

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

Monday, February 24, 2003

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Joint BOCC and Durham Public Schools Board of Education Meeting

Chairman Reckhow announced that this afternoon the Board of County Commissioners met in a joint session with the Durham Public Schools Board of Education. The meeting was held to discuss capital improvement projects. The meeting went well. Some issues were identified that needed further discussion.

Agenda Adjustments

Chairman Reckhow asked to have an update on the First Union project. She numbered the item as 9(a) on the agenda.

Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the September 23, 2002 Regular Session Minutes, October 7, 2002 Worksession Minutes, October 28, 2002 Regular Session Minutes, and January 28 and 29, 2003 Annual Retreat Minutes, as submitted.

The motion carried unanimously.

Chairman Reckhow thanked the staff for expanding the October 7, 2002 Worksession Minutes to include the suggestions and directives.

Chairman Reckhow told the County Manager that she would like for the staff to be sure that the items identified on pages 9 and 10 of the October 7, 2002 Worksession Minutes be addressed by the time the Courthouse project comes back before the Board.

Resolution for “Black Church Week of Prayer for the Healing of AIDS” for Durham Chapter of Delta Sigma Theta Sorority Inc.

Durham County is ranked 4th in the state in the rate of HIV/AIDS cases, and African-Americans represent 85 percent of people reported as living with HIV/AIDS in Durham County. A resolution has been prepared for the Durham Alumnae Chapter of Delta Sigma Theta Inc. in recognition of the observance of “Black Church Week of Prayer for the Healing of AIDS.” From March 2 to March 8, the Durham community will be invited to attend daily church services designed to educate and highlight the role that churches are playing in addressing the growing AIDS crisis.

County Manager’s Recommendation: The Manager’s recommendation is to present the resolution to Delta Sigma Theta representatives and other members of the committee sponsoring the “Black Church Week of Prayer for the Healing of AIDS” event.

Commissioner Cousin read the resolution into the official record.

The resolution follows:

RESOLUTION

WHEREAS, Durham County is ranked fourth in the state in the rate of HIV/AIDS cases; and

WHEREAS, according to the North Carolina HIV/STD Prevention and Care Branch, as of December 31, 2002 there were 1,069 people reported as living with HIV/AIDS in Durham County; and

WHEREAS, African-Americans represented 85.0% of people reported as living with HIV/AIDS in Durham County; and

WHEREAS, there were 118 newly-reported cases in Durham County for the year 2002, and African-Americans represented 83.9% of the newly-reported cases; and

WHEREAS, Delta Sigma Theta Sorority, Inc., in conjunction with the Black Church Week of Prayer Committee, Durham County Health Department’s “Project Straight Talk”, area hospitals and other interested agencies have planned a community-wide effort to build awareness about the spread of AIDS in the African-American community; and

WHEREAS, the goal of the effort is to help eliminate the spread of the disease, to provide support care services for persons who have the disease and families who are supporting persons who have HIV/AIDS:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to support

“Black Church Week of Prayer for the Healing of AIDS”

in Durham, North Carolina during the week of March 2-8, 2003. We urge all citizens to recognize the role that churches are playing in addressing the AIDS crisis. We further ask all citizens to participate in a variety of events including a Service of Compassion, Song Praise and Compassion, Service of Prayer and Healing, candlelight vigils, educational forums, Youth Night, and an AIDS WALK-A-THON during the period.

This the 24th day of February, 2003.

/s/ Five Commissioners

No official action was taken or required on this agenda item.

Ms. Linda Warren made remarks about the project. She thanked the Commissioners for the resolution. She accepted the resolution from the Board of County Commissioners.

Commissioner Jacobs thanked the sorority for its work to educate the community regarding this dreaded disease.

Dr. Lavonia Allison spoke about the project and thanked the Board of County Commissioners for the resolution.

Announcement

Chairman Reckhow announced that the Commissioners’ meeting would not be on television tonight because Mr. Jim Fields, the videographer, is recuperating from recent surgery.

Proclamation for National Athletic Training Month

The North Carolina Athletic Training Association (NCATA) was started in 1974 to support athletic trainers and to advance the profession of athletic trainers in North Carolina. Mr. Ken Brown of Northern High School, who represents District 3 of NCATA, has requested that March be proclaimed “National Athletic Training Month” in Durham County. He represents Durham County athletic trainers working with Durham Public Schools, North Carolina Central University, Duke University, and other sports-related agencies.

County Manager's Recommendation: The County Manager's recommendation is that the Board approve the proclamation and present it to Mr. Brown.

Chairman Reckhow read the proclamation into the official record.

No official action was taken or required.

Mr. Ken Brown made remarks about the proclamation and thanked the Board of County Commissioners for the proclamation.

The proclamation follows:

PROCLAMATION

WHEREAS, certified athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge, and skills acquired through their nationally-regulated educational processes; and

WHEREAS, quality health care is vital for individuals who participate in physical activity; and

WHEREAS, certified athletic trainers provide prevention of injuries; recognition, evaluation and aggressive treatment; rehabilitation; health care administration along with education and guidance; and

WHEREAS, athletic training was recognized by the American Medical Association in 1990 as an allied health care profession; and

WHEREAS, the National Athletics Trainers' Association represents more than 30,000 certified athletic trainers nationwide who are employed in professional sports, colleges and universities, high schools, clinics and hospitals, as well as in corporate and industrial settings; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession, and to emphasize the importance of health care for athletes and those engaged in physical activity; and

WHEREAS, the theme of this year's celebration is "Injury Assessment: The First Step in Treatment and Recovery."

NOW, THEREFORE, I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim March 2003 as

NATIONAL ATHLETIC TRAINING MONTH

in Durham County. I urge all people in Durham County to learn more about the importance of athletic training.

This the 24th day of February, 2003.

/s/ Ellen W. Reckhow, Chairman

Consent Agenda

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the following consent agenda items:

- * (a) Property Tax Releases and Refunds for Fiscal Year 02-03 (January 2003) (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- (c) AAA Ambulance Service Franchise Renewal (approve the three-year ambulance franchise renewal request. This is the second request for approval which is required by law. The Board of County Commissioners approved the first request on February 10, 2003);
- (d) State Contract Purchase of Vehicle Modems for Sheriff's Office New Vehicles (approve the purchase of forty [40] Motorola Vehicle Radio Modems through the North Carolina State Convenience Contract [Contract #204B] using the appropriated vehicle equipment lease funding for FY 2002-03); and
- * (e) Street Annexation Petition—South Forty Road (Country Knoll Subdivision) (adopt the resolution to approve the addition of South Forty Road to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item 6(a). Property Tax Releases and Refunds for Fiscal Year 02-03 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of January 2003.

Releases & Refunds for 2002 Taxes:

Real	\$ 8,778.90
Personal	\$34,660.07
Registered Vehicles	\$36,151.21
Vehicle Fees	\$ 485.00
Solid Waste Fees	<u>455.00</u>
Total for 2002 Taxes and Fees	\$80,530.18

Prior Years (1999-2001) releases and refunds for January 2003 are in the amount of \$3,496.36.

Total Current Year and Prior Year Releases and Refunds \$84,026.54

(Recorded in Appendix A in the Permanent Supplement of the February 24, 2003 Regular Session Minutes of the Board.)

Consent Agenda Item 6(e). Street Annexation Petition—South Forty Road (Country Knoll Subdivision) (adopt the resolution to approve the addition of South Forty Road to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The resolution follows:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina

County of Durham

Road Description: South Forty Road in the Country Knoll Subdivision

Length: .3-.4 miles

Location: .5-1.0 mile south of intersection of Country Knoll (1784) and Bahama Road (1616)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum

standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 24th day of February, 2003.

Witness my hand and official seal this the 25th day of February, 2003.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

Consent Agenda Item Removed for Discussion

Consent Agenda Item 6(b). Appointments—Criminal Justice Partnership Act Advisory Board (appoint the following applicants to the board: Defense Attorney—John Fitzpatrick; Employment and Training—Joyce (Robin) Odom; Victim Services—Marcia Owen; Superior Court Judge—Kenneth C. Titus).

Dr. Lavonia I. Allison suggested placing a reformed juvenile offender on the Criminal Justice Partnership Act Advisory Board.

Ms. Gudrun Parmer, Director of the Criminal Justice Resource Center, provided background membership information for Dr. Allison.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve Consent Agenda item 6(b).

The motion carried unanimously.

FY 2003-2004 Consolidated Action Plan Needs Public Hearing

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2003-2004 Consolidated Action Plan Needs public hearing on February 24, 2003 to receive citizen comments. The Citizen Participation Plan contained in the adopted Durham 2000-2005 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual

Consolidated Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

Durham anticipates receiving approximately \$1,306,000 in FY 2003-2004 HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus in target neighborhoods, including existing homeowner rehabilitation and new homebuyer rehabilitation activities. Approximately \$275,000 in non-federal funds will be needed from the HOME Consortium as a matching funds requirement of the FY 2003-2004 HOME program.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners hold the FY 2003-2004 Consolidated Action Plan Needs public hearing on February 24, 2003.

Resource Person(s): Michael Pullum, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board hold the FY 2003-2004 Consolidated Action Plan Needs public hearing on February 24, 2003 to receive citizen comments.

Ms. Charlene Montford, Director of the City of Durham Department of Housing and Community Development, made comments about the needs public hearing.

Each year, the City of Durham receives Community Development Block Grant and HOME moneys from the US Department of Housing and Urban Development. In order to receive the funds, the County is required to hold two public hearings to receive citizen comments on the use of those funds. Durham County participates with the City for the HOME Consortium funds from HUD. The public hearing tonight is to hear from citizens as to how the money should be spent.

Chairman Reckhow opened the public hearing that was properly advertised to receive public comment.

Dr. Lavonia Allison requested to speak at the public hearing. Dr. Allison expressed a concern she had about the money the City and County receives. Her concern was what percentage of the money is being given for home ownership in a target community. She wanted to look at what is happening in home ownership.

As no one else asked to speak at the public hearing, Chairman Reckhow closed the public hearing and referred the matter back to the Commissioners for questions and comments.

Ms. Montford responded to Dr. Allison's questions by stating that, in this current year, 80% of the money is geared toward home ownership projects versus rental projects.

The Board of County Commissioners asked questions and made comments to which Ms. Montford responded.

Chairman Reckhow asked Ms. Montford to look at her programs to see if additional funding could be directed to the mentally ill for their care in the upcoming year.

Chairman Reckhow said that no official action was needed. The draft plans will follow at a later date.

Budget Ordinance Amendment No. 03BCC000043—Eastway Elementary Head Start Facility Change Orders

For the past two years, Operation Breakthrough, in conjunction with Smart Start and the County of Durham, have collaborated on a plan to move the Head Start population out of the aged, inappropriate Whitted School. Since inception of this plan, three sites were identified in an effort to decentralize the Head Start population to the neighborhood level. The three identified sites were Lyon Park, a new modular facility on the Eastway Elementary School campus, and potentially the vacated Downtown YMCA Childcare Center.

With funding from the Smart Start Program, a ten-classroom facility has been constructed on the Eastway Elementary School campus and will accommodate 170 Head Start children. As the project is near completion, Operation Breakthrough has change orders in the amount of \$20,610 for the following five items:

1. City required change in detention basin	\$ 8,540
2. City required regarding and replanting of trees	4,270
3. Ice storm damage to playground	3,100
4. Vandalism	3,600
5. Industrial gutter system	<u>4,100</u>
	\$20,610

Operation Breakthrough does not have the capacity within its existing budget to pay for these change orders and is requesting that the County amend its contract in the amount of \$20,610 to complete the project and relocate 170 Head Start children.

Resource Person(s): Executive Director Charles Chapman, Operation Breakthrough

County Manager's Recommendation: The Manager's recommendation is that the Board approve Budget Ordinance Amendment No. 03BCC000043 amending the nonprofit contract with Operation Breakthrough to pay for change orders associated with the Eastway Elementary Head Start facility in the amount of \$20,610. The Board is also being asked to authorize the Manager to sign the amended contract. Funding is available in the Commissioners' contingency. The remaining contingency balance is \$234,390.

The current fiscal year history of spending from Commissioners contingency is as follows:

Amendment #	Increase	Decrease	Balance	Description
Approved Budget			\$380,000	Starting Budget
03BCC000003		\$125,000	\$255,000	Transfer to American Tobacco Capital Project
03BCC000043		\$20,610	\$234,390	Transfer to Eastway Elem. Head Start Facility

The Board of County Commissioners asked questions and made remarks about the project to which Mr. Chapman responded.

Chairman Reckhow said this package of information was quite comprehensive.

Operation Breakthrough Executive Director Charles Chapman spoke regarding this agenda item. Completion of the project is behind schedule due to change orders to meet various added requirements.

Mr. Chapman said the final inspection has been called for in order to get the Certificate of Occupancy.

Mr. Chapman said a meeting would be held Thursday with the Director of Inspections to see if the differences with the Durham City/County Inspections Department could be resolved.

Chairman Reckhow said she would like, at some point, for Mr. Chapman, Deputy County Manager Wendell Davis, and some of the key department heads involved in building and inspections to sit down and go over this process. It appears that things might have been changed along the way. She said she found that disconcerting.

Mr. Chapman said that the project is 8 to 12 months behind schedule. Operation Breakthrough wants to get the children into a safe facility. This facility is much more appropriate and safer than the existing facility.

The Commissioners and the administration had a lengthy discussion about the project.

Vice-Chairman Bowser said that the County Manager should sit down with the City Administration to see what has been changed. Vice-Chairman Bowser said that he is concerned about having to install a new fire hydrant within 30 yards of an existing hydrant. When you have two inspectors interpreting the rules differently, something should be done about that.

Mr. Chapman said the project manager has been very helpful to Operation Breakthrough during this project concerning change orders and saving dollars.

Commissioner Heron asked questions about the five items that required change orders. She stated that this was an unusual request; however, she would not oppose it.

Commissioner Jacobs said she had visited the present site and the new site and saw the need to move those children. She stated that the costs appear to be beyond the control of Operation Breakthrough. "I don't see how they could have prevented the ice storm damage to the playground, vandalism, and the changes to the City code." She commented that the County Manager had said there is money in the contingency fund.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the Budget Ordinance Amendment No. 03BCC000043 in the amount of \$20,610 to amend the contract to Operation Breakthrough to pay for these changes to Eastway Elementary Head Start Facility in the amount of \$20,610.

The motion carried unanimously.

Chairman Reckhow asked the staff to "watchdog" this project so these children can be moved to a safer environment.

Appointment of the 2003 E & R Board Members

In February 2002, the Board adopted a resolution per North Carolina General Statute 105-322 to appoint a special Board of Equalization and Review to hear tax appeal matters. The Board of County Commissioners is to determine membership for the Board of Equalization and Review by the first Monday in March. The Board of County Commissioners shall also appoint the Chair and Vice Chair for this special Board and set the rate of compensation.

The rate of compensation for the 2002 Board of Equalization and Review was \$50.00 per session plus \$15.00 an hour for any hour over the three-hour session. A session consists of a three-hour block of time that Board members actually attend official meetings.

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

County Manager's Recommendation: The Manager's recommendation is that the Board appoint a special Board of Equalization and Review, designate membership to this Board, appoint the Chair and Vice Chair, and establish the rate of compensation for serving on this Board at \$50.00 per session and \$15.00 per hour after the three-hour session.

Chairman Reckhow said the action needed was for the Commissioners to appoint a special Board of Equalization and Review, designate membership to this Board, appoint the Chair and Vice-Chair, and establish the rate of compensation for serving on this Board at \$50.00 per session and \$15.00 per hour beyond any three-hour session.

Chairman Reckhow suggested that the Commissioners keep the officers of the Equalization and Review Board as they are now, since they are the members with the

most experience. The officers would be Chairman George A. Scott and Vice-Chair Kelly Matherly. The three members are Robert E. King Jr., Warren Robinson, and Freddie Stell.

Chairman Reckhow recommended that the Commissioners set the compensation as it was last year.

Chairman Reckhow said the motion was made to appoint the five people as listed, appoint the officers as listed last year, and leave the compensation as last year.

Commissioner Heron made the motion, and Vice-Chairman Bowser seconded the motion.

The motion carried unanimously.

Commissioner Heron asked Tax Administrator Kenneth Joyner to get started on the evaluation and review process as soon as possible and not to drag the process out.

Update on the First Union Project

Chairman Reckhow called on County Engineer Glen Whisler to give a report to the Commissioners on the First Union project.

Mr. Whisler began his presentation by giving the Commissioners a history of the project that started five years ago to seek additional space for the court system. He detailed the entire history of the project and the process for the Commissioners.

Mr. Whisler said that the project was on schedule at this point for completion by the end of April or May.

The Board of County Commissioners asked several questions about the project to which Mr. Whisler responded.

Vice-Chairman Bowser asked the County Engineer to meet with the judges to receive their concerns about the security in going to and returning from the First Union Building.

County Manager Ruffin said that Sheriff Hill would walk the judges across the street to the First Union Building.

Deputy County Manager Carolyn Titus told Vice-Chairman Bowser that the Sheriff's Department has an agreement with the judges to transport them from the basement parking area in the Judicial Building to the First Union Building. Those arrangements were made Friday.

County Engineer Whisler said his department has striven to have a very interactive process from the beginning of this project.

Chairman Reckhow thanked Mr. Whisler for the project update.

Closed Session

The Board of Commissioners is requested to adjourn to Closed Session to discuss the performance of a County Officer and to maintain the attorney-client privilege pursuant to N.C.G.S. §. 143-318.11(a)(6).

Commissioner Cousin moved, seconded by Commissioner Jacobs to adjourn to Closed Session to discuss the performance of a County Officer and to maintain the attorney-client privilege pursuant to N.C.G.S. 143-318.11(a)(6).

The motion carried unanimously.

Reconvene into Open Session

Chairman Reckhow said that no action was taken in the Closed Session.

Adjournment

Chairman Reckhow adjourned the meeting at 9:52 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board