

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

Monday, February 28, 2005

**AGENDA**

6:00 PM

**Closed Session**

Pursuant to G.S. § 143-318.11(a)(5), the Board of Commissioners is requested to adjourn to closed session to instruct staff concerning the position to be taken on the terms of possible acquisition of property known as

- the Preserve at Erwin Trace, PIN # 0801-03-12-7186, owned by Duke University;
- farmland conservation easements at 1801 Tilley Farm Road, owned by Roger Tilley; and 1807 Tilley Farm Road, owned by Arthur Tilley;
- conservation easements?Childers Heirs property bordering Buffalo Creek on Bill Poole Road (#189471 and #189472);
- easements or fee simple on the North Fork of the Little River at 0 Becky Drive (#189389 and #189390), owned by John Oxaal.

---

7:00 PM Regular Session

**?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.

---

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

2. **Agenda Adjustments**

3. **Minutes**

a. January 31, 2005 BOCC/City Council

b. February 14, 2005 BOCC Regular Session

4. **February Anchor Award Winner ? Brenda Watson**

Brenda Watson, Branch Manager for the Stanford L. Warren Library, was selected to receive the February Anchor Award.

- Ms. Watson?s commitment to her staff and the library was put to test with preparations for Stanford L. Warren Library renovations. She made sure that the entire community was included in the branch closing celebration.
- Ms. Watson and her staff worked tirelessly to pack items for storage, discarding, disposal, and recycling.
- During this period, Ms. Watson was also trying to take on a new department Outreach Services; thus, managing two areas at once. She did all this with a smile and a can-do spirit.

**County Manager?s Recommendation:** Present the February Anchor Award to Brenda Watson along with congratulations of the entire organization.

5. **Consent Agenda**

a. Renewal of the City of Durham and County of Durham Interlocal Cooperation Agreement for the Durham Environmental Affairs Board (approve as modified and authorize the County Manager to sign);

b. Renewal of the City of Durham and County of Durham Interlocal Cooperation Agreement for Open Space and Trails Planning (approve as modified and authorize the Manager to sign);

c. Appointment of the 2005 Equalization and Review Board Members (appoint a special E&R Board, designate membership, appoint Chair and Vice Chair, and establish rate of compensation at \$50.00 per session and \$15.00 per hour after the three-hour session);

d. Adoption of Substance Abuse Treatment Analysis and Plan for Durham County;

- e. Changes to the Memorandum of Understanding (MOU) Between the Board of Elections and the County of Durham (approve the Board of Elections' request to change the MOU to place the Director of Elections on the County's compensation plan);
- f. Budget Ordinance Amendment No. 05BCC000039?Library?Gift Funds from Friends of the Durham County Library (\$17,250);
- g. Budget Ordinance Amendment No. 05BCC000040?Fire Marshal/Emergency Management?FY 2004 State Homeland Security Grant Program Citizen Corps Grant Award (apply the \$9,500 Grant Award received through the NC Department of Crime Control and Public Safety for expenditure in FY 2004-2005);
- h. Budget Ordinance Amendment 05BCC000041?Return Salary Funds to Redwood Volunteer Fire Department (approve to adjust the FY 2004-2005 Redwood Volunteer Fire Department budget);
- i. Budget Ordinance Amendment No. 05BCC000042?The Durham Center?Acceptance and Allocation of Funds from Multiple Grants (appropriate \$200,000, \$387,900, and \$23,500);
- j. Approval to Purchase Emergency Safety Supplies and Equipment from Department of Homeland Security Part II Grant Program Funds (approve and authorize the County Manager to enter into a contract with Safeco Inc. for \$66,480.39);
- k. Set a Public Hearing to Consider the Transportation Improvement Program (TIP) for FY 2007-2013 (adopt the resolution to schedule a public hearing for March 14, 2005);
- l. Reimbursement Resolution for Voiceover IP-Telecommunications Project (adopt the resolution so the County can reimburse itself from the 160A-20 security interest financing in an amount not to exceed \$1,410,000);
- m. Budget Amendment No. 05BCC000044?Employment of Lobbyist (approve hiring the firm of Nelson Mullins Riley & Scarborough LLP as lobbyist for the long session of the Legislature and appropriate \$50,000 from the Commissioners Contingency to the Board of Commissioners' budget for the proposed contract);
- n. Engineering Services for Wastewater Treatment Plant Improvements (authorize the County Manager to: amend the contract with McKim & Creed for Phase 2 Improvements at a cost not to exceed an additional \$272,937; enter into a new Engineering Services contract with McKim & Creed for the Biosolids Treatment Facilities in the amount of \$1,060,670; and, approve amendments to the Bio-Solids Treatment Facilities contract from a contingency of \$100,000 for items that may be identified during the project that are related to the work);
- o. Approve Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (a recurring grant application and approval process the County participates in each year);
- p. Service Contract for Program Administrator of the Community Development Block Grant Scattered Site Housing Program (authorize the Manager to enter into a contract with LEAH Consulting Group Inc. to provide grant administration services not to exceed \$40,000.00); and
- q. Budget Ordinance Amendment No. 05BCC000043?Sheriff's Office?Governor's Crime Commission Grant to Access Justice Xchange (to support the Sheriff's Office initiative to gain access to the national database, Justice Xchange).

#### **6. Public Hearing on the Community Block Grant?2005 Scattered Site Housing**

The State Department of Commerce?Division of Community Assistancehas made \$400,000 in grant funds available to the County of Durham for rehabilitating low-income housing. The funds can be used only in unincorporated areas of the County. The primary objective of the Community Development Block Grant Scattered Site Housing Program is to improve housing conditions of very low-income households at or below 50 percent of area median income. Recent changes by the General Assembly now provide that eligible counties receive these funds every three years on a noncompetitive basis. As lead agents, counties will receive funds by submitting a detailed plan describing how funds will be distributed to meet housing priorities. The application deadline for receiving funds from the State Department of Commerce?Division of Community Assistance is February 28, 2005. The application has been completed and was submitted on February 25.

An informal RFP was posted on the County website. Proposals were solicited until February 10, 2005 for the purpose of hiring a consultant to administer the Scattered Site Housing Program. The selection committee met to review the proposals and recommends that the Board award the contract to Leah Consulting Group.

The first of two public hearings was held on February 14, 2005 for receiving citizen comments on the County's intentions of receiving this grant and awarding a contract to one of the consulting firms. No public comment was received at that meeting.

Staff requests that the second public hearing be held for receiving additional citizen comments.

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

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD HOLD THE SECOND OF TWO PUBLIC HEARINGS ON THE 2005 CDBG SCATTERED SITE HOUSING PROGRAM AND RECEIVE PUBLIC COMMENT.

**7. Time Warner Cable-Raleigh/Durham Division Cable Television Rate Report**

A Review of Time Warner Cable's 2005 FCC1240, FCC1235 & FCC1205 Rate Filing Seeking Approval to Set New Rates for Regulated Cable Services in Durham County.

On September 30, 2004, Time Warner Cable (TWC) submitted a form FCC1240 Basic Cable Service Tier to set a new regulated rate for basic cable service. It requested to continue the rate set in its initial Federal Communications Commission (FCC) Form 1235 Abbreviated Cost of Service Network Upgrade Charge filed five years ago. TWC also submitted Form 1205 Equipment and Installation Charges to set new regulated rates for equipment rental and installation services. These documents were submitted to the County for approval.

The proposed Basic Service, Equipment, and Installation rates comply with the FCC's rate rules; however, the Form 1235 "Add-on" rate submitted by Time Warner does not comply with the rules and should be rejected.

Resource Person(s): Robert Sepe, President, Action Audits, LLC

County Manager's Recommendation: The Manager recommends that the Board approve the rate order as proposed by Action Audits, LLC.

**8. Durham Open Space Commission Matching Grants Recommendation**

The Durham Open Space and Trails Commission (DOST) received two applications for Matching Grants Program funds to assist nonprofit community organizations with recreational and open space projects. The following financial summary shows the Commission's recommendation to the Board to fund the second application at \$49,000 (highlighted) using part of the \$85,000 of contractual funds requested and recommended under the General Fund, "Open Space Matching Grants" Organization of the County's FY 04-05 Budget. The first application for \$28,543 was approved by the Board in December 2004.

---

**2004 CYCLE MATCHING GRANTS**

**APPLICATIONS**

<b>Applicant / Project</b>	<b>Request</b>	<b>Cost</b>	<b>Grant</b>
Forest Hills Neighborhood Association/Walking Trail	\$ 28,543.00	\$ 57,543.00	\$ 28,543.00*
SEEDS/Farmer's Market Pavilion	49,000.00	525,692.00	49,000.00
<b>Total</b>	<b>\$ 77,543.00</b>	<b>\$ 583,235.00</b>	<b>\$ 77,543.00</b>

\*The BOCC received a recommendation and approved funding for this application in December 2004.

Resource Person(s): Tom Stark, DOST Chairman, Guillo Rodriguez, Matching Grants Committee, and Bill Renfrow, Matching Grants Administrator

County Manager's Recommendation: The Manager's recommendation is to allocate \$49,000 of grant funds, which represents a gain to the County of \$476,692 in matching funds as more than half the projects proposed value of \$525,692.

The County Manager recommends approval for funding the SEEDS Farmer's Market Pavilion project and the allocation of the \$49,000 of the budgeted Matching Grants Funds.

**9. Tax Office Request for Additional Revaluation Positions**

The County's revaluation date is set for January 1, 2007. It has been recommended that at the conclusion of the 2007 reappraisal, the County should advance to a four-year reappraisal (January 1, 2011) and each fourth year thereafter. The potential also exists for the state legislature to change the current mandated octennial revaluation plan to a four-year plan.

Current appraisal staff is responsible for yearly maintenance of 97,000 parcels of real property. Historical data indicates that as of January 1, 2007, the County parcel count will exceed 103,000.

With revaluation forthcoming and workload increasing, an immediate staffing need is evident. Revaluation functions are in addition to all regularly scheduled, yearly, real property appraisal work.

It is imperative that current staff be allowed to execute their existing job functions separate and apart from general reappraisal.

Hiring four full-time employees to carry forward the revaluation process for 2007 and retain such employees for future four-year general reappraisals are requested herewith.

The positions are:

Revaluation Supervisor 1

Residential Appraiser 2

Commercial Appraiser 1

These employees will execute all duties associated with general reappraisal, ensuring that current staff maintains yearly cycle appraisal functions.

These positions are being requested at this time because of the timing and need with the upcoming revaluation. The timeframe does not allow the Tax office to wait until the new fiscal year to fill these new positions and have the schedule of values completed a year from now. The FY 2004-05 budget had already been approved when the Board made the decision to conduct the next revaluation on January 1, 2007. Therefore, the establishment of these positions was not included in last year's budget request. The approval of these positions will place them as continuation items in the FY 2005-06 Tax Administration-Revaluation Budget and funded through the Revaluation Fund.

Staff is requesting the authority to establish the four above-enumerated positions. Durham County has, per North Carolina General Statutes, budgeted for the 2007 general reappraisal, and funding is currently available in the budget for hiring the four employees. This matter has been reviewed and approved by the Budget and HR Departments.

Resource Person(s): Kenneth L. Joyner, Tax Administrator

County Manager's Recommendation: The Manager's recommendation is that the Board authorize the establishment of the four enumerated positions. The funding source is fund balance from the Revaluation Fund, which is set up for these types of expenditures and is anticipated to cost no more than \$56,102 for the 2004-05 Fiscal Year.