

January 31, 2000

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

Monday, January 31, 2000

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 MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners William V. Bell, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Closed Session

The Board was requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(3), (5), and (6) in order to consult with an attorney and to preserve the attorney-client privilege and discuss *Waste Ind. v. Durham County*, COA99-562, to give directions to staff regarding possible purchase of real property, and to consider a personnel issue.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adjourn into Closed Session pursuant to G.S. 143-318.11(a)(3), (5), and (6) in order to consult with an attorney and to preserve the attorney-client privilege and discuss *Waste Ind. v. Durham County*, COA99-562, to give directions to staff regarding possible purchase of real property, and to consider a personnel issue.

The motion carried with the following vote:

Ayes: Black, Heron, and Reckhow

Noes: None

Absent: Bell was absent and Bowser was out of the room.

Agenda Adjustments

Chairman Black said several agenda items have been removed from this agenda because this is a make-up meeting due to the snowstorm. The Regular Session was scheduled previously for January 24, 2000.

The items removed from the agenda follow:

6. Public Hearing—John R. McAdams Company Inc. (Rezoning Case P99-54)
7. Public hearing to consider amendments to the zoning ordinance concerning:
 - a) revisions to Section 4A.8 [multi-family residential] regarding accessory dwellings and building frontages;
 - b) revisions to Section 8 [Performance Standards] regarding buffers on Interstate 540;
 - c) revisions to Section 4C.1 [Office and Institutional-1] regarding personal service establishments as a permitted use in certain circumstances;

and d] revisions to Section 4D.5.2 of the CT district to allow artist studios and artist galleries

8. Public Hearing for Biogen
9. HUD "Needs" Public Hearing for the Upcoming 2000-2005 Consolidated Plan and the Fiscal Year 2000-2001 Action Plan
13. Approval of Contract to Conduct Health and Human Services Delivery System Study for \$50,000

County Attorney Kitchen said the Board should consider the Parks and Recreation Trust Fund grant.

Chairman Black said the grant would be considered after approval of the minutes.

County Manager Thompson requested an agenda item be added.

Commissioner Bowser said he wanted to talk about the television coverage that the community is receiving.

Chairman Black asked Deputy County Manager Carolyn Titus to report on the County's snowstorm activities.

Vice-Chairman Reckhow wished to discuss agenda item No. 6, "Public Hearing—John R. McAdams Company Inc. (Rezoning Case P99-54)," which had been removed from the agenda. The staff report did not contain the information that the Commissioners have requested consistently. The Commissioners should not receive staff reports that do not include information this Board has requested, including the owner of the property and a chart that reflects the developer's proposal in comparison to the zoning ordinance requirements. The Board should not entertain rezonings that do not meet the guidelines that this Board has put forward in terms of information coming from staff.

Deputy County Manager Wendell Davis said he contacted the Planning Department about the concern and has received a response from them. All the items have been addressed.

Vice-Chairman Reckhow said the cumulative impact on the school enrollment figures prompt many questions in terms of how it was done and what they are trying to do. Staff needs to provide an explanation. Much work needs to be done.

Commissioner Heron said she agrees with Vice-Chairman Reckhow.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the December 6, 1999 Worksession Minutes of the Board as submitted.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Commissioner Bell was out of the room when the vote was taken.

Parks and Recreation Trust Fund Grant Certification

The Board directed staff to pursue grant funds to assist with the land acquisition costs for the proposed Little River Regional Park and Natural Area. Orange County and Durham County will submit a joint application to the NC Parks and Recreation Trust Fund (PARTF) for \$250,000. If awarded, the grant must be matched by an equal dollar amount from the local governments. Sufficient funds are available for Durham County's portion

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of the match from 1986 Park and Recreation Bonds as well as from the County's Pay-As-You-Go funds.

The grant requires that the local governing board approve a certification form as part of the grant application. The certification states that land acquired with PARTF assistance will be dedicated in perpetuity to recreation uses, that the matching funds are available, or will be available within 12 months of the date of submission of the application, and that any development will comply with local state and federal requirements including ADA requirements.

County Manager's Recommendation: Approve the PARTF Certification Form so the grant may be submitted.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve that staff submit a grant application to obtain funding for parks and recreation.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Commissioner Bell was out of the room when the vote was taken.

Durham County Government Responds During Storm

Deputy County Manager Carolyn Titus presented a report on the activities to help citizens throughout the snowstorm. Hundreds of volunteer hours were given to help the citizens needing emergency services.

Jeff Batten, Emergency Management Coordinator, assisted Ms. Titus with the report.

Chairman Black thanked County staff who worked during the emergency to aid citizens while their own families were without them.

The County Manager thanked Ms. Titus and Mr. Batten for their roles.

Television Coverage in Durham County

Commissioner Bowser spoke to the lack of positive news coverage/reporting regarding the efforts of the County during the storm situation. He also addressed the lack of coverage by the local Durham television stations and urged the public to write the Federal Communication Commissions (FCC) to issue a complaint about WTVD. In his opinion, WTVD is not giving justice to this community since they are licensed out of Durham, North Carolina.

Consent Agenda

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

- * (a) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000025 (to recognize state grant revenue in the amount of \$3,230 for Specialized Dental Services);
- * (b) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000027 (to recognize state grant revenue [\$4,483] for Lead prevention Services in the Environmental Health Division);
- * (c) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000024 (to recognize grant revenue for the purchase of bulletproof vests in the amount of \$6,000);
- (d) Interlocal Agreement on Emergency Management (adopt the interlocal agreement as it reflects the existing agreement between the City and County);
- * (e) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000028 (approve the Budget Appropriation from Fund Balance of Medicaid Maximization Funds and Budget Amendment 00BCC000028 in the amount of \$42,176 for Maternal Health, Child Health, and Neighborhood Nursing);
- * (f) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000031 (to approve Social Services Budget Amendment in the amount of \$472,619 to provide housing subsidies);
- * (g) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000029 (to approve budget amendment to accept \$158,766 in new revenues for the DSS Crisis Intervention Program (CIP));
- (h) To recommend approval of abandonment of a portion of the 30' sanitary sewer easement on lot 27 Chadwick Place--TM 717-03-27 for owner David Crabtree, and request the County Attorney to prepare a quick claim deed for the abandonment thereof;

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- * (i) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000033 (to approve Budget Ordinance Amendment Reserve for Encumbrances to pay the outstanding purchase orders);
- (j) Approval of construction contract for the Social Services building chiller and cooling tower replacement (authorize execution of contracts with Quate Mechanical Services in the amount of \$228,500 and Applied Control Technology in the amount of \$20,570 thus totaling \$249,070 and authorize the County Manager to execute change orders [if necessary] not to exceed \$15,000); and
- * (k) Resolution—approve application for Community Transportation Grant (approve resolution authorizing the Durham Center of NC Cooperative Extension to submit the FY 00-01 Community Transportation Grant application to the North Carolina Department of Transportation. The Cooperative Extension Department will budget \$30,619 for inclusion in the County's FY 00-01 budget to meet the local match requirements.)

*Documents related to these items follow:

Consent Agenda 4(a). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000025 (to recognize state grant revenue in the amount of \$3,230 for Specialized Dental Services).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000025

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$172, 766, 556	\$3,230		\$172,769,786
<u>Expenditures</u>				
Human Services	\$205,803,874	\$3,230		\$205,807,104

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

This the 31st day of January, 2000.

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

Consent Agenda 4(b). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000027 (to recognize state grant revenue [\$4,483] for Lead Prevention Services in the Environmental Health Division).

The budget ordinance amendment follows:

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DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000027

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$172,906,911	\$4,483		\$172,911,394
<u>Expenditures</u>				
Human Services	\$205,944,229	\$4,483		\$205,948,712

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

This the 31st day of January, 2000.

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

Consent Agenda 4(c). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000024 (to recognize grant revenue for the purchase of bulletproof vests in the amount of \$6,000).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000024

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for the Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$172,813,029	\$6,000		\$172,819,029
<u>Expenditures</u>				
Public Safety	\$ 29,481,005	\$6,000		\$ 29,487,005

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

This the 31st day of January, 2000.

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

Consent Agenda 4(e). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000028 (approve the Budget Appropriation from Fund Balance of Medicaid Maximization Funds and Budget Amendment 00BCC000028 in the amount of \$42,176 for Maternal Health, Child Health, and Neighborhood Nursing).

The budget ordinance amendment follows:

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DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000028

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$205,948,712	\$42,176		\$205,990,888
<u>Revenues</u>				
Other Financing Sources	\$ 4,823,145	\$42,176		\$ 4,865,321

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

This the 31st day of January, 2000.

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

Consent Agenda 4(f). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000031 (to approve Social Services Budget Amendment in the amount of \$472,619 to provide housing subsidies).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000031

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$207,682,537	\$472,619		\$208,155,156
<u>Revenues</u>				
Intergovernmental	\$174,645,219	\$472,619		\$175,117,838

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

This the 31st day of January, 2000.

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

Consent Agenda 4(g). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000029 (to approve budget amendment to accept \$158,766 in new revenues for the DSS Crisis Intervention Program (CIP)).

The budget ordinance amendment follows:

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DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000029

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$207,468,771	\$158,766		\$207,627,537
<u>Revenues</u>				
Intergovernmental	\$174,431,453	\$158,766		\$174,590,219

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

This the 31st day of January, 2000.

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

Consent Agenda 4(i). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000033 (to approve Budget Ordinance Amendment Reserve for Encumbrances to pay the outstanding purchase orders).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000033

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-000 budget ordinance is hereby amended to reflect budget adjustments for encumbrances.

<u>GENERAL FUND</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Other Financing Sources	\$4,865,321	\$2,609,872		\$7,475,193
<u>Expenditures</u>				
General Government	\$18,714,003	\$720,435		\$19,434,438
Public Safety	\$29,487,005	\$466,007		\$29,953,012
Economic & Physical Development	\$3,927,563	\$566		\$3,928,128
Human Services	\$208,155,156	\$1,255,882		\$209,411,038
Cultural and Recreation	\$6,813,206	\$166,982		\$6,980,188
<u>SELF INSURANCE FUND</u>				
<u>Revenues</u>				
Fund Balance Appropriated	\$1,397,570	\$2,588		\$1,400,158
<u>Expenses</u>				
Self Insurance Fund	\$1,397,570	\$2,588		\$1,400,158
<u>REVALUATION FUND</u>				
<u>Revenues</u>				
Fund Balance Appropriated	\$305,396	\$36,897		\$342,293

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<u>Expenses</u>			
Revaluation Fund	\$305,396	\$36,897	\$342,293
 <u>SEWER UTILITIES</u>			
<u>Revenues</u>			
Fund Balance Appropriated	\$12,101,914	\$817,277	\$12,919,191
 <u>Expenses</u>			
Project Management	\$12,101,914	\$817,277	\$12,919,191
 <u>EQUIPMENT LEASING FUND</u>			
<u>Revenues</u>			
Fund Balance Appropriated	\$1,954,523	\$66,576	\$2,021,099
 <u>Expenses</u>			
Equipment Leasing Fund	\$1,954,523	\$66,576	\$2,021,099

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

This the 31st day of January, 2000.

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

Consent Agenda 4(k). Resolution—approve application for Community Transportation Grant (approve resolution authorizing the Durham Center of NC Cooperative Extension to submit the FY 00-01 Community Transportation Grant application to the North Carolina Department of Transportation. The Cooperative Extension Department will budget \$30,619 for inclusion in the County’s FY 00-01 budget to meet the local match requirements.)

The resolution follows:

FY 2001 Community Transportation Program (CTP) Grant Application
SECTION 6

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

A motion was made by Vice-Chairman Reckhow and seconded by Commissioner Bowser for the adoption of the following resolution, and upon being put to a vote was duly adopted.

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 moneys 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);

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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 MaryAnn E. Black 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.

I, Garry E. Umstead, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Durham County Board of Commissioners duly held on the 31st day of January, 1999.

/s/ Garry E. Umstead
Signature of Certifying Official

Durham County Board of Commissioners
Name of Local Governing Board

Office of the Sheriff – Public Hearing and Budget Amendment for 1999 Local Law Enforcement Block Grant Funds

The Office of the Sheriff submitted its first on-line application for Durham County's share of the 1999 Local Law Enforcement Block Grant (LLEBG) and received subsequent approval of a \$50,407 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 Investigators, Emergency Response Team, Security, Property Management, Training, Search and Recovery Team, and general field deputies.

The Sheriff established an Advisory Board as specified by the grant. The board met on December 15, 1999 to recommend the proposed use for these funds. The equipment to be purchased as suggested by the Advisory Board follows: Employee ID camera upgrade, two dogs with car kennels, money counters, raincoats, scuba dry suit, scuba wet suits, X-ray bomb machine, bullet proof vests, VCR/TV for training, Magellon GPS EC-10X (tracking device for drugs), and hand-held radios. Such equipment and technology will enhance and improve the law enforcement abilities of the Sheriff's Office.

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 newspaper on January 15, 16, 22, and 23, 2000 and due to the snowstorm, again on January 29 and 30, 2000 to give proper public 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 \$5,601 from their current budget. The total appropriation is for \$56,798, the revenue recognized is for \$50,407 from the grant award and \$790 from interest earned on the LLEBG Trust Account.

Resource Person(s): Nancy Dellinger, Director of Planning and Development for the Sheriff's Office

County Manager's Recommendation:

We congratulate the Sheriff on applying for and receiving another Local Law Enforcement Block Grant to continue these traditional improvements. The Sheriff's Office has traditionally used the LLEBG funds received in 1996, 1997 and 1998 for improving and upgrading the agency's equipment and technological infrastructure. It is recommended to conduct the public hearing to receive public comment, and then approve the Advisory Board's recommendation for the proposed use of the 1999 LLEBG award funds. Approve Budget Amendment #00BCC000023 to accept grant funding and appropriate program spending.

The Commissioners asked several questions about the agenda item to which Janet Birenbaum, Controller, Sheriff's Department, responded.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Budget Ordinance Amendment No. 00BCC000023 to accept grant funding and appropriate program spending.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for the Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$ 29,429,808	\$56,798	(\$5,601)	\$ 29,481,005
<u>Revenues</u>				
Intergovernmental	\$172,761,832	\$50,407		\$172,813,029
Misc. Income	\$0	\$ 790		\$ 790

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

This the 31st day of January, 2000.

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

Status Report Regarding Shooting and Commercial Activities on Duncan Floyd Property

As stated at the January BOCC Worksession, this case involves the resumption of commercial activities on a farm in eastern Durham County. Zoning Enforcement staff has been monitoring this site since the first citation was issued on December 30, 1999. As of this time, zoning enforcement officers have not found any further violations. The property owner has been in contact with both the Planning staff

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and the County Attorney's office to discuss the case. The property owner has also retained private counsel.

In late December, Planning staff contacted the NC Division of Wildlife Management, the agency that issued the most recent license for a Hunting Preserve on this site. Zoning Enforcement Officers advised them of the zoning violation which has been determined to exist on the property. They responded back via letter that they have no legal foundation to revoke his permit since commercial operations are not prohibited under their licensing requirements.

Staff has continued to monitor this site for compliance and gave an update.

Resource Person(s): Dennis Doty, Zoning Enforcement Officer, and Lowell L. Siler, Deputy County Attorney

County Manager's Recommendation: Receive for informational purposes.

Mr. Doty presented an updated status report regarding shooting and commercial activities on Mr. Floyd's property. He told the Commissioners about the activities that have occurred on site since the January 4, 2000 update. The next action will be a called meeting to be held this week with the property owner, his attorney, and Planning staff to find a resolution to this matter.

The Commissioners asked questions and made comments about the matter to which Mr. Doty responded.

Commissioner Heron requested that Planning staff pursue this matter with haste and diligence and get it settled. The situation has continued too long. The residents have concerns about the shooting activities.

Vice-Chairman Reckhow wanted to know what the next step would be.

Mr. Doty responded that citations would be issued for any more activities such as commercial hunting or shooting range activities. We will confer with the County Attorney's office about taking the case to quality life court.

Vice-Chairman Reckhow said the bigger issue is redefining the Rural District. The Rural District zone permits too much.

Planning staff was directed to continue working on this matter and to get it resolved as soon as possible.

No official action was taken on this agenda item.

DSS--Budget Amendment to Accept New Revenues and to Establish Social Worker Position

The Department has received notice of a new annual allocation to Durham County of \$55,000 to be used for the establishment of staff positions to recruit, train, license, and support prospective foster and adoptive families. The funds were awarded to those County DSS agencies with the highest number of children who entered the foster care system for the first time during SFY 98-99 AND the highest number of children adopted during SFY 98-99. The funds, provided by the NC Division of Social Services, can only be used to support positions created or contracts signed after January 1, 2000. The Department is proposing to use the allocation to fund one new social worker position to provide post adoption services. Post adoption services can be provided to adoptive parents and adult adoptees. Adoptive parents may need information regarding services for adoptive children, such as therapy or counseling to address the adoptive child's behaviors or special needs. Adult adoptees may make requests, either directly or through the courts or their attorneys, that may involve re-opening sealed adoption files and extracting requested information. Other duties of this position may include community

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liaison and pre-placement adoption assessments and interstate adoptions. There is no local match required to accept this funding. It is anticipated that this funding will be an ongoing annual allocation from the State.

Resource Person(s): Dan Hudgins, DSS Director, will be available as a resource person for this item.

County Manager's Recommendation: County Manager recommends approval of budget amendment No. 00BCC000030 in the amount of \$55,000 to accept new revenues from NC Division of Social Services to support prospective foster and adoptive families, and approval to establish the corresponding social worker position.

Vice-Chairman Reckhow moved, seconded by
Commissioner Bowser, to approve Budget Ordinance
Amendment No. 00BCC000030 in the amount of \$55,000.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000030

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$207,627,537	\$55,000		\$207,682,537
<u>Revenues</u>				
Intergovernmental	\$174,590,219	\$55,000		\$174,645,219

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

This the 31st day of January, 2000.

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

Public Health--Budget Amendment to Recognize Grant Revenue from Smart Start for Programs in Nursing, Nutrition, and Health Education and Approval and Establishment of Grant Related Positions.

The Health Department requested approval of a budget amendment to recognize a grant of \$137,125 for the Child Health (6233), Nutrition (6215), and Health Education (6216) divisions. This amount represents a grant from Durham's Partnership for Children (Smart Start) to expand the Linkages to Families Project and the Child Care Health Consultant Project.

The Health Department also requests approval for the establishment of the following positions funded by the grant. Additions to the Linkages Program include a Public Health Nurse, an Early Childhood Educator, and a part-time Nutritionist. The Child Care Health Consultant Project requires three new Public Health Nurses, a Health Educator, a part-time Nutritionist, and a part-time Processing Assistant.

The Linkages to Families Project provides home visits to low- to moderate-risk pregnant women on a regular basis, providing health education on priorities decided by clients.

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The Child Care Health Consultant project provides preventive health services to children in child care centers including: assessment; follow-up, and referral of individual children; information about health problems related to child care; and consultation provided to anyone with a specific health concern related to children in a child-care setting.

The grant runs through June 30, 2000. It is anticipated that this funding will be continued through the FY 2000-2001 budget period. Positions established are contingent upon continuation of grant funding and applicants for the positions are notified.

The Board of Health has adopted this amendment.

Please note that this amendment requires no additional County funds.

Resource Person(s): Gayle Harris, Nursing Director, Public Health Department.

County Manager's Recommendation: The Manager recommends approval of Budget Amendment # 00BCC000026 to recognize grant revenue in the amount of \$137,125 from Smart Start for programs in Nursing, Nutrition, and Health Education, and approval and establishment of grant related positions.

The Commissioners asked questions and made comments about this agenda item.

Ms. Harris responded to questions and comments.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Budget Ordinance Amendment No. 00BCC000026 in the amount of \$137,125.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000026

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$205,807,104	\$137,125		\$205,944,229
<u>Revenues</u>				
Intergovernmental	\$172,769,786	\$137,125		\$172,906,911

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

This the 31st day of January, 2000.

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

Request to Utilize Commissioners' Chambers for District Civil Court Hearings

During the September 13, 1999 Regular Session of the Board of County Commissioners, Chief District Court Judge Kenneth Titus requested use of the Commissioners' Chambers to hold hearings for District Civil cases due to lack of space at the judicial building which had resulted in a backlog of cases. The Board of County Commissioners approved the

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request to utilize the Chambers on Wednesday mornings, 9:00 a.m. to 1:00 p.m. through the month of March 2000.

At this time, District Court Officials have submitted a revised schedule for use of the Commissioners' Chambers. The new schedule is Tuesdays and Wednesdays every other week during the months of February through June 2000 as per the memorandum. This does not increase the net number of days but does extend the schedule into June. By granting this request, the backlog to the District Court System can be reduced and provides for effective use of judges' time.

Resource Person(s): Kathy Shuart, Trial Court Administrator, and David F. Thompson, County Manager.

County Manager's Recommendation: Recommendation is that if the Board of County Commissioners agrees with the attached revised schedule that the same restrictions apply that the room will be used for motions with judges, attorneys, and their clients. The only concern I have is that this will extend into the budget season. However, I believe that it can be accommodated if a revised budget calendar is brought to the Board prior to final approval of utilization of the board room for the months of May and June. I did not feel comfortable approving this request administratively since the Board was specific in its approval the last time this issue was brought forward.

The Commissioners asked questions and made comments about the proposal to which Ms. Shuart responded.

Vice-Chairman Reckhow moved, seconded by
Commissioner Heron, to approve the calendar/schedule
through April 26, 2000.

The motion carried unanimously.

Extension of the Listing Period for 2000 Until February 11, 2000

Due to inclement weather during the weeks of January 17-21 and January 24-28, taxpayers have been unable to complete listings for personal property within the normal listing period, which begins January 1 of each year and extends through January 31. According to G.S. 105-308, taxpayers who do not list taxes during the listing period are subject to a 10% late-listing penalty. G.S. 105-307 grants the Board of County Commissioners the authority to extend the listing period in a non-revaluation year up to thirty (30) days. During a revaluation year, the Board may extend the listing period up to sixty (60) days.

Resource Person(s): Wendell Davis, Acting Tax Assessor/Deputy County Manager

County Manager's Recommendation: Given the inclement weather over the past two weeks, the County Manager recommends extending the listing period to February 11, 2000, thus allowing taxpayers the opportunity to list personal property until that date without penalty.

Acting Tax Assessor and Deputy County Manager Wendell Davis presented the proposal to the Commissioners.

Commissioner Heron moved, seconded by Vice-Chairman
Reckhow, to approve the item.

The motion carried unanimously.

Discussion on Next Steps for Possible Merger of City and County Governments

Chairman MaryAnn Black requested an opportunity to brief the Board of County Commissioners on discussions with Mayor Nick Tennyson concerning the next steps

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towards a decision on City and County Merger. The goal is to hold a referendum in November 2000 on a charter for a merged government. The charter commission will report to the public by May 15 if it will not be able to complete its work in time to allow an election to be set for that date.

The Charter commission will be a citizen driven process, using professional consultants as advisers and may include a staff liaison from the City and/or County. The staff of the two governments will be directed to cooperate with and facilitate the work of the Charter commission, but will not serve as staff to the commission.

A project manager may be hired by the governing boards to serve as the primary staff person to the Charter commission. The Charter commission will have a budget of up to \$150,000 and may request additional funding if needed to complete its work. An attorney may be retained or legal counsel may be secured from the Institute of Government by the Charter commission to provide independent legal advice.

The Charter commission should include Durham County citizens who have specific areas of expertise in government and in the services provided by these governments.

No currently serving elected official will be appointed to the Charter commission. All Charter commission members must be Durham County registered voters whose taxes are current.

The Charter commission will consist of up to 40 members and will be expected to work through a committee structure. The Mayor and Chair of the Board of County Commissioners will provide a list of organizations for approval by the City Council and the Board of County Commissioners which will be invited to select nominees for the Charter commission. After reviewing the list of nominees, at-large members of the Commission will be appointed to ensure representation of the diverse population of the county. Attendance at the meetings of the Charter commission will be kept and individuals must attend at least 80 percent of the meetings to have a vote on the final adoption of the proposed charter.

The City and County Attorneys will draft the formal resolution setting forth the powers of the Charter commission, which will be broadly empowered, but not authorized to call a referendum in its initial charge. That draft will be available to the elected bodies and the public. A special meeting of the Commissioners and Council was scheduled for Monday, February 7 at 5:30 p.m. to consider adoption of the resolution.

If the Charter commission is formed, the chair(s) will report to the elected bodies by March 30 and May 15 as to the progress of the Charter commission's work. In addition, the chair(s) will meet monthly with the elected bodies to give and receive input from the elected officials.

County Manager's Recommendation: Staff needs direction as to how to proceed. After listening to Board's expectation of staff support, I believe a discussion must be held concerning appropriate staffing of the Charter commission and County Commission so staffing shortages will not interfere with the startup of this new stage.

Chairman Black announced that Mr. David Lawrence from the Institute of Government was present to answer questions and to talk about how the Institute can assist with the merger process.

Commissioner Bell stated he was not prepared to vote on charter commission issues at this meeting. He had reservations concerning composition of the commission. He wished first to have a joint meeting with the Commissioners and City Council concerning the charter commission.

Chairman Black said the Board should have the discussion tonight since two citizens have signed to speak and Mr. Lawrence wishes to speak.

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Commissioner Bowser said he would not support the charter commission nominating groups. He did not feel the vote on these groups should be delayed.

Chairman Black said several items must be discussed, such as the revised agenda action form which refers to the next steps for possible merger of city and county governments. The 1998 Population and Demographic Estimates and 1990 Census Data should be reviewed. The \$150,000 the Board agreed to invest on the project should be considered. The Institute of Government said it could provide the services for less than that amount.

Commissioner Reckhow said we should discuss the subject tonight.

Chairman Black called on Mr. Lawrence to inform the Commissioners about the service the Institute of Government can provide.

Mr. Lawrence said he would do any professional work. Some staff work, such as secretarial duties, would be involved. We propose to do the legal work for the Charter commission--to develop a plan for what should be included in the draft of the charter and identify decisions the commission must make to get a charter completed. The commission would be given the legal context in which decisions must be made. I would perform any other legal work that arises in the course of the investigation. I would draft the charter and any report requested by the commission to explain the charter to the Commissioners and to the citizens.

Mr. Lawrence said the Institute of Government would charge \$600 a day for his time, up to a maximum of \$40,000. Assuming that this project is completed by mid July, my quest would be that the charge would be considerably less than the full amount. If the commission were divided into subcommittees, I would attend those meetings also. That may add some time. The \$600 per day includes all expenses such as secretarial time, printing, and travel up to a maximum of \$40,000.

The Commissioners asked questions and made remarks about the charter commission process to which Mr. Lawrence responded.

Mr. Lawrence and the Commissioners concurred that the Board and City Council have the authority to accept or reject any part of the work of the charter commission or may stop the process at any time. The governing bodies may set the date of the referendum or accept the charter commission recommendation. The governing bodies have final authority.

Commissioner Bell said the issue has been raised about a section of Chapel Hill being in Durham County. The location issue about Raleigh and Wake County should also be considered.

Chairman Black talked about the agenda action form relative to the 40 members of the charter commission. She pointed out that diverse population means considering the following: racial make-up, in city, out of city, the entire county having representation, and male and female composition.

Marcia Margotta presented the 1998 Population and Demographic Estimates and the 1990 Census Data.

Chairman Black asked Ms. Margotta to obtain the latest figures on the number of people living in Durham County. The Commission should be established based on the current demographics of the county.

Commissioner Bowser spoke about the merger process, particularly the charter commission nominating groups reflected in a memorandum dated January 20, 2000. He stated that the 1990 Census Data and the 1998 Population and Demographic Estimates should have been available before the nominating groups were drafted. He wished to present a fair process to establish the charter commission.

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Chairman Black presented her thoughts on the selection process and makeup of the commission based on population and demographic data.

Commissioner Bell said the Commissioners and City Council members should jointly establish this commission.

Commissioner Bowser proposed that charter commission members be chosen by an applicant process (like the process for Commissioner-appointed boards and commissions). An advertisement should be placed for applicants. The Commissioners and City Council should review the applications. Citizens best suited for the charter commission would be selected. This process would allow the Commissioners and City Council to have equal appointing power. Commissioner Bowser suggested that the charter commission comprise 20 to 25 members.

Dr. Lavonia Allison, 1213 Fayetteville Road, was called to speak by Chairman Black. She spoke against having only one representative from each organization. She supported the result, but spoke against the merger process. A document she received from City Government was objectionable to her. The County Attorney and Ms. Margotta gave her other documents.

Mr. Paul Macy, 2207 Bivins Road, was called forth to speak. He was concerned about the rising taxes that would result from merger and that some citizens would be hard-pressed to pay the resulting increased taxes—especially those on fixed incomes. The only benefit he could imagine from merger would be garbage collection. He stated he would read the citizen merger task force report. He urged the Commissioners to stop the process.

Commissioner Reckhow pointed out that Mr. Macy's taxes may not increase--it depends on the district and what services are provided. One will only be charged for the services one receives. She encouraged him to read the report.

Mr. Jack Steer, 2416 Dawn Trail, spoke about the ad hoc committee that has been formed completely independent of any other organization for the concept of merger. I would like to see a combination of selections from organizations and volunteers (applications).

Commissioner Reckhow spoke to the concerns about the makeup of the charter commission. She proposed a combination of representatives from both established groups and the public at-large, and to include a mix of City and County residents.

Commissioner Bell said that there is value to having organizations and civic groups represented on this charter commission. The organizations can provide a certain level of diversity. The individuals can represent a body of people. Organizations as a base can be very important to this process. The bottom line is giving the voters what they want. I would oppose the commission being comprised of strictly individuals. He did agree with appointing several at-large individuals to address the diversity issue.

Chairman Black said advertisements would go out to people who wish to serve on the commission. The organizational list will be reworked. The demographics of the material I distributed will be reviewed and then the commission will be balanced when we receive the applications.

Chairman Black stated that Commissioner Reckhow said a list of organizations and at-large citizens can be received by applications for appointment consideration. The appointments will be diverse and reflect the makeup of our community--in city, outside city, and ethnic makeup. The Commissioners may add organizations suggested by citizens. The main thing is to have appropriate representation outside the city limits, African American representation, and majority representation.

Commissioner Bell stated that if we follow the process outlined, there are no guarantees that these 29 organizations will be represented on the commission.

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County Manager David F. Thompson summarized the discussion by saying a consensus has been reached because: (1) organizations listed are not guaranteed a seat on the commission; (2) any Board member wanting another organization to be represented may forward that list to Deputy County Manager Carolyn Titus; (3) if you want, you may open up the application process to allow anyone else to nominate himself for this process. The final group would be judged by this Board and the City Council as to whether it is representative of the city and county and our different demographics. There are not guarantees of any appointments.

Commissioner Bell moved, seconded by Commissioner Heron, that this body go on record as opening the nominating process for the proposed charter commission. Nominations will come from individuals or organizations and be submitted to Deputy County Manager Carolyn Titus. The administration will be responsible for using the appropriate vehicle for advertising.

The motion carried unanimously.

Chairman Black directed Ms. Margotta to poll the Commissioners for possible meeting dates for a joint City-County governing board meeting.

Commissioner Bell said the next step is to establish the City County governing board meeting before we advertise.

Chairman Black suggested the Council and Commissioners meet at 5:00 p.m. on February 7, 2000.

Commissioner Heron stated the applicants should be made aware that they are making a time commitment.

Chairman Black said members would have to attend 80 percent of the meetings to vote on the final project.

Commissioner Bell asked if any consideration was given to alternates. The final votes would be made by the 40 members appointed to the commission.

Chairman Black said she did not have a problem with the alternates.

Commissioner Bowser said he had a problem with the way Commissioner Bell wants to structure the alternates. I would like to establish a pool of people, maybe 10, to replace members who dropout within a certain period of time. This will happen.

Commissioner Bell asked the Commissioners to support his proposal.

Chairman Black directed Ms. Margotta to place the alternate item on the list. She would talk with Mayor Tennyson about it.

County Manager Thompson asked that he be permitted to bring forth, at the next worksession, a new staffing proposal for this venture. I would like to bring forward a staff alignment within my original budget that will actually be a lower budget, and to align this effort through Carolyn Titus who is the administrative person assigned to merger. She will utilize a portion of time from the two research positions.

Commissioner Reckhow moved, seconded by Commissioner Heron, to use the Institute of Government at \$600 per day on the day they are working at a maximum cost of \$40,000 to do Durham County charter commission work.

Discussion followed relative to the motion.

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The motion carried with the following vote:

Ayes: Bell, Black, Heron, and Reckhow
Noes: Bowser
Absent: None

Resignation of County Manager County Manager David F. Thompson

County Manager David F. Thompson said he submitted a letter of resignation to the Board of County Commissioners effective March 3, 2000. This is a positive type of resignation in that he has an opportunity for a position in which he is extremely interested in the private sector. This type of position allows me to maintain contact with the public sector. I have enjoyed working with this Board. I consider this Board to be composed of community stewards that have the best intentions to serve this community well. It has been a real pleasure. I think the County is moving along very well and we have some excellent staff. Thank you for allowing me to serve you for the past 3½ years.

The Board of County Commissioners individually spoke to the impending loss of the County Manager—speaking of his merits and accomplishments, that he will be greatly missed, and offering best wishes in his new position as a consultant.

Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions:

The following votes were cast to make appointments to the boards and commissions. Asterisks indicate appointees.

Adult Care Home Community Advisory Committee

One vacant position (term expires September 2001). Subsequent terms are for two or three years.

*Doris W. Johnson—Bell, Black, Bowser, Heron, and Reckhow

Animal Control Advisory Committee

Three expired at-large positions (terms expire January 2003).

*Vickie West-Terrell—Bell, Black, Bowser, Heron, and Reckhow

Animal Control Review Board

One position (term expires October 31, 2002).

*Miriam Clifford—Bell, Black, Bowser, Heron, and Reckhow

Estella C. Collins—no votes

Brenda J. Thissen—no votes

Boxing and Wrestling Commission

Three expired positions (terms expire January 2001).

*Ricky L. Hart—Bell, Black, Bowser, Heron, and Reckhow

*Willie B. Jones—Bell, Black, Bowser, Heron, and Reckhow

Public Health Board

Four expired positions—engineer, medical doctor, optometrist, and pharmacist (terms expire January 2003).

*William Clayton Bordley (MD)—Bell, Black, Bowser, Heron, and Reckhow

*William H. Burch (pharmacist)—Bell, Black, Bowser, Heron, and Reckhow

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Women's Commission

One position (term expires June 2000).

*Kimberly C. Thornton—Bell, Black, Bowser, Heron, and Reckhow

Adjournment

Chairman Black adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board