

(Amended to remove items 5 & 8; revise 10i; add items 10l and Closed Session)

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

Monday, February 27, 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 pm. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
 - "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.
4. **Minutes** 5 min.

February 13, 2012 Regular Session
5. **Proclamation — Professional Social Work Month** 5 min.

~~Each year Professional Social Work Month is celebrated in March to recognize the many achievements and contributions of social workers. DSS is requesting that the Commissioners issue a proclamation recognizing the valuable contributions that social workers make in our community at DSS, in hospitals, Schools, community based organizations and in private practice.~~

Resource Persons: ~~John Holtkamp, Assistant Director of Family Safety & Permanency and Gail Perry, Interim Director, Department of Social Services~~

~~**County Manager's Recommendation:** The County Manager recommends that the Board approve a proclamation declaring Professional Social Work Month in Durham County.~~

6. Resolution Congratulating Bragtown Library on 50 years of Service to the Community

5 min.

The Board is requested to support a resolution recognizing and congratulating Bragtown Library on 50 years of service to the community. Residents of the Bragtown neighborhood raised funds for a new library and deeded the land at Ruth Street and Dearborn Drive to the Durham Colored Library in July of 1961. The Bragtown Branch Library was dedicated and began serving the community on March 11, 1962. In April of 1966, the Durham Colored Library merged with the Durham City-County Public Library, and Bragtown became part of the new Durham County Library system. Today, Bragtown Library continues to serve its community with story times in English, Spanish and French for children and toddlers, tutoring for school-aged children, and neighbor-to-neighbor programs that engage adults and seniors. Last year, Bragtown Library had more than 6,800 visits; it hosted 128 programs, which were attended by approximately 2,000 children, teens and adults; and it provided vital access to technology as visitors logged 1,190 computer sessions. All of this in a 1,000 sq. ft. facility, open only 20 hours a week. For providing outstanding service, and for serving as an anchor in its community, we request that the Board of County Commissioners support a resolution recognizing Bragtown Library on its upcoming 50th anniversary.

Resource Persons: Tammy Baggett, Library Director; Karlene Fyffe, Youth Services Administrator; Anita Hasty-Speed, Bragtown Library Manager

County Manager's Recommendation: The County Manager recommends that the Board support a resolution recognizing and congratulating Bragtown Library on 50 years of service to the community.

7. Resolution Honoring Mrs. Mary Duke Biddle Trent Semans

5 min.

The Board is requested to pay tribute to Mrs. Mary Duke Biddle Trent Semans who was one of this community's most ardent supporters. She was known for her generosity and humanity towards persons without an effective voice and for her advocacy and support of healthcare, the arts, and higher education. Mrs. Semans was mayor pro tem of Durham from 1953 -1955 and was one of the first women elected to the City Council.

Resource Person: Michael Page, Chair, Durham County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board read and present the resolution the family of Mrs. Mary Duke Biddle Trent Semans.

8. Resolution Opposing the Use of Hydraulic Fracturing in Durham County

5 min.

~~The Durham Board of County Commissioners has been asked to approve the attached resolution opposing so-called, “fracking,” or extracting natural gas that involves fracturing underground rock, thousands of feet below the surface with a high pressure cocktail of sand, water and toxic chemicals. The process is viewed as an imminent threat to Durham County in the form of contaminating of drinking wells, surface waters, air quality and more. The resolution asks the General Assembly to refrain from passing any permissive legislation on this issue until current EPA studies have been completed and better data is available regarding the consequences of this process on the health, environment and economy of our state.~~

~~**Resource Person:** Michael D. Page, Chair, Durham County Commissioners~~

~~**County Manager’s Recommendation:** The County Manager recommends that the Board approve the attached resolution and provide a copy to the leadership of the North Carolina General Assembly and members of the Durham Delegation.~~

9. Resolution Regarding Certain Provisions of N. C. Charter Schools Operations as Presently Constituted

5 min.

The Durham Board of County Commissioners has been asked to support the attached resolution regarding the operations of charter schools as constituted by the North Carolina State Board of Education. This comes at the request of the Durham Public Schools Board of Education.

Resource Person: Michael D. Page, Chair, Durham County Commissioners

County Manager’s Recommendation: The County Manager recommends that the Board approve the attached resolution and provide a copy to Durham Public Schools and the State Board of Education.

10. Consent Agenda

15 min.

- a. Approve minutes of 2011 Closed Sessions that have been released by the County Attorney;
- b. Approve Budget Ordinance Amendment No. 12BCC000055 in the amount of \$2,240 from the NC Department of Health and Human Services for the Family Planning Program;
- c. Approve Budget Ordinance Amendment No. 12BCC000056 in the amount of \$2,964 from the state of North Carolina for the Refugee Health Program;
- d. Approve Budget Ordinance Amendment No. 12BCC000057 to amend the Animal Kind contract to allow the reimbursement of \$11,723 from NC Department of Agriculture and Consumer Services Spray/Neuter Program to Durham County be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;

- e. Approve Budget Ordinance Amendment No. 12BCC000058 in the amount of \$1,560 from the N.C. Department of Health and Human Services for the Environmental Health Division;
- f. Approve Budget Ordinance Amendment No. 12BCC000059 in the amount of \$2,489 from the N.C. Department of Health and Human Services for the Infection Control Program;
- g. Approve the final budget for the Caywood Farms conservation easement and to authorize the Manager to execute the conservation easements;
- h. Appoint a special Board of Equalization and Review, designate membership to this Board, appoint Chair and Vice Chair and approve compensation;
- i. Accept and approve the items below and authorize staff to move forward with the financing:
 - **A preliminary resolution relating to the authorization of Refunding Bonds in an amount not to exceed \$17 million;**
 - **Introduction of the Bond Order authorizing the Refunding Bonds;**
 - **Setting a Public Hearing for March 12, 2012;**
 - **Acceptance of a sworn statement of debt of the County.**
- j. Approve Budget Ordinance Amendment No. 12BCC000060 and authorize the Manager to execute the Loan Documents on behalf of the County;
- k. Approve Capital Project Amendment No. 12CPA000007 appropriating \$39,800 of additional funding from the NC Housing Finance Agency and Duke Energy. For this project General Fund dollars will fund purchases made before loan funds are available through an interfund loan of that amount and will be reimbursed/repaid once the loan funds become available;
- l. Approve the Attached Resolution and authorize staff to move forward with the financing of the Limited Obligation Bonds.**

11. Presentation on the I-40 Regional Partnership: Bus on Shoulder Systems (BOSS) Initiative

15 min.

The Board is requested to receive a presentation concerning North Carolina's first pilot implementation of bus on shoulder, which will take place on I-40 in Durham County in the first half of 2012. Bus on shoulder operation is a low-cost treatment that can provide immediate benefits to transit whenever mainline travel is experiencing moderate to heavy degrees of congestion. Bus on shoulder operation allows authorized transit buses with trained drivers to operate on the shoulders of selected freeways in order to bypass congestion and maintain transit schedules.

NCDOT and Triangle Transit will implement a pilot bus on shoulder program on portions of I-40 in Durham County in 2012. This pilot implementation of a Bus on Shoulder System (BOSS) initiative in our region will be the first of its kind in North

Carolina. Under North Carolina BOSS guidelines, authorized transit buses will only be able to use designated shoulders when travel speeds are below 35 MPH in the main lanes and these buses will only be able to travel up to 15 MPH faster than other vehicles.

BOSS operation is a subservient use of the shoulder: the primary use of the shoulder as a breakdown lane for emergency operations continues as today and buses must yield to everything in the shoulder.

If the pilot program proves to be successful, the program could be expanded to other segments of I-40 and/or other routes in Durham County and elsewhere in the Triangle with the goal of creating a regional bus on shoulder system.

Resource Persons: John Tallmadge, Triangle Transit; Margaret Scully, Mobility Manager, Durham County Cooperative Extension

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation.

12. Board Appointments

10 min.

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Adult Care Home Community Advisory Committee
- Animal Control Advisory Committee
- Bicycle & Pedestrian Advisory Commission
- City-County Appearance Commission
- City-County Planning Commission
- Durham-Wake Counties Research and Production Services District
- Juvenile Crime Prevention Council
- Open Space & Trails Commission
- Public Health Board
- Women's Commission

Resource Person: Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

13. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

20 min.

14. Closed Session

30 min.

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.