

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

Monday, March 11, 2013

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 Durham County Department of Social Services' office hours will be changing. Effective June 24, 2013 the agency's operating hours to the public will be 7:30 am - 5:30 pm;
 - 4) The new Durham Diabetes Coalition television show, "Living Healthy" is currently airing nightly at 7:00pm on Durham Government Television, Time Warner Cable Channel 8. The 30-minute program features segments on topics such as nutrition, physical activity, local resources, diabetes information, and personal stories of Durham

residents living with type 2 diabetes. The purpose of the show is to give residents tips and tools to live a healthy lifestyle and help people manage their diabetes successfully.

4. Minutes (5 min)

a. Minutes will be submitted April 8, 2013 for approval.

5. Presentation of Anchor Award to County Engineer Glen Whisler (5 min)

- 1) The Board is requested to present an Anchor Award to County Engineer Glen Whisler for his stellar performance in the implementation the County's Capital Improvement Plan, which over the last ten years contained scores of projects and over \$1 billion in costs. Yesterday's dedication of the new Courthouse was a proud occasion in the history of Durham County. The new Courthouse is a \$120 million facility, which was completed on time and under budget. In fact, the County saved approximately \$25 million on the Courthouse construction contract. Mr. Whisler's project management skills are excellent, and over his tenure he has saved the County hundreds of thousands of dollars in unnecessary costs through his personal attention to project details.

Resource Persons: Mike Ruffin, County Manager; Glen Whisler, County Engineer

County Manager's Recommendation: The County Manager recommends that the Board present the award and express its appreciation to Mr. Whisler for his dedication and outstanding performance to Durham County citizens.

6. Consent Agenda (15 min)

- a. Approve the resolution and appoint County Review Officers to perform functions as listed in N.C.G.S. 47-30.2 and to cancel the appointment of a County Review Officer;
- b. Approve the Ordinance amending Article IV of Chapter 26 of the County of Durham Code of Ordinances;
- c. Approve the re-appointment of Dr. Nancy Henley to the Durham County seat designated for an individual with clinical expertise on the Board of Directors of Alliance Behavioral Healthcare;
- d. Approve the First Amendment to the Interlocal Agreement for Reclaimed Water Supply with the Town of Cary and authorize the Manager to execute the amendment;
- e. Authorize the County Manager to amend the design contract with The Freelon Group (TFG), P.A., to include the additional Construction Administration (CA) Phase and related services for the DCHS project in the amount of \$670,596.00 plus reimbursable expenses and additional services if necessary, estimated at \$33,530.00 for a total \$704,126.00, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursement to \$10,733,776.00;

- f. Approve the proposed Interlocal Agreement with the City of Durham for a Joint Disparity Study;
- g. ITEM REMOVED;
- h. Approve the recommendation from the Durham County Library Board of Trustees to proceed with naming opportunity in the following library location: Southwest Regional Library;
- i. Approve the janitorial services contract with A Plus Group, LLC beginning April 1, 2013 through June 30, 2013 in the annual amount of \$65,013.00 and authorize the Manager to execute the contract and amendments or renewals as necessary over the next four consecutive years;
- j. Amend the contract with Tax Management Associates for property value discoveries and approve Budget Ordinance Amendment No. 13BCC000061 in the amount of \$75,000. Payment is made to TMA only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected;
- k. Approve Budget Ordinance Amendment No. 13BCC000062 to appropriate \$50,000 from General Fund fund balance to pay for out of county placement costs for the Youth Home;
- l. Approve the new Interlocal cooperation agreement (see attachment) for the division of sales tax between the County of Durham and the City of Durham for the period July 1, 2013 through June 30, 2018, and authorize the County Manager to sign of this agreement;
- m. Award the engineering services contract to Roughton Nickelson Deluca Architects (RND) for Administration Building elevator modernization & upgrade engineering services in an amount not to exceed \$50,000 and authorize the Manager to execute the contract;
- n. Adopt the Resolution authorizing the Research Triangle Regional Public Transportation Authority to levy an additional three dollar (\$3.00) vehicle registration tax on motor vehicles registered in Durham County.

7. Public Hearing and Resolution Regarding the Levy of a Seven Dollar (\$7.00) Vehicle Registration Tax on Motor Vehicles Registered in Durham County (15 min)

- 1) The Board is requested to hold a public hearing regarding the levy of a Seven Dollar (\$7) vehicle registration tax on motor vehicles pursuant to NC Gen. Stat. §105-570 and if appropriate, approve the Resolution levying the motor vehicle tax. Liability for and collection of the registration tax would begin on the first day of the sixth calendar month after adoption of the Resolution.

Resource Persons: Lowell L. Siler, County Attorney

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing and if appropriate adopt the Resolution levying a seven dollar (\$7.00) vehicle registration tax on motor vehicles registered in Durham County.

8. Interlocal and Implementation Agreement For Public Transportation

- 1) The Board is requested to approve (i) an Interlocal Agreement with the City of Durham, the City of Raleigh and the Town of Chapel Hill and (ii) an Implementation Agreement with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) and the Research Triangle Regional Public Transportation Authority (TTA) regarding the administrative distribution and use of the \$7 Vehicle Registration tax. The proposed agreements specify that all of the funds received by the County from the North Carolina Division of Motor Vehicles pursuant to N.C. Gen. Stat. §105-570, shall be forwarded and transferred promptly to TTA to be used for public transportation in accordance with the Durham County Bus and Rail Investment Plan. The Implementation Agreement further allows for up to an amount equal to one-half of the proceeds from the \$7 vehicle registration tax received annually to be used by DATA to pay for the increased cost of existing bus service operations.
- 2) Both agreements are attached in substantially final form.

Resource Persons: Carol Hammett, Deputy County Attorney

County Manager's Recommendation: The Manager recommends that the Board approve (i) the proposed Interlocal Agreement with the City of Durham, the City of Raleigh and the Town of Chapel Hill and (ii) the proposed Implementation Agreement with the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) and the Research Triangle Regional Public Transportation Authority (TTA) both regarding the administrative distribution and use of the \$7 Vehicle Registration tax, subject to non-substantive changes by the County Attorney.

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

10. Closed Session (30 min)

- 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 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.