

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

Monday, January 13, 2003

7:00 P.M. Regular Session

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, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Chairman Reckhow commented that no action was taken as a result of the 5:30 p.m. Closed Session.

Agenda Adjustments

Vice-Chairman Bowser wished to add the discussion of a resolution from Northampton County.

Chairman Reckhow added a short discussion on the special Board of Equalization and Review.

Minutes

Vice-Chairman Bowser moved to approve the June 13, 2002 Special Session Minutes of the Board with a one-word correction. He also moved to approve the October 16, 2002 Special Session Minutes, November 25, 2002 Closed Session Minutes, and the December 9, 2002 Closed Session Minutes of the Board as submitted.

Commissioner Heron seconded the motion.

The motion carried unanimously.

Recognition of Outstanding County Employees as “Ice Storm All-Stars”

The ice storm that hit Durham on December 4, 2002 brought with it damages and power outages of gigantic proportions. At the worst of it, there were over 200,000 residents without power and five shelters in operation. Without the exemplary efforts of some of Durham County’s dedicated employees, the response to its citizens in need would have been severely hindered. The contributions that many of our employees made went well beyond their basic call of duty. Department Heads nominated the following employees for their outstanding efforts to Durham County in the midst of the ice storm:

- Susan “Sue” Guptill, Director of Nursing, Public Health Department
- Dondie “Ace” Artis, Maintenance Technician II, General Services Department
- Melvania Briggs, PA; Toni Foxwell, Program Manager; Dr. Jim Finch, Medical Director; Belinda Green; Florentine Carter; Shelia Revels; Bula Daniel; Fletcher Burnette; Willis Sanders; Security Officers Phil Tayborn and Catherine Chavis; Methadone Services Team, The Durham Center
- Spence Foscue, RN; The Durham Center
- Chuck Armbrust, Sedimentation and Erosion Control Technician and Michael Dean, Project Technician; County Engineering Department
- Kathy Mellow and Kevin Underhill, Emergency Medical Services
- Chris Ivy, Adult Services Supervisor and Betty Hughes, Child Protective Services Supervisor, Department of Social Services
- Mark Greenspan, Director of Property and Facilities Management, City of Durham

Resource Person(s): Mike Ruffin, County Manager

County Manager’s Recommendation: Receive the presentation and extend sincere appreciation to these County employees for their dedication and generosity to the citizens of Durham County.

County Manager Ruffin thanked the County employees and detailed their extra efforts following the recent ice storm in Durham County. He made the following remarks:

The ice storm that struck Durham on December 4, 2002 saw contributions by employees of Durham County Government that went well beyond their basic call of duty. Department heads nominated the following employees as “Ice Storm All-Stars:”

Public Health Department—Susan “Sue” Guptill

Sue Guptill, Director of Nursing, is a graduate of the Duke University School of Nursing and the University of North Carolina School of Nursing’s Masters Program. She has

been employed at the Health Department since August 1979. Most of her public health career has focused on improving the lives of children and their families.

Sue was nominated as an "Ice Storm All-Star" because of the work she did to assure that the Special Needs Shelter operated effectively with adequate nursing coverage. She spent nearly 50 hours outside of the normal work hours in her efforts. Sue was contacted very early on Thursday morning and asked to prepare to open the shelter at 7:00 a.m. She contacted and asked another manager to meet her at Brodgen Middle School. The two of them arrived to work with staff from DSS and Emergency Management to open the shelter. While working at the shelter, she used her personal cell phone to contact other staff members to begin to arrange ongoing shelter coverage. After the decision was made to relocate the Special Needs Shelter, Sue worked to facilitate a smooth transition for the citizens, staff, and equipment. She sent her personal cell phone with staff to the shelter at Jordan High School. (The phone was used throughout the crisis as a way to communicate with staff since the phones at Jordan were not available.) She then went home to continue to contact staff. After many futile attempts to contact staff by telephone, she contacted the Sheriff's Department to take her to the homes of employees so that they could be scheduled to work.

When the Special Needs Shelter at Duke had staffing difficulties, Sue went to the IM Building to assess each of the residents, arrange for their transportation to Jordan, and negotiate volunteer physician coverage for the Jordan Shelter. When the shelter relocated from Jordan to Oakleigh, Sue helped with the coordination activities. At the end of her regular workday, she went to Oakleigh to be sure that the staff and residents had things that were needed. On Wednesday evening, Sue spent a lot of time working with staff from DSS to identify housing options for the last person remaining in the shelter. When that person left the shelter, Sue went back to Oakleigh to make sure that the shelter supplies, etc. were gathered to be taken back to the EOC.

During this event, Sue spent many, many hours on the telephone, sometimes very late at night. Most of the calls were made from her bed where she sat bundled in layers of clothes and wearing a hat because she had no substantial auxiliary source of heat. She accepted all assignments and initiated ways to get the job done without once complaining!

General Services—Dondie "Ace" Artis

Employed: October 1, 1981 (20-year employee)

Position: Maintenance Technician II

During the ice storm, we had a request from the Emergency Management Command Center for generators. They made arrangements to have Duke Power supply a total of 16 small capacity generators. We picked up the generators and delivered them to the Durham City Signal Shop.

When the City received the generators, they had an electrician and signal crew visit a list of traffic signals that were inoperative due to a loss of electrical energy. They installed generators at 16 different sites and until Monday afternoon, they supported filling the fuel tanks to keep them operating.

Late Monday, the City passed that responsibility to Durham County General Services. Dondi (Ace) Artis volunteered to take the responsibility of traveling from intersection to intersection to check the fuel and oil levels on each generator. This process took him from sunset until sunrise. This project came up late afternoon after Ace worked a full day and continued all night with the support of his supervisor, Ron Butler. During the next few days, as power was restored to different sections of the city, the generators were shifted to other locations that did not have power. Others took over the responsibility of tending to the generators, but the most important turn of events was that Ace worked a full day without anticipation of working another 12 hours until we asked for volunteers.

The Durham Center—Methadone Services

Whenever there is inclement weather, the Methadone staff makes itself available to serve all of our clients. It is a heavy responsibility, as clients once on the medication cannot tolerate dose interruption without experiencing extreme physical pain and frequently requiring treatment at the ER.

This ice storm left the Clinic without power and heat as well, but the staff, with the cooperation of County General Services, worked together to set up make-shift lighting for basic security and safe use of the facility. The clinical work was done without computer support but the Team under the leadership of Melvania Briggs, PA and Toni Foxwell, Program Manager, provided service to 65 consumers by manually dispensing over 100 doses of methadone with the use of flashlights.

A task that ordinarily would have been completed in two hours required staff to be in the unheated facility from 7:30 until 4:00 p.m. to complete the requirements of each consumer. The staff also assisted in locating emergency housing for many, including several families with young children who were without electricity. In one case, staff delivered the medication to a consumer isolated in a nursing facility without access to transportation.

The Team members included Dr. Jim Finch, Melvania Briggs, Toni Foxwell, Belinda Green, and Willis Sanders. Our Security Officers Catherine Chavis and Phil Tayborn are also acknowledged as key members of the emergency team for the wonderful support both provided to the consumers and staff in maintaining a sense of calm throughout the extended day in what otherwise would have been hectic at best!

Medical Response

Spence Foscue, RN is acknowledged for his heroic and strong sense of human compassion demonstrated during the ice storm. Spence responded to a call for assistance

from the DPH. It was late Friday evening when he was called. Spence's family, including two school-age children, was struggling with no power and heating/cooking from their wood fireplace. On Saturday, after a family conference, Spence traveled from Chapel Hill to the Durham Shelter at Jordan High School. His expectation was to provide some relief to the DPH medical staff who was exhausted from working without relief.

Spence was recognized for the services provided to those residents who were medically fragile and at-risk. He was on duty for the next 12 hours before returning to his home and helping his family in their search for wood supplies to keep the house heated through the night.

Emergency Management—Chuck Armbrust and Michael Dean

These employees work for Glen Whisler as County Engineering employees. This was beyond their normal job duties. They called to ask what they could do.

Chuck worked 12-14 hours daily in the EOC answering phones, helping set-up shelter beds, fueling generators, and delivering meals to shelters.

Michael answered phones in the EOC, helped set-up shelters, and drove throughout the entire county to document damaged areas for FEMA. He also drove FEMA representatives to these areas.

Both Chuck and Michael always come through in times of need. They never question ANY job duty and will work until the task is completed. These two are truly ALL-STARS and work hard for the citizens of Durham County.

Emergency Medical Services—Kathy Mellown and Kevin Underhill

Both of these employees volunteered to work beyond their regular responsibilities in several areas—the Joint Information Center, Emergency Operations Center, and the Special Needs Shelter. Although both are certified Paramedics, their usual responsibilities encompass EMS education for County employees and the general public. Their expertise provided them with the unique ability to serve not only in a patient care role in the Special Needs Shelter but as expert triage officers in the JIC and EOC. Their participation in those areas provided a valuable asset to the centers in directly assisting callers in medical related requests, as well as helping to redirect requests from EMS to more appropriate resources within the City/County.

Department of Social Services—Chris Ivy, Adult Services Supervisor

Chris served as the lead person at the Special Needs Shelter, working hours too numerous to track. He brought his own family members into the shelter to serve as volunteers.

Betty Hughes—Child Protective Services Supervisor

Betty worked at four different shelters and gave generously of her time. She is always willing to help whenever called upon.

City Department of Property and Facilities Management—Mark Greenspan, Director

Mark served as the City's representative in the Emergency Operations Center. He is personally responsible for orchestrating the acquisition and installation of temporary generators, providing power to public housing facilities as well as generators at some of the busiest traffic intersections to run stoplights. By installing generators at the public housing facilities of J.J. Henderson Towers, Durham Hosiery Mill Apartments, JKF Towers, and the Oldham Towers, Mark allowed several hundred residents to remain in their homes, preventing the need to transport them to shelters. Mark and his staff worked with the schools system to provide fuel to keep these generators running. Without his efforts, all of these residents would have required transportation and accommodations at the shelters, which we did not have the capacity to provide.

In addition to the above "Ice Storm All-Stars," the efforts of the following should not go unrecognized:

Emergency Medical Services would like to commend two private companies for their assistance:

Sandy Wrightenberry, Second Breath Oxygen Supply Company

There is a tremendous number of homebound elderly and disabled in the County. Quite a few of them require oxygen and normally contract with private companies to provide that service. None of them were answering calls for service, leaving hundreds of people without oxygen. Ms. Wrightenberry was kind enough not only to look after her own clients, but to provide EMS with enough oxygen tanks and oxygen concentrators to supply these people until either their power came back or their regular supplier could furnish them with what they needed. She did this at no charge...Outstanding!

Jeff White, Johnston Ambulance Service

Mr. White manages a private ambulance service here in the County and also provides wheelchair service. Once again, there are hundreds of homebound individuals as well as nursing facility residents who depend on the public ACCESS wheelchair service. When the storm hit, ACCESS was unavailable. They did not report to work, nor could we contact them to convince them to help provide wheelchair transportation to the clients they normally serve. There were literally hundreds of individuals who needed this transportation for dialysis treatments, etc. Mr. White and his service, although a private company, agreed to help provide this service throughout the crisis. He and his company are to be commended. They were not required to do this.

- EMS had 68 employees who worked around the clock during the storm; five rotated around the clock in either the JIC or EOC. A significant number of EMS employees left their families without power and other necessities to help us provide vital emergency service for Durham County. Once again, a great job that needs recognition.
- First Presbyterian Church for serving as a shelter for over 270 residents. The staff and volunteers of the church were magnificent; even the music director led residents in Christmas carols.
- The Salvation Army
- Urban Ministries
- County Engineering Department:
Several Engineering Department employees contributed to the storm recovery efforts. In addition, Woodard and Curran, the operating contractor for the Triangle Wastewater Treatment Plant, was instrumental in making sure that continuous wastewater treatment services were provided to customers in the southeastern part of Durham County through the use of emergency generators and diesel pumps.
- General Services Department:
Approximately thirty employees worked every day to provide numerous services each day of the storm including:
Wednesday: Placed sand and chemical ice melt at the entrance to County buildings.
Thursday: Removed broken limbs, scraped County parking lots/sidewalks and building entrances; re-applied sand and ice melt; set-up and operated emergency generator for the County gas station for Sheriff's office and EMS.
Friday: Provided sand/ice melt at emergency shelters for safe access and egress; continued operation of emergency generator at County gas pump from 6:00 a.m. to 6:00 p.m.; set-up and operated emergency generators for Public Health Immunizations and Mental Health Methadone Clinic; provided cleanup for JIC restrooms, 5th floor Admin bldg., restock paper supplies, and tidy up JIC room.
Saturday: Continued support on County gas station (6 a.m.-6 p.m.) and Health bldg. generators; conducted a walk-through of County building checking for water damage; all four county convenience centers operated from 7 a.m.-7 p.m. for County residents.
Sunday: Picked up, delivered, and secured 16 emergency generators for the operation of traffic lights at major intersections; responded to reported leak at MH group home facility at Seven Oaks; shut off water, removed damaged and hanging ceiling, and water vacuumed carpet (estimate approximately \$7-8,000 in damages). The Rougemont convenience center was operated 7 a.m.-7 p.m. Other sites were closed as all boxes were filled with trash and BFI was unable to empty.

Monday: Picked up trash, mopped floors with disinfectant, and unstopped toilets at two emergency shelters at Hillside and Jordan; picked-up mission to refuel 16 generators operating traffic lights in Durham City every 4-hours, 24-hours per day until further notice.

- In addition, EMS, Information Technology, City-County Planning, Human Resources, County Attorney's Office, Public Health, and others offered their services during the storm, either at shelters, the Joint Information Center, or the Emergency Operations Center.

Anchor Award Presentation to County Manager Michael M. Ruffin

Chairman Reckhow added this item to honor County Manager Mike Ruffin for his exemplary efforts during the aftermath of the ice storm. County Manager Ruffin was presented with the Durham County Anchor Award for excellence in service to the County.

Chairman Reckhow thanked each person recognized by County Manager Ruffin but also wished to thank all other County employees who volunteered their time throughout County government.

Presentation from Verizon Foundation

The Verizon Foundation wished to recognize Urban Ministries of Durham for its efforts during the December 2002 Ice Storm. A \$25,000 check was presented to assist Urban Ministries with the provision of emergency services.

Resource Person(s): Steve Toler, Vice President for Public Affairs, Verizon; Lloyd Schmeidler, Executive Director, Urban Ministries of Durham

County Manager's Recommendation: Congratulate Urban Ministries for its efforts during the Ice Storm and express appreciation to Verizon for its contribution.

Mr. Toler first thanked those persons recognized as "Ice Storm All-Stars." He then named and thanked the efforts of Verizon employees during the storm.

Mr. Toler congratulated and thanked Mr. Schmeidler for the work of Urban Ministries of Durham.

Mr. Schmeidler gave thanks to Verizon for the check and commented on its proposed use in the community.

Chairman Reckhow thanked Verizon Foundation for the wonderful gift. She recognized Mr. Bob Novak, who had signed to speak on this item.

Mr. Bob Novak thanked staff from the Homeless Shelter for its work in the community.

Introduction of the New Tax Administrator

Deputy County Manager Wendell Davis introduced Mr. Kenneth L. Joyner as the new Tax Administrator for Durham County Government. He began work on January 6, 2003. He has served as Tax Administrator/Collector in the Onslow County Tax Department since January 1999. Prior to joining Onslow County, Mr. Joyner served as Tax Administrator in Chatham County and as a Commercial/Industrial Appraiser in Harnett County.

He is a 1992 graduate of North Carolina State University with a Bachelor of Arts degree in Accounting. Additionally, he holds the following professional certifications and designations:

N.C. Department of Revenue—Certified Assessor
N.C. Association of Assessing Officers—Certified North Carolina Assessor
N.C. Tax Collectors Association—Certified Tax Collector

He is currently serving as 2nd Vice President of the North Carolina Tax Collectors Association, and as a member of the North Carolina Association of Assessing Officers, the North Carolina Property Mappers Association, as well as the International Association of Assessing Officers.

As Durham County Tax Administrator, Mr. Joyner will manage the customary tax functions of listing, assessing, and collections.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommended that the Board welcome Mr. Joyner as the new Tax Administrator.

Mr. Joyner thanked the Board for the opportunity to serve in Durham County.

Chairman Reckhow welcomed Mr. Joyner to Durham County and expressed that the Board is looking forward to working with him. She then referenced the new tax listing forms for 2003, which had recently been mailed to property owners throughout the county. Citizens had been asking questions about these new listing forms. She asked Mr. Joyner to explain why the listing form was being used.

Mr. Joyner explained that after discussions with Orange, Chatham, and Cumberland Counties, Durham County staff decided to institute the forms being used by those counties. The decision was made primarily to educate the public and assist them during

the listing process. Also, the forms would be very beneficial in gathering real property information and in keeping an accurate database.

Mr. Joyner announced that this year the citizens in Durham County have the opportunity to list their business/personal property online. Hopefully, many citizens will take advantage of this. It will be of great benefit to the County in this and coming years.

Chairman Reckhow thanked Mr. Joyner for his excellent explanation.

Consent Agenda

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the following consent agenda items:

- * (a) Budget Ordinance Amendment No. 03BCC000035, Capital Project Amendment No. 03CPA000007, and Approval of Construction Contract for the Additions and Renovations to the Lebanon Emergency Medical Services (EMS) Station on Milton Road—Project No: DC064-48; Bid No: IFB 03-007 (authorize appropriation of \$36,624.00 to the Lebanon capital project and execution of a contract with Patriot Building Company, Inc. in the amount of \$209,493.00, and to execute any change orders or related contracts, if necessary, but not to exceed a project cost \$219,968.00);
- * (b) Budget Ordinance Amendment No. 03BCC000036—DSS—Budget Amendment Recognizing Additional Child Care Revenue (approve this amendment to recognize additional intergovernmental revenue in the amount of \$688,852 for child care subsidy payments);
- * (c) Capital Project Amendment No. 03CPA000008—Funding for Phase II Improvements at the Durham County Waste Water Treatment Plant (approve this amendment appropriating \$25,762,935 to Phase II of the Waste Water Treatment Plant Improvements Capital Project; the County Manager would like to commend the Board for its leadership and support on this project that will continue to provide wastewater treatment services to the increasing customer base and improve water quality by significantly reducing Nitrogen Northeast Creek and Jordan Lake);

- (d) Triangle J Cable Regulatory Consortium (approve membership in the Triangle J Cable Regulatory Consortium);
- * (g) Agreement With the North Carolina Department of Environmental and Natural Resources (NCDENR) for Forest Ranger (approve the agreement with the Department of Environmental and Natural Resources for the fiscal year ending June 30, 2003);
- * (h) North Carolina Department of Transportation (NCDOT) Community Transportation Grant Approval Request (approve the resolution authorizing Durham County Cooperative Extension Center to submit the FY2003-2004 Community Transportation Program Grant to the NCDOT); and
- (j) Execution of Architectural Design Service Contract with Gurlitz Architectural Group, P.A., for the Proposed Emergency Medical Services (EMS) Station #2—RFQ 02-045/Project No.: DC069-50 (authorize the execution of an architectural design contract with Gurlitz Architectural Group, P.A. in the total amount of \$88,740.00 plus additional services and reimbursable expenses estimated at \$14,000.00, thus totaling \$102,740.00).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 7(a). Budget Ordinance Amendment No. 03BCC000035, Capital Project Amendment No. 03CPA000007, and Approval of Construction Contract for the Additions and Renovations to the Lebanon Emergency Medical Services (EMS) Station on Milton Road—Project No: DC064-48; Bid No: IFB 03-007 (authorize appropriation of \$36,624.00 to the Lebanon capital project and execution of a contract with Patriot Building Company, Inc. in the amount of \$209,493.00, and to execute any change orders or related contracts, if necessary, but not to exceed a project cost \$219,968.00).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000035

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 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>CAPITAL FINANCING</u>			
<u>PLAN FUND</u>			
Other Financing Sources	\$17,565,350	\$36,624	\$17,601,974

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$33,945,302	(\$36,624)	\$33,908,678
Other	\$20,753,484	\$36,624	\$20,790,108

CAPITAL FINANCING

<u>PLAN FUND</u>			
Other	\$28,813,595	\$36,624	\$28,850,219

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

This the 13th day of January, 2003.

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

The capital project ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2002-03 Capital Projects Ordinance
 Amendment No. 03CPA000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Lebanon Building Project.

Lebanon Building Project

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Lebanon Building Project	\$865,224	\$36,624		\$901,848

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

This the 13th day of January, 2003.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(b). Budget Ordinance Amendment No. 03BCC000036—DSS—Budget Amendment Recognizing Additional Child Care Revenue (approve this amendment to recognize additional intergovernmental revenue in the amount of \$688,852 for child care subsidy payments).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000036

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 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 Revenues	\$260,395,182	\$688,852	\$261,084,034

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$316,837,015	\$688,852	\$317,525,867

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

This the 13th day of January, 2003.

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

Consent Agenda 7(c). Capital Project Amendment No. 03CPA000008—Funding for Phase II Improvements at the Durham County Waste Water Treatment Plant (approve this amendment appropriating \$25,762,935 to Phase II of the Waste Water Treatment Plant Improvements Capital Project; the County Manager would like to commend the Board for its leadership and support on this project that will continue to provide wastewater treatment services to the increasing customer base and improve water quality by significantly reducing Nitrogen Northeast Creek and Jordan Lake).

The capital project ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Capital Projects Ordinance
Amendment No. 03CPA000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Waste Water Treatment Plant project.

ENTERPRISE FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Waste Water Treatment Plant Project	\$9,863,880	\$25,762,935		\$35,626,815

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

This the 13th day of January, 2003.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(g). Agreement With the North Carolina Department of Environmental and Natural Resources (NCDENR) for Forest Ranger (approve the agreement with the Department of Environmental and Natural Resources for the fiscal year ending June 30, 2003).

STATE OF NORTH CAROLINA
Department of
Environment & Natural Resources

\$131,460.00
Total Cooperative Appropriation

<u>\$ 78,876.00</u>	<u>60%</u>
State	
<u>\$ 52,584.00</u>	<u>\$40%</u>
County	

AGREEMENT FOR THE PROTECTION, DEVELOPMENT AND IMPROVEMENT
OF FOREST LAND IN DURHAM COUNTY, NORTH CAROLINA

THIS AGREEMENT, made under authority of "An act to authorize Counties to

cooperate with State in Forest Protection, Reforestation and promotion of Forest Management,” (Section 113-59 of the General Statutes of North Carolina-1943), and also under authority of another Section of the General Statutes, namely Section 113-54, by the North Carolina Department of Environment & Natural Resources (hereinafter called the Department), party of the first part, and the Board of Commissioners of DURHAM COUNTY in the State of North Carolina (hereinafter called the Board), party of the second part, witnesseth:

That WHEREAS the said Board, recognizing the need for active forest protection, development, reforestation, management, and improvement in DURHAM COUNTY, has accepted the offer of the Department for cooperation in accomplishing this object:

Now THEREFORE, in consideration of the mutual covenants hereinafter set forth, the said parties contract and agree to maintain a legally appointed and equipped Forest Ranger organization in said county at the joint cost of the State and County, insofar as the joint funds will permit, as follows:

Part I. THE DEPARTMENT AGREES:

1. To select, employ, and appoint, after consultation with the Board, a County Forester or County Forest Ranger for the purposes of controlling forest fires in said County; for detecting and extinguishing fires that break out; for investigating the origin of forest, woodland, and field fires; for enforcing State forest fire laws; for taking such preventative measures, educational and otherwise, as shall seem necessary to prevent forest fires; for developing and improving the forests through reforestation promotion and practice of Forest Management practices; and for protection from insects and diseases.

2. To furnish to each Forester or Forest Ranger so employed a badge of office, stationery, and report forms, instructional posters for use in the County, leaflets for distributing to landowners and others; to purchase necessary equipment, communication systems, and other Forestry improvements deemed necessary insofar as the joint funds will permit.

3. To pay the Forester or Forest Ranger for all official services rendered, at a fair rate of pay. Rates of pay are to be established by the Department in accord with existing State salary schedules.

4. To direct, supervise, instruct, and inspect, through its agents, the work and conduct of the Forester or Forest Ranger, to discipline and, when necessary, discharge such Forester or Forest Ranger.

5. To submit to the Board of Commissioners monthly (or at other mutually satisfactory intervals) an itemized statement of all monies to be paid by the County and those paid by the Department for proper conduct of the work within said County.

6. To make available annually from State, Federal, and other funds allotted to it, the sum of SEVENTY EIGHT THOUSAND, EIGHT HUNDRED SEVENTY SIX DOLLARS (\$78,876.00) as its share of an annual budget of \$131,460.00 for carrying the work in said County.

Part II. THE BOARD AGREES:

1. To pay to the Department 40% of the total cost of the Forester or Forest Ranger salaries and expenses and of other proper expenditures made in connection with the overall Forestry program in said County, upon receipt and consequent approval of the periodic statements submitted by the Department.

2. To appropriate annually the sum of FIFTY TWO THOUSAND, FIVE HUNDRED EIGHTY FOUR DOLLARS (\$52,584.00) which sum shall be available for expenditure under the terms of this Agreement, and shall represent the County's share of the annual budget.

Part III. IT IS EXPRESSLY AGREED AND UNDERSTOOD BY BOTH PARTIES:

1. That this Agreement becomes effective July 1, 2002.

2. That the annual appropriations as set forth above may be revised by mutual agreement between the Department and the Board, based on the amount of annual appropriation desirable for the proper conduct of the Forestry work, such revision to become effective at the beginning of a given Fiscal Year. Any unused balance of County funds remaining at the end of a Fiscal Year shall revert to said County unless otherwise mutually agreed upon by both parties.

3. That the Board reimburse the Department as provided in Part II, Item 1, by forwarding a county voucher drawn in favor of the Department for the amount of the County's share of expenditures as set forth in the Department's periodic statement to the Board. That such payments be made by the Board within thirty days following receipt of the Department's billing.

4. That title to all improvements and equipment purchased and/or constructed in connection with this agreement will rest with the Department; such materials or their equivalent will remain in the County as long as this agreement is in

effect, or as long as they are needed by the Department for the proper conduct of the work therein.

5. That the Forester or Forest Ranger periodically or at the request of the Board, shall present to the Board statements of the work being done within the County, so that said Board may be frilly informed at the times regarding the Forestry finances and activities within the County.

IN WITNESS WHEREOF, the said parties do hereunto affix their names and seals upon the date herein below specified.

For the Board of County Commissioners of DURHAM COUNTY.

Date 1/21/03

/s/ Ellen W. Reckhow
Chairman

Provisions for the payment of the monies to fall due under this Agreement have been made by appropriation duly made or by bonds or notes duly authorized, as required by the "County Fiscal Control Act."

Date 1/1/5/03

/s/ George Quick
County Finance Officer

Consent Agenda 7(h). North Carolina Department of Transportation (NCDOT) Community Transportation Grant Approval Request (approve the resolution authorizing Durham County Cooperative Extension Center to submit the FY2003-2004 Community Transportation Program Grant to the NCDOT).

The resolution follows:

RESOLUTION

Applicant Seeking Permission to Apply for CTP Funding,
Enter Into Agreement with the North Carolina Department of Transportation
and to Provide the Necessary Assurances

Whereas, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

Whereas, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

Whereas, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

Whereas, Durham County Government hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.:

NOW, THEREFORE, BE IT RESOLVED that Chairman Ellen W. Reckhow of the Durham County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

Items Removed for Discussion

Consent Agenda 7(e). Review of Memorandum of Understanding With the Durham Public Schools (review the proposed Memorandum and advise staff of any additional changes or issues that should be incorporated therein).

Chairman Reckhow called on Dr. E. L. Allison and Mr. Bob Novak who had signed to speak on this item.

Dr. Allison asked the Commissioners to make this Memorandum of Understanding a priority, to add the word "all" when referring to the school children, and to move toward quarterly assessments. She challenged the Board to keep close contact with Durham Public Schools and to ask for reports to keep informed of what is going on.

Mr. Bob Novak expressed his frustration at the increase in trailers being used to hold classes. He agreed with Dr. Allison on the priorities.

Vice-Chairman Bowser spoke to Mr. Novak's concern regarding the trailers. The building of the two proposed elementary schools should eliminate the need for trailers at the schools.

Chairman Reckhow stated that the Durham Public Schools Board of Education and the Commissioners would meet in a couple of months to begin updating and discussing the FY 2003-2004 Memorandum of Understanding and the CIP. The issues of overcrowding and capacity will be addressed.

After a lengthy discussion among the Board members regarding the proposed Memorandum of Understanding, it was advised that the following changes be made:

- Second WHEREAS: Add the word "all" before "Durham school children..."
Number 2: change "media" (last word in paragraph) to read "Board of Education."
Number 3: change "semi-annual" to read "quarterly."
Number 9: add "with focus on the recommendations included in the state planning report of April 1993."
Number 10: after "meet" add "in the last quarter of the fiscal year..."

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the Memorandum of Understanding with recommended additions/changes and send it back to the Durham Public Schools Board of Education for its approval.

The motion carried unanimously.

Consent Agenda 7(f). Set Date and Time for Advanced Public Comment on the Fiscal Year 2003-2004 Budget (approve the date and time as proposed).

Chairman Reckhow called on Dr. E. L. Allison who had signed to speak on this item.

Dr. Allison stressed that the budget process must be clearly laid out if the process provides for input. She wanted the Commissioners to concentrate on improving inner-city schools.

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve item No. 7(f).

The motion carried unanimously.

Consent Agenda 7(i). Execution of Architectural Design Service Contract with Little, Diversified Architectural Consulting for the Renovation of Stanford L. Warren Library—RFQ 02-034/Project No.: DC073-48 (authorize the execution of an architectural design contract with Little, Diversified Architectural Consulting in the amount of \$93,000.00 plus additional services and reimbursable expenses estimated at \$42,550.00, thus totaling \$135,550.00).

Commissioner Heron pulled this item because she needed clarity on several items of the report. On page 3, "IV. Clarifications to Basic Services," she asked why these services are not included in the original contract, specifically item Nos. 4 and 9.

Glen Whisler, PE, County Engineer, address Commissioner Heron's concerns.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve consent agenda item No. 7(i).

The motion carried unanimously.

Resolution Pledging Support to the Farmers of Northampton County

Vice-Chairman Bowser asked that the Board discuss a resolution that was unanimously adopted by the Northampton County Board of Commissioners on January 6, 2003. It urges the North Carolina Congressional Delegation and Governor Mike Easley to exercise all powers and authority vested in them seeking assistance from the federal government for relief from the disaster for its farmers.

Commissioner Heron moved that the Board support this resolution. Commissioner Bowser seconded the motion.

The motion carried unanimously.

Chairman Reckhow suggested that a letter of support be sent with this resolution to our Congressional Delegation and to Governor Easley.

Public Hearing—Proposed Zoning Text Amendment Related to Additions to Mixed Use (MU) Zoned Tracts (TC03-03)

This is a citizen-initiated proposal to modify the Zoning Ordinance's standards for the Mixed Use District (MU). According to the proposal, additions to MU projects may be approved as long as zoning requirements, such as open space requirements, can be met within the boundaries of the overall MU project.

The Zoning Committee unanimously recommended approval of the proposal after conducting a public hearing on December 10, 2002.

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

Resource Person(s): Dick Hails, AICP, Durham City-County Planning

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing on the proposed text amendment and adopt it, if appropriate, after receiving comments on the change.

Frank Duke, Planning Director, presented this item to the Board.

Commissioner Heron asked Mr. Duke what impact this amendment has on the spite strip.

Mr. Duke answered that the original modification was made to the Zoning Ordinance to prevent spite strips from being created by saying that all zoning requirements must be capable of being met within the boundaries of the area being rezoned. This amendment is a relaxation of that standard for mixed use projects. For instance, if in the initial rezoning of an approved mixed use project an excess dedication of land was set aside (for tree save, for example) but was not a committed element, additions to the previously approved project would be allowed by counting the original property which was set aside.

Chairman Reckhow opened the public hearing which was properly advertised.

As no one asked to speak at the public hearing, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Heron moved, seconded by Commissioner Jacobs, to adopt an amendment to the Zoning Ordinance related to rezoning an addition of a tract to an existing mixed use zone tract (TC 03-01).

The motion carried unanimously.

The amendment follows:

TC 03-01

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
RELATED TO REZONING AN ADDITION OF A TRACT TO AN EXISTING
MIXED USE ZONED TRACT

WHEREAS, the Durham Board of County Commissioners wishes to amend the Zoning Ordinance; and

WHEREAS, current provisions of the ordinance do not facilitate the addition of parcels to existing mixed use projects; and

WHEREAS, this amendment will provide for expansion of mixed use developments, more flexibility within the project, and potential improvements to the design of such projects; and

WHEREAS, this amendment will not affect rezoning applications for other districts; and

WHEREAS, this amendment will foster the more frequent use of the mixed use zoning district and create the potential for more desirable development patterns:

NOW, THEREFORE, BE IT ORDAINED THAT:

SECTION 1

Sections 4B.2.1 (MU Purpose) of the Zoning Ordinance be amended to read as follows:

4B.2.1 Purpose

The Mixed Use District (MU) is established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features. In addition to a mixture of compatible uses, developments in this district shall provide amenities and walkways to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the attractiveness of Durham City and County, improve the overall quality of life, and provide for the welfare of the citizens.

A Development Plan and a Phasing Plan are required as part of the rezoning application for the mixed use district; however, limited flexibility is allowed in order to accommodate changes in market conditions over the period of development of the project. In addition, flexibility shall be provided in the application of Section 15.2.1 to permit additions to existing MU-zoned tracts; if the project can meet all requirements within the existing and added areas; the entire tract need not be rezoned in order to permit the expansion of the MU zoned project. (See Section 4B.2.7). Standards for development and a thorough review process are established as a part of this district to assure conformance to this district's purpose. The district is intended for implementation within the boundaries of the Urban Growth Area.

SECTION 2

That Section 4B.2.7 (MU Submittal Procedure) of the Zoning Ordinance be rewritten as follows:

4B.2.7 Submittal Procedure

To assure satisfactory conformance with the purposes of this district, a thorough review procedure is established. The review requires submittal of a more extensive application than is required for other zones. To have property considered for the Mixed Use District, the application shall be signed by all

property owners or agents for the owners with Power of Attorney. In addition, the application shall include an expanded version of a Development Plan and a Phasing Plan (described below). If the MU district is granted as a result of this application, no building or land shall be used and no building shall be erected or structurally altered until a Site Plan is approved in conformance with procedures found for Site Plans. Site Plans, which show a significant change from the Development Plan, require resubmittal and approval of an amended Development Plan and Phasing Plan.

When a property proposed to be rezoned to MU is being added to a larger and contiguous MU-zoned property, the provisions of Section 15.2.1, requiring that all zoning requirements must be capable of being met within the boundaries of the area being rezoned may be waived if the zoning requirements are met considering the area of the existing MU zoning and the added area together, without requiring that the entire project area be rezoned. The tract being added to the original project may rely on the original property to a limited extent to meet ordinance requirements, provided that the elements shown on the development plan for the original development in excess of code requirements, which provide the basis for the expanded tract meeting all requirements, were not committed by the developer at the time of the original rezoning to be provided in excess of code requirements. Projects seeking to utilize this provision shall demonstrate connectivity of both pedestrian and vehicular movements without accessing major thoroughfares, and shall exhibit common design features that are integrated with the features of the original project. Projects seeking to utilize this provision shall be required to provide graphics and/or a chart demonstrating how the original and added tracts, when combined, meet all of these requirements.

Staff Consultation: It is required that the applicant meet with the staff of the Planning Department as an initial step in seeking the MU district. The Planning staff, in conjunction with other development related Departments, can assist the prospective applicant with ordinance requirements and procedures.

SECTION 3

That Section 15.2.1(Amendment Procedures, Application) be amended to read as follows:

15.2.1 Application

Application forms for map amendments are available in the City-County Planning Department. A zoning map amendment may be initiated by the Governing Body, the Planning Commission, the Board of Adjustment, the Planning Department, or any citizen. Such completed applications shall consist of all information required by the application and the specified filing fee. A completed application may be filed with the Planning Department at times specified by the Planning

Department. Zoning text amendment proposals that are not initiated by the Planning Department staff or Governing Body should be submitted to the Planning Department for a staff conference prior to the official submittal in order to clarify the form and language.

If the boundaries of a rezoning request stop short of an exterior property line, that portion of the property outside that boundary must be sub-dividable and/or developable as per both the existing zoning on the property and other requirements of the ordinance.

All zoning requirements must be capable of being met within the boundaries of the area being rezoned. If they cannot, the rezoning must be expanded to include necessary property being used to meet zoning requirements. This requirement shall not be applied on any tract seeking rezoning to Mixed Use (MU) adjoining an existing Mixed Use (MU) zoned property if the property seeking the new MU designation represents an expansion of the existing MU project, and meets the requirements of Section 4B.2.7

If the boundaries of a rezoning request in process are modified so as to 1) remove property from the request, and 2) have the effect of separating other adjoining properties from the boundaries of the modified request, that change will be considered a substantial change from the original request and shall result in the modified request being considered a new rezoning request and requiring resubmittal with a new application and applicable fees.

SECTION 4

That the Zoning Ordinance may be renumbered if necessary to accommodate this change.

SECTION 5

That this Ordinance becomes effective upon adoption.

Special Board of Equalization and Review

Chairman Reckhow added this item to the agenda to reference the memo the Commissioners received from Tax Administrator Kenneth L. Joyner about the special Board of Equalization and Review. Mr. Joyner requested that the Commissioners submit their nominations for the board by Monday, January 27, 2003. Four of the five Board of Equalization and Review members wish to be reappointed. They are George A. Scott, Kelly Matherly, Warren Robinson, and Freddie Stell. One board member, Ollie Cook, had resigned and a replacement must be made for him.

Commissioner Jacobs nominated Mr. Scott, who had been appointed previously by MaryAnn E. Black, a past member of the Board of Commissioners.

Commissioner Heron asked to see attendance records for the Board of Equalization and Review members.

Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions (asterisks indicate appointments):

Animal Control Advisory Board:

Three expired terms (expire January 2006)

*James E. Hardin Jr. (District Attorney)—Bowser, Cousin, Heron, and Reckhow

*Jenny Nichols (Veterinarian)—Bowser, Cousin, Heron, Jacobs, and Reckhow

Bicycle and Pedestrian Advisory Committee:

One expired term (expires June 2005) (Business Position)

*Aaron Cain—Bowser, Cousin, Heron, Jacobs, and Reckhow

Cable TV Advisory Board:

Two expired terms (expire December 31, 2004)

*David N. Blodgett—Bowser, Cousin, Heron, Jacobs, and Reckhow

*Gregory Thomas—Bowser, Cousin, Heron, Jacobs, and Reckhow

Civic Center Authority:

One expired term (expires July 31, 2006)

*Mohammad S. Rashdi—Bowser, Cousin, Heron, Jacobs, and Reckhow

Durham County Emergency Medical Services Council:

Three expired terms (expire June 2005)

*Robert H. Andrews (represent Bethesda Fire Department)—Bowser, Cousin, Heron, Jacobs, and Reckhow

*David Marcozzi (Duke University Medical Center)—Bowser, Cousin, Heron, Jacobs, and Reckhow

*Richard Serra (EMS Medical Director)—Bowser, Cousin, Heron, Jacobs, and Reckhow

Nursing Home Community Advisory Committee:

Four expired terms (expire February 2004)

*Gay S. Bonds—Bowser, Cousin, Heron, Jacobs, and Reckhow

Open Space and Trails Commission:

Two expired terms (expire December 31, 2005)

*Robert B. Glenn Jr.—Bowser, Cousin, Heron, Jacobs, and Reckhow

Public Health Department:

Three expired terms (expire January 2005)

*Robin W. Blanton (Engineer)—Bowser, Heron, Jacobs, and Reckhow

Niranjani R. Bonner (Medical Doctor)—Cousin

*Dr. William Clayton Bordley (Medical Doctor)—Bowser, Cousin, Heron, Jacobs, and Reckhow

*John B. Zatti (Pharmacist)—Bowser, Cousin, Heron, Jacobs, and Reckhow

Raleigh-Durham Airport Authority

Two expired terms (expire January 2005)

Dr. Herbert L. Carson—Cousin

*Craigie Sanders—Bowser, Heron, Jacobs, and Reckhow

*W. Stephens Toler—Bowser, Cousin, Heron, Jacobs, and Reckhow

Transportation Advisory Board

One expired term (expires October 2005)

*David Witte Keaveney—Heron, Jacobs, and Reckhow

Raymond E. Smith, Jr.—Bowser and Cousin

Women's Commission

Five expired terms (expire June 2006)

*Niranjani R. Bonner—Bowser, Heron, and Reckhow

*Dannie Carr McClees—Bowser, Cousin, Heron, Jacobs, and Reckhow

Vice-Chairman Bowser expressed concern over the low number of applications received for board and commission vacancies.

Chairman Reckhow had asked Clerk to the Board Garry Umstead to get information on placing advertisements in the News and Observer to enhance citizens' response in applying for positions on boards and commissions. The information had been collected; however, the Commissioners must amend its advertising policy for boards and commissions in order to advertise in the News and Observer. Chairman Reckhow directed Mr. Umstead and County Attorney Kitchen to work together to place this on a future agenda.

Adjournment

Chairman Reckhow adjourned the meeting at approximately 9:00 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board