

REVISED

(Item No. 4)

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

Monday, August 3, 2009

9:00 A.M. Worksession

AGENDA

1. **Citizen Comments**

5 min.

Thelma White has requested time on the agenda to speak to the Commissioners about turn signals at Fayetteville Street and Riddle Road, and at Highway 55 and Riddle Road. She also seeks support for traffic signals at Riddle Road and Old Alston Avenue.

2. **Review of June and July BOCC Directives**

5 min.

It was requested that at each month's worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary. Because there was not a worksession in July, this review will include both the June and July directives.

Resource Person(s): Mike Ruffin, County Manager, and Laura Jensen, Assistant to the County Manager

County Manager's Recommendation: The Manager recommends that the Board review the June and July BOCC directives and make comments to staff as necessary.

3. **Environmental Affairs Board—Removal of Stephanie Combes as a Board Member due to Poor Attendance**

5 min.

On February 26, 2007, the Board of County Commissioners appointed Stephanie Combes to serve a full term on the Environmental Affairs Board (EAB). Based on information from the EAB chair, Ms. Combes has failed to comply with the Policy and Procedures for Appointments to the County Boards, Commissions, Committees, or Authorities set forth by the County Commissioners. Section 1.(F) of the Policy states, "*If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she is obligated to resign.*"

The Clerk to the Board's office has attempted to contact Ms. Combes via email, telephone, and courier mail requesting her resignation; no response has been received.

Resource Person(s): Angela Pinnix, Administrative Assistant, Clerk to the Board's office

County Manager's Recommendation: The Manager recommends that the Board suspend the rules and remove Ms. Combes from the Environmental Affairs Board.

4. **Falls Lake Nutrient Management Strategy (FLNMS) Rules Updates**

45 min.

The Board is requested to receive an update on the status of the FLNMS Rules and Associated Legislative actions. Staff also requests that the Board consider the attached resolutions regarding water quality improvements at Falls Lake. **The Board should direct the Planning Director to expedite an amendment to the Unified Development Ordinance, pursuant to Sections 3.20.5 and 3.20.5B.3a, and per the requirements of HB 1099, Section 3(h) and XX(c).**

The NC Department of Environment and Natural Resources (NCDENR) uses a process to create, review, and approve nutrient management strategy rules for water bodies that are listed as impaired per the NCDENR Section 303(d) list. The process begins with a Stakeholder Group that advises NCDENR as to what criteria to use in creating a baseline model to determine the level at which the water body is impaired and develop a strategy to improve water quality. The Stakeholder Group is comprised of a cross-section of interested parties. NCDENR also involves the Stakeholder Group in developing the rules. Once NCDENR has drafted the rules, the rules are presented to the Environmental Management Commission (EMC) for review and approval. After a period of public comment and EMC approval, the rules review committee reviews and approves the rules, after which they are presented to the NC General Assembly.

The current state law (**SL 2005-190, SL 2006-259**) requires NCDENR to implement the FLNMS Rules by ~~September~~ **July** 1, 2009. Proposed legislation, HB 1099, extends this deadline to ~~October 1, 2010~~ **January 15, 2011**. SB 1020 requires the EMC to give credit for early implementation of the FLNMS. HB 1099 also contains a requirement that interim **additional standards for land disturbance activities** become effective on ~~October~~ **December** 1, ~~2010~~ **2009**, before the NC General Assembly approves the permanent rules. In early 2009, NCDENR, Division of Water Quality submitted a request to the NC General Assembly to extend the deadline for EMC adoption of the FLNMS to November 2011.

Staff will provide an update on the status of the FLNMS Rules and potential impacts of interim rules.

Resource Person(s): Lowell Siler, Deputy County Attorney, Glen Whisler, P.E., County Engineer; Chris Roberts, P.E., S&E Division Manager, Engineering Dept.

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and provide direction to staff as appropriate and consider adoption of the Falls Lake Water Quality Resolutions. **The Board should direct the Planning Director to expedite an amendment to the Unified Development Ordinance, pursuant to Sections 3.20.5 and 3.20.5B.3a, and per the requirements of HB 1099, Section 3(h) and XX(c).**

5. **Fitness Center Lease within Durham Convention Center**

20 min.

The Board is requested to approve the lease and authorize the County Manager to execute it. The lease is for 250 square feet of space in the Durham Convention Center complex to be used as a fitness center by guests of the Durham Marriot at the Convention Center. The space is jointly owned by the City and County but has not been used, nor is any productive use foreseen, for improved operation of the Convention Center itself.

The term of the lease was proposed for five years on July 20 but, due to BOCC concerns, has been rewritten with a one-year term. The amount of the lease is still \$1/year for the one-year lease, which will expire along with the current management agreement. The low amount of the lease is justified because the space was not deemed useful to the Convention Center and because of its ability to enhance the attractiveness (and thus revenue-generating capacity) of the hotel / Convention Center complex.

Resource Person(s): County Manager Mike Ruffin

County Manager's Recommendation: The Manager recommends that the Board discuss and place approval of the lease on the August 10 Regular Session agenda.

6. **Discussion of Board and Commission Appointments**

30 min.

At the May 11, 2009 meeting of the Board of County Commissioners, it was requested that the Commissioners have an opportunity at a future worksession to discuss how board and commission appointments are recommended and voted upon.

Resource Person(s): Mike Ruffin, County Manager, and Laura Jensen, Assistant to the County Manager

County Manager's Recommendation: The Manager recommends that the Board discuss board and commission appointments and direct staff as necessary based on the discussion.

7. **Closed Session**

60 min.

The Board is requested to adjourn to Closed Session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4) and to consider the initial appointment of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

8. **Clerk to the Board Position Recruitment Process**

20 min.

Vonda Sessoms, Clerk to the Board, will retire on September 1. The position vacancy has been advertised and the application deadline expired on July 31, 2009. Staff needs direction from the Board regarding the process it desires to employ to fill the position.

Resource Person(s): Michael Page, Chairman; Marqueta Welton, Human Resources Director

County Manager's Recommendation: The Manager recommends that the Board discuss and agree upon a process so that staff can assist the Board with the recruitment and selection process.

9. **County Attorney Position Recruitment Process**

20 min.

Chuck Kitchen, County Attorney, will retire on November 30. Staff needs direction from the Board regarding the process it desires to employ to fill the position.

Resource Person(s): Michael Page, Chairman; Marqueta Welton, Human Resources Director

County Manager's Recommendation: The Manager recommends that the Board discuss and agree upon a process so that staff can assist the Board with the recruitment and selection process.

3½ hrs.