

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

Monday, November 25, 2002

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session**?Pledge of Allegiance

2. **Agenda Adjustments**

3. **Minutes**

- a. a. September 23, 2002 Special Session Minutes
- b. b. October 22, 2002 Joint Meeting Minutes

4. **4. Recognition of Outgoing Board Chairman MaryAnn E. Black**

A reception honoring outgoing Durham County Commissioner Chairman MaryAnn E. Black was held earlier this evening. Vice-Chairman Ellen W. Reckhow will read a resolution honoring the 12-year tenure of Commissioner Black and present a token of appreciation from fellow members of the Board of County Commissioners.

County Manager's Recommendation: Extend sincere appreciation to MaryAnn E. Black for her 12 years of outstanding, compassionate, and visionary leadership while serving as a Durham County Commissioner and Chairman.

5. **5. November Anchor Award Winner?Ronnie Butler**

Ronnie Butler, Building Maintenance Supervisor at the Department of General Services, is this month's winner of the prestigious "Anchor Award." In his nomination letter, General Services Director Michael Turner noted Mr. Butler's exceptional volunteer service with the County's 2002 United Way Campaign, Juvenile Diabetes Foundation Walk-A-Thon, and logistical support to officials from Durham, England and the Tuesday, November 5th General Election. Because of his compassionate spirit and diligence, Durham County Government exceeded its 2002 United Way Goal of \$81,500 by more than \$3,000.00

Resource Person(s): Michael Turner, Director of General Services.

County Manager's Recommendation: Present the November Anchor Award to Ronnie Butler, along with the sincere congratulations of the entire organization.

6. **6. 911 Telecommunicator of the Year? R. Nathan Huey**

R. Nathan Huey has been awarded the N. C. National Emergency Number Association's "2002-2003 Annie McIntyre 911 Telecommunicator of the Year Award." Mr. Huey is an assistant shift supervisor in Durham's 911 Emergency Communications Center.

The award notes that he received the prestigious recognition for his "duty, ingenuity and ability to adapt to change," in reference to the key role he played in keeping the 911 center open earlier this year when flooding forced its temporary evacuation.

According to Emergency Communications Director Chuck Johnson, "it is impossible to determine how many lives were saved that night due to the quick thinking of Mr. Huey and other squad members who were working." Huey set up a temporary paging system with volunteer fire departments to make sure they were dispatched when needed and stayed on after a late-night shift to help oncoming workers adjust to the work environment.

County Manager's Recommendation: Receive remarks and extend congratulations to Mr. Huey for achieving this outstanding statewide accolade.

7. **7. Appointment of Tax Administrator**

North Carolina General Statute §§ 105-294 and 105-349 provide for the appointment of a tax administrator. Ten candidates were interviewed for the position, and an offer has been extended to, and accepted by, one of these applicants. The formal appointment by the Board of County Commissioners will consummate the process.

Resource Person(s): MaryAnn E. Black, Chairman; Chuck Kitchen, County Attorney

County Manager's Recommendation: Appoint the selected applicant for a two-year term expiring in July of 2005, pursuant to the terms and conditions that were communicated in correspondence dated November 14, 2002.

8. **8. Consent Agenda**

- a. a. Durham Convention and Visitors Bureau (DCVB) Appointment (approve appointment of Thomas M. Niemann);
- b. b. Resolution in Support of the AMBER Alert Warning System for Missing Children (approve the resolution, forward a copy to the North Carolina Association of County Commissioners, and include it in the Board of County Commissioners 2003 Legislative Agenda);
- c. c. Adopt Resolution to Provide Electronic Listing of Business Personal Property (adopt the resolution to provide Electronic Filing of Business Personal Property);
- d. d. Left blank intentionally;
- e. e. Budget Ordinance Amendment Number 03BCC000023 "The Durham Center" Recognize "Latino Access to Coordinated Healthcare" Grant in the Amount of \$43,542 (approve this amendment and appropriate funds in the amount of \$43,542); and
- f. f. Order Authorizing Issuance of Revenue Bonds (approve the Bond Order so that the sale of the bonds may proceed as scheduled).

9. **9. Public Hearing on Proposed Zoning Text Amendment Related to Modifications for Home Occupations**

This is a citizen-initiated proposal to modify the Zoning Ordinance's Home Occupation standards for Rural District (RD)-zoned properties that are 10 acres or larger. According to the proposal, properties meeting these characteristics could seek a Minor Special Use Permit that would allow the home occupation to exist in an accessory building or dwelling, and employ up to three off-site employees.

The Zoning Committee unanimously recommended approval of the proposal after conducting a public hearing on October 8, 2002.

The Planning Department recommends adoption of this proposed text amendment by the Board of County Commissioners.

Resource Person(s): Bonnie Estes, AICP, Durham City-County Planning

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

Board hold the public hearing on the proposed text amendment and adopt it, if appropriate, after receiving public comment.

10. **10. Public Hearing on Proposed Zoning Text Amendment Making Technical Changes to Section 15 of the Zoning Ordinance**

This proposal makes technical changes to Section 15 of the Zoning Ordinance. The changes are necessary due to the multiple amendments made to this Section during the past few months. The proposal calls for the readoption of the expedited procedure for the initial zoning of newly-annexed property because of its inadvertent deletion during the approval of the multiple amendments to Section 15. This proposal also incorporates the previously-adopted standards for expedited reviews and clarifies the time frame for Planning Commission actions.

The Zoning Committee unanimously recommended approval of the proposal after conducting a public hearing on October 8, 2002.

The Planning Department recommends adoption of this proposed text amendment by the Board of County Commissioners.

Resource Person(s): Bonnie Estes, AICP, Durham City-County Planning

County Manager's Recommendation: The County Manager recommends that the Board adopt this proposed text amendment.

11. **11. Public Hearing/Rezoning/Falls Lake Critical Area Boundary (Case P02-52)**

Durham County has recently adopted an ordinance revising the definition of the Falls Lake Critical Area in the vicinity of Ellerbee Creek. This rezoning is the mapping change reflecting that text amendment. The proposed change would remove approximately 274 acres from the F/J-A overlay district and place that area in the Falls/Jordan Protected Area (F/J-B) overlay district. The change will allow slightly-higher density, residential development and some non-residential development (with a change in the underlying zone). The proposed change is consistent with the North Durham Plan and with the requirements of the Durham Zoning Ordinance.

The Planning Department recommends adoption of this proposed overlay district change.

The Zoning Committee of the Durham Planning Commission conducted a public hearing on this item at its regular meeting on October 8, 2002. No citizens spoke at the public hearing and the Zoning Committee, without question or comment, voted unanimously to recommend approval.

Resource Person(s): Frank M. Duke, AICP, Director, City-County Planning Department; Keith Luck, Planning Supervisor, City-County Planning Department

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing on the proposed rezoning and approve it, if appropriate, based on the public comment.

12. **12. Quasi-Judicial Public Hearing: Major Use Permit/Shimizu-AW North Carolina (Major Use Case M02-08)**

To hold a public hearing to consider a Major Use Permit for an increase in impervious surface to 32% in the F/J-A Watershed District. Arcadis G&M, on behalf of Shimizu-AW North Carolina, has submitted an application for a Major Use Permit to allow this increase in the F/J-A Watershed Overlay District. The project is a 78,800 square-foot addition to an existing manufacturing facility with

415 new parking spaces on a ±123 acre site. The site is located on the south side of Teknika Parkway east of Old Oxford Highway, and is to be accessed by existing driveway entrances off Old Oxford Highway and Teknika Parkway. The Board heard testimony on November 11, 2002 and requested additional information on parking and hazardous materials handling.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive public comment on this application.

13. **13. Public Hearing?Major Site Plan?Shimizu-AW North Carolina (Site Plan Case D02-532)**

To approve a site plan for a 78,800 square-foot addition to an existing manufacturing facility with 415 additional parking spaces on a ±123 acre site. Arcadis G&M, on behalf of Shimizu-AW North Carolina, has submitted a site plan for a 78,800 square-foot addition to an existing transmission manufacturing and assembly facility with 415 new parking spaces on a ±123 acre site. The proposed project is located on the south side of Teknika Parkway east of Old Oxford Highway and is to be accessed by existing driveway entrances off Old Oxford Highway and Teknika Parkway. This site is located inside the F/J-A Watershed District, which requires Major Site Plan approval for new, non-residential development. This site plan is consistent with the master plan for Shimizu as presented to the Board with its original site plan approval in March 1999. As required under the Watershed regulations, notice for the Board's consideration of this site plan has been advertised in the Durham Herald-Sun on October 28 and November 4, 2002.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The County Manager is recommending approval of this site plan.

14. **14. Review of the Draft Recommended 2025 Long-Range Transportation Plan**

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) will hold a public hearing on December 4, 2002 to consider the 2025 Long-Range Transportation Plan. This Plan affects transportation spending within Durham County. The Durham County Commissioners serving on the MPO requested a review of the draft plan by the full Commission.

Resource person(s): Felix Nwoko, Transportation Planning Manager

County Manager's Recommendation: The County Manager recommends that the Board review the draft 2025 Long-Range Transportation Plan and, if appropriate, comment on it.

15. **15. Budget Ordinance Amendment No. 03BCC000024?DSS?Accept Revenue from Duke Medical Center for ?Just for Us? and ?LATCH? Grant Projects in DSS and from The Durham Center for an Outposted Medicaid Worker in DSS**

The Department of Social Services (DSS) requests that the Board of Commissioners approve accepting three new revenue contracts for four new Social Worker positions described below with no cost to the County.

The Department of Social Services partners with Duke Medical Center to improve coordination of medical care for Medicaid-eligible families and individuals. DSS provides social workers for the projects that are funded with Medicaid At-Risk Case Management revenues. Duke provides 100% of the non-federal (County) share of the funds, so there are no costs to the County.

1. **Just for Us** is expanding and needs two additional Social Worker IIs. Just for Us provides healthcare management for the elderly. Each Social Worker II's seven-month salary and benefits costs are \$12,017 (Grade 29, Step A). The County is reimbursed by Medicaid, and Duke Medical Center will pick up the County share. The total cost for both positions is \$24,033, and Duke will contract with DSS for the County share of the positions.

2. The new **LATCH grant project** is a collaborative project between Duke, Mental Health, Lincoln Community Health Center, El Centro Hispano, and DSS to enroll Latino families in care management for their health care, whether they are in Medicaid, CHIP, or are uninsured. One DSS Social Worker III will be hired to do the health care management, and Duke will contract with DSS to pay 100% of the costs for the worker. A Social Worker III's seven-month salary and benefits costs are \$14,868, and Duke will pay DSS that amount. There is no cost to the County.

3. The third revenue contract is between DSS and The Durham Center to provide an outposted worker to determine client eligibility. The Department of Social Services is requesting an Income Maintenance Case Worker II (IMC II) to take and process applications for family, children, and adult Medicaid. This position will help The Durham Center recover Medicaid reimbursement and will not require departmental funding. There are other contractual arrangement like this between DSS and Duke Medical Center, Lincoln Community Health Center, and the VA Hospital. The salary and benefits for the IMC II are \$36,391 and The Durham Center and Medicaid will each pay half of the cost of this position.

All of the above are funded as provisional positions based on availability of the contracts funding for the County share.

Resource Person(s): Dan Hudgins, DSS Director, and Susan Epstein, Chief, Division of Community Health, Department of Community and Family Medicine and School of Nursing, Duke University Medical Center.

County Manager's Recommendation: The County Manager recommends that the Board Approve Budget Ordinance Amendment No. 03BCC000024 which will approve the four new Social Worker positions in DSS that do not require any County funding.

16. **Report on Malpractice Insurance Renewals**

The malpractice insurance for the County departments and The Durham Center expires on December 1, 2002. The present insurance is with St. Pauls. The company has indicated that it is not continuing to provide malpractice insurance after its current policies expire. The Risk Manager, working with the County's insurance advisor, Marsh and Marsh, has been able to procure the quotes on the attached summary.

During the current year, the premiums for the malpractice coverages, excluding EMS, total approximately \$63,042. The proposed insurance carriers are National Union Fire Ins. Co. for Mental Health physicians and Public Health physicians for the jail, and Medical Mutual for the two dentists. National Union is not a Marsh and Marsh-contracted company, and the County will deal directly with the insurance company. It should also be noted that the total cost for the two dentists will be approximately \$2,400 after the filling of the second position. The dentists' coverage would involve a contract being issued directly to the dentist, with the County paying the bill. An agreement will be required to have the pro rata costs reimbursed to the County should the dentist leave the employment of the Health Department prior to the conclusion of the term of the insurance policy.

At this time, we have been unable to procure a quote for EMS coverage. Last year's premium was \$35,709 for this coverage. Marsh and Marsh has been able to find one insurance company, Arch Insurance Service, which has indicated that it may be willing to give us a quote on the insurance, but has not at this point. It has indicated that if it gave a quote, the premium would be in the \$50,000 range, with a deductible of \$5,000-\$10,000. We are continuing to work with Marsh and Marsh to

obtain additional quotes. However, it is unlikely that replacement insurance will be in place by December 1, 2002. In that case, EMS would come under the County's resolution on defense of employees, as are the other departments which do not have insurance coverage.

Resource Person(s): S. C. Kitchen, County Attorney; Cathy Whisenhunt, Risk Manager.

County Manager's Recommendation: Approve the purchase of insurance as recommended by the County Attorney, and authorize the procurement of malpractice insurance for the EMS Department if a satisfactory policy can be purchased within budgeted funds.

17. **17. Closed Session**

The Board of Commissioners is requested to adjourn to closed session to consider the performance of a public official pursuant to N.C.G.S. § 143-318.11(a)(6).