

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

Monday, October 10, 2000

7:00 P.M. Regular Session

AGENDA

1. Opening of Regular Session—Pledge of Allegiance

2. Agenda Adjustments

3. Anchor Award Winner

Deborah Craig-Ray, Director of Public Information and Intergovernmental Affairs, is the October Anchor Award Winner.

Resource Person(s): Wendell Davis, Deputy County Manager

County Manager's Recommendation: Present the award along with a sincere congratulation to the County's October Anchor Award recipient.

4. Resolution in Support of Higher Education Bonds

The Board has been requested to approve the resolution which seeks support of the Higher Education Bonds. Officials of Durham Technical Community College made the request.

County Manager's Recommendation: Approve the resolution and present to Dr. Phail Wynn, President of Durham Technical Community College.

5. Recognize General Services and Community Services for Participation in "Fresh Start"

In September, the Durham County Sheriff's Office set up an operation known as "Fresh Start" in the Northeast Central Durham Community that included two nights of aggressive law enforcement, followed by a full day of physically cleaning the area. At the September 11 meeting, law enforcement participants received recognition from this Board for their efforts. Commissioner Becky Heron requested that the efforts of the General Services Department and the Durham Community Services Program be recognized as well.

County Manager's Recommendation: Extend congratulations to Larry Dixon and General Services participants, and to Frances Battle of the Durham Community Services program for their assistance in the "Fresh Start" operation.

6. Consent Agenda

- a. Proclamation for Dr. Charles DeWitt Watts. Commissioner William V. Bell requested that a proclamation honoring Dr. Charles DeWitt Watts be prepared for an upcoming celebration honoring his professional achievements. The celebration will be held on October 22 at the North Carolina Mutual Life Insurance Company and Commissioner Bell will make the presentation at that time (approve the proclamation as requested by Commissioner Bell);

- b. Museum of Life Pay-As-You-Go Project Allocation (approve capital budget amendment No. 01CPA000002 in the amount of \$150,000 to establish the Museum of Life pay-as-go project);
- c. Lebanon Building Pay-As-You-Go Project Allocation (approve capital budget amendment No. 01CPA000003 in the amount of \$15,000 to establish the Lebanon building pay-as-you-go project);
- d. Eligibility Building Pay-As-You-Go Project Allocation (approve capital budget amendment No. 01CPA000004 in the amount of \$20,000 to establish the eligibility building pay-as-you-go project);
- e. Justice Center Pay-As-You-Go Project Allocation (approve capital budget amendment No. 01CPA000005 in the amount of \$50,000 to establish the Justice Center pay-as-you-go project);
- f. Budget Amendment No. 01BCC000008 (approve budget amendment in the amount of \$1,279,782 to accept new revenues for DSS programs);
- g. Library Budget Amendment No. 01BCC000009 to Recognize and Expend EZ-LSTA Basic Equipment Grant (accept the incorporation of the additional revenues [\$10,000] into the current operational budget of the Library);
- h. Library Budget Amendment No. 01BCC000010 to Recognize and Expend LSTA Powerful Partners Grant (accept the incorporation of the additional revenues in the amount of \$31,484 into the current operation budget of the Library);
- i. Library Budget Amendment No. 01BCC000011 to Recognize and Expend LSTA Enhanced Connectivity Grant (accept the incorporation of the additional revenues in the amount of \$13,036 into the current operation budget of the Library);
- j. Telemetered Sewer Flow Monitoring Services (authorize the County Manager to enter into a contract with ADS Environmental Services for the telemetered sewer flow monitoring services for one year at a cost of \$69,000 and amend the Enterprise Fund budget to cover expenses associated with the contract);
- k. Public Health Budget Amendment No. 01BCC000013 to Recognize CDC Grant Revenue for Childhood Lead Poisoning Prevention (approve budget amendment in the amount of \$51,000);
- l. Public Health Budget Amendment No. 01BCC000014 to Recognize Revenue for Health Education Division (approve budget amendment in the amount of \$10,225);
- m. Public Health Budget Amendment No. 01BCC000015 to Recognize Grant Revenue for The March Toward Tuberculosis Elimination II Program (approve budget amendment in the amount of \$3,987);
- n. Public Health Budget Amendment No. 01BCC000016 to Recognize Grant Revenue for Project Straight Talk (approve budget amendment in the amount of \$6,487);
- o. Final Offer to Purchase County Property—600 E. Cornwallis Road (approve the offer of \$470.75 submitted for 600 E. Cornwallis Road by Ms. Kelly Aguilar-Aleman and prepare a non-warranty deed for the Chairman's signature);
- p. Reinstate Substance Abuse Counselor II Position, No. 4058-040 (authorize the County Manager to reinstate the 100 percent FTE Substance Abuse Counselor II position for the Durham Center, as no additional local dollars are necessary. There are sufficient funds totaling \$37,737 available to support the request);
- q. Lincoln Community Health Center Board of Directors Appointment (appoint Commissioner Bowser to serve on the Lincoln Community Health Center Board of Directors); and
- r. Durham County Memorial Stadium Authority Appointment (appoint Commissioner Heron to serve on the Memorial Stadium Authority. The term of office expires May 2002).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

7. Public Hearing on Proposed Stormwater Management Program Ordinance

Durham County is required to establish a stormwater program as part of the Neuse River Nutrient Sensitive Waters Stormwater Management Strategy. Per the guidance provided during the Board's October 2, 2000 Worksession, the draft ordinance has been revised as to its jurisdictional reach 14-153 and 14-154, to reference the joint Zoning Ordinance 14-153, and to include a performance/penalty bond 14-155.

Resource Person(s): Glen Whisler, County Engineer, & Curtis Massey, Assistant County Attorney

County Manager's Recommendation: The Board should review the proposed ordinance, receive public comments and, subject to any amendments, approve the ordinance.

8. Amendments to the Sedimentation and Erosion Control Ordinance

The Sedimentation Pollution Control Act enacted by the North Carolina General Assembly authorized local governments to establish local programs which meet or exceed the requirements of the Act. The City and County established a joint local program in 1984 which is administered by Durham County. The local ordinance was last amended in 1996 (Article III of Chapter 14). Several amendments are proposed to reflect changes in the General Statutes and to improve administration of the ordinance.

Many of these are technical amendments to reflect the current organizational structure with the sedimentation and erosion control office or to correct punctuation and capitalization. Substantive amendments include shortening the time allowed for disturbed land to be stabilized and procedural changes intended to enhance the efficiency of enforcement actions. The maximum civil penalty has also been increased to conform to the General Statutes.

Resource Person(s): Glen E. Whisler, P.E., County Engineer; Leon Beddingfield, Erosion Control Officer; and Curtis Massey, Assistant County Attorney

County Manager's Recommendation: Review and approve the proposed ordinance, subject to corrections and modifications.

9. Request to Use Court-Ordered Care Funds to Create Local Services for Children-at-Risk

As the 1998/99 Fiscal Year progressed, former County Manager David Thompson was informed that the need for residential treatment for children in the court system was exploding. The County was in receipt of numerous consent court orders to pay for the treatment at an alarming cost. Upon further inspection, it became apparent that this trend of increasing demands for services and related costs was occurring in other County agencies as well. Leaders from DSS, Mental Health, Durham Public Schools, Office of Juvenile Justice, Youth Coordinating Board, Youth Home, Criminal Justice Resource Center and District Court Judges were convened in December of 1998 to develop a clearer understanding of:

- 1998/99 FISCAL YEAR BUDGET IMPACT DUE TO COURT-ORDERED/CONSENT CARE
- SCOPE OF THE PROBLEM
- NEED FOR A STRATEGIC RESPONSE
- PROPOSED PROCESS TO ASSESS SYSTEM, DETERMINE LOCAL CAPACITY AND DEVELOP NEW RESOURCE CAPACITY TO MEET IDENTIFIED NEEDS

The first presentation was made to the BOCC in May 1999. After a clinical review of 90 percent of the court-ordered care cases (some clients refused to sign consent forms), a 2nd presentation was made to the BOCC in November 1999. The Continuum of Care Committee provided information about what kinds of services were needed for Durham to be more effective in its use of court-ordered care resources and keeping children in

the community with their families when appropriate. The Board of County Commissioners charged the committee with the task of defining and quantifying the specific services needed along with associated cost and revenue projections. The goal of the Children-at-Risk Initiative is to ensure that we maintain stability in the lives of Durham's children who are most at risk of needing intensive mental health treatment. Given the significant resources being allocated to treatment providers outside of Durham County, a primary committee recommendation was to transition children back to Durham to: 1) decrease treatment costs; 2) shorten lengths of stay; and 3) increase family involvement in the treatment process, thereby having a more positive, long-term impact on the child, the family, and the Durham community.

The Mental Health system across the country is shifting towards strategies that keep children in their local communities and whenever possible, in their homes, so parents and siblings can benefit from the treatment process. The report contains the Committee's recommendations to provide comprehensive services for high-risk children, associated costs, and revenue projections. The Committee recommends that the Board consider allocating a portion of the budgeted court-ordered care funds to develop additional services in Durham. These additional services will enhance our ability to serve children locally, which will further reduce the number of court orders and improve the success rates of our highest risk children.

The Committee has developed proposals for funding a Continuum of Care at three levels. These proposals include Minimum Priority Needs, Expanded Services Needs, and a Comprehensive Continuum of Services. If the Board will consider allocating a portion of the aforementioned funds, the Continuum of Care Committee is prepared to take the following next steps: 1) Conduct cost/benefit and risk analysis of using court-ordered care funds to establish local services; 2) Devise FY 2000-01 budget projections for use of court-ordered care funds; 3) Determine impact of service options on children who are currently court ordered for care; and 4) Determine how proposed services will keep children from entering the court system to receive the treatment they need.

Resource Person(s): Anita Daniels-Kenney, MSW, Youth Coordinating Board Director

County Manager's Recommendation: The Manager recommends that the Board receive the report for informational purposes and direct staff to proceed with the cost/benefit and risk analysis, budget projections, and impact studies to be brought back before the Board within 60 days.

10. County of Durham Health Benefits

New rates have been received for January 2001 from our healthcare vendors. In order to keep costs down, it was necessary to negotiate some plan design changes. The HR Director will discuss the recommended plan changes in preparation for the anticipated enrollment period. Our dental, life insurance, and short and long-term disability premiums remain stable. Healthcare costs have escalated over the years. The national average increases for health benefits have been cited to be between 19 to 23 percent.

Resource Person(s): Jackye Knight, Director of Human Resources

County Manager's Recommendation: The Manager recommends that the Board accept the proposed health benefit package and commend the HR Department for working to keep the plan affordable. There is no recommendation for an increase in the \$150 spending credit.

11. Durham County Ordinance Amendment to the Animal Control Ordinance

The City of Durham Parks and Recreation Department is in the process of opening several dog parks. The dog parks will be secured, fenced-in areas. The purpose of the parks is to allow dogs to run around, get exercise, and socialize. The City Parks and Recreation Department will have very specific rules and regulations for the dogs that attend the dog parks.

As the Durham County Animal Control Ordinance is now written, dogs that are legally in the dog parks will be in violation of Article IV, Section 4-86, which is the "leash law." Two simple amendments to the definition section of the ordinance, Article I, Section 4-13 will eliminate the conflict between the purpose of the dog parks (allowing dogs to run around without a leash in a secured area) and the wording of the Durham County Animal Control Ordinance.

Article IV, Section 4-86 of the Durham County Animal Control Ordinance is the "leash law." That section provides that it is unlawful to allow a dog to run at large. Article I, Section 4-13(4) defines "at large." The first of two proposed changes to the ordinance involves a change to Article I, Section 4-13(4), and would add the following sentence to the end of Article I, Section 4-13(4): "This definition shall not apply to dogs which are in a dog park." The second proposed change would define "dog park" by adding a subsection to Article I, Section 4-13. The proposed definition of "dog park" is as follows: Dog Park means an area or tract designated by the owner of the property to be a place in which a dog or dogs are not required to be under restraint. The area or tract designated by the owner of the property must be a secured enclosure. The owner of the property shall post, in a conspicuous place and manner, a sign on the outside of the enclosure which designates the area or tract as a dog park.

Resource Person(s): Mike Turner, Director, General Services Department; Cindy Bailey, Administrator, Animal Control Division; and Angela Geadelmann, Assistant County Attorney

County Manager's Recommendation: The Manager recommends that the Board approve the amendment to the Animal Control Ordinance to eliminate the conflict between the purpose of a dog park (allowing dogs to run around without a leash in a secured area) and the wording of the Durham County Animal Control Ordinance.

12. Discussion Regarding the Current Vacancy on the Fourth Circuit Court of Appeals

Chairman MaryAnn E. Black will lead the board in a discussion regarding the current vacancy on the Fourth Circuit Court of Appeals. Staff will provide a draft of a letter which the Board may want forwarded to Senate Judiciary Committee Chairman Orrin Hatch, expressing its views on the long-standing vacancy.

County Manager's Recommendation: The Manager recommends that the Board discuss and direct staff regarding this issue.

13. Duke University Health System Board of Directors Nominations

Article 10 of the Operating Agreement among Duke, Durham County, and Durham County Hospital Corporation relating to the lease of Durham Regional Hospital to Duke, sets forth that two seats on the Duke University Health System Board of Directors are reserved for the Durham County Hospital Corporation Board of Trustees.

The County Commissioners are requested to make two nominations of DCHC Trustees to the Duke University Health System Board of Directors to fill one seat.

Charles Blackmon presently serves on the Duke University Health System Board of Directors.

Resource Person(s): Chairman MaryAnn E. Black

County Manager's Recommendation: Nominate two members of the Durham County Hospital Corporation Board of Trustees to serve on the Duke University Health System Board of Directors. One person will be appointed.