

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

Monday, November 28, 2011

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.
 - 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.

4. **Minutes**

5 min.

Nov 7, 2011 Worksession
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

5. **Sales Tax Referenda Approval: Recognition of Community Leaders**

15 min.

Several community leaders will be present who worked to garner voter support for the sales tax referenda initiatives that were approved by voters on Tuesday, November 8. Meredythe Holmes and Steve Toler, Co Chairs of the Education Sales Tax Committee will be present; Susan Ross and Dr. Vincent Allison of the Transit Tax Committee will be present, along with Casey Steinbacher and John White from the Greater Durham Chamber of Commerce; and Bo Glenn of Durham-Orange Friends of Transit will also attend. These community leaders worked tirelessly to help voters understand the benefits of both sales taxes.

Resource Person: Michael Page, Chairman, Board of Commissioners

County Manager's Recommendation: The County Manager recommends that the Board express its appreciation to these community leaders for the efforts in helping voters to understand the benefits of both sales tax initiatives.

6. **Consent Agenda**

15 min.

- a. Authorize the County Manager to enter into a contract 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;
- f. 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);
- g. 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);
- 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).

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

15 min.

The Board is 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

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; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented at the public hearing and in the accompanying agenda materials.

Staff Determination: Staff determines that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances as presented in the staff report.

Planning Commission Recommendation and Vote: Approval, 12-0 on October 11, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

Resource Persons: Steven L. Medlin, AICP, City-County Planning Director and Scott Whiteman, AICP, Planning Supervisor

County Manager’s Recommendation: The County Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

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

15 min.

The Board is requested to adopt the proposed Resolution Levying the One Quarter Cent County Sales and Use Tax. The North Carolina General Assembly has enacted the “One-Quarter Cent (1/4¢) County Sales and Use Tax Act” Article 46 of Chapter 105 of

the North Carolina General Statutes, which authorizes counties to levy a local sales and use tax. 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.

A copy of a proposed Resolution Levying the tax is attached. 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.

Resource Person: Lowell L. Siler, County Attorney

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

9. Board and Commission 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:

- Alcohol Beverage Control Board
- Animal Control Review Board
- Community Child Protection Team/Child Fatality Prevention Team
- Durham Convention & Visitors Bureau/Tourism Development Authority
- Nursing Home Community Advisory Committee
- 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.

10. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA

20 min.

11. Closed Session

15 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.

2 hrs. 5 min.