

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

Monday, August 23, 2010

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 (arrived at 7:03 p.m.), Becky M. Heron (arrived at 7:03 p.m.), and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Chairman Page announced that “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily, 4:00 p.m. on Mondays, and 6:30 p.m. Tuesday – Sunday. He added that the Durham County Commissioners’ meetings are rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve as submitted the August 2, 2010 Worksession and August 9, 2010 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Howerton, Page, and Reckhow

Noes: None

Absent: Bowser and Heron

Recognition of Health Department Communicable Disease Staff

Chairman Page recognized Public Health Department staff for being the recipients of the “Best Practice in Outbreak Response Award” from the North Carolina Division of Public Health, Epidemiology Section, Communicable Disease Branch at the 1st Annual NC Communicable Disease Conference.

Chairman Page quoted the following comments made at the NC Communicable Disease Conference: “Durham County displayed an exemplary performance in the face of multiple simultaneous outbreaks involving norovirus and hepatitis transmission in long term care facilities and a retirement village/rare rural rabies/listeria issue on a farm; restaurant associated salmonella and general communicable disease case management. Durham County Health Department has a lot thrown at them all at once and did a wonderful job not dropping anything important.”

The Durham County Health Department received a nomination of “Best Practice in Public Health Marketing Award” for the Knowing Is Sexy (KISS) Program. KISS effectively promotes sexual health education through a text messaging campaign for college and high school students in Durham County.

Gayle Harris, Public Health Director, introduced the following staff members: Pam Weaver, Division Director for General Health Services; Hattie Wood, Program Manager for Communicable Disease; Beatrice Jackson, Public Health Nurse; Ponice Bryant, Public Health Nurse; Earline Parker, Public Health Nurse; Diana Coates, Public Health Nurse, Immunization Division; and Selena Judon-Monk, Public Health Education Specialist, KISS Program.

Commissioner Howerton thanked the Public Health staff for its dedicated work in the community.

Vice-Chairman Reckhow expressed gratitude for staff’s hard work to protect the public’s health.

On behalf of the Board, Chairman Page congratulated Public Health staff for the award and recognition from NC Division of Public Health. He presented the plaque to staff.

Proclamation—September as Alcohol and Drug Addiction Recovery Month in Durham County

Chairman Page read the following proclamation into the record to designate September as Alcohol and Drug Addiction Recovery Month in Durham County:

PROCLAMATION

WHEREAS, treatment and recovery improve the community’s welfare and provide a renewed outlook on life for those who struggle with substance use disorders and their family and friends; and

WHEREAS, 23.2 million people aged 12 or older in the United States needed treatment for a substance use disorder in 2007, and 5.4 million adults also suffered from a concurrent mental illness; and

WHEREAS, studies have indicated that 8.9 percent of people who made an effort to obtain treatment, but did not receive it, were concerned that receiving treatment might cause neighbors or community members to have negative opinions of them. However, most say they would not have a negative opinion of a relative or friend in recovery from an addiction; and

WHEREAS, resources exist online and in our community to increase people's awareness about how substance use disorders affect children, families, and our society; and

WHEREAS, such education is essential to overcoming misconceptions and achieving long-term recovery; and

WHEREAS, working together to help achieve this goal are the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and, locally, the Substance Abuse/Mental Health Committee of The Partnership for a Healthy Durham:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of September 2010 as

ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in Durham County. I call upon all citizens to observe this month by celebrating recovery from addiction at Durham's fifth annual Recovery Celebration on September 24 at Durham Central Park and by participating in other appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Now More Than Ever!"

This the 23rd day of August, 2010.

/s/ Michael D. Page, Chairman

Ellen Holliman, Area Director, The Durham Center, thanked the Board for issuing the proclamation. She introduced Peter Baker, the new Substance Abuse Specialist with The Durham Center.

Mr. Baker spoke about the objective of Alcohol and Drug Addiction Recovery Month and events to occur during the month. He briefly discussed substance abuse prevention and recovery programs administered by The Center.

Chairman Page thanked Ms. Holliman and Mr. Baker for their comments and presented them with the proclamation.

Proclamation—Women's Equality Day 2010

August 26 of each year is designated in the United States as *Women's Equality Day*. This year, women of Durham would join women across the county to commemorate the passage of the 19th Amendment, the Woman Suffrage Amendment to the United States Constitution, which gave women of the United States full voting rights in 1920. Women's Equality Day is designated as a time to recognize the many valuable contributions women have made to pave the way for all women to assume leadership roles and positions politically, socially, and economically.

Chairman Page read the proclamation as follows to honor August 23, 2010 as Women's Equality Day:

PROCLAMATION

WHEREAS, the women of the United States were treated as second-class citizens and were entitled to the full rights and privileges, public or private, legal or institutional, which were available to male citizens of the United States; and

WHEREAS, the women of the United States have united to assure that these rights and privileges are available to all citizens equally regardless of sex; and

WHEREAS, the women of the United States have designated August 26, the anniversary date of the passage of the 19th Amendment, as a symbol of the continued fight for equal rights; and

WHEREAS, the women of the United States are to be commended and supported in their organizations and activities; and

WHEREAS, it was resolved, as a joint resolution of Congress in 1971 by the Senate and House of Representatives of the United States of America in Congress assembled, that August 26 of each year be designated as "Women's Equality Day," and the President authorized and requested a proclamation be issued annually in commemoration of that day in 1920, on which the women of America were first given the right to vote, and that day in 1970b on which a nationwide demonstration for women's rights took place; and

WHEREAS, we honor the adoption of the 19th Amendment to the Constitution of the United States of America and recognize the many valuable contributions made by remarkable women of Durham County and around the world:

NOW, THEREFORE, BE IT RESOLVED I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim August 23, 2010 as

WOMEN'S EQUALITY DAY

in Durham County. I urge all citizens to recognize and participate in its observance.

This the 23rd day of August, 2010.

/s/ Michael D. Page, Chairman

Julie Omohundro, Secretary, Durham County Women's Commission, thanked the Board for the proclamation.

Hope Murdock, Chair, Women's Commission, introduced the following members: Andrea Stephens, Vice Chair; Stephanie Watkins, Treasurer; Rosa Anderson; Deborah Wallace; and Lucy McMillan.

Chairman Page presented the proclamation to the members.

Commissioner Howerton reflected on the power and strength of women in the United States and commended the Women's Commission for their work within the county. She charged the Commission to showcase and acknowledge Durham women in a "spectacular" light in the year 2011.

Presentation of the Commissioners' Community Circle Award to Durham's Partnership for Children

Chairman Page stated that the Commissioners Community Circle Award was created by the Durham Board of County Commissioners (BOCC) and recognizes community organizations and County departments for the extraordinary services they provide to the citizens of Durham. He gave the following remarks:

"It is my pleasure to recognize Durham's Partnership for Children as our most recent recipient of the Commissioners' Community Circle Award.

Durham's Partnership for Children is a community program designed to support collaborative approaches that services the needs of young children birth to age five and their families.

For 15 years, Durham's Partnership for Children has worked closely with Durham County Government to support our service of children and families.

Among the many successful initiatives led by Durham's Partnership for Children is their Transition to Kindergarten program. Transition to Kindergarten is a partnership with Durham Public Schools designed to "ready" young children for their transition to kindergarten. Transition to Kindergarten involves *Teachers Talk* where child care and kindergarten teachers meet and plan for a child's transition to school; *Parent's Night*, a time when incoming kindergarteners are introduced to Durham Public Schools' environment; the *Steps to School Newsletter*, a publication that provides information to parents about their child's pending admission into kindergarten; and a *Kindergarten Health Assessment*, an assessment made to give a snapshot of the health status of Durham's young children.

This comprehensive program is among the multiple activities and programs servicing our youngest residents and is made possible through the efficient leadership of Durham's Partnership for Children and its collaborative efforts with the community and more than 30 partnership agencies.

There are nearly 23,000 children under the age of six living in Durham. Many of these children will be serviced by Durham's Partnership for Children and benefit from their commitment to close the achievement gap and increase school readiness, increase early childhood resources and visibility, and support a continuum of early childhood services.

Our Board is impressed by the work of the Partnership for Children and their influence on our community.

Durham's Partnership for Children, the Board applauds your efforts to ready children for success in school and in life.

Tonight, we are joined by Marsha Basloe, Executive Director of Durham's Partnership for Children, and her team that works hard each day to ready our children, families, and schools.

Ms. Basloe, please come forth to receive the Commissioners Community Circle Award and share a few words about your organization."

Ms. Basloe thanked the Board for the award. She introduced staff members Ted Whiteside, Early Childhood Grant Writer, and Angelica Oberleithner, Assistant Director, as well as Barbara VanDewoestine, Board of Directors Member and Chair of the Allocations Committee. Ms. Basloe further thanked the Board for its ongoing support and efforts.

Vice-Chairman Reckhow praised Ms. Basloe for her work with Durham's Partnership for Children. She wished Ms. Basloe well with her new position as head of the New York State Early Care & Learning Council.

Commissioner Heron expressed appreciation to Ms. Basloe for her diligent work with the Partnership and echoed Vice-Chairman Reckhow's well wishes.

Chairman Page presented the award to Ms. Basloe and Partnership representatives.

Consent Agenda

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

- a. Approve the transferring of the Home Health Agency Proceeds (\$3,400,000) to the Community Health Trust Fund;
- b. Removed prior to meeting;
- *c. Approve Budget Ordinance Amendment No. 11BCC000002 for the Department of Social Services to recognize LIEAP and CIP Administration Revenue (\$93,633.00);
- d. Approve the Amendment of the Contract with One Source in the Amount of \$1,241,797 for the Document Imaging Project;
- *e. Approve Capital Project Amendment No. 11CPA000003—Durham Public Schools General Obligation Bond Project Budget Adjustments—moving \$1,672,000 of available 2007 GO Bond Funds to the City of Medicine Academy;
- f. Approve the Contracts and authorize the Manager to execute the Subject Contracts for Solid Waste and Recycling Collection Services with Republic Services of NC, LLC in an Amount not to exceed \$150,586.00 and with Waste Industries, LLC in an Amount not to exceed \$120,389.50;
- *g. Approve Budget Ordinance Amendment No. 10BCC000089—Bethesda Fire District—in the amount of \$54,407 to appropriate fire district fund balance for the Bethesda Fire District in order to satisfy the final payment to the General Fund and Benefits Plan Fund in the amounts of \$49,113 and \$5,294 respectively, for

reimbursement of volunteer salaries and benefits, and decreasing the transfer to General Fund in the amount of \$3,490 and increasing the transfer amount to the Benefits Plan Fund by the same amount for the Lebanon Fire District in order to satisfy the final payment to the Benefits Plan Fund for reimbursement of volunteer benefits;

- h. Approve an Amendment to the FY 2010-2011 Budget Ordinance to include the Vaccines and Fees as presented by the Health Department;
- j. Approve the Comments for the Falls Lake Rulemaking which were submitted to the NC Division of Water Quality;
- k. Approve Chairman Michael Page as Voting Delegate and Vice-Chairman Ellen Reckhow as Alternate Voting Delegate for the NCACC Conference in Greenville NC, August 26-29, 2010;
- l. Approve the Contract with United Way or the Greater Triangle for RBA Coordination and Administration and authorize the County Manager to execute the Amendment; and
- m. Approve the Single Family Rehabilitation Grant Assistance Policy as recommended by L. E. Wooten, Consultant for the Program.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 11BCC000002 for the Department of Social Services to recognize LIEAP and CIP Administration revenue (\$93,633.00).

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Budget Ordinance
 Amendment No. 11BCC000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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	\$71,539,095	\$93,633	\$71,632,728

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Human Services	\$103,138,107	\$93,633	\$103,231,740

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

This the 23rd day of August, 2010.

Consent Agenda Item No. e. Approve Capital Project Amendment No. 11CPA000003—Durham Public Schools General Obligation Bond Project Budget Adjustments—moving \$1,672,000 of available 2007 GO Bond funds to the City of Medicine Academy.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Capital Project Ordinance
Amendment No. 11CPA000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Easley Elem. School Project (SH139)	\$1,412,955	(\$293,396)	\$1,119,559
Glenn Elem. School Project (SH140)	\$762,311	(\$361,456)	\$400,855
Hillside High School Project (SH124)	\$1,016,513	(\$366,872)	\$649,641
Neal Middle School Project (SH122)	\$13,424,038	(\$650,276)	\$12,773,762
City of Medicine Academy Project (SH127)	\$7,113,220	\$1,672,000	\$8,785,220

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

This the 23rd day of August, 2010.

Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 10BCC000089—Bethesda Fire District in the amount of \$54,407 to appropriate fire district fund balance for the Bethesda Fire District in order to satisfy the final payment to the General Fund and Benefits Plan Fund in the amounts of \$49,113 and \$5,294 respectively, for reimbursement of volunteer salaries and benefits, and decreasing the transfer to General Fund in the amount of \$3,490 and increasing the transfer amount to the Benefits Plan Fund by the same amount for the Lebanon Fire District in order to satisfy the final payment to the Benefits Plan Fund for reimbursement of volunteer benefits.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance

Amendment No. 10BCC000089

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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>			
Public Safety	\$45,230,459	\$45,623	\$45,276,082
<u>BENEFITS PLAN FUND</u>			
General Government	\$9,710,088	\$8,784	\$9,718,872
<u>SPECIAL REVENUE FUNDS</u>			
General Government	\$1,956,201	\$54,407	\$2,010,608

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Other Financing Sources	\$17,622,714	\$45,623	\$17,668,337
<u>BENEFITS PLAN FUND</u>			
Other Financing Sources	\$13,081,848	\$8,784	\$13,027,632
<u>SPECIAL REVENUE FUNDS</u>			
Other Financing Sources	\$930,652	\$54,407	\$985,059

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

This the 23rd day of August, 2010.

Downtown Resurfacing Project

Commissioner Bowser requested that the Board review this item due to his concern with the negative impact of the unfinished road resurfacing project on citizens' vehicles. He relayed an incident that occurred in which a citizen's fuel tank was ruptured when driving along milled roads. Commissioner Bowser expressed additional concerns with prolonged resurfacing of Durham roads by the North Carolina Department of Transportation (NCDOT).

Wally Bowman, Division Engineer, Division 5, NCDOT, provided a detailed update and timeline of the project and addressed Commissioners' questions and concerns. He explained the unexpected problems encountered during the project, which resulted in a delay in its completion.

Commissioner Bowser requested that NCDOT look at Manning Road in Chapel Hill to compare the resurfacing to that in Durham.

Vice-Chairman Reckhow thanked Mr. Bowman for the explanation and NCDOT for its wise use of the funds. She stated that she would have liked to have seen a press release to report the issues

encountered and to alert the public of the delay. Vice-Chairman Reckhow suggested that NCDOT install warning signs to forewarn drivers of uneven surfaces.

Mr. Bowman agreed to honor Vice-Chairman Reckhow's suggestion to send project details and updates via listserv.

Commissioner Bowser requested that NCDOT install a thin layer of asphalt on the demarcation line of where the milling halts and undisturbed pavement begins to minimize vehicle damage when driving over the area.

In addition to Commissioner Bowser's request, Commissioner Howerton suggested that NCDOT patch severe demarcation lines on South Roxboro Street near C. C. Spaulding Elementary School and Roxboro Street, north of NC Highway 147.

Chairman Page called signed speakers forward for comments.

The following citizens spoke to their concerns with the resurfacing project and completion date:

Darius Little, 5712 Catskill Court, Durham 27713

Thelma Glenn White, 1015 Jerome Road, Durham 27713, also spoke to the resurfacing project of Riddle Road.

Mr. Bowman explained to the Board that the County would be responsible for resurfacing portions of Roxboro and Mangum Streets where the New Durham County Courthouse is being constructed.

Commissioner Bowser inquired about the resurfacing of Mangum Street in front of the Durham Performing Arts Center (DPAC) and who would be responsible for portions undisturbed by the County's construction of the New Courthouse.

Mr. Bowman responded that NCDOT would resurface the two lanes closest to DPAC; the County would be responsible for the farthest two lanes, closest to the New Courthouse.

Discussion of Statewide Ideas for NCACC 2011 Legislative Goals Process

County Manager Mike Ruffin explained that the North Carolina Association of County Commissioners (NCACC) had launched its process for the approval of Legislative Goals for the 2011 Session of the General Assembly. Any statewide legislative goals that Durham County wished for the NCACC to consider must be submitted to the Association by September 15, 2010.

Vice-Chairman Reckhow presented the following proposed Legislative Goals to be submitted to NCACC:

1. Criminal Justice Resource Center: Continue to fund JCPC, CJPP, and other community-based correction programs as important components in the continuum of services for adult and juvenile offenders.
2. Adequately fund the court system, including sufficient resources for specialty courts like mental health and drug courts in all jurisdictions that wish to operate them.
3. Support Legislation to allow public school systems to regain access to sales tax refunds.
4. Study Raising Compulsory Attendance Age

5. Inmate Medical Care Fees
6. Support to change the Age of Juvenile Jurisdiction (HB 492)

The Board held a discussion regarding Vice-Chairman Reckhow's proposed Goal No. 6.

County Manager Ruffin informed the Board that the Goals would be placed on the September 13 consent agenda or as a regular item.

Chairman Page requested that supporting documentation for HB 492 be distributed to the Board prior to the September 13 Regular Session.

County Manager Ruffin agreed to 1) obtain the Crime Cabinet's position on HB 492 and relay his findings to the Board, and 2) send to the Board a report of issues and Goals raised during the meeting along with background information.

The Board reached a consensus to submit the following Goals:

1. Criminal Justice Resource Center: Continue to fund JCPC, CJPP, and other community-based correction programs as important components in the continuum of services for adult and juvenile offenders.
2. Adequately fund the court system, including sufficient resources for specialty courts like mental health and drug courts in all jurisdictions that wish to operate them.
3. Support Legislation to allow public school systems to regain access to sales tax refunds.
4. Study Raising Compulsory Attendance Age
5. Inmate Medical Care Fees
6. Support to change the Age of Juvenile Jurisdiction (HB 492)
7. Support for HB 524—Annexation-Omnibus Changes

County Manager Ruffin reiterated that he would draft language for the Goals and provide a report to the Board later in the week.

Vice-Chairman Reckhow elaborated on Goal No. 6, stating that youths 13 years or older would be transferred to the adult system for serious violent felonies; that provision would not change with the proposal.

Per Commissioner Heron's request, Tax Administrator Kim Simpson addressed HB 1779, which proposes an act to create a combined motor vehicle registration renewal and property tax collection system.

Ms. Simpson asked that the Board include "Burden of Proof in Tax Appeals" as a Legislative Goal to request that the statute (G.S. § 105-290) be amended to restore the law to its pre-IBM state. She communicated to County Manager Ruffin that she emailed him additional Goals to beseech the Board's support.

Consent Agenda Item Removed for Discussion

Consent Agenda Item No. i. Approve the Agreement with the North Carolina Department of Transportation (NCDOT) related to the installation of a traffic signal at the intersection of

Roxboro and Dillard Streets in conjunction with the County's construction of the New Durham County Courthouse and Parking Structure and authorize the Manager to execute the agreement.

Commissioner Bowser requested to pull this item to inquire about traffic impact on Roxboro Street vs. Mangum Street as a result of the New Durham County Courthouse construction.

County Engineer Glen Whisler addressed Commissioner Bowser's concerns regarding the traffic signal installation.

Commissioner Bowser noted in the Agreement between Durham County and the North Carolina Department of Transportation (NCDOT) that NCDOT reserves the right to install wooden poles in lieu of metal poles if the metal poles used for the traffic signal are damaged in the future.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. i.

The motion carried unanimously.

Board and Commission Appointments

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

Chairman Page announced that appointments to the Audit Oversight Committee would be postponed until the September 27, 2010 Regular Session.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to cancel the September 7, 2010 Worksession.

The motion carried unanimously.

County Manager Ruffin explained that citizens who signed up to speak at the September 7 Worksession would either speak at the September 27 Regular Session or the October 4 Worksession.

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

Adult Care Home Community Advisory Committee
Patricia Plummer

City-County Appearance Commission
Wanona Satcher (recommended by JCCPC)

Closed Session

Commissioner Howerton moved, seconded by Commissioner Heron, to adjourn to closed session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

The motion carried unanimously.

Reconvene to Open Session

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

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:11 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Yvonne R. Jones". The signature is written in a cursive style with a large, looped initial "Y".

Yvonne R. Jones
Deputy Clerk to the Board