REMOVED FROM AGENDA.

14. Resolution Authorizing the Levy of a One-Half Percent (1/2%) County Sales and Use Tax for Public Transportation (15 min)

- 1) The North Carolina General Assembly has enacted the “Local Government Public Transportation Sales Tax Act” Article 43 of Chapter 105 of the North Carolina General Statutes (Session Law 2009-527, the "Act”), which authorizes transportation authorities to levy a local sales and use tax for the purpose of financing local public transportation systems. On June 27, 2011, the Board authorized Research Triangle Regional Public Transportation Authority dba Triangle Transit to place an advisory referendum on the question of whether to levy the local sales and use tax to be placed on the November 8, 2011 ballot. A majority of those voting in the referendum voted in favor of the levy of the tax.
- 2) The proposed Resolution requests Triangle Transit to now levy the one-half percent (1/2%) sales and use tax pursuant to the Act. This tax does not apply to food, as exempted by N.C.G.S. § 105-506.2. The proceeds of said tax may only be used for the benefit of the Special District, created by Triangle Transit, and may only be expended in accordance with the adopted financial plan entitled, the “Durham County Bus and Rail Investment Plan” for financing, constructing, operating, and maintaining public transportation systems. A copy of a proposed Resolution which would authorize Triangle Transit to levy the tax is attached.
- 3) If the tax is levied by TTA prior to January 1, then the collection of the tax will begin on April 1, 2013.

Resource Persons: Michael M. Ruffin, County Manager; Carol W. Hammett, Deputy County Attorney

County Manager’s Recommendation: The Manager recommends that the Board adopt the Resolution Authorizing the Levy of a One-Half Percent (1/2%) County Sales and Use Tax for Public Transportation pursuant to Article 43 of Chapter 105 of the North Carolina General Statutes.

15. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)

16. Closed Session (90 min) NOTE: THIS ITEM WILL BE MOVED TO 4:30 PM.

- 1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.
- 2) The Board is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of (insert case information or it may end after “privilege”).
- 3) The Board of Commissioners is requested to adjourn to 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).

County Manager’s Recommendation: The County Manager recommends that the Board adjourn to Closed Session and direct staff as appropriate.