

REVISED

Addition of Item Nos. 5a and 8a

Revision to Item No. 9

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, April 25, 2005

AGENDA

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed. As a courtesy to others, please turn off cell phones during the meeting.

7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.

2. **Agenda Adjustments** 5 min.

3. **Minutes**

5 min.

a. April 4, 2005 Worksession

b. April 11, 2005 Regular Session

4. **Report on Ten-Year Impact Study of Smart Start**

10 min.

Marsha R. Basloe, Executive Director, Durham's Partnership for Children, a Smart Start Initiative, has requested time on the agenda to report on the impact of Smart Start in Durham County over the last ten years.

Ms. Basloe also wishes to announce that at Smart Start's Tenth Anniversary Celebration, Commission Chairman Ellen W. Reckhow received a Champions for Children Award for her commitment to the Partnership and to young children in Durham County.

Resource Person(s): Marsha E. Basloe

County Manager's Recommendation: The Manager requests that the Board receive the presentation.

5. Mel Wheeler?Durham County Employee of the Year Award Winner

5 min.

In accordance with County Government Week 2005, "Honoring County Heroes", Ms. Mel Wheeler was chosen as the Employee of the Year. Mel was nominated by two employees. Ms. Wheeler, a very passionate County employee, is always advocating for her clients and looking for resources to benefit those who are less fortunate.

Mel is not only a client advocate, but also a support system for her co-workers. She often volunteers to help in whatever ways are necessary.

Ms. Wheeler works with two programs. Adult Care Home Case Management involves a caseload of approximately 30 elderly/disabled adults who live in various assisted-living facilities across Durham County. SA-In Home Program involves a caseload of approximately seven elderly/disabled adults who live in the Durham community. Mel visits each of the 37 individuals once per month; however, the "data" of this caseload is not what makes it special. Mel makes it special! The *sheer passion* by which she approaches her work and the people she serves makes her a true Durham County hero. Not only does she make sure that her clients get needed health care, she also arranges for equipment such as wheelchairs, hospital beds, diabetic shoes, glasses, and dentures.

Mel is the consummate hero and a model Durham County employee!

County Manager's Recommendation: The Manager recommends that a check for \$300 be presented to Ms. Mel Wheeler along with congratulations of the entire organization.

5a. Resolution of Support for Legislation to Reestablish a Mediation Center in Durham

5 min.

Members of the Committee to Reestablish a Mediation Center in Durham are working with Rep. Mickey Michaux to request legislative funding for mediation services and to reestablish these services in Durham. Community leader Melvin Whitley and Grace Marsh (Executive Director of Women In Action Inc.) have asked the Board to approve a resolution of support for this initiative. With legislative funds, Women In Action plans to establish the Elna B. Spaulding Center for Dispute Resolution that will meet the conflict resolution needs of the Durham Community.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The Manager recommends that the Commissioners approve the resolution as requested by Melvin Whitley and Grace Marsh and forward copies to members of the Durham Legislative Delegation.

6. Consent Agenda 20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for March 2005 and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Request to Amend Contract to Purchase Additional Safety Supplies and Equipment from Department of Homeland Security Part I Grant Program Funds (amend the contract with Safeco Inc. for an additional \$52,197.42 for a total amount not to exceed \$118,677.81);
- c. Second Reading for Renewal of Ambulance Franchises for Five Durham County Ambulance Providers for a Three-Year Period (approve for Bahama Volunteer Fire Department, Bethesda Volunteer Fire Department, Redwood Volunteer Fire Department, Parkwood Volunteer Fire Department, and Duke Life Flight);
- d. Line Cleaning and Television Inspection of the Collection System Tributary to the Triangle Wastewater Treatment Plant?RFP#: 05-022 (authorize the Manager to enter into a contract with ABE Utilities not to exceed \$40,354.35 and approve annual renewals for up to five years subject to availability of funds);
- e. Budget Ordinance Amendment No. 05BCC0000053?The Durham Center (approve the budget increase in Medicaid funds for \$2,500,000);
- f. Budget Ordinance Amendment No. 05BCC0000054?The Durham Center?Acceptance and Allocation of Grant Funds (approve the appropriation of \$246,779);
- g. Duke University Health System Request for EMS Rate Adjustment (approve a temporary rate adjustment to \$200 per trip until the construction interruption in the helipad area is completed); and

- h. Contract Award for County Building Security Services to Wackenhut Corporation (RFP# 05-010) (authorize the Manager to enter into the contract at the hourly rate of \$17.14 for Company Police Officers (CPOs) and \$25.01 for Special Police Officers (SPOs) for \$511,684.93 for FY 2005-06).

7. Public Hearing for the Draft 5-Year Consolidated Action Plan and FY 2005-2006 Annual Action Plan for Use of HOME/ADDI Funds

15 min.

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold a public hearing to receive citizen comments on the Draft 5-Year (FY 2005-2010) Consolidated Action Plan and FY 2005-2006 Annual Action Plan. The purpose of this public hearing is to receive citizen comments on the proposed priorities for use of HOME Investment Partnership/American Dream Downpayment Initiative (HOME/ADDI) funds by Durham Consortium over the next five years to address housing and community development needs in Durham, as required by the U.S. Department of Housing and Urban Development (HUD). The FY 2005-2006 Annual Action Plan (Attachment A) sets forth the specific sub-recipients and activities that are recommended for funding with HOME/ADDI, CDBG, and ESG allocations during the first fiscal year of the new 5-Year Plan.

City staff are gathering data, writing sections on additional initiatives (such as programs for ex-offenders), and refining the draft Consolidated Plan each day. The draft Consolidated Plan is currently available electronically on the City of Durham website, www.durhamnc.gov, and will be updated approximately weekly. Please see the Proposed Consolidated Action Plan Schedule, Attachment B.

Resource Person(s): Mike Barros, Director of the City of Durham Department of Housing and Community Development

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing for the Draft 5-Year Consolidated Action Plan and FY 2005-2006 Annual Action Plan to receive citizen comments.

8. Public Hearing?Zoning Map Change?Page Road Townhomes (P04-69)

15 min.

The Board is requested to approve a zoning map change for a 34.47-acre site located on the west side of Page Road between I-40 and Comstock Road, PIN 0747-02-97-5123; -01-07-2579. Request: RD to PDR 7.9

A development plan is submitted as part of the rezoning request. Staff recommends approval. The Durham Planning Commission conducted a public hearing on March 8, 2005 and recommended denial with a vote of 7-4.

The public hearing for this request was advertised on April 8 and 15, 2005 in The Herald-Sun.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed rezoning and approve it, if appropriate, based on the comments received.

8a. Legislation of Interest

15 min.

The Association of County Commissioners has sent a memorandum regarding five bills which have been introduced in the State Senate and which are expected to be considered in committee in the next week or two. One of the bills, S932, has already received the support of the Board of Commissioners. It is requested that the Board support S856, S933, and S1143, and further that the Board go on record opposing S1048. No request is made as to S792.

S856 is a bill which would clarify that government attorneys' work-product (documents created in the scope of preparing for trial) are not public records until after the trial is over. This issue became confused last year after the Court of Appeals attempted to overrule a prior decision of the Court.

S933 is a bill which has been introduced as the result of a lawsuit in which a county worker reported to the Sheriff what appeared to be criminal activity. The worker was subsequently sued for defamation. This bill would help prevent such suits.

S1143 reinstates the "public duty doctrine" which protected county workers, such as building inspectors, from suit in performing their duties. The Supreme Court suddenly changed the

law a few years ago and held that the "public duty doctrine" only applied to law enforcement officers and State workers.

S1048 is a bill which would outlaw the use of Social Security numbers by local governments unless specifically allowed by a law. This would have the effect of making identification more difficult, and would be especially difficult for the Tax Office to use Social Security numbers to identify individuals in collection cases.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Commissioners direct that a letter be sent to the Legislative Delegation supporting S856, S933, and S1143, and opposing S1048.

9. Closed Session

55 min.

The Board is requested to adjourn to Closed Session to consider the initial appointment of a public officer or employee **and to consult with an attorney regarding a claim and to preserve the attorney-client privilege** pursuant to G.S. § 143-318(a) **(3) & (6)**.

2 hrs. 35 min.