

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

Monday, January 13, 2014

MINUTES

2:00 pm

Place: Commissioners' Chambers, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chair Brenda A. Howerton, and Commissioners Fred Foster, Jr., Wendy Jacobs, and Ellen Reckhow

Absent: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Chairman Page opened the meeting and announced that the Board was requested to adjourn to Closed Session pursuant to G.S. § 143-318.11(a)(6) 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.

Vice-Chair Howerton moved, seconded by Commissioner Reckhow to adjourn into Closed Session.

The motion carried unanimously.

Reconvene to Open Session – Chairman Page announced that the Board met in Closed Session and no action was taken.

Chairman Page asked for a motion to go into Closed Session pursuant to G.S. § 143-318.11(a)(6) 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)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.; and pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

Commissioner Foster moved, seconded by Commissioner Reckhow to adjourn into Closed Session.

The motion carried unanimously.

7:00 P.M. Regular Session

Reconvene to Open Session—Chairman Page announced that the Board met in closed session; no action was taken.

Chairman Page asked everyone to join in the Pledge of Allegiance.

Agenda Adjustments

There were no adjustments to the agenda.

Announcements

Chairman Page made the following announcements:

- "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 or 97-5 at 10 a.m., 3:30 p.m. and 6:30 p.m. 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.
- 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;
- "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All;
- The 9th Annual Durham City-County Martin Luther King, Jr. Observance Program will be held Wednesday, January 15th at noon, at the First Presbyterian Church, located at 305 E. Main Street. The keynote speaker is Rev. Dr. Luke A. Powery, Dean of Duke Chapel, and an Associate Professor of the Practice of Homiletics at Duke Divinity School. This free event is open to the public, and will feature the City-County Martin Luther King, Jr. Mass Choir;
- As Chair of the Board of County Commissioners, I will begin office hours for citizens on Wednesday, January 15th from 2:00 pm to 5:00 pm. Appointments can be made by calling me at 919-949-4022;
- Got a question for Durham County Government? Durham County will host an "Ask DCo" live Twitter chat on Wednesday, January 29 from 2:00 p.m. - 3:00 p.m., featuring guest host the Durham County Sheriff's Office. Just use the hashtag #AskDCo and staff will be available to answer your questions. Be sure to follow the Twitter accounts @DurhamCounty and @DurhamSheriff and get ready to "Ask DCo" from your computer or mobile device.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to approve as submitted the December 2, 2013 Worksession Minutes and December 9, 2013 Regular Session Minutes of the Board.

The motion carried unanimously.

Consent Agenda

Chairman Page asked the Commissioners if they desired to pull any items from the Consent agenda.

Commissioner Foster started that he would like to pull item “i.”

Commissioner Jacobs stated that she had a question regarding item “j.” Referencing the recent water contamination in West Virginia, she questioned the current policies for the inspection of industrial sites that produce wastewater.

Mr. Glen Whisler, P.E., County Engineer, responded that with regard to wastewater treatment, periodic inspections were conducted of all the industrial users in accordance with their use permits. He stated that the facilities had the responsibility to “self report” and were subjected to regular site visits for inspections. Mr. Whisler added that every five years a survey is conducted of the industrial sites to ensure that none of them have been over looked.

Commissioner Reckhow stated that she had a question regarding item “d.” She expressed concern that a specific date be used in the contract when it was written. Commissioner Reckhow questioned if the date or timeline had been discussed with the firm who would provide the service in question.

Mr. Drew Cummings, Assistant County Manager, responded stating that as the contract had not been awarded, that timeline specific information had not been discussed. However, he continued to state that dates and timelines would more than likely be a part of contract negotiations.

Mr. Joe Pearce, P.E., Utility Division Manager, stated that Withers & Ravenel had been provided with a draft timeline and did not indicate to staff that they were unable to meet the target dates as listed. Mr. Pearce commented that the company maintained a great deal of resources, including the ability to provide engineering and hydrogeology services without the use of a subcontractor. Commissioner Reckhow stated that the contract should emphasize that time was of the essence.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to approve the following consent agenda items (5a, c, d, e, f, g, h, and j):

- a. Approve the Records Retention and Disposition Schedule for Durham County Management;
- b. ITEM REMOVED;
- c. Approve the sole source exemption and authorize the county Manager to enter into a contract with Bradshaw Consulting Services, Inc. for the purchase of the Mobile Routing and Vehicle Location System (MARVLIS) in the amount of \$135,600.00;
- d. Authorize the County Manager to enter into a contract with Withers & Ravenel to provide Engineering and Hydrogeology services for the Rougemont Critical Water Infrastructure Improvements in an amount not to exceed \$150,000.00;

- e. Approve the sole source exemption and authorize the County Manager to enter into a contract with Schneider Electric in the amount of \$43,851.00 for upgrading the HVAC building automation system at the County Detention Center;
- f. Authorize the Tax Assessor to grant extensions for taxpayers, required by North Carolina General Statutes to list business personal property, who request an extension and show good cause during the month of January until April 15, 2014;
- g. *Approve Budget Ordinance Amendment No. 14BCC000036 and increase the budget for Coordinated Transportation by \$41,572;
- h. *Approve Budget Ordinance Amendment No. 14BCC000037 and increase the budget for Coordinated Transportation by \$37,950;
- j. Approve the Wastewater Pretreatment Program Interlocal Agreement with the City of Durham.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. g.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance
Amendment No. 14BCC000036

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$53,021,225	\$41,572	\$53,062,797

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$85,619,538	\$41,572	\$85,661,110

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

This the 13th day of January, 2014.

Consent Agenda Item No. h.

DURHAM COUNTY, NORTH CAROLINA
FY 2013-14 Budget Ordinance

Amendment No. 14BCC000037 - Revised

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$53,062,797	\$37,950	\$53,100,747

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$85,661,110	\$37,950	\$85,699,060

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

This the 13th day of January, 2014.

Public Hearing – Zoning Map Change – Triangle Paintball (Z1300027)

Mr. Patrick Young, City-County Planning Assistant Director, requested that the Board hold a public hearing regarding the request for a zoning map change for a 1.84 acre site located at 7460 Wake Forest Highway, south side of Wake Forest Highway between Southview Road and Coley Road. The requested zoning change was from Residential Suburban-20 (RS-20) to Rural Residential (RR). Mr. Young stated that the property was located in the Fall Lake Critical Watershed Overlay. He stated that if the zoning map change was approved it would allow the applicant to apply for a minor special use permit to expand their current business operations.

Mr. Young continued saying that staff determined that the zoning request was consistent with the Durham County Comprehensive Plan and other adopted policies and ordinances. In closing, he noted the Planning Commission Recommendation and Vote: Approval, 14-0 on November 12, 2013.

Chairman Page opened the public hearing.

Mr. Patrick Byker, Morningstar Law Group (agent for the developer), read a prepared statement in favor of the zoning map change.

As there were no other persons signed up to speak, Chairman Page closed the public hearing.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve the zoning map change Z1300027 located at 7460 Wake Forest Highway, south side of Wake Forest Highway between Southview Road and Coley Road from Residential Suburban-20 (RS-20) to Rural Residential (RR).

The motion carried unanimously.

Items Pulled From Consent Agenda

Consent Agenda Item No. i

- i. Approve Budget Ordinance Amendment No. 14BCC0000038 to pay out compensatory time balances. The funding source will be a fund balance appropriation from the General Fund for general fund employees and a fund balance appropriation from the Enterprise Fund for enterprise fund employees

Commissioner Foster requested that staff provide information regarding the total number of employees who would receive payment for compensatory time balances. He also questioned staff about how to prevent such an occurrence in the future.

Mr. Mike Ruffin, County Manager, responded stating that the occurrence was the result of many years of accrued compensatory time that had been recorded by Durham County Government for non-exempt employees. County Manager Ruffin stated that County policy for managing accrued time was modified in 2006. He continued to say that the issue was an unfunded accrued liability, meaning that the amount grew at the pace of an employee’s salary and had to be paid to employees at separation. Mr. Ruffin stated that the management of accrued time would be discussed with the Senior Management Team and a formal recommendation would be brought back before the Board at the February 3rd Board of County Commissioners Worksession.

Commissioner Reckhow stated that she had discussed this issue with County Manager Ruffin and that it would behoove the County to adopt a policy or system to prevent this type of situation in the future. She also stated that the Management Leave policy should also be reviewed.

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve Budget Ordinance Amendment No. 14BCC0000038 to pay out compensatory time balances.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
 FY 2013-14 Budget Ordinance
 Amendment No. 14BCC000038 - Revised

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2013-14 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	\$22,175,053	\$753,835	\$22,928,888
<u>ENTERPRISE FUND</u>			
Other Financing Sources	\$20,823	\$1,525	\$22,348

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$84,608,270	\$8,309	\$84,616,579
Public Safety	\$50,546,790	\$738,107	\$51,284,897
Environmental Protection	\$3,672,845	\$206	\$3,673,052
Economic and Physical	\$4,724,918	\$876	\$4,725,794

Development			
Human Services	\$85,712,925	\$6,336	\$85,705,396

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

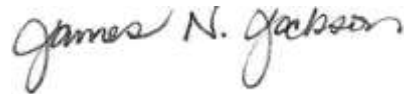
This the 13th day of January, 2014.

Adjournment

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



James N. Jackson
Deputy Clerk to the Board
Clerk to the Board