

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

February 10, 2003

7:00 P.M. Regular Session

AGENDA

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

2. **Agenda Adjustments**

Item 5(m) was added (Approval of Resolution to appoint Jeffrey L. Batten, Director, Emergency Management as Durham County's Primary Agent, and Susan Fox-Kirk, Assistant Finance Director as Durham County's Secondary Agent for Ice Storm 2002, FEMA 1448 DR-NC)

Item 11(a) was added by Vice-Chairman Bowser (employee grievances).

Item 11(b) was added by Vice-Chairman Bowser (state tax)

3. **Minutes**

October 14, 2002 Regular Session Minutes

Commissioner Cousin moved, seconded by Vice-Chairman Bowser to approve the October 14, 2002 Regular Session Minutes with a one-word correction.

The motion carried unanimously.

4. **Recognition of the Durham County's Sedimentation & Erosion Control Program**

The Board is requested to recognize the Durham County Engineering Department, Sedimentation & Erosion Control Division. Each year the North Carolina Sedimentation Control Commission selects 2 local erosion control programs out of about 50 across the state as the most outstanding. One award is for small programs with three or less employees and the other is for large programs with more than three employees. Durham County was recognized as the outstanding large program for 2002 by the Sedimentation Control Commission on February 5, 2003.

County staff involved in administration of the erosion control program include:

- Glen Whisler, P.E., County Engineer
- William Noyes, P.E., Erosion Control Officer
- Vickie Jones, Administrative Assistant
- Charles Armbrust, Erosion Control Technician
- Timothy Holland, Erosion Control Technician
- Robert Sokolowski, Erosion Control Technician.

In addition, Curtis Massey, Assistant County Attorney, provides legal support to the program.

Resource Person(s): Glen E. Whisler, P.E., County Engineer

County Manager's Recommendation: The County Manager recommends the Board extend sincere appreciation to the County employees involved in the erosion control program for their dedication and efforts that made this award possible.

Mr. Whisler introduced the employees present from his department who had received this award-Ms. Vickie Jones, William Noyes, and Timothy Holland.

The Board of County Commissioners extended their congratulations to the entire department for having received this very selective award.

5. **Consent Agenda**

- a. Budget Ordinance Amendment No. 03BCC000038-Public Health-To Recognize \$13,735 in New Revenue and Request to Establish a Health Educator I Position for the Health Education Division (approve this amendment to recognize \$13,735 in revenue from the NC DHHS and to establish a Public Health Educator I position for the Health Education Division);
- b. Budget Ordinance Amendment No. 03BCC000039-Public Health-To Recognize \$12,718 in new Revenue for the Health Education Division (approve this amendment to recognize \$12,718 from the Department of Health and Human Services for the Health Education Division);
- c. Budget Ordinance Amendment No. 03BCC000040-Public Health-To Accept a Three Year Grant from Duke University Medical Center in the Amount of \$142,571, to Appropriate \$18,843 for the Health Education Division, and to Establish a Full Time Health Education Specialist for HIV Outreach and Prevention (approve this amendment to recognize \$18,843 in grant funds from the Duke University Medical Center);
- d. Budget Ordinance Amendment No. 03BCC000041-DSS-To Accept Crisis Intervention Prevention (CIP) Revenue (approve this amendment to recognize additional energy administration funding in the amount of \$63,054);
- e. Rules of Procedure for the Durham County Board of Commissioners (adopt the revised Rules of Procedure which incorporate the changes suggested by the Board);
- f. AAA Ambulance Service Franchise Renewal (accept the 3-year ambulance franchise renewal request, and schedule the request for a second approval on February 24, 2003 for final approval);
- g. Approve Sole Source of Communication Repeaters and Desk Phones from Local Law Enforcement Block Grant Funds (approve the sole source exemption for Motorola (Piedmont Communications Co., Inc.) to furnish, install, and program the Repeaters and Desk Phones for the Sheriff's Office);
- h. Capital Project Amendment No. 03CPA000009-New Hope Creek Open Space Acquisition (approve the acquisition of approximately 25.5 acres of land within the New Hope Creek project area, and authorize the County Manager to dedicate a conservation easement to the State of North Carolina for the properties in accordance with the CWMTF grant provisions; in addition, authorize the County Manager to initiate a request for permission from Orange Board of County Commissioners for the 1.1-acre tract within Orange County; in addition, to Increase the Open Space Acquisition and Development Capital Project Budget CD027 by \$40,007 to reflect anticipated CWMTF reimbursement funds);
- i. Major Preliminary Plat-Horseshoe Circle Subdivision-Horseshoe Road (Case D02-047) (hear the merits of the preliminary plat and approve);
- j. Resolution Setting Technology Surcharges and Fees for City-County Planning and City-County Inspections Departments (adopt the proposed Fee Resolution);
- k. Contract Amendment for Sludge Removal (authorize the County Manager to execute the attached contract amendment with R&R Environmental, Inc. for sludge removal at a cost not to exceed \$302,400);
- l. Resource Conservation and Development (RC&D) Council Application (adopt the attached application to become a member of the RC&D Council); and
- m. Approval of Resolution to appoint Jeffrey L. Batten, Director, Emergency Management as Durham County's Primary Agent, and Susan Fox-Kirk, Assistant Finance Director as Durham County's Secondary Agent for Ice Storm 2002, FEMA 1448 DR-NC**

Commissioner Cousin moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda items 5(b), (d), (f), (g), (h), (j), (k), and

(m).

The motion carried unanimously.

Vice-Chairman Bowser pulled Consent Agenda item 5(a) for discussion.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin to approve Consent Agenda item 5(a).

The motion carried unanimously.

Vice-Chairman Bowser pulled Consent Agenda item 5(c) for discussion.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve Consent Agenda item 5(c).

The motion carried unanimously.

Consent Agenda items 5(e) and 5(l) were pulled to allow citizen comment.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve Consent Agenda items 5(e) and 5(l).

The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve Consent Agenda item 5(i).

The motion carried unanimously.

6. Report on the Money Wi\$e Program in the Department of Social Services

Reducing poverty in Durham County is a shared goal among numerous government agencies, non-profits, the faith community, and the business community. Essential steps toward our goal of reducing poverty are to connect more families to checking and savings accounts and the Earned Income Tax Credit and to provide training to families on how to manage their money. Money Wi\$e Durham aims to achieve this and to serve as a model for other communities across the State.

Money Wi\$e Durham will bring together the numerous organizations that work with and employ low-income families to provide training to service providers, employers, and low-income, working families with three measurable outcomes:

1. More low-income families will start checking accounts with a mainstream financial institution
2. More low-income families will apply for the Earned Income Tax Credit (EITC)
3. Service providers in Durham County will understand the importance of financial literacy, the EITC, having a checking account, and the use of credit so that they can make appropriate referrals and provide support for families.

The Department of Social Services will report on the vision, strategies, evaluation, and stakeholders involved in this partnership program.

Resource Person(s): Dan Hudgins, Director, Department of Social Services; Sharon Hirsch, Assistant Director for Program Support Services

County Manager's Recommendation: Receive the presentation and offer any feedback to staff.

Ms. Sharon Hirsch made the presentation and explained the program. Mr. Dan Hudgins explained positive impact of the program and answered questions for the Commissioners.

No action was required for this agenda item.

7. Triangle GreenPrint Regional Open Space Assessment and Resolution

A partnership consisting of the Triangle J Council of Governments, the State of North Carolina, and the Triangle Land Conservancy has been cooperating in a regional open space planning effort. The Triangle GreenPrint Regional Open Space Assessment is the first product of this effort. This first phase gathered information regarding existing open space from the six Region J Counties, and compiled the information onto regional maps for the first time. The partnership is presenting this information to the Counties covered by this regional effort, and is looking for local government support for the planning effort. The Durham Open Space and Trails Commission (DOST) has received a presentation on the Triangle GreenPrint effort and has passed a resolution in support of the project. The DOST recommends that the Board of County Commissioners also endorse the resolution supporting the regional planning effort.

Resource Person(s): Jane Korest, Senior Planner, Durham City-County Planning Department; Guillo Rodriguez, DOST Chair

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners consider the material on the Triangle GreenPrint and, if appropriate, endorse the resolution supporting the regional planning effort.

Mr. Guillo Rodriguez presented the agenda item. The Commissioners made positive comments at item.

Commissioner Heron moved, seconded by Commissioner Jacobs, to instruct County staff to draft a resolution indicating Commissioner support for the Triangle Greenpoint Assessment and Planning Process. The resolution would be presented for Commissioner adoption on an upcoming agenda.

The motion carried unanimously.

8. Award of Contract for the Cultural Arts Master Plan

The Durham Cultural Master Plan will be a County-wide, community-wide plan that will:

- Document Durham's cultural strength and assets and identify needs,
- Identify Durham's vision for cultural resources that reflect and serve the diverse and vibrant population of the County,
- Establish the framework for the long-term coordination of public and private sectors to realize that vision, and
- Create a logical plan and implementation strategies for stabilization and sustainability of existing cultural institutions and resources and for future cultural development

The Durham Arts Council is conducting the cultural planning process and providing administrative services to the County in carrying out this Plan. This dynamic planning process is led by a 62-member Cultural Master Plan Steering Committee, appointed by the Board of County Commissioners at the May 13, 2002 BOCC meeting. A Request For Proposals (RFP) was issued on July 7, 2002. In August, five proposals had been submitted in response to the RFP by: Wolf, Keens & Co.; Dreeszen & Associates; Emc. Arts, LLC; Creative Planning, Inc.; and Lord Cultural Resources Planning and Management, Inc. Proposals were reviewed by County staff and then by the Executive Committee of the Cultural Master Plan. A recommendation was then made to the Steering Committee for the selection of Wolf, Keens & Co. to conduct the process of creating the Durham Cultural Master Plan. Working with the County Attorney's Office, the attached Consulting Contract was created for approval and review by the Board of County Commissioners.

Resource Person(s): Sherry DeVries, Executive Director, Durham Arts Council; Peter Anlyan, MaryAnn Black, and Sylvia Kerckhoff, Co-Chairs of the Cultural Master Plan Steering Committee.

County Manager's Recommendation: Receive the presentation and award the contract for the Durham Cultural Master Plan to Wolf, Keens & Company.

A thorough presentation was made by Ms. Black, Ms. DeVries, and Mr. Anlyan.

Commissioner Jacobs moved, seconded by Commissioner Heron, to award the contract for the Durham Cultural Master Plan to Wolf, Keens & Company.

The motion carried unanimously.

9. **Budget Amendment 03BCC000042-The Durham Center-Recognizing Additional Medicaid Revenues of \$5,777,160 for the Durham Center Budget**

The Durham Center requests that the Board of Commissioners approve a budget amendment to recognize over-realized Medicaid revenue in the amount of \$5,777,160. Associated with the increase in revenues is a corresponding increase in expenditures for Medicaid-related vendor contracts. It is estimated, based on revenue collection trends, that this amount will be collected over the 2002-03 approved budgeted amount. By recognizing this "new" revenue, funds can be budgeted in contracted services expenditure line items to support increased Medicaid related vendor contracts.

Funds will be used to cover additional Medicaid service contract amounts and will have no impact on future year's operating budgets. The Durham Center Area Board approved this request at its January 28, 2003 meeting. There is no impact on other Mental Health allocations, and no new positions are being requested with these funds.

Resource Person(s): Ellen Holliman, Interim Area Director

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve this budget amendment recognizing new revenues in the amount of \$5,777,160.

Ms. Delphine Powell, Interim Finance Director for The Durham Center, made the presentation in place of Ms. Holliman, who was absent due to illness.

Commissioner Heron moved, seconded by Commissioner Cousin to approve Budget Ordinance Amendment No. 03BCC000042 recognizing new revenues in the amount of \$5,777,160.

The motion carried unanimously.

10. **Amendment to Stormwater Management Program Ordinance**

Durham County established its stormwater program as part of the Neuse River Nutrient Sensitive Waters Stormwater Management Strategy, following a public hearing held in October 2000. The Ordinance was adopted on February 26, 2001.

Among the requirements for obtaining a stormwater permit is that the applicant post a security to ensure that any required control measures are built and maintained. The concerns behind this section are the financial resources and to ensure compliance should the permit holder leave the County. As these concerns do not exist as to the School system, in that the financial resources are those of the County, and the School system cannot leave Durham County by definition, the requirement to post a bond is unnecessary and costly. As enacted, the ordinance does not exempt the Public School System or other governmental entities from this requirement.

Resource Person(s): Chuck Kitchen, County Attorney; Curtis Massey, Assistant County Attorney; Glenn Whisler, County Engineer

County Manager's Recommendation: Adopt the proposed ordinance revision to save the unnecessary cost of this requirement.

The County Attorney presented the merits of the proposed ordinance revision.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to adopt the proposed ordinance revision.

The motion carried unanimously.

11. **Implementation of Recommendations from Retreat Summary**

The consultant's summary of the Board of County Commissioners' Retreat has been received and shared with all of the retreat participants. While considerable progress was made, additional work must be completed to further develop indicators, strategies, and performance measures that are in keeping with the five outcome areas which were selected. The completion of this task would enable County staff to more fully integrate outcomes, indicators, and strategies in the FY 2003-2004 Budget. It should also be noted that several other issues were identified in Section III of the consultant's report and are already under investigations, e.g. a "Mini-CIP" to address maintenance and repair needs not included in the County's CIP, a review of existing fees, potential sale of unused County property, etc.

The County Manager plans to address "next steps" with department heads during the February 19, 2003 department head meeting and desires additional input from the Board before any plan of action is finalized. In the near-term, one approach being considered is to assemble teams of department heads around each of the outcome areas and ask them to propose an extended list of indicators, strategies, and performance measures for the Board to review and discuss during its April 7th Worksession. Additional work to integrate the process over a multi-year continuum will also be necessary and could be accommodated during another retreat-like format after the Fiscal Year 2003-2004 Budget has been adopted.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: Advise the staff as to additional action that the Board deems necessary to further develop indicators, strategies, and performance measures for the five outcome areas selected during the Commission's January 28-29, 2003 Retreat.

Chairman Reckhow highlighted the summary of the January 28-29 County Commissioners retreat. Manager Ruffin advised that the next steps would be addressed with department heads dur

February 19, 2003 department head meeting.

AGENDA ITEMS ADDED

11(a)-Employee Grievances Vice-Chairman Bowser requested the Board to consider establish appeals board to consider employee issues of substantial equivalency.

Chairman Reckhow asked staff to research this process and bring it before the Board at a later date. March 2003 Worksession was the date suggested.

County Attorney Kitchen the differences between the various County departments.

Vice-Chairman Bowser requested a copy of the state ruling.

11(b)-Closure of State Tax Revenue Offices Vice-Chairman Bowser requested the County to investigate whether our local office would be closed. He posed that a letter be sent to the Department of Revenue to issue a complaint and suggest it at least be open during tax filing season.

12. **Closed Session**

The Board is requested to adjourn to Closed Session to consider the performance of a public officer pursuant to N.C.G.S. § 143-318.11(a)(6), **to maintain attorney-client privilege, and to discuss a case pursuant to N.C.G.S. § 143-318.11(a)(3) and (6).**

Commissioner Jacobs moved, seconded by Commissioner Cousin, to adjourn into Closed Session.

The motion carried unanimously.

THE BOARD OF COUNTY COMMISSIONERS ADJOURNED INTO CLOSED SESSION AT 9:50 P.M.



Last updated: May 3, 2006

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200 E Main Street, Durham, NC 27701
webmaster@durhamcountync.gov
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