

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

Monday, November 28, 2011

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 and Pam Karriker

Absent: Commissioner Brenda Howerton

Presider: Chairman Page

Opening of Regular Session— Chairman Page asked everyone to join in the Pledge of Allegiance. Chairman Page noted that Commissioner Howerton had been excused from the meeting.

Agenda Adjustments

There were no adjustments.

Announcements

Chairman Page acknowledged and welcomed Boy Scout Troop Pack #137 to the meeting. The troop was present to observe the meeting as an exercise towards earning their civic badge.

Chairman Page made the following announcements:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 am and 12 noon on Mondays; and 8:30 am, 12 noon and 6:30 pm on Tuesday – Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 pm, Saturdays at 9:00 pm, and Sundays at 9:00 pm.
- The FY2012-2013 Nonprofit Agency Funding process began on November 4, 2011 with the opening of the pre-application submission period. All Durham community nonprofits interested in applying for FY2013 nonprofit funding **are required** to first submit a Pre-Application Questionnaire and accompanying documents no later than midnight EST on Thursday December 15, 2011. 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 FY2013 funding. The Pre-Application Questionnaire and the Nonprofit Agency Funding Program policy are available on the County's website through December 15, 2011. 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.

- Help make Christmas special for a family or an elderly or disabled adult in Durham by participating in the Share Your Christmas Program. Durham County DSS, in partnership with The Volunteer Center of Durham and the Herald Sun, pairs individuals and groups with Durham residents at the 200% poverty income level. To make a donation or adopt a family, call Kim Shaw at 613-5109 or Kathy Kenney at 613-5101.

Minutes

Vice Chair Reckhow moved, seconded by Commissioner Karriker, to approve the following minutes with the noted revisions and corrections:

Nov 7, 2011 Worksession (pg 6 - Commissioner Bowser should not be counted absent, and the vote was unanimous)
Nov 7, 2011 Strategic Plan Town Hall Meeting
Nov 10, 2011 Strategic Plan Town Hall Meeting 1:00 pm
Nov 10, 2011 Strategic Plan Town Hall Meeting 7:00 pm
Nov 14, 2011 Regular Session (pg 9 - Vice-Chair Reckhow adjourned the meeting instead of Chairman Page)

The motion carried unanimously.

Sales Tax Referenda Approval - Recognition of Community Leaders

Chairman Page recognized Education Sales Tax Committee Co-Chairs Meredythe Holmes and Steve Toler. The Board thanked them for their efforts and energy in garnering voter support for the sales tax referendum initiatives.

Ms. Holmes thanked the committee members and the voters of Durham County for a successful campaign. Mr. Toler also thanked the community partners for their support.

Ms. Laura Benson, Partnership for Children, thanked everyone for investing in children.

Ms. Susan Ross and Dr. Vincent Allison, Transit Tax Committee Co-Chairs, were thanked by the Board for their leadership and efforts.

Ms. Ross and Dr. Allison expressed their appreciation to the committee members, the community, and the voters.

Chairman Page commended John White, Chamber of Commerce, for his commitment.

Consent Agenda

Chairman Page asked the Board if there were consent items they wished to pull. Commissioner Bowser pulled items 6f and 6g. Vice Chair Reckhow requested to comment on item 6c. She commended the Sheriff's Office on seeking outside sources to assist in funding the detention center.

Vice Chair Reckhow moved, seconded by Commissioner Karriker, to approve the following consent agenda items:

- a. Authorize the County Manager to enter into a contact with Southern Ionics, Inc. for up to \$190,700 per fiscal year and authorize the County Manager to execute annual renewals, for up to four additional one year periods, of this contract as funding becomes available;
- b. Accept the property tax release and refund report for October 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- c. *Authorize the Sheriff's Office to accept the award in the amount of \$162,543 from the Bureau of Justice Assistance and approve Budget Ordinance Amendment No. 12BCC000032 amending the budget as requested;
- d. *Approve Budget Ordinance Amendment 12BCC000033 accepting and appropriating the \$7,546 Homeland Security Grant Program award;
- e. *Approve Budget Ordinance Amendment No. 12BCC000034 in the amount of \$2,000 from NC DJJDP to cover costs associated with the community forum;
- h. *Amend the contract with Turner Business Appraisers for the property value discoveries and approve Budget Ordinance Amendment No.12BCC000035 in the amount of \$120,000.00. Payment is made to TBA 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;
- i. *Approve Budget Ordinance Amendment No. 12BCC000036 allocating \$500,000 from the General Fund Fund Balance to be placed in a New General Fund Sub-Fund to cover costs associated with the MCO implementation, and that a contract in an amount not to exceed \$60,000 be approved for Heery International, P.C. The funds shall not be transferred until a repayment agreement has been approved by the Board of Directors of The Durham Center and executed by the County Manager for terms not to exceed 36-months from the date of transfer and at an interest rate not to exceed an annual percentage rate of 4.25%;

- j. *Approve Budget Ordinance Amendment No. 12BCC000037 to recognize \$50,000 from the North Carolina Department of Environment and Natural Resources for the Environmental Health Division;
- k. *Approve Budget Ordinance Amendment No. 12BCC000038 for the establishment of Laboratory Fees and to amend the approved fee schedule;
- l. Approve the Agreement with the North Carolina Department of Transportation (NCDOT) for reimbursement up to \$77,032.00 for work along Roxboro and Mangum Streets in conjunction with the construction of the New Durham County Courthouse and Parking Structure and authorize the Manager to execute the agreement;
- m. Authorize the County Manager to execute a license agreement with North Carolina Railroad Company, Inc. and Norfolk Southern Railway Company, Inc. for the installation and operation of an optical fiber communications line under the railroad Right of Way in the vicinity of Pettigrew Street between Roxboro and Mangum Streets;
- n. Appoint the member to the Community Child Protection Team/Child Fatality Prevention Team (CCPT/CFPT).

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. c.

**DURHAM COUNTY, NORTH CAROLINA
2011-2012 Budget Ordinance
Amendment No 12BCC000032**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$72,730,806	\$162,543	\$72,893,349

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Public Safety	\$45,696,495	\$162,543	\$45,859,038

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

This the 28th day of November, 2011.

Consent Agenda Item No. d.

**DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000033**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$72,893,349	\$7,546	\$72,900,895

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,859,038	\$7,546	\$45,866,584

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

This the 28th of November, 2011.

Consent Agenda Item No. e.

**DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000034**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$72,900,895	\$2,000	\$72,902,895

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,866,584	\$2,000	\$45,868,584
Protection			

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

This the 28th of November, 2011.

Consent Agenda Item No. h.

**DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000035**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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>			
Taxes	\$250,128,475	\$120,000	\$250,248,475

Expenditures

<u>GENERAL FUND</u>			
General Government	\$77,539,070	\$120,000	\$77,659,070

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

This the 28th of November, 2011.

Consent Agenda Item No. i.

**DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000036**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$17,956,378	\$500,000	\$18,456,378
<u>NEW MCO FUND</u>			
Other Financing Sources	\$ 0	\$500,000	\$ 500,000

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$77,659,070	\$500,000	\$78,159,070

NEW MCO FUND

Human Services \$0 \$500,000 \$ 500,000

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

This the 28th of November, 2011.

Consent Agenda Item No. j.

**DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 12BCC000037**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$72,902,895	\$50,000	\$ 72,952,895

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$107,232,181	\$50,000	\$107,282,181

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

This the 28th of November, 2011.

Consent Agenda Item No. k.

**DURHAM COUNTY, NORTH CAROLINA
 FY 2011-12 Budget Ordinance
 Amendment No. 12BCC000038**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

Durham County Health Department Laboratory Fee Schedule

TEST	CPT CODE	DCHD Proposed FEE
Chemistry:		
Basic Metabolic Panel	80048	\$12.40

Comprehensive Metabolic Panel	80053	\$13.06
Hepatic Function Panel	80076	\$12.40
Lipid Panel	80061	\$21.18
BUN (Blood Urea Nitrogen)	84520	\$6.10
Calcium	82310	\$7.97
Carbon Dioxide	82374	\$7.56
Chloride	82435	\$7.10
Creatinine (blood)	82565	\$7.93
Creatinine (Urine)	82570	\$8.00
Glucose	82947	\$6.07
Potassium	84132	\$7.10
Sodium	84295	\$7.45
Albumin	82040	\$7.66
Bilirubin, Total	82247	\$7.77
Bilirubin, Direct	82248	\$7.77
Alkaline Phosphatase	84075	\$8.00
Aspartate Amino Transferase (AST)	84450	\$8.00
Alanine Amino Transferase (ALT)	84460	\$8.18
Iron	83540	\$10.03
Cholesterol, Total	82465	\$6.72
Triglycerides	84478	\$8.91
Uric Acid	84550	\$6.99
Total Protein	84155	\$5.66
Total Protein, Urine	84156	\$5.66
Hematology:		
CBC	85004	\$10.00
Blood Count/w Platelet County	85027	\$10.00
Hemoglobin	85018	\$3.66
Hematocrit	85014	\$3.66
Immunohematology (Blood Bank):		
ABO	86900	\$4.61
Rh	86901	\$4.61
Antibody Screen	86850	\$18.02
Immuno Assay:		
Ferritin	82728	\$21.08
Folic Acid	82746	\$22.74
Vitamin B12	82607	\$23.31
Free T4	84439	\$13.95
TSH	84443	\$25.21
βhCG	84702	\$13.53
Serology:		

RPR	86592	\$6.60
RPR Titer	86593	\$6.83
Urinalysis	81003	\$3.48
Urine Micro	81015	\$4.70
Urine Culture	87086	\$12.48
Microscopy:		
Wet Prep	87210	\$5.90
Gram Stain	87205	\$6.60
Dark Field	87164	\$9.80
Microbiology		
Gonorrhea Culture	87081	\$8.93
Chlamydia by DNA probe	87490	\$31.00

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

This the 28th of November, 2011.

Public Hearing – Zoning Map Change – Claremont Acres 2 (Z1100016)

Chairman Page recognized Mr. Steve Medlin, City-County Planning Director. Mr. Medlin gave a brief overview of the case.

The Board was requested to approve a request for a zoning map change for a 4.88 acre site located Clausun Drive, north side of Scott King Road and east of Herndon Road;

Request: RR; F/J-B to RS-20; F/J-B

The Board was also requested to adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan*, and is reasonable and in the public interest in light of information presented at the public hearing and in the accompanying agenda materials.

Planning staff determined that this request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances as presented in the staff report. The Planning Commission unanimously recommended approval on October 11, 2011.

Vice Chair Reckhow inquired about two lots that appeared to be in the floodplain. Mr. Medlin clarified that both lots were buildable.

Chairman Page opened the public hearing. Mr. Bill Ripley, applicant, came forward to answer any questions. He agreed with the staff report findings.

Chairman Page closed the public hearing.

Vice Chair Reckhow moved, seconded by Commissioner Karriker to approve the zoning map change as requested.

The motion carried unanimously.

Resolution Levying a One-Quarter Cent (1/4¢) County Sales and Use Tax

Attorney Siler briefed the Board on the requirement to adopt a resolution to levy the one quarter cent sales and use tax, pursuant to Article 46 of Chapter 105 of the NC General Statutes.

A referendum on the tax was held on November 8, 2011, at which a majority of those voting in the referendum voted for the levy of the tax. This tax does not apply to food, as exempted by N.C.G.S. § 105-537. Once levied, collection of the tax will begin on April 1, 2012.

Once adopted, the Resolution will be sent to the Secretary of Revenue along with the certified results of the election. Proper notice of the intent of the Board of Commissioners to consider this resolution, pursuant to N.C.G.S. § 105-537, was published.

Manager Ruffin remarked that the one quarter cent collected the first year will amount to \$2.3 million. \$200,000 is pledged to the Partnership for Children, which will leave a balance of \$2.1 million. All affected organizations would receive monies as part of the 2012-2013 budget.

Vice Chair Reckhow clarified that although the transit tax was approved, the Board committed to wait and see how Orange and Wake counties proceed. The Board will have to discuss options if Wake and Orange counties do not move forward with the transit tax.

Commissioner Karriker moved, seconded by Vice Chair Reckhow to adopt the Resolution levying the One-Quarter Cent (1/4¢) County Sales and Use Tax effective April 1, 2012, and direct the Clerk to forward same along with the certified results of the Nov. 8, 2011 election to the NC Secretary of Revenue.

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. The following appointments were made:

- Alcohol Beverage Control Board
 - Deirdre T. Guion
- Animal Control Review Board
 - Tony Botts
- Community Child Protection Team/Child Fatality Prevention Team
 - Clare Fair
 - David Kraus
- Durham Convention & Visitors Bureau/Tourism Development Authority
 - Newman Aguiar
- Nursing Home Community Advisory Committee
 - Dr. Iris Carlton-LaNey

- Women's Commission
 - Sharon Mullen
 - Jocelyn Harper

Items Pulled from Consent Agenda

Item 6f:

Increase the 2012 ERP HR Upgrade Capital Project (DC084) budget from \$2,000,000 to \$2,600,000 by moving \$600,000 of unspent funds from the 2010 ERP Upgrade Project (DC083) budget. The Manager also recommends that the Board authorize the execution of the consultant services contract for Valtech, Inc. in the amount of \$2,046,880 for the implementation and enhancement to the SAP ECC 6.5 HCM functional module as part of the FY2012 HR ERP Upgrade Project (DC084) and authorize the finance director to borrow the estimated required funds (\$1,750,000).

Commissioner Bowser requested clarification on the item. Ms. Elaine Hyman, Interim Human Resources Director, explained that Phase I of the project was to upgrade the technical part of the SAP system. That has been completed. Phase II entails implementation. The upgrade will compliment the design and configuration of E-Recruitment to enhance online application and human resource processes. She added that monies were left over from Phase I that will be moved to Phase II. Some software not purchased in the first phase will be purchased in Phase II. The County received three bids. Valtech was the selected vendor.

Manager Ruffin indicated that the project was part of the approved CIP. \$2 million was the cost for Phase I and \$2.5 million is the projected cost for Phase II.

Commissioner Bowser moved, seconded by Vice Chair Reckhow to increase the 2012 ERP HR Upgrade Capital Project (DC084) budget from \$2,000,000 to \$2,600,000 by moving \$600,000 of unspent funds from the 2010 ERP Upgrade Project (DC083) budget; and authorize the execution of the consultant services contract for Valtech, Inc. in the amount of \$2,046,880 for the implementation and enhancement to the SAP ECC 6.5 HCM functional module as part of the FY2012 HR ERP Upgrade Project (DC084); and authorize the finance director to borrow the estimated required funds (\$1,750,000).

Item 6g:

Approve Capital Project Amendment No. 12CPA000005 moving \$1,200,000 from four completed 2007 GO Bond funded DPS capital projects (Club Boulevard Elementary School, Carrington Middle School, and Neal Middle School) to one other 2009 COPS Bond and 2007 GO Bond funded DPS capital projects (Lakewood Montessori Middle School);

Commissioner Bowser indicated he pulled the item to vote against it.

Vice Chair Reckhow moved, seconded by Commissioner Karriker to approve Capital Project Amendment No. 12CPA000005 moving \$1,200,000 from four completed 2007 GO Bond funded DPS capital projects (Club Boulevard Elementary School, Carrington Middle School, and Neal Middle School) to one other 2009 COPS Bond and 2007 GO Bond funded DPS capital projects (Lakewood Montessori Middle School).

The following vote was taken:

AYES: Page, Reckhow, Karriker
NOES: Bowser

Closed Session

Vice Chair Reckhow moved, seconded by Commissioner Karriker, to move into 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.

Return to Open Session

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

Chairman Page again thanked the Boy Scout troop for attending the meeting.

There being no further business, the meeting was adjourned at 8:50 pm.

Respectfully submitted,



V. Michelle Parker-Evans
Clerk to the Board