

REVISED
(Addition?6t)
THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA
Monday, June 27, 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.

4:00 ? 6:00 P.M.

Closed Session?Personnel Matters

The Board of County Commissioners will adjourn to Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

- 4:00 p.m. to 4:30 p.m. Tax Administrator Kenneth Joyner
- 4:30 p.m. to 5:00 p.m. Sheriff Worth Hill
- 5:00 p.m. to 5:30 p.m. Register of Deeds Willie Covington
- 5:30 p.m. to 6:00 p.m. County Attorney Chuck Kitchen

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. March 7, 2005 Worksession
 - b. June 1, 2005 Budget Worksession
 - c. June 6, 2005 Worksession
 - d. June 13, 2005 Budget Worksession
 - e. June 13, 2005 Regular Session

4. **June Anchor Award Winner?Eddie Culberson**

5 min.

Eddie Culberson of the Soil and Water Conservation District was selected to receive the June Anchor Award. Mr. Culberson was recognized for this honor because of superior work, and particularly for his persistence in handling a massive water issue for a citizen.

- Mr. Culberson went beyond the call of duty to make sure a Durham County resident got proper service.
- Mr. Culberson not only continuously communicated with the citizen, but also contacted NCDOT and regularly updated all parties.

Chairman Ellen Reckhow will lead the presentation.

County Manager?s Recommendation: The Manager recommends that the June Anchor Award be presented to Eddie Culberson along with congratulations of the entire organization.

5. **2005 County Commissioner Leadership Award?Ellen Reckhow**

5 min.

Commission Chairman Ellen Reckhow is the recipient of the North Carolina Council of Community Programs 2005 County Commissioner Leadership Award.

- The prestigious award highlights Chairman Reckhow?s commitment to those in need of mental health, developmental disabilities, and substance abuse services. She was honored at a special awards banquet on Monday, June 13, 2005, hosted by the NC Council of Community Programs.
- The NC Council of Community Programs is the State Association for Area Authorities, who are the public providers of treatment and rehabilitation services for persons disabled by mental illness, developmental disabilities, and alcohol and drug abuse. Over 325,000 individuals are served each year.

County Manager's Recommendation: The Manager recommends that Chairman Reckhow be recognized for receiving this prestigious award.

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 May 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Appointment of Deputy Tax Collector for EMS (appoint Michael W. Smith, current ALS Coordinator and soon-to-be Interim EMS Director, as Deputy Tax Collector effective July 1, until the Permanent EMS Director is named);
- c. Raleigh-Durham Airport Authority Grant Offer (accept the \$3,934,574 grant offer from the Federal Aviation Administration);
- d. Appointment of NCACC Annual Conference Voting Delegate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate);
- e. Policy on Conveying Real Property to Nonprofit Entities for the Development of Affordable Housing (approve the resolution establishing a policy to become effective July 1, 2005);
- f. Adoption of Resolution to Set Public Hearing for August 29, 2005 for Consideration of the Durham Unified Development Ordinance (UDO) (adopt the resolution setting August 29, 2005 at 7:00 p.m. as the public hearing date);
- g. Standard Nonreimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the contract for the addition of Wood Chapel Subdivision);
- h. Service Contract Renewal and Lease Extension for the Animal Protection Society of Durham Inc. (APS) (authorize the County Manager to execute a one-year contract with APS not to exceed \$486,350 and extend the term of the lease agreement for one year);
- i. Award Contract for Remediation of Petroleum Leak at the Sheriff's Department North Durham Satellite (accept the bid of \$25,011 from Shamrock Environmental Corporation for the initial remediation of the petroleum gas leak and authorize the County Manager to sign the contract);
- j. Execution of Architectural Design Service Agreement with The Freelon Group P.A. for the Proposed Durham County South Regional Library (authorize the execution of an architectural design contract for \$359,700 plus additional services and reimbursable expenses estimated at \$121,500, thus totaling \$481,200);
- k. Amendment to Wastewater Treatment Service Agreement with Cary (authorize the County Manager to execute Amendment No. 1 between Durham County and the Town of Cary);
- l. Lease Amendment of 200 East Main Street Courthouse Canteen (approve for CBK1 Inc. for one year, ending June 30, 2006, with the option of the Tenant to terminate on September 30, 2005 upon 60 days prior written notice to the County, and authorize the Manager to execute the amendment);
- m. Approval of the 800 MHz Radio Upgrade Interlocal Agreement (approve and authorize the County Manager to execute the agreement and make any non-substantive changes that may be deemed necessary and which do not affect the terms of the agreement);
- n. Budget Ordinance Amendment No. 05BCC000067 Department of Social Services Medicaid Adjustment for Pass-Through Dollars;
- o. Agreement of Release Regarding Work Performed by Zehia Corp. on the Agriculture Building (approve and authorize the County Manager to execute the document);
- p. Capital Project Amendment No. 05CPA000015 Agriculture Building Renovation Project DC068 (approve in the amount of \$21,545; this amendment will result in a total capital project amount of \$823,551 for the Agriculture Building renovation project);
- q. Amend Definition of Continuous Service for Purposes of Determining Eligibility for Health Care Benefits upon Retirement (permit an employee to retain eligibility for the benefit as long as no separation of employment occurred for a period of more than ninety (90) consecutive days; the change will be effective for all employees retiring on or after July 1, 2005);
- r. Budget Ordinance Amendment No. 05BCC000068 Social Services Recognizing Additional Crisis Intervention Prevention Revenue (approve the increase of \$46,569);

- s. Contract Amendment with Correct Care Solutions LLC for Medical Services Provided at the Durham County Detention Facility and the Youth Home (approve and authorize the County Manager to execute); and
- t. **Budget Ordinance Amendment No. 05BCC000069?The Durham Center (approve the Medicaid budget increase for FY 2004-05 from \$21,500,000 to \$22,300,000, a difference of \$800,000).**

7. **Application for Ambulance Franchise?Tri Star Medical Transport Inc.**

15 min.

Any provider of ambulance service wishing to provide service from point to point within Durham County must apply for and be issued an ambulance franchise. According to the current Ambulance Franchise Ordinance, the applicant must submit a written application to the Durham County EMS Director, who will then conduct a background investigation to review service delivery history, professionalism/competency of the applicant's personnel, and the financial stability of the applicant. These findings must then be presented to the Durham County EMS Council, whose comments must be included in the EMS Director's report to the Board. Tri-Star Medical Transport Inc. submitted an application for consideration in January 2005. After gathering additional information related to the application and completing a background investigation, the application and background information was presented to the EMS Council on May 19, 2005. After discussion regarding the need for additional service and clarification of procedural issues, the Council approved the submission of the franchise application to the Board of County Commissioners without recommendation. The approval was contingent on receipt of additional information from Tri-Star.

Resource Person(s): J. M. Tezai, EMS Director, and Laura Kuhr, Owner, Tri-Star Medical Transport Inc.

County Manager's Recommendation: The County Manager recommends that the Board consider the matter and determine if the public convenience and necessity requires the granting of the proposed ambulance service franchise. If the Board approves the franchise, the matter will be scheduled for the July 25 meeting for second approval.

8. **Adoption of FY 2005-2006 Budget Ordinance**

20 min.

The Durham County Manager will formally present the FY 2005-2006 Annual Budget to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director, Budget & Management Services Department

County Manager's Recommendation: The County Manager recommends that the Board approve the FY2005-2006 Budget Ordinance.

9. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Adult Care Home Community Advisory Committee
- Alcoholic Beverage Control Board
- Animal Control Advisory Board
- Animal Control Review Board
- Bicycle and Pedestrian Advisory Committee
- Citizens Advisory Committee
- Durham Technical Community College Board of Trustees
- Environmental Affairs Board
- Library Board
- Nursing Home Community Advisory Committee
- Social Services Board
- Transportation Advisory Board
- Women's Commission

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

10. **Closed Session**

30 min.

The Board is requested to adjourn to Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

2 hrs.