

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

August 25, 2003

POST AGENDA

7:00 P.M. Regular Session

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

2. **Agenda Adjustments**

County Attorney Chuck Kitchen pulled agenda item No. 5, -Public Hearing-Text Amendment-Control of Demolition by Neglect of Historic Landmarks and Historic Overlay Properties (TC03-05)."

Commissioner Cousin pulled agenda item No. 11, "Resolution on Appointments to Boards and Commissions." The Commissioners agreed to place this item on the September 2, 2003 Worksession Agenda.

County Manager Mike Ruffin referenced the revised agenda action form and budget ordinance amendment for consent agenda No. 4(g), which had been placed at each Commissioner's station.

3. **Minutes**

- a. May 29, 2003 Budget Worksession
- b. July 28, 2003 Regular Session

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the Board of County Commissioners' meeting minutes with the corrections noted by the Commissioners.

The motion carried unanimously.

3c. **Presentation of Certificate of Merit**

Catherine C. Whisenhunt, Risk Manager, was presented a Certificate of Merit for helping to save a life while at work. The Certificate of Merit is the highest award given by the American Red Cross to an individual or team of individuals who saves or sustains a life by using skills and knowledge learned in an American Red Cross Health and Safety Services course. The certificate bears the signature of the President of the United States, who is the honorary chairman of the American Red Cross, and the signature of the chairman of the American Red Cross.

Resource Person(s): Chuck Kitchen, National Chairman, Awards and Recognition Committee, American Red Cross

County Manager's Recommendation: The County Manager recommended that the Board recognize and congratulate Cathy Whisenhunt for her actions in saving the life of a fellow employee.

Cathy Whisenhunt was recognized and commended for saving the life of a coworker and received a standing ovation from the audience.

4. **Consent Agenda**

- a. a. Property Tax Releases and Refunds for Fiscal Year 03-04 (accept the property tax release and refund report for the month of July as presented and authorize the Tax Assessor to adjust the tax

records as outlined by the report. These are normal recurring releases and refunds that are presented for the consent agenda);

- b. b. Budget Ordinance Amendment No. 04BCC000004-Public Health-To Recognize Revenue for the Environmental Health Division to Establish a Full-Time Position for a Public Health Nurse II to Support the Health Department's Bioterrorism Response Efforts (approve the budget ordinance amendment to recognize \$34,653 from the Department of Health and Human Services for the Environmental Health Division);
- c. c. Budget Ordinance Amendment No. 04BCC000005-Public Health-To Recognize Revenue for the Environmental Health Division (approve the budget ordinance amendment to recognize \$53,000 from the Department of Health and Human Services for the childhood lead poisoning prevention program);
- d. d. Budget Ordinance Amendment No. 04BCC000006-Public Health-To Recognize Revenue for the General Health Clinic (approve the budget ordinance amendment to recognize \$6,000 from the Department of Health and Human Services for the bioterrorism preparedness program);
- e. e. Budget Ordinance Amendment No. 04BCC000007-Public Health-To Recognize Revenue for the Health Education Division to Establish a Full-Time Position for a Health Educator I to Assist in Syphilis Elimination Efforts in Durham County (approve the budget ordinance amendment to recognize \$49,819 from the Department of Health and Human Services for the Health Education Division);
- f. f. Budget Ordinance Amendment No. 04BCC000008-Criminal Justice Resource Center, Reentry Program (approve the budget ordinance amendment in the amount of \$50,780 for the Criminal Justice Resource Center);
- g. g. Budget Ordinance Amendment No. 04BCC000010-Sheriff's Office-Recognize Revenue from Durham Public Schools and Appropriate Expenditures for Six School Resource Officers (approve the budget ordinance amendment to recognize \$215,638 in revenue from DPS and requests authorization to create six FTEs for the Sheriff's Office in accordance with the Interlocal Agreement for School Resource Officers);
- h. h. Street Annexation Petition-Vista Del Rio (Riverbend Subdivision) (adopt the resolution to approve the addition of Vista Del Rio to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation); and
- i. i. Approve Agreement With Raleigh-Durham Airport Authority Celebrating 100 Years of Powered Flight (approve the agreement).

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item Nos. a, b, d, f, h, and i.

The motion carried unanimously.

Commissioner Bowser pulled consent agenda item No. c. After a brief discussion and directive given by Chairman Reckhow, the following motion was made:

Commissioner Heron moved, seconded by Commissioner Bowser, to approve consent agenda item No. c.

The motion carried unanimously.

Chairman Reckhow pulled consent agenda item No. e for citizen comment by Dr. E. Lavonia Allison. Subsequent to Dr. Allison's remarks, several Commissioners asked questions and made comments.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve consent agenda item No. e.

The motion carried unanimously.

Chairman Reckhow pulled consent agenda item No. g for citizen comment and questions by Dr. E.

Lavonia Allison.

Chief Deputy Wes Crabtree responded to Dr. Allison's questions.

Commissioner Cousin moved, seconded by Commissioner Heron, to approve consent agenda item No. g.

The motion carried unanimously.

5. **Public Hearing-Text Amendment-Control of Demolition by Neglect of Historic Landmarks and Historic Overlay Properties (TC03-05)**

This item is a Durham Zoning Ordinance text amendment for Control of Demolition by Neglect of Historic Landmarks and Historic Overlay Properties (TC03-05). The request is for the Board of County Commissioners to hold a public hearing to receive public comments.

Planning Department Recommendation-Approval
Zoning Committee Recommendation-Approval (May 13, 2003; 6 to 0)
Durham City Council-Approved (June 17, 2003)

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

County Manager's Recommendation: The County Manager's recommendation is that the Board approve text amendment TC03-05-Control of Demolition by Neglect of Historic Landmarks and Historic Overlay Properties.

County Attorney Chuck Kitchen pulled the above-mentioned agenda item.

6. **Public Hearing-Budget Ordinance Amendment No. 04BCC000009-Office of the Sheriff-2003 Local Law Enforcement Block Grant Funds**

The Office of the Sheriff submitted its on-line application for Durham County's share of the 2003 Local Law Enforcement Block Grant (LLEBG) and received subsequent approval of a \$121,898.00 block grant award from the U.S. Department of Justice-Bureau of Justice Assistance. The purpose of the LLEBG program is to reduce crime and improve public safety. The award can only be used in accordance with the seven purpose areas described for this grant program.

These intergovernmental funds awarded to Durham County will be used for the purchase of equipment for the Sheriff's communications and general field deputies.

The Sheriff established an Advisory Board as specified by the grant, which met on August 12, 2003 to recommend the proposed use for these funds. The equipment to be purchased as suggested by the Advisory Board follows: crime analysis printer, 12 radios and multi-charger, Livescan (2), computer equipment, boat team equipment, and K-9s and equipment. Such equipment and technology will enhance and improve law enforcement abilities of the Sheriff's Office and the County of Durham.

One of the special conditions of this grant award program is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing was advertised in the Durham Herald-Sun on August 17, 2003 and August 24, 2003 to give proper notification.

No additional County funding is required and no subsequent year budget impact is anticipated. The Office of the Sheriff will provide the required grantee local cash match of \$13,544.00 from its current budget. The total appropriation is for \$135,442.00; the expenditures and revenue recognized is for \$121,898.00 from the grant award.

The Sheriff's Office has traditionally used the LLEBG funds received the last six years for improving and upgrading the agency's equipment and technological infrastructure.

Resource Person(s): Marcia Margotta, Comptroller, Sheriff's Office, and Chief Deputy C. Wes Crabtree, Sheriff's Office

County Manager's Recommendation: The County Manager recommended that the Board conduct the public hearing to receive public comment, approve the Advisory Board's recommendation for the proposed use of the 2002 LLEBG award funds, and approve the budget ordinance amendment to accept grant funding and appropriate program spending. Congratulate the Sheriff on applying for and receiving another Local Law Enforcement Block Grant to continue these traditional improvements.

Chairman Reckhow opened the public hearing that was properly advertised. As no one signed to speak, Chairman Reckhow closed the public hearing and referred the matter to the Board for consideration.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the proposed use of the 2002 LLEBG award funds, and approve the budget ordinance amendment to accept grant funding and appropriate program spending.

The motion carried unanimously.

7. **Resolution Providing for Four-Year Terms of Office**

At the August 4, 2003 Worksession, the Commissioners directed that a resolution be prepared which provides for the Board of County Commissioners to be elected to four-year terms of office. The resolution provides for this alteration and calls a referendum on this proposed alteration. If approved by the voters, the four-year terms would be effective for the 2004 primary and general election.

Durham is only one of three counties which has two-year terms for its board of commission members. Mecklenburg County is the only other urban county which has two-year terms, and Mecklenburg does not elect all of its members at-large.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommended that the Commissioners approve the resolution to give the voters an opportunity to vote on four-year terms of office for the Board of County Commissioners.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the resolution.

The motion carried unanimously.

8. **Contract with Applied Systems Technology Inc. for an Integrated Security and Control System**

The Board is requested to authorize the County Manager to enter into a contract with Applied Systems Technology to complete the final phase (Phase Two) of the security/surveillance project at the Durham County Detention Center, not to exceed \$926,245. Phase One was approved on May 29, 2003. The total project cost is \$1,273,750.

Phase Two will address the detention pod cell doors, intercom system, all video cameras, video

recording system, watch tour system, associated consoles, and access control system. Currently, Phase One is not complete but is progressing well and is on schedule. This request is to authorize the current contractor to complete the full system as outlined at the 29 May meeting. The timeline is projected to be an additional 6-month period beginning at the end of Phase One.

The Durham County Detention Facility was originally built in the mid 1990s. Every automated system in the Detention Facility is crucial to the safety of the Durham County Detention staff, visitors, and inmates. These systems are failing at an alarming rate due largely to outdated hardware failures and software corruption. The automated systems are integrated in such a way that prohibits short-term repairs. Liability regarding the safety of the inmates, primarily fire hazards, is a major concern with the automated system in its present state.

Durham County bid this project out on two separate occasions with no response. Since the last bid, the automated systems continued to fail to the point that safety of the inmates was in jeopardy. Pursuant to N.C.G.S. 143-129(e)(2), the Board of Commissioners declared that a special emergency involving the health and safety of the people and their property existed at the Detention Facility, and due to such circumstances, the requirements of the County's bidding policies and state statutes related to bidding were therefore inapplicable.

Applied Systems Technology Inc., based out of Morrisville, provided a Phase One proposal for the installation of an integrated security and control system in the Detention Facility. Its system was designed to provide the following functions: (i) engineering; (ii) detention and door control for 12-cell pod sally-port doors, fire escape doors, and movement sally-port doors; and (iii) the network backbone (which included the central database server for the workstations and network controllers). The work and associated costs described in Applied System Technology's proposal included engineering, programming, installation labor, installation materials, automation panels, start-up, and owner training as necessary. This project will provide the County an immediate, long-term cure for the jail safety failures that are occurring at this time.

This project is a large-scale renovation and upgrade of the automated door control and security/surveillance system and was included in the Manager's FY 2003/04 Budget. The funding is allocated in the General Services, Jail M&R line item. The time line for Phase One was approximately three months at a cost not to exceed \$347,505, which came from the general fund balance. Only the emergency needs were addressed due to the budget constraints.

Resource Person(s): Don Hasselbach, General Services; Rudy Clark, ARAMARK; Wes Crabtree, Chief Deputy; and Carolyn Titus, Deputy County Manager

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Applied Systems Technology Inc. for Phase Two of the security/surveillance project in an amount not to exceed \$926,245 from available funding in General Services' Maintenance & Repair Jail budget.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to authorize the County Manager to enter into a contract with Applied Systems Technology Inc. for Phase Two of the security/surveillance project in an amount not to exceed \$926,245 from available funding in General Services' Maintenance & Repair Jail budget.

The motion carried unanimously.

9. **Sewer Use Ordinance Amendments**

The Board is requested to approve amendments to the Sewer Use Ordinance, which was adopted by Durham County in 1994 and amended in 1995. It is contained in the Durham County Code of Ordinances, Chapter 26, Section IV. As stated in the Purpose and Policy, Section 26-81, the Sewer

Use Ordinance -sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the County and enables the County to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403)."

The proposed amendments include:

- • establishment of a local limit for mercury;
- • monitoring charge revisions related to mercury testing (EPA Method 1631);
- • increase the maximum daily civil penalty;
- • revisions to the adjudicatory hearing process; and
- • a revised definition of "Director".

The proposed effective date is September 1, 2003, to correspond with a new mercury testing method required by the Division of Water Quality.

Resource Person(s): Glen Whisler, P.E., County Engineer; Lowell Siler, Deputy County Attorney; Chuck Hill, P.E., Utility Division Manager; and Bruce Nicholson, Senior Regulatory Specialist, Woodard & Curran

County Manager's Recommendation: The County Manager recommended that the Board approve the proposed amendments to the Sewer Use Ordinance.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the proposed amendments to the Sewer Use Ordinance.

The motion carried unanimously.

10. **Durham City/County Interlocal Cooperation Agreement for Planning**

The Interlocal Cooperation Agreement between the City and County for planning functions has been revised. The revisions reflect the changes agreed upon by the Joint City-County Committee members at their June 24 meeting.

The Planning Department recommended that the Board approve the Interlocal Cooperation Agreement for Planning.

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

County Manager's Recommendation: The County Manager recommended that the Board approve the Interlocal Cooperation Agreement for Planning.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the Interlocal Cooperation Agreement for Planning.

The motion carried unanimously.

11. **Resolution on Appointments to Boards and Commissions**

At the City-County Committee meeting, an agreement was reached to shorten from 180 to 30 days the time limit for an appointee to bring his or her taxes current when the taxes become delinquent during the term of appointment. The revision to the policy accomplishes this agreement. The language regarding the setting up of an agreement with the Tax Administrator was deleted, as it is no longer needed due to the short time frame.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommended that the Board approve the change in the policy in accordance with the agreement reached at the City-County Committee meeting.

Commissioner Cousin pulled this agenda item and asked that it be placed on the September 2, 2003 Worksession agenda.

12. **Request for Funding for Durham Literacy Council**

The Durham Literacy Council has renewed its request for \$32,500 to provide Pre-GED and GED instruction and work readiness for 90 out-of-school youth between the ages of 16 and 18. Youth will attend classes and tutoring/computer sessions for a total of 16 hours a week. The program will focus on building reading comprehension and basic math skills in order to complete and pass all five GED tests. Students will also participate in computer literacy and career development workshops.

The structure of the program will require a signed contract by the youth and the custodial parent(s). The contract will impose strict attendance and behavior requirements, as well as incentives for student attendance. Each parent and custodial parent must participate in an orientation and sign the contract together.

All youth enrolled in the Youth GED Program will be required to document academic improvements and also must simultaneously participate in job training, have a job, and/or paid internship.

Resource Person(s): Lucy Haagen, Executive Director, Durham Literacy Council

County Manager's Recommendation: The County Manager recommended that the request be approved.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve up to \$32,500 to provide Pre-GED and GED instruction and work readiness for 90 out-of-school youth between the ages of 16 and 18.

The motion carried unanimously.

12. **Closed Session**

Commissioner Cousin moved, seconded by Commissioner Heron, to move into closed session pursuant to G.S. 143.318.11(a)(6) to consider a personnel matter.

The motion carried unanimously.

Chairman Reckhow announced that no action was required as a result of the Closed Session.

The meeting was adjourned at approximately 9:50 p.m.



Last updated: May 3, 2006

© 2013, Durham County Government, North Carolina. All rights reserved.
200 E Main Street, Durham, NC 27701
webmaster@durhamcountync.gov
[Website Disclaimer & Policies](#)