

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

Tuesday, October 7, 2003

2:00 P.M. Worksession

AGENDA

1. Citizen Comments: Ralph McKinney

Mr. Ralph McKinney has requested time on the agenda to speak to the County Commissioners about the protection and welfare of Durham citizens.

2. DurhamCAN (Congregations, Associations, Neighborhoods)?Presentation Regarding a County Living Wage Ordinance

The following DurhamCAN representatives will present findings and a proposal for a Durham County living wage ordinance:

- Rom Coles
- Frank Hyman
- Angelina Schiavone
- Ann Stock
- Herb Davis

DurhamCAN requests that the Durham County Commissioners develop and implement a living wage ordinance for County service contractors.

County Manager's Recommendation: The County Manager recommends that the matter be referred to staff for review and investigation. (These findings will be presented during the December 1, 2003 Worksession and a recommendation will be made.)

3. Campaign for a Healthy Durham

Durham County and Duke University Health System have collaborated on an initiative to reduce and prevent obesity in Durham County. The initiative is the first in a series of collaborative projects to improve the health of Durham County residents and will be considered by the Manager for inclusion in the FY2005 Budget. The purpose of the Worksession presentation is to seek the Board of County Commissioners' input before the initiative and its cost are more fully developed.

Resource Person(s): MaryAnn Black, Duncan Yaggy, Brian Letourneau, Becky Freeman, Gayle Harris, Dr. Lloyd Michener, Susan Epstein, Maggie Sauer, and Michelle Lyn

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and provide input with regards to the application of the concept in Durham County.

4. Reused Wastewater Capital Project Update

The Capital Improvement Plan (CIP) includes a reused wastewater project for the Triangle Wastewater Treatment Plant (TWWTP). This project would include additional treatment, pumping and storage facilities at the plant site, and a distribution system. Reused wastewater is commonly used for irrigation and cooling towers. In addition to reducing the discharge of nitrogen to Northeast Creek, a major benefit is the reduced demand for potable water.

Funding in the amount of \$150,000 is included in the FY 2004 budget, and staff is currently selecting an engineering firm to conduct a reuse study to evaluate and refine the project requirements and provide cost estimates. The project completion date of the study is April 2004. During the review of the CIP in Spring 2003, the Board of County Commissioners directed staff to explore the potential for

grant funding for this project.

The design of the current TWWTP upgrade and expansion project anticipated the future development of reuse facilities. The Wastewater Treatment Service Agreement with the Town of Cary executed in June 2002 includes a provision for Cary to consider development of wastewater reuse applications within Cary's wastewater service area. Wake County and Cary have identified a need for reuse water in western Wake County and Cary, and have requested that Durham County participate in a grant application to the Clean Water Trust Fund (CWTF) for development of a regional reuse system. Durham County would provide facilities at the TWWTP, and Cary and Wake County would construct the distribution system. The initial grant application would cover design costs. Following design, a second grant application is envisioned to provide construction funding. The deadline for submittal of a CWTF grant application is December 1, 2003, requiring that staff immediately begin the process. If approved, funding for design is expected to be available in July 2004.

Resource Person(s): Glen E. Whisler, P.E., County Engineer, and Chuck Hill, P.E., Utility Division Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the update on the Reused Wastewater Capital Project and provide direction regarding the pursuit of grant funding for the project. The next step will be to direct the County Attorney to draft an interlocal agreement and authorize the County Manager to sign the agreement. This item will be placed on the October 13, 2003 agenda.

5. Benefits Renewal

The Human Resources Department has received renewal rates for health insurance for the 2004 Benefits year. Based on the proposals received from the County's two major medical insurance carriers, the County will experience an average increase of 12% on health insurance premiums, which for the first time also includes deductibles for inpatient and outpatient care. The increase in premiums will require an additional \$306,000 for FY04; therefore, a \$15.00 increase to the current benefit credit of \$175.00 is recommended to help employees absorb the increase. As an enhancement to the health insurance plan, a "hospital gap" policy is being proposed for each employee to defray costs associated with the proposed inpatient and outpatient deductibles. The enhancement pays for the cost of these deductibles and is less expensive than the cost to eliminate the new deductibles from the health insurance plan. Since the gap coverage will not apply to retirees, an amount of \$25,000 is requested to self-insure this group and provide the same level of coverage that other plan participants will receive. Rates and coverage are effective for January 1, 2004 through December 31, 2004.

Resource Person(s): Debbi Davidson, Benefits Manager

County Manager's Recommendation: The County Manager recommends approval of a \$15 per-employee increase in the employee benefit credit (from \$175 to \$190), authorization to purchase the "hospital gap" policy to cover employee deductibles, and approval to use \$12,500 in funds to self-insure retired employees for employee deductibles.

6. Quasi-Judicial Appeal?Trafalgar Properties v. County of Durham

The Sedimentation and Erosion Control Division of the County Engineer's Office assessed a \$109,732.40 civil penalty against Trafalgar Properties for conducting a land disturbing activity in violation of its permit. Trafalgar filed a petition for a contested case with the Office of Administrative Hearings challenging the penalty. The Administrative Law Judge (ALJ) hearing the case rendered a decision recommending that the civil penalty be reduced by \$10,250.00, as she did not believe the violation was willful and that amount is the portion of

the civil penalty assessed due to willfulness. The ALJ's recommended decision is before the Board for entry of a final decision. Trafalgar has filed exceptions to the recommended decision and requests that the Board reduce the civil penalty to an unspecified lesser sum. Durham County has filed a response stating that Trafalgar has not identified any real error in the recommended decision and requests that the Board adopt the ALJ's recommended decision.

The Board is required to review this matter based on the record produced at OAH. The Board must decide to either (1) accept the ALJ's decision and assess a civil penalty of \$99,482.40, or (2) enter a decision rejecting or modifying the ALJ's decision based on specifically-identified errors in the record.

This is a quasi-judicial proceeding in which the Board sits as an appellate body and determines the matter without hearing additional evidence. The entire record of the proceedings is available to the Board, if desired, but was not reproduced due to its size.

The County Attorney cannot make a recommendation to the Board as one of the Assistant County Attorneys represented the County in this matter before the OAH.

Resource Person(s): County Manager Mike Ruffin

County Manager's Recommendation: The County Manager recommends that the Board adopt the decision of the Administrative Law Judge.



Last updated: July 23, 2006

© 2013, Durham County Government, North Carolina. All rights reserved.

200 E Main Street, Durham, NC 27701

webmaster@durhamcountync.gov

[Website Disclaimer & Policies](#)