

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

Monday, January 5, 2004

9:00 A.M. Worksession

AGENDA

1. Citizen Comment?Rev. Thomas B. Bass Jr. 5 min.

Reverend Thomas Bass has requested an opportunity to apprise the Board about the status of discussions with Duke University Health System regarding possible use of the Oakleigh facility at Durham Regional Hospital for crisis stabilization services. At the Board's instruction, the County Manager facilitated an October 10, 2003 meeting between the Health System and representatives from the Greater St. Paul Baptist Church, the Durham Community Home of Recovery, and the Gotta Save Project, at which time the group agreed to reconvene after the November 12-13, 2003 Durham County Health Summit.

1a. Resolution Opposing Location of Outlying Landing Field in Washington and Beaufort Counties 10 min.

The Assistant Secretary of the United States Navy signed a Record of Decision on September 3, 2003 to build an Outlying Landing Field (OLF) on the Washington/Beaufort County Line. Government leaders, including Governor Easley and area residents, oppose the location of the OLF and are seeking resolutions from North Carolina's 100 counties opposing the OLF location.

RESOURCE PERSON(S):Jeanne Van Staalduinen, North Carolinians Opposed to an Outlying Landing Field

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board suspend the rules and approve the requested resolution.

2. Ten-Year Plan to End Homelessness 15 min.

The Council to End Homelessness in Durham (CEHD) has participated with the Triangle United Way regarding local efforts to develop ten-year plans to end homelessness. The CEHD is requesting that the Durham County Board of Commissioners take the following actions:

1. Participation in a joint press conference with the City of Durham announcing local government support and participation in a ten-year planning effort to eliminate homeless in Durham County;
2. Appointment of representatives to serve on the Steering Committee for the development of the ten-year plan; and
3. Appointment of staff members from the Department of Social Services and the Durham Center to participate in the planning process.

RESOURCE PERSON(S): Terry Allebaugh, Chairman, Council to End Homeless in Durham

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation.

3. Presentation on the Latino DWI Prevention Grant 10 min.

A local community group, the Durham Coalition for the Prevention of Drinking and Driving in the Latino Community, was selected as one of three sites nationwide for a grant from the National Highway Traffic Safety Administration to develop a program to prevent drinking and driving among Latinos.

The presentation will inform Board members and the public about the innovative efforts to reduce impaired driving among Durham County Latino residents.

RESOURCE PERSON(S): Paul Savery, Durham Coalition for the Prevention of Drinking and Driving

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation.

4. Exchange of Personal Property with IBM 5 min.

The Department of Information Technology has recently replaced two IBM AS/400 system units for two IBM I-series system units, which service a majority of the County departments. IBM has offered to accept, as a trade in, the two AS/400 systems for \$10,000 each. The actual value of each AS/400 system is approximately \$1,000. The exchange provides the County the rare occasion of receiving extra benefit for outdated technology. IBM will pay to the County a total of \$20,000 for the systems and will arrange for their pick up.

As a condition of the trade-in offer, IBM has required that the County enter into an Agreement for Trade-In. The deadline to enter into the Agreement was December 31, 2003. Since this is the first meeting of the Board to consider this offer, the County Manager executed the Agreement prior to the deadline in order to accept the offer. The Board is

requested to ratify the action taken by the County Manager.

This exchange is pursuant to N.C.G.S. §160A-271, Exchange of Property, and the County has complied with the ten-day public notice requirement set forth therein.

RESOURCE PERSON(S): Perry Dixon, IT Director, and S.C. Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board suspend the rules, approve the exchange of personal property described herein, and ratify the execution of the IBM Agreement for Trade-In by the Manager.

5. Approval of the Interlocal Agreement for the Community Learning Center 10 min.

On December 1, 2003, the Board of County Commissioners approved the creation of the Community Learning Center under the supervision of the Criminal Justice Resource Center. The target population for the program is students who are expelled from Durham Public Schools (DPS) (permanently removed), suspended for 365 days (not allowed on DPS property, often for a weapon charge), or who are not eligible for the Lakeview option due to safety concerns. The program will serve ten students, operating Monday through Friday. The classroom will be equipped with ten individual workstations and computers with Internet access. Students will use the Nova Net Curriculum, which is aligned with the NC Standard Course of Study.

On December 4, 2003, City Council approved funding in an amount not to exceed \$27,960 for this program, authorizing the City Manager to negotiate and execute an Interlocal Agreement with the County.

RESOURCE PERSON(S): Gudrun Parmer, Director, Criminal Justice Resource Center, and Carol Hammett, Assistant County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation is that the Board suspend the rules, approve the Interlocal Agreement, and authorize the execution thereof by the Manager.

6. Adequate Public Schools Facilities Policy 15 min.

The Board of County Commissioners expressed a desire for the City and County to implement a policy tying rezonings with a residential component to the availability of classroom space in public schools. The proposed policy establishes a level of service for public schools of each type. The policy proposes that rezonings be denied when the proposed student increase will cause the public school system to exceed its building capacity. The BOCC considered this policy at its August Worksession and asked for additional study of the issue by staff. The policy has been revised to take reductions into account, as well as increases in enrollment linked to rezonings.

The draft policy establishes a level of service for schools and links the ability to seek rezoning to the ability of the public school system to accommodate the projected student population. The policy establishes the level of service as 120 percent of building capacity system-wide, providing no consideration for modular classrooms.

Staff Recommendation: Discuss the Adequate Public Schools Facilities Policy and adopt the Policy at a regular meeting of the Board.

RESOURCE PERSON(S): Frank M. Duke, AICP, Durham City-County Planning Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board discuss the Adequate Public Schools Facilities Policy and if appropriate, adopt the policy at a regular meeting of the Board.

7. Presentation?Durham Comprehensive Plan and Durham Unified Development Ordinance (UDO) 30 min.

The presentation provides an overview on the purpose and impacts of two major initiatives undertaken by the Planning Department: the Durham Comprehensive Plan and the Unified Development Ordinance [UDO]. The plan will establish a pattern of land uses and clarify basic governmental policies related to development. The UDO merges zoning and subdivision regulations into a single ordinance employing Smart Growth tenets and principles. Both projects are scheduled for completion in the summer of 2004. The City Council received a similar presentation in December.

The Planning Department recommends that the Board receive the presentation and provide direction as appropriate.

RESOURCE PERSON(S): Frank M. Duke, AICP, Durham City-County Planning Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation and provide direction as appropriate.

8. 9-1-1 Departmental and Surcharge Status Report 25 min.

Durham Emergency Communications Center will make a presentation to the Board of County Commissioners outlining the management changes that have occurred within the department and plans for expenditures from the surcharge.

RESOURCE PERSON(S):

Cheryl Smith, Assistant Communications Manager ? Staff Services
 Tonya Pearce, Acting Assistant Communications Manager - Operations
 Mavis Galantis, Training Coordinator

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board receive the report.

9. Interlocal Reconciliations 10 min.

The Finance Department requests that the BOCC approve the transfer of \$148,417 from the contingency fund and \$349,327 from the 911-surcharge fund for payment of outstandings due under the 1996 through 1999 interlocal agreements with the City of Durham. These funds, which total \$497,745, are described below:

	FY95-96	FY96-97	FY97-98	FY98-99
Emergency Comm. GF	51,432	97,839	(35,534)	(23,104)
Emergency Comm. Surcharge	(520,633)	690,514	103,869	75,576
Civic Center	(44,382)	(37,188)	(48,872)	23,782
Emergency Management	46,797			7,004
Planning Department	64,157	14,259	192,708	94,639
Inspections Department	(22,790)	(47,355)	(36,177)	(3,106)
GIS				9,290
Landfill Tipping Fee	95,648	(70,240)	(53,308)	
Sales Tax Audit			(65,472)	
TMA Tax Revenue Audit			(52,028)	
Youth Coordinating Board			(1,857)	6,464
Payments				(117,138)
Total **	\$ (329,771)	\$ 647,829	\$ 3,329	\$ 73,407

** () = Due to County from the City
 without () = Due from County to the City

Total Interlocals \$ 394,794

800 MHZ Radios \$ 102,951

Total due to City \$ 497,745

The \$102,951 payment for 800 MHZ Radios is an amount due to the City and authorized for payment by the BOCC in FY 99, but was never paid. The amount results from a \$687,451 bill charged incorrectly to the Emergency Telephone System Fund rather than to the General Fund during FY 98 and a \$584,500 charge to the General Fund in FY 96 that should have been charged to the Emergency Telephone Fund (revealed in a FY 98 Internal Audit).

The \$102,951 balance due the Emergency Telephone Fund was due to be paid during FY 99, but was not, and is part of this request.

It should be noted that the City of Durham has netted our payment (\$497,745) against the amount due Durham County (\$583,431?Agreed Upon Procedure Audit/Utilities Audit) and forwarded to Durham County the difference (\$85,686). Release of the above-mentioned funds is necessary to close the transactions on the County books. With the closing of this transaction, all reconciliation of interlocals will be complete through FY 2002.

RESOURCE PERSON (S): George K. Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the BOCC approve the report and authorize the placement of a budget amendment on the January 12, 2004 consent agenda.

10. 2001 Bond Referendum Projects Update 15 min.

The 2001 bond referendum included the following projects:

1. North Regional Library Land Acquisition

2. East Regional Library Land Acquisition and Construction
3. South Regional Library Land Acquisition
4. Southwest Branch Library Land Acquisition
5. Stanford L. Warren Library Renovations
6. EMS Station #2
7. Durham Center for Senior Life

A brief report will be given regarding the status of the projects, as well as the status of other Capital Improvement Program projects.

RESOURCE PERSON(S): Wendell Davis, Deputy County Manager, and Glen Whisler, P.E., County Engineer

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board of Commissioners receive the report and provide direction to staff as appropriate.

11. Durham County Emergency Medical Services (EMS) Station Number 2?Project Update?Project Number: DC069-50

15 min.

The 2001 Bond Referendum included funding for the proposed Durham County Emergency Medical Services (EMS) Station Number 2 to replace the Lincoln Community Health (LCHC) Station. The new facility will be located on Old Fayetteville Street. Acquisition of the site was completed on July 30, 2003, and design of the facility is underway. On January 13, 2003, the Board of County Commissioners awarded a design contract to Gurlitz Architectural Group, P.A. of Durham to provide architectural services for the proposed facility. A facility of approximately 7,368 square feet is proposed to house functions which include ambulance parking bays, living area, offices, support spaces, meeting room, and provision for future expansion.

Call volume has increased for the district and currently two nearby volunteer fire departments assist the LCHC EMS Station in handling the increasing number of calls. Growth in southern Durham County has continued to surpass the capacity of the LCHC EMS Station to meet the demand. The proposed project will allow for more adequate staffing and vehicle housing to meet the current demand, as well as prepare for future growth.

The programming and schematic phases of the project is complete. These phases involved a series of meetings with EMS staff to determine the needs of the facility. The project is currently in the design development phase. The architect will provide an update to the Board.

RESOURCE PERSON(S): Glen Whisler, P.E., County Engineer; Mickey Tezai, Director, Emergency Medical Services; and Richard Gurlitz, Gurlitz Architectural Group, P.A.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board accept the update and provide direction to staff as appropriate.

12. Budget Ordinance Amendment No. 04BCC0000138?Judicial Building and Judicial Building Annex Security

15 min.

Courthouse officials and the County Manager have been investigating ways and means to resolve Judicial Building and Judicial Building Annex security concerns since a November 7, 2003 meeting was held at the Manager's request to discuss specific concerns. The Manager subsequently requested that Judicial Building officials reduce to writing the minimal, reasonable measures to secure the Judicial Building and the Annex (former First Union Building). The response was received in early December, upon which the Manager requested an evaluation and estimate (finalized on December 22, 2003 by Deputy County Manager Wendell Davis). The annual cost for security personnel and equipment is estimated at \$293,174 rather than the "\$1-million range" as quoted in a December 29, 2003 Herald-Sun newspaper article. Personnel cost has been estimated at \$253,118, doors and hardware (not including the cost for a new revolving door for the front entrance) at \$25,302, and a video camera system at \$14,754.

RESOURCE PERSON(S): Mike Ruffin, County Manager; Wendell Davis, Deputy County Manager; and Mike Turner, General Services Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board suspend the rules and adopt Budget Ordinance Amendment No. 04BCC0000138 for \$40,056 to facilitate the purchase of doors, hardware, and video equipment as requested. (The Sheriff's Office has been asked to review and respond to the request for

additional personnel, upon the receipt of which the Manager will return to the Board with a final recommendation.)

13. **Closed Session*** 60 min.

The Board of Commissioners is requested to adjourn to closed session to direct the staff concerning the material terms of a possible purchase of the YMCA Daycare building located at 218 Seminary Street pursuant to G.S. § 143-318.11(a)(5).

14. **Justice Building Programming and Facility Master Plan Revisions** 30 min.

The Board is requested to consider revisions to the Justice Building program and Facility Master Plan and authorize the County Manager to proceed with development of a design contract for the Justice Building project.

In March 2000, the Board adopted the Facility Master Plan that identified construction of a Justice Building as the highest priority project. The project was included in the Capital Improvement Program (CIP). The programming phase of the project, completed in October 2002, included two options for building occupancy. Option 1 included all functions related to the justice system and required 282,645 SF. Option 2 recommended a building of 245,420 SF and did not include Community Corrections and the Criminal Justice Resource Center. Option 2 was incorporated in the 2004-2013 CIP. However, during review and approval of the CIP, the Board requested that staff reconsider the occupancy of the proposed Justice Building along with the Judicial Building, Judicial Building Annex, and Eligibility Building, which resulted in the development of Option 3.

Options 1 and 2 from the October 2002 program document and Option 3 for the Justice Building, along with recommendations for use of the Administrative Complex, Judicial Building, Judicial Building Annex, and Eligibility Building were reviewed with the Board on December 1 2003. Option 3 places Community Corrections in the Judicial Building Annex, Criminal Justice Resource Center in the Eligibility Building, and Juvenile Justice and Guardian Ad Litem in the Judicial Building, resulting in a Justice Building of 228,974 SF. In response to concerns raised at the December 1, 2003 meeting, Option 4 was developed which does not require use of the Eligibility Building to meet the facility needs of the justice system. In Option 4, the Justice Building is 228,974 SF.

RESOURCE PERSON(S): Glen Whisler, County Engineer, and Kevin Montgomery, O'Brien/Atkins Architects

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board suspend the rules, support Option 4 for the Justice Building, and authorize staff to develop a design contract for the project.

15. **Review of Options for Improvement of the Bragtown Branch** 30 min.

In response to the directives given by the BOCC at the August 4, 2003 Worksession, County staff members have prepared information on the Bragtown facility. First, the results of an architectural study of the Bragtown Branch will be presented. The study includes:

- An assessment of the current Bragtown Branch;
- An option (labeled **Option A**) to add an additional 400 square feet to the existing facility;
- An option (labeled **Option B1**) to add 3,000 square feet to the existing facility;
- An option (labeled **Option B2**) to replace the current facility with a 4,400-square-foot facility at the existing site;
- An option (labeled **Option C**) to build a new 10,000-square-foot facility at a new site.

These four options address the architectural questions associated with items 2, 3, and 4 of the August 4 instructions given to staff and reiterated below.

Following the presentation of the architectural study, staff members will present information about the Bragtown Branch operations to address the operational questions represented in items 1, 5, 6, 7, and 8 of the August 4 instructions.

Requested Actions From Minutes of the August 4, 2003 BOCC Worksession

At its August 4, 2003 meeting, the Board of County Commissioners instructed staff to do the following related to an ongoing study of the Bragtown Branch:

1. Provide additional circulation information for all branch libraries.
2. Seek architectural support and research the feasibility of expanding the existing facility to create a separate children's programming area and to consider ADA needs.
3. Provide a cost estimate for brand new construction at the current Bragtown site.
4. Provide a cost estimate for expanding the existing Bragtown building to its maximum capacity.

5. Provide operational cost information for the new facilities over three to five years.
6. Track the number of individuals from other communities who use the Bragtown Branch and estimate the possible usage if a larger facility is placed in the Bragtown community.
7. Determine if Durham Public Schools administrators and faculty would use an expanded Bragtown Branch.
8. Investigate the possibility of developing a joint school/public library project similar to the one in Wake County.

Additional Background Information Included With the Agenda Action Form

- A. Bragtown Branch Architectural Study
- B. Total Cost of Options Including Land, Equipment, Furnishings, Fixtures, and Collections
- C. Properties Listed for Sale in the Bragtown Area
- D. Circulation, Programming, and Computer Workstation Statistics for all Branch Library Locations
- E. Year-to-Year Comparison of Bragtown Branch Statistics
- F. Operating Cost Comparisons for the Options Listed in Architectural Study
- G. Operating Cost Comparisons for Current Branch and New Regional Facilities
- H. Library System Budget Projections Without Alterations to Bragtown Branch

RESOURCE PERSON(S): Carolyn Titus, Deputy County Manager; Philip Cherry III, Library Director; Priscilla Lewis, Library Extension Services Manager; Karlene Fyffe-Stewart, Branch Manager, Bragtown Branch; Glen Whisler, County Engineer; and Chris Brasier and Zena Howard, Architects for The Freelon Group Inc.

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve Option A. (However, if the Board is predisposed to consider a new branch library for the Bragtown area, the Manager recommends that any final decisions be deferred pending an evaluation of the impact of a new facility on the size of the proposed north regional library, improvements planned for the Main Library, and the preparation of amendment to the adopted CIP.)

16. Accept Fiscal Year 2004-2005 Budget Calendar and Set an Advance Public Hearing on the FY2004-2005 Budget

5 min.

The Board is requested to accept the FY 2004-05 Budget Calendar, which outlines the key dates in the upcoming budget development process. The first key date required is for the Board to set an Advance Public Hearing to receive public comment for the FY2004-2005 Budget. It is recommended that Monday, January 26, 2004, during the Board's regularly scheduled meeting, be set for this Hearing.

The County Manager's Recommended FY2005 Budget will be presented to the Board of Commissioners on Monday, May 10, 2004, allowing for a longer review period by the Commissioners. Individual budget worksessions with the Board will be scheduled later and will be held between May 18 - June 16. Final adoption of the FY2004-05 Budget Ordinance is scheduled for Monday, June 28, 2004.

RESOURCE PERSON(S): Pam Meyer, Director of Budget and Management Services

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board suspend the rules and approve the FY2004-2005 Budget Calendar and set Monday, January 26, 2004 as the Advance Public Hearing date for the FY2004-2005 Budget.

17. Pay-for-Performance Review Process Follow-Up 10 min.

The 2004 Pay-for-Performance Program grants a 3.25% increase for "Meets Expectations" performance and a 4.25% increase for "Exceeds Expectations" performance as approved by the Board of County Commissioners at its December 8 meeting.

The Pay-for-Performance Review Panel is being established to allow employees an opportunity to request a formal review of a disputed overall performance appraisal and to provide for the random review of "Exceeds Expectations" performance appraisals by an impartial panel comprised of Human Resources personnel, department administrators, a Deputy County Manager, and a peer.

Durham County employees may request a review of a "Meets Expectations" or lower performance appraisal rating believed to reflect inaccurately performance based on the employee's existing workplan. Further, on a random basis, throughout the appraisal review year, Human Resources will randomly select performance appraisals with "Exceeds Expectations" ratings and review them against the employee's submitted workplan to ensure that appraisals reflect established expectations.

RESOURCE PERSON(S): Elaine C. Hyman, Human Resources Manager, and Tony Noel, Acting Human

Resources Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board discuss the review process and provide staff with further direction if needed.

***NOTE:** The Commissioners will hold the Closed Session during lunch break between 12:00 Noon and 1:00 p.m.

5¼ hrs.



Last updated: July 23, 2006

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