

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

Monday, January 5, 2004

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser (arrived at 9:15 a.m.), and Commissioners Philip R. Cousin Jr. (arrived at 9:25 a.m.), Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Resolution Opposing Location of Outlying Landing Field in Washington and Beaufort Counties

The Assistant Secretary of the United States Navy signed a Record of Decision on September 3, 2003 to build an Outlying Landing Field (OLF) on the Washington/Beaufort County Line. Government leaders, including Governor Easley and area residents, oppose the location of the OLF and seek resolutions from North Carolina's 100 counties opposing the OLF location.

Resource Person(s): Jeanne Van Staaldouin, North Carolinians Opposed to an Outlying Landing Field

County Manager's Recommendation: The Manager recommended that the Board suspend the rules and approve the requested resolution.

Chairman Reckhow announced that Ms. Staaldouin was not in attendance.

After a lengthy discussion, Chairman Reckhow advised that the resolution be placed on the January 12, 2004 Regular Session Consent Agenda.

Ten-Year Plan to End Homelessness

The Council to End Homelessness in Durham (CEHD), a federation comprising 25 organizations, has participated with Triangle United Way in local efforts to develop a ten-year plan to end homelessness. The CEHD requested that the Durham County Board of Commissioners take certain actions.

Resource Person(s): Terry Allebaugh, Chairman, Council to End Homelessness in Durham

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

Mr. Allebaugh presented the agenda item, requesting that the Board:

1. Participate in a joint press conference with the City of Durham announcing local government support and participation in a ten-year planning effort to eliminate homelessness in Durham County;
2. Appoint representatives to serve on the Steering Committee for the development of the ten-year plan; and
3. Appoint staff members from the Department of Social Services and The Durham Center to participate in the planning process.

Craig Chancellor, President of Triangle United Way, stated that he would like to serve on the Steering Committee.

Commissioner Jacobs commented that she supports the development of a ten-year plan.

Chairman Reckhow declared that the agenda item would be forwarded to the January 12, 2004 Consent Agenda.

No official action was taken on this item.

Citizen Comment—Reverend Thomas B. Bass Jr.

Reverend Thomas Bass Jr. requested an opportunity to apprise the Board about the status of discussions with Duke University Health System regarding possible use of the Oakleigh facility at Durham Regional Hospital for crisis stabilization services. At the Board's instruction, the County Manager facilitated an October 10, 2003 meeting between the Health System and representatives from Greater St. Paul Baptist Church, Durham Community Home of Recovery, and Gotta Save Project, at which time the group agreed to reconvene after the November 12-13, 2003 Durham County Health Summit.

Reverend Bass, 1033 Chalmers Street, Durham, NC 27707, Pastor of Oak Grove Missionary Baptist Church and Executive Director of Durham Community Home of Recovery, made a presentation concerning substance abuse in Durham and the partnership between the Durham Community Home of Recovery and the Gotta Save Project.

Rev. Bass stated his desire to address substance abuse issues in the community and to involve churches in the challenge. He has met with Commissioner Cousin, Mental Health Board Chairman Doug Wright, and Interim Mental Health Director Ellen

Holliman to discuss substance abuse in Durham and various programs proposed by Mental Health to address the issue. The Healing Place in Raleigh was also discussed.

Rev. Bass updated the Commissioners about various meetings he has attended during the past several months concerning substance abuse matters and requested direction from the Board regarding substance abuse programs.

Chairman Reckhow announced that Interim Mental Health Director Ellen Holliman was unable to attend the meeting. Mr. Jack Ramsey, Local Mental Health Administrator, was present to represent Ms. Holliman.

Chairman Reckhow recognized Mr. Ramsey to respond to Rev. Bass' concern that the date and time for the Request for Information (RFI) for crisis mental health services was changed, and he was not notified.

Yolanda Moore-Gaddy, Business Development Manager, Purchasing Department, remarked that the date for the return of the RFI was changed from October 1, 2003 to October 15, 2003 and the time from 4:00 p.m. to 2:00 p.m. The Purchasing Department had denied receipt of the RFI from Rev. Bass, as it was submitted after the deadline. Bidders were notified by the Mental Health Department of the date and time change, as required by general statute.

Rev. Bass said that Roland Staton, representing Gotta Save Project Inc., had carried the proposal and budget to MaryAnn Black.

Ms. Black stated that she did not receive the proposal and budget.

Mr. Staton commented that he would have the documents to her within two hours.

Vice-Chairman Joe Bowser stated his opinion that Rev. Bass was troubled about Mental Health's willingness to work with Duke University Health System, which also disturbed Vice-Chairman Bowser.

Ms. Black reported that on October 10, 2003, she requested from Rev. Bass a copy of the budget being proposed for the Oakleigh facility, along with the plan. She stated that the Health System is working with representatives from Durham County and The Durham Center to make certain that mental health and substance abuse issues are being addressed in this community. She reaffirmed that the desire of Duke University Health System is to work with all parties. A meeting has been scheduled with representatives from The Durham Center, Duke University Health System, and Durham County to discuss substance abuse and other issues related to revamping Mental Health.

Vice-Chairman Bowser asked Ms. Black if Duke University Health System and Mental Health are trying to eliminate the faith community from the process.

Ms. Black said that Duke University Health System made a decision not to bid on a portion of the RFI. At the upcoming meeting with The Durham Center and Durham County, Health System representatives would disclose why they chose not to bid on the RFI. It would be inappropriate, at this time, for the faith community to be involved in the meeting.

Ms. Black stated that Ms. Holliman has formed a steering committee with Tom Gamble, Executive Director, Durham Health Partners, coordinating the group. Ms. Black had not attended any meetings but would attempt to get an invitation. If The Durham Center plans to work comprehensively on substance abuse, Duke University Health System wishes to be actively involved.

Vice-Chairman Bowser remarked that if the Health System and The Durham Center are going to address substance abuse, the clergy should be embraced.

Mr. Ramsey announced that invitations for the first meeting of the steering committee have not been sent. Rev. Bass and Duke University Health System will be included on the invitation list.

Chairman Reckhow suggested that all partners who attended the meeting in the fall of 2003 should meet again. The County Manager was asked to facilitate the meeting. Commissioner Cousin, Board-appointed representative to the group, should be actively involved. The goal is to bring everyone together.

Commissioner Cousin expressed his desire for direction and guidance relative to this issue.

Chairman Reckhow asked the County Manager to keep the Board apprised of the progress.

Presentation on the Latino DWI Prevention Grant

A local community group, the Durham Coalition for the Prevention of Drinking and Driving in the Latino Community, was selected as one of three groups nationwide for a grant from the National Highway Traffic Safety Administration to develop a program to prevent drinking and driving among Latinos.

The presentation was to inform Board members and the public about the innovative efforts to reduce impaired driving among Durham County Latino residents.

Resource Person(s): Paul Savery, Durham Coalition for the Prevention of Drinking and Driving

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

Chairman Reckhow recognized Mr. Savery to make the presentation.

Mr. Savery spoke on the following:

- Latino Concerns
- Coalition Building and Maintenance
- Coalition Members
- Mission
- National Highway Transport Safety Administration
- “You Drink & Drive, You Lose” Campaign
- Grant Agreement Between Durham Coalition and LCAT
- Objective
- Demographic Data: Latinos in NC
- Demographic Data: Latinos in Durham
- Social-Economic Profile: Durham Latinos
- Key Findings: Durham Latinos
- DWI Risk Factors for Latinos
- DWI Risk Factors: Latinos in Durham
- Drinking and Driving Data in NC
- Drinking and Driving Data in US
- Percent of Motor Vehicle Collisions Involving Latinos: NC vs. Durham
- Drinking and Driving Data: NC vs. Durham

Mr. Savery responded to Commissioner questions.

No official action was taken on this item.

Exchange of Personal Property with IBM

The Department of Information Technology recently replaced two IBM AS/400 system units for two IBM I-series system units, which service a majority of County departments. IBM offered to accept, as a trade in, the two AS/400 systems for \$10,000 each. The actual value of each AS/400 system is approximately \$1,000. The exchange would provide the County the rare occasion of receiving extra benefit for outdated technology. IBM will pay the County a total of \$20,000 for the systems and will arrange for their pick up.

As a condition of the trade-in offer, IBM required that the County enter into an Agreement for Trade-In. The deadline to enter into the Agreement was December 31, 2003. Since this was the first meeting of the Board to consider the offer, the County Manager executed the Agreement to accept the offer prior to the deadline. The Board was requested to ratify the action taken by the County Manager.

The exchange is pursuant to N.C.G.S. § 160A-271, Exchange of Property, and the County has complied with the ten-day public notice requirement set forth therein.

Resource Person(s): Perry Dixon, IT Director, and S.C. Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommended that the Board suspend the rules, approve the exchange of personal property, and ratify the execution of the IBM Agreement for Trade-In by the Manager.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to suspend the rules in order to vote.

The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the exchange of personal property and ratify the execution of the IBM Agreement for Trade-in by the Manager.

The motion carried unanimously.

Approval of the Interlocal Agreement for the Community Learning Center

On December 1, 2003, the Board of County Commissioners approved the creation of the Community Learning Center under the supervision of the Criminal Justice Resource Center. The program targets students who are permanently expelled from Durham Public Schools (DPS), suspended for 365 days (not allowed on DPS property, often for a weapon charge), or who are not eligible for the Lakeview option due to safety concerns. The program will serve ten students, operating Monday through Friday. The classroom will be equipped with ten individual workstations and computers with Internet access. Students will use the Nova Net Curriculum, which is aligned with the NC Standard Course of Study.

On December 4, 2003, City Council approved funding not to exceed \$27,960 for this program, authorizing the City Manager to negotiate and execute an Interlocal Agreement with the County.

Resource Person(s): Gudrun Parmer, Director, Criminal Justice Resource Center, and Carol Hammett, Assistant County Attorney

County Manager's Recommendation: The Manager recommended that the Board suspend the rules, approve the Interlocal Agreement, and authorize execution.

Commissioner Cousin moved, seconded by Commissioner Heron, to suspend the rules in order to vote.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the Interlocal Agreement and authorize the execution thereof by the Manager.

The motion carried unanimously.

The Interlocal Agreement follows:

NORTH CAROLINA
DURHAM COUNTY

INTERLOCAL COOPERATION
AGREEMENT FOR THE
COMMUNITY LEARNING CENTER

THIS CONTRACT is made, and entered into this the 5th day of January, 2004, by and between the COUNTY OF DURHAM, a political subdivision of the State of North Carolina, hereinafter referred to as "County" and the CITY OF DURHAM, a North Carolina municipal corporation, hereinafter referred to as "City". This Agreement is made as an interlocal cooperation Agreement pursuant to Part I, Article 20 of Chapter 160A of the General Statutes of North Carolina.

WHEREAS, there is a need to provide a learning environment in Durham to meet the needs of students not eligible for either Durham public school or the alternative Lakeview School; and

WHEREAS, Durham County, through its Criminal Justice Resource Center, is willing and able to establish the learning environment via a "Community Learning Center"; and

WHEREAS, the City and the County desire to share equally in the costs of the program with the County operating the program.

NOW, THEREFORE, for and in consideration of their mutual promises, the City and County agree as follows:

1. Purpose. The purpose of this Agreement is to set forth the undertakings of the County and City with regard to their respective obligations as to the Community Learning Center, an academic alternative to Durham Youth who are no longer permitted to attend any program offered through the Durham Public Schools (hereinafter "Learning Center" or "Program").

2. Operation of the Community Learning Center.

A. The County's Criminal Justice Resource Center will establish the Learning Center to meet the needs of students not eligible for either traditional Durham Public Schools (hereinafter "DPS") or the alternative

Lakeview School. The target population for the Program is students who have been expelled from DPS (permanently removed), suspended for 365 days, or who are not eligible for the Lakeview School due to safety concerns. Students must be working towards high school graduation, but may be performing at a middle or high school level.

- B. The Learning Center will be located at 326 East Main Street. The Program will serve no more than ten students and will operate 3.5 hours per day Monday through Friday.
- C. The following measures will be used to evaluate the efficiency and the effectiveness of the Program:
 - 1. Number of students enrolled
 - 2. Attendance Rate
 - 3. Number of students improving reading test scores
 - 4. Number of courses completed
 - 5. Number of "End of Course" tests completed
 - 6. Number of students making progress toward graduation
- D. Rules and Regulations. The County shall establish guidelines, rules and regulations for the students as well as programming for the Learning Center.

3. Reporting. The County shall provide the City with quarterly reports on the progress of the students based on the evaluation measures set forth in 2C above. The reports shall be provided in writing to the City on April 1, 2004 and June 30, 2004 or as soon thereafter to allow for a thorough evaluation through the end of the Term.

4. Funding. The City and the County will share equally in the cost to operate the Program. The total cost for the Program through June 30, 2004 is Fifty-five Thousand Nine Hundred Twenty Dollars (\$55,920). The City shall contribute its share, Twenty-seven Thousand Nine Hundred Sixty Dollars (\$27,960) to the County for the operation of the Learning Center in two equal payments of Thirteen Thousand Nine Hundred and eighty Dollars (\$13,980). The first payment shall be made upon execution of this Agreement; the second payment shall be made on or before April 1, 2004.

5. Governing Law. This Agreement shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this Agreement shall be brought in the General Court of Justice in the County of Durham and the State of North Carolina.

6. Term. The Term of this agreement shall be from the date first written above and shall terminate on June 30, 2004.

7. Amendments. This Agreement may be amended at any time by execution by both parties of a written agreement.

8. Entire Agreement. This Agreement together with the agreements referenced in this Agreement, shall constitute the entire understanding between the City and the County and shall supersede all prior understandings and agreements relating to the subject matter hereof.

9. Contract Not Divisible. This Agreement is not divisible. The obligations exchanged by the City and County under each part of this Agreement constitute consideration for each and every part of this Agreement.

10. Headings. The subject headings of the paragraphs are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.

IN TESTIMONY WHEREOF, the County of Durham has caused these presents to be signed in its name by its County Manager, by order of the Durham County Board of County Commissioners and the City of Durham, acting under and by virtue of the authority in them vested, have hereunto set their hand and seal, the day and year first written above.

ATTEST:
/s/ Garry E. Umstead
Clerk to the Board

COUNTY OF DURHAM
/s/ Michael M. Ruffin
County Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

/s/ George Quick
Durham County Finance Officer

ATTEST:
/s/ Ann Grey
City Clerk

CITY OF DURHAM
/s/ Marcia Conner
City Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

/s/ Ken Pennoyer
City of Durham Finance Officer

Adequate Public Schools Facilities Policy

The Board of County Commissioners expressed a desire for the City and County to implement a policy tying rezonings with a residential component to the availability of classroom space in public schools. The proposed policy establishes a level of service for

public schools of each type. The policy proposes that rezonings be denied when the proposed student increase will cause the public school system to exceed its building capacity. The BOCC considered this policy at its August Worksession and asked for additional study of the issue by staff. The policy has been revised to take reductions into account, as well as increases in enrollment linked to rezonings.

The draft policy establishes a level of service for schools and links the ability to seek rezoning to the ability of the public school system to accommodate the projected student population. The policy establishes the level of service as 120 percent of building capacity system-wide, providing no consideration for modular classrooms.

Staff Recommendation: Discuss the Adequate Public Schools Facilities Policy and adopt the policy at a regular meeting of the Board.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The County Manager recommended that the Board discuss the Adequate Public Schools Facilities Policy and if appropriate, adopt the policy at a regular meeting of the Board.

Chairman Reckhow recognized Mr. Duke to review the policy and highlight changes requested by the Commissioners.

Mr. Duke stated that this item was first presented by the County Attorney as a potential ordinance. A decision was made to implement a policy to maintain flexibility for elected officials. Consequently, Planning brought it back to the Board in August as a policy, at which time the Commissioners directed that additional wording be considered. Planning staff examined the impact of “down-zonings”, which actually serve to reduce school impact. As of December 16, 2003, all schools in the Durham system were operating within the recommended level of service (120 percent of building capacity [recommended by the Board of Education]). The Planning Committee of the Planning Commission recommended approval of the policy (three to two vote) and a reduction in building capacity from 120 to 110 percent. The Board of Education did not support the change.

Mr. Duke responded to questions from the Commissioners.

Chairman Reckhow instructed that “and school building sites” be inserted after “capacity” on page 3, line 27 of the policy.

Chairman Reckhow directed that the policy be placed on the January 12, 2004 Consent Agenda.

Presentation—Durham Comprehensive Plan and Durham Unified Development Ordinance (UDO)

This presentation provided an overview on the purpose and impacts of two major initiatives undertaken by the Planning Department: the Durham Comprehensive Plan and the Unified Development Ordinance [UDO]. The plan will establish a pattern of land uses and clarify basic governmental policies related to development. The UDO merges zoning and subdivision regulations into a single ordinance employing Smart Growth tenets and principles. Both projects are scheduled for completion in the summer of 2004. The City Council received a similar presentation in December.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommended that the Board receive the presentation and provide direction as appropriate.

Mr. Duke presented a detailed status report on the Durham Comprehensive Plan and the Durham Unified Development Ordinance (UDO). He explained that the Planning Department, over the last couple of months, has made a series of presentations concerning the UDO to community groups and committees to solicit input, which has been received from the Planning Commission, Environmental Affairs Board, Inter-Neighborhood Council, and Home Builders Association. Public meetings will be completed this month. Planning wishes to receive all comments prior to the public hearing. Public presentations will be made regarding the Comprehensive Plan in March, and public hearings will be held in April, as well as presenting the plan to the Planning Commission. Both documents will be presented to the governing bodies in May with an anticipated effective date of July.

Mr. Duke responded to Commissioner questions.

Chairman Reckhow asked Mr. Duke to notify the Commissioners of any major meetings.

No official action was taken on this item.

9-1-1 Departmental and Surcharge Status Report

Durham Emergency Communications Center was scheduled to make a presentation to the Board of County Commissioners outlining the management changes that have occurred within the department and plans for expenditures from the surcharge.

The item was deferred until the February 2, 2004 Worksession.

Interlocal Reconciliations

The Finance Department requested that the BOCC approve the transfer of \$148,417 from the contingency fund and \$349,327 from the 911-surcharge fund for payment of

outstandings due under the 1996 through 1999 interlocal agreements with the City of Durham.

The item was postponed until the February 2, 2004 Worksession.

2001 Bond Referendum Projects Update

The 2001 Bond Referendum included the following projects:

1. North Regional Library Land Acquisition
2. East Regional Library Land Acquisition and Construction
3. South Regional Library Land Acquisition
4. Southwest Branch Library Land Acquisition
5. Stanford L. Warren Library Renovations
6. EMS Station #2
7. Durham Center for Senior Life

A brief report was presented regarding the status of the projects, as well as the status of other Capital Improvement Program projects.

Resource Person(s): Wendell Davis, Deputy County Manager, and Glen Whisler, P.E., County Engineer

County Manager's Recommendation: The County Manager recommended that the Board receive the report and provide direction to staff as appropriate.

Chairman Reckhow stated that she discussed with the County Manager the prospect of the Board receiving information on a regular basis about major CIP projects. The Manager had recommended that the information be supplied with the operational budget on a quarterly basis.

Chairman Reckhow recognized Mr. Whisler for his presentation.

Mr. Whisler updated the Board on the 2001 Bond Referendum projects and reported on additional projects as follows:

- YMCA Daycare Facility
- Criminal Justice Resource Center Renovation
- River of Life Church Building – Demolition
- Triangle Wastewater Treatment Plant Improvements – Phase 2
- Little River Regional Park Site Development

Mr. Whisler and Mr. Davis responded to Commissioner questions and remarks.

Chairman Reckhow advised the Manager to provide the Commissioners with quarterly reports on the 2001 Bond Referendum and CIP projects and to place the information on the County's website for public review.

No official action was taken on this item.

Durham County Emergency Medical Services (EMS) Station Number 2—Project Update—Project Number: DC069-50

The 2001 Bond Referendum included funding for the proposed Durham County Emergency Medical Services (EMS) Station Number 2 to replace the Lincoln Community Health (LCHC) Station. The new facility would be located on Old Fayetteville Street. Site acquisition was completed on July 30, 2003, and design of the facility was underway. On January 13, 2003, the Board of County Commissioners awarded a design contract to Gurlitz Architectural Group P.A. of Durham to provide architectural services to include a provision for future expansion for the proposed facility. A facility of approximately 7,368 square feet was proposed to house functions including ambulance parking bays, living area, offices, support spaces, and meeting room.

Call volume has increased for the district and currently two nearby volunteer fire departments assist the LCHC EMS Station in handling the increasing number of calls. Growth in southern Durham County has continued to surpass the capacity of the LCHC EMS Station to meet the demand. The proposed project would allow for more adequate staffing and vehicle housing to meet the current demand, as well as prepare for future growth.

The programming and schematic phases of the project was complete. These phases involved a series of meetings with EMS staff to determine facility needs. The project is currently in the design development phase.

Resource Person(s): Glen Whisler, P.E., County Engineer; Mickey Tezai, Director, Emergency Medical Services; and Richard Gurlitz, Gurlitz Architectural Group, P.A.

County Manager's Recommendation: The County Manager recommended that the Board accept the update and provide direction to staff as appropriate.

Mr. Gurlitz provided an update to the Board. He described the site layout and building, stating that the total project budget is \$912,000 and includes furnishings.

No official action was taken on this item.

Budget Ordinance Amendment No. 04BCC0000138—Judicial Building and Judicial Building Annex Security

Courthouse officials and the County Manager have been investigating ways and means to resolve Judicial Building and Judicial Building Annex security concerns since a

November 7, 2003 meeting was held at the Manager's request to discuss specific concerns. The Manager subsequently requested that Judicial Building officials reduce to writing the minimal, reasonable measures to secure the Judicial Building and the Annex (former First Union Building). The response was received in early December, upon which the Manager requested an evaluation and estimate (finalized on December 22, 2003 by Deputy County Manager Wendell Davis). The annual cost for security personnel and equipment is estimated at \$293,174 rather than the "\$1-million range" as quoted in a December 29, 2003 Herald-Sun newspaper article. Personnel cost has been estimated at \$253,118, doors and hardware (not including the cost for a new revolving door for the front entrance) at \$25,302, and a video camera system at \$14,754.

Resource Person(s): Mike Ruffin, County Manager; Wendell Davis, Deputy County Manager; and Mike Turner, General Services Director

County Manager's Recommendation: The Manager recommended that the Board suspend the rules and adopt Budget Ordinance Amendment No. 04BCC0000138 for \$40,056 to facilitate the purchase of doors, hardware, and video equipment as requested. (The Sheriff's Office had been asked to review and respond to the request for additional personnel, upon the receipt of which the Manager would return to the Board with a final recommendation.)

County Manager Mike Ruffin stated that Judicial Building officials asked the County to consider the following security measures:

1. Two building entrances staffed with armed Sheriff's deputies—one at the 1st floor Main Street doorway and the other at the 2nd floor Parrish Street doorway. All public, attorneys, and court and County staff would be screened upon entry, and all entry into the building would be through these two entrances, the only exception would be through the basement parking lot. Also, the single public entry into the Annex should be staffed with armed Sheriff's deputies.
2. Basement entry: some sort of secured access (card) into and out of the basement doors to the building to prevent people from walking through an open or malfunctioning gate and into the building and to prevent the public from accessing the garage from the building.
3. An exit-only door on the ground floor at Parrish Street.
4. Video cameras at particularly vulnerable areas. Several identified sites:
 - 4th floor public hallway outside of Courtroom 1
 - 2nd floor area around the Parrish Street exit
 - Inside the Parrish Street and Main Street entrances
 - Outside, one focused at the east end of the building and one at the west end
 - Along the interior public stairwell between the 4th and 2nd floor
5. Deputies to keep the second floor landing clear at the entrance door on Parrish Street, and the County to relocate the employee and public smoking area from the landing to the area beneath and around the landing on the ground level.

Mr. Turner obtained prices on video camera and door improvement costs, not including the revolving door. Staff would return with the revolving door cost.

Commissioner Heron moved, seconded by Commissioner Cousin, to suspend the rules for a vote on Budget Ordinance Amendment No. 04BCC0000138.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to adopt Budget Ordinance Amendment No. 04BCC0000138 for \$40,056 to purchase doors, hardware, and video equipment as requested for Judicial Building security.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC0000138

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>			
General Government	\$ 23,539,415	\$40,056	\$ 23,579,471
Other	\$ 18,740,499	(\$40,056)	\$ 18,700,443

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

This the 5th day of January, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Closed Session

Commissioner Cousin moved, seconded by Commissioner Heron, to adjourn to closed session to direct staff concerning the material terms for possible purchase of the

YMCA Daycare building located at 218 Seminary Street
pursuant to G.S. 143-318.11 (a)(5).

The motion carried unanimously.

Justice Building Programming and Facility Master Plan Revisions

The Board was requested to consider revisions to the Justice Building program and Facility Master Plan and to authorize the County Manager to proceed with development of a design contract for the Justice Building project.

In March 2000, the Board adopted the Facility Master Plan that identified construction of a Justice Building as the highest priority project. The project was included in the Capital Improvement Program (CIP). The programming phase of the project, completed in October 2002, included two options for building occupancy. Option 1 included all functions related to the justice system and required 282,645 SF. Option 2 recommended a building of 245,420 SF and did not include Community Corrections and the Criminal Justice Resource Center. Option 2 was incorporated in the 2004-2013 CIP. However, during review and approval of the CIP, the Board requested that staff reconsider the occupancy of the proposed Justice Building along with the Judicial Building, Judicial Building Annex, and Eligibility Building, which resulted in the development of Option 3.

Options 1 and 2 from the October 2002 program document and Option 3 for the Justice Building, along with recommendations for use of the Administrative Complex, Judicial Building, Judicial Building Annex, and Eligibility Building were reviewed with the Board on December 1 2003. Option 3 places Community Corrections in the Judicial Building Annex, Criminal Justice Resource Center in the Eligibility Building, and Juvenile Justice and Guardian Ad Litem in the Judicial Building, resulting in a Justice Building of 228,974 SF. In response to concerns raised at the December 1, 2003 meeting, Option 4 was developed which does not require use of the Eligibility Building to meet the facility needs of the justice system. In Option 4, the Justice Building is 228,974 SF.

Resource Person(s): Glen Whisler, County Engineer, and Kevin Montgomery, O'Brien/Atkins Architects

County Manager's Recommendation: The County Manager recommended that the Board suspend the rules, support Option 4 for the Justice Building, and authorize staff to develop a design contract for the project.

Mr. Montgomery reviewed Option 4.

Chairman Reckhow stated that the Commissioners were considering Options 2 and 4. Option 3 should be deleted. At this point, it would be wise to design the building with flexibility. She asked whether the Board could agree to the basic design of Option 2 with an alternative of Option 4.

County Attorney Chuck Kitchen responded that the Board should make that determination by schematic design. If not, the design cost will increase.

Commissioner Cousin moved, seconded by Commissioner Heron, to suspend the rules to vote.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Heron, to authorize staff to develop a design contract for the Justice Building, proceeding with schematic design for Options 2 and 4.

The motion carried with the following vote:
Ayes: Cousin, Heron, Jacobs, and Reckhow
Noes: Bowser

Vice-Chairman Bowser requested that the record reflect that he voted against the motion because he has been unable to obtain utility cost figures for each of the four options.

Review of Options for Improvement of the Bragtown Branch

In response to directives given by the BOCC at the August 4, 2003 Worksession, County staff prepared information on the Bragtown facility.

Additional Background Information Included With the Agenda Action Form

- A. Bragtown Branch Architectural Study
- B. Total Cost of Options Including Land, Equipment, Furnishings, Fixtures, and Collections
- C. Properties Listed for Sale in the Bragtown Area
- D. Circulation, Programming, and Computer Workstation Statistics for all Branch Library Locations
- E. Year-to-Year Comparison of Bragtown Branch Statistics
- F. Operating Cost Comparisons for the Options Listed in Architectural Study
- G. Operating Cost Comparisons for Current Branch and New Regional Facilities
- H. Library System Budget Projections Without Alterations to Bragtown Branch

Resource Person(s): Carolyn Titus, Deputy County Manager; Philip Cherry III, Library Director; Priscilla Lewis, Library Extension Services Manager; Karlene Fyffe-Stewart, Branch Manager, Bragtown Branch; Glen Whisler, County Engineer; and Chris Brasier and Zena Howard, Architects for The Freelon Group Inc.

County Manager's Recommendation: The Manager recommended that the Board approve Option A. (However, if the Board considers a new branch library for the Bragtown area,

the Manager recommended that final decisions be deferred pending an evaluation of the impact of a new facility on the size of the proposed north regional library, improvements planned for the Main Library, and the preparation of amendment to the adopted CIP.)

Mr. Howard presented the results of an architectural study of the Bragtown Branch. The study included:

- An assessment of the current Bragtown Branch;
- An option (labeled Option A) to add an additional 400 square feet to the existing facility;
- An option (labeled Option B1) to add 3,000 square feet to the existing facility;
- An option (labeled Option B2) to replace the current facility with a 4,400-square-foot facility at the existing site; and
- An option (labeled Option C) to build a new 10,000-square-foot facility at a new site.

These four options addressed architectural questions associated with items 2, 3, and 4 of the August 4 instructions given to staff and reiterated below.

Requested Actions From Minutes of the August 4, 2003 BOCC Worksession

At its August 4, 2003 meeting, the Board of County Commissioners instructed staff to do the following related to an ongoing study of the Bragtown Branch:

1. Provide additional circulation information for all branch libraries.
2. Seek architectural support and research the feasibility of expanding the existing facility to create a separate children's programming area and to consider ADA needs.
3. Provide a cost estimate for brand new construction at the current Bragtown site.
4. Provide a cost estimate for expanding the existing Bragtown building to its maximum capacity.
5. Provide operational cost information for the new facilities over three to five years.
6. Track the number of individuals from other communities who use the Bragtown Branch and estimate the possible usage if a larger facility is placed in the Bragtown community.
7. Determine if Durham Public Schools administrators and faculty would use an expanded Bragtown Branch.
8. Investigate the possibility of developing a joint school/public library project similar to the one in Wake County.

Following the presentation of the architectural study, staff members presented information about the Bragtown Branch operations to address the operational questions represented in items 1, 5, 6, 7, and 8 of the August 4 instructions.

Commissioner Heron stated her support for Option A.

After discussion, Commissioner Jacobs voiced support for Option C.

Vice-Chairman Bowser expressed support for Option C throughout the discussion.

Chairman Reckhow instructed staff to bring the Commissioners a report in two months on building a new facility on a new site. She suggested using funding from a possible reduction in the expansion of the main library.

Accept Fiscal Year 2004-2005 Budget Calendar and Set an Advance Public Hearing on the FY2004-2005 Budget

The Board was requested to accept the FY 2004-05 Budget Calendar, which outlines the key dates in the upcoming budget development process. The first key date required is for the Board to set an Advance Public Hearing to receive public comment for the FY 2004-2005 Budget. It was recommended that Monday, January 26, 2004, during the Board's regularly scheduled meeting, be set for this Hearing.

The County Manager's Recommended FY 2005 Budget would be presented to the Board on Monday, May 10, 2004, allowing for a longer review period by the Commissioners. Individual budget worksessions with the Board would be scheduled between May 18 - June 16. Final FY 2004-05 Budget Ordinance adoption was scheduled for Monday, June 28, 2004.

Resource Person(s): Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The County Manager recommended that the Board suspend the rules and approve the FY 2004-2005 Budget Calendar and set Monday, January 26, 2004 as the Advance Public Hearing date for the FY 2004-2005 Budget.

Commissioner Bowser moved, seconded by Commissioner Cousin, to suspend the rules to vote.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Jacobs, to set an advance public hearing for Monday, January 26, 2004 on the FY 2004-05 Budget and to approve the calendar for the FY 2004-05 Budget.

The motion carried unanimously.

The calendar follows:

FY 2004-05 Budget Calendar		
Monday	January 12	Distribution of Nonprofit Agency application materials
Tuesday & Wednesday	January 20 & 21	Newspaper Advertisements - Nonprofit Agency Application process

Monday	January 26	Advance Budget Hearing for Public (BOCC Meeting)
Thursday	January 29	Board of Commissioners Annual Retreat
Friday	January 30	Distribution of Budget Materials/Manual to Departments (via County Intranet)-Position Information will be Mailed
Friday	February 13	Departments submit position file corrections to <u>Budget Office</u> (not to Human Resources)
Friday	February 20	Departments submit to Budget Office: Information Services Request (new requests only, not replacements); Vehicle Request; Personnel Services Request
Friday	February 27	Departmental Draft Submission of 2-4 Performance/Outcome Measures with supporting data for review
Friday	February 27	Nonprofit Agency funding requests due to Budget Office
Friday	February 27	Human Resources finalizes position control file
Monday	March 15	Department heads forward complete department budget request to Budget Office
Monday	March 15	Deadline for departmental budget requests to be entered into Budget System
Friday	March 19	Budget Director, Finance Director, Tax Administrator, Tax Assessor and Tax Collector develop revenue estimates for all funds, tax and fire districts
Wednesday Friday	March 24- April 9	Departmental Budget Presentations with County Manager or respective Deputy County Manager and Budget Office
Friday	March 26	Nonprofit Books distributed to Board of County Commissioners
Monday	April 5	Nonprofit Agency presentations to Board of County Commissioners and Manager
Friday	April 9	Volunteer Fire Districts submit requests to Fire Marshal and Budget Office
Monday	April 12	Human Resources submits compensation recommendations to the County Manager
Monday	April 12	Budget Staff begins Recommended Budget preparation
Friday	April 23	Durham Public Schools submit School Board's request to County Manager
Monday	May 10	County Manager delivers Recommended Budget to Board of County Commissioners and Notice of Public Hearing to be published
Tuesday Wednesday	May 18- June 16	BOCC Budget Worksessions (specific dates to be scheduled)
Monday	June 7	Board holds Public Hearing on Recommended Budget
Monday	June 28	Board Adoption FY 2004-05 Operating Budget Ordinance

Thursday July 1, 2004 FY 2004-05 Budget transferred to general ledger

Pay-for-Performance Review Process Follow-Up

The 2004 Pay-for-Performance Program grants a 3.25% increase for “Meets Expectations” performance and a 4.25% increase for “Exceeds Expectations” performance as approved by the Board of County Commissioners at its December 8 meeting.

The Pay-for-Performance Review Panel was being established to allow employees an opportunity to request a formal review of a disputed overall performance appraisal and to provide for the random review of “Exceeds Expectations” performance appraisals by an impartial panel comprising Human Resources personnel, department administrators, a Deputy County Manager, and a peer.

Durham County employees may request a review of a “Meets Expectations” or lower performance appraisal rating believed to reflect inaccurately performance based on the employee’s existing workplan. Further, on a random basis, throughout the appraisal review year, Human Resources will randomly select performance appraisals with “Exceeds Expectations” ratings and review them against the employee’s submitted workplan to ensure that appraisals reflect established expectations.

Resource Person(s): Elaine C. Hyman, Human Resources Manager, and Tony Noel, Acting Human Resources Director

County Manager's Recommendation: The Manager recommended that the Board discuss the review process and provide staff with further direction if needed.

Ms. Hyman responded to a question from Commissioner Jacobs. She explained that the peer on the impartial panel would have the same classification title as the employee requesting the review.

Exemption of YMCA from RFQ Procedures for Hiring an Engineer

G.S. § 143-64.32 allows the Board of Commissioners to exempt any construction project from the normal Request for Qualifications (RFQ) procedure. Due to the urgent need to complete renovations at the YMCA building to move the children out of Whitted School, the County wishes to forgo the RFQ process and ask that the Manager be authorized to hire an architect for the project using the County normal architect’s contract. The construction schedule should be reduced by approximately three weeks if this course of action is followed.

RESOURCE PERSON(S): Glen Whisler, County Engineer, and Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board exempt the YMCA project from the RFQ process to allow the construction schedule to move as quickly as possible.

Commissioner Jacobs moved, seconded by Commissioner Heron, to suspend the rules to vote.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Jacobs, to exempt the YMCA project from the RFQ process to allow the construction schedule to move as quickly as possible and to authorize the County Manager to execute the contract.

The motion carried unanimously.

Adjournment

Chairman Reckhow adjourned the meeting at 3:36 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board