

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

Monday, February 10, 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

Chairman Reckhow called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Item 5(m) was added (Approval of Resolution to appoint Jeffrey L. Batten, Director, Emergency Management, as Durham County's Primary Agent; and Susan Fox-Kirk, Assistant Finance Director, as Durham County's Secondary Agent for Ice Storm 2002, FEMA 1448 DR-NC) (to speed the FEMA claim process).

Item 11(a) was added by Vice-Chairman Bowser (regarding employee grievances).

Item 11(b) was added by Vice-Chairman Bowser (regarding Durham's state tax office).

Minutes

Commissioner Cousin moved, seconded by Vice-Chairman Jacobs to approve the October 14, 2002 Regular Session Minutes with a one-word correction.

The motion carried unanimously.

Recognition of the Durham County's Sedimentation and Erosion Control Program

The Board is requested to recognize the Durham County Engineering Department, Sedimentation and Erosion Control Division. Each year the North Carolina Sedimentation Control Commission selects 2 local erosion control programs out of about 50 across the state as the most outstanding. One award is for small programs with three or less employees and the other is for large programs with more than three employees. Durham County was recognized as the outstanding large program for 2002 by the Sedimentation Control Commission on February 5, 2003.

County staff involved in administration of the erosion control program include:

- Glen Whisler, P.E., County Engineer
- William Noyes, P.E., Erosion Control Officer
- Vickie Jones, Administrative Assistant
- Charles Armbrust, Erosion Control Technician
- Timothy Holland, Erosion Control Technician
- Robert Sokolowski, Erosion Control Technician.

In addition, Curtis Massey, Assistant County Attorney, provides legal support to the program.

Resource Person(s): Glen E. Whisler, P.E., County Engineer

County Manager's Recommendation: The County Manager recommends the Board extend sincere appreciation to the County employees involved in the erosion control program for their dedication and efforts that made this award possible.

Chairman Reckhow noted that Durham County's Sedimentation and Erosion Control Program was recognized last week by the State as one of its most outstanding. Commissioner Heron had attended the recognition ceremony on February 5, 2003, along with the staff. Chairman Reckhow asked Mr. Whisler to introduce his staff and explain more about the award.

Mr. Glen Whisler, County Engineer, stated that Durham County's Sedimentation and Erosion Control Program was begun in 1984 and is responsible for administering the North Carolina Sedimentation and Pollution Control Act of 1973 and our local erosion control ordinance. The award was received last week in conjunction with the annual local program workshop and a meeting of the Sedimentation Control Commission. A plaque was presented, and each employee received a certificate and was recognized at the awards luncheon. Mr. Whisler introduced the employees present from his department who had received this award—Vickie Jones, Administrative Assistant; William Noyes, Erosion Control Officer; and Timothy Holland, Erosion Control Technician. Mr. Robert Sokolowski, Erosion Control Technician; and Charles Armbrust, Erosion Control Technician, were unable to attend due to illness.

Mr. Whisler thanked his staff for their outstanding efforts and Curtis Massey, Assistant County Attorney, for his valuable legal support to the staff in this program. He also thanked the County Manager and the Commissioners for their support, which is extremely beneficial to the program.

The Board of County Commissioners extended their congratulations to the entire department for having received this very selective award. It indicates to the development community that the County is serious about protecting the environment.

Commissioner Heron noted that Durham County had one of the first Sedimentation and Erosion Control programs in the state with its own ordinance and enforcement staff. This is an important county function, especially concerning the protection of the county's drinking water.

County Manager Ruffin added congratulations to County Engineer Whisler for his leadership and hard work towards this achievement.

Consent Agenda

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

- * (b) Budget Ordinance Amendment No. 03BCC000039—Public Health—To Recognize \$12,718 in new Revenue for the Health Education Division (approve this amendment to recognize \$12,718 from the Department of Health and Human Services for the Health Education Division);
- * (d) Budget Ordinance Amendment No. 03BCC000041—DSS—To Accept Crisis Intervention Prevention (CIP) Revenue (approve this amendment to recognize additional energy administration funding in the amount of \$63,054);
- (f) AAA Ambulance Service Franchise Renewal (accept the 3-year ambulance franchise renewal request, and schedule the request for a second approval on February 24, 2003 for final approval);
- (g) Approve Sole Source of Communication Repeaters and Desk Phones from Local Law Enforcement Block Grant Funds (approve the sole source exemption for Motorola (Piedmont Communications Co., Inc.) to furnish, install, and program the Repeaters and Desk Phones for the Sheriff's Office);
- * (h) Capital Project Amendment No. 03CPA000009—New Hope Creek Open Space Acquisition (approve the acquisition of approximately 25.5 acres of land

within the New Hope Creek project area, and authorize the County Manager to dedicate a conservation easement to the State of North Carolina for the properties in accordance with the CWMTF grant provisions; in addition, authorize the County Manager to initiate a request for permission from Orange Board of County Commissioners for the 1.1-acre tract within Orange County; in addition, to Increase the Open Space Acquisition and Development Capital Project Budget CD027 by \$40,007 to reflect anticipated CWMTF reimbursement funds);

- * (j) Resolution Setting Technology Surcharges and Fees for City-County Planning and City-County Inspections Departments (adopt the proposed Fee Resolution);
- (k) Contract Amendment for Sludge Removal (authorize the County Manager to execute the attached contract amendment with R&R Environmental, Inc. for sludge removal at a cost not to exceed \$302,400); and
- * (m) Approval of Resolution to appoint Jeffrey L. Batten, Director, Emergency Management as Durham County's Primary Agent, and Susan Fox-Kirk, Assistant Finance Director as Durham County's Secondary Agent for Ice Storm 2002, FEMA 1448 DR-NC.

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(b). Budget Ordinance Amendment No. 03BCC000039—Public Health—To Recognize \$12,718 in new Revenue for the Health Education Division (approve this amendment to recognize \$12,718 from the Department of Health and Human Services for the Health Education Division).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000039

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$317,569,602	\$12,718		\$317, 582,320
<u>Revenues</u>				
Intergovernmental	\$261,127,769	\$12,718		\$261,140,487

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of February, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(d). Budget Ordinance Amendment No. 03BCC000041—DSS—To Accept Crisis Intervention Prevention (CIP) Revenue (approve this amendment to recognize additional energy administration funding in the amount of \$63,054).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$317,601,163	\$63,054		\$317,664,217
<u>Revenues</u>				
Intergovernmental	\$261,159,330	\$63,054		\$261,222,384

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of February, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(h). Capital Project Amendment No. 03CPA000009—New Hope Creek Open Space Acquisition (approve the acquisition of approximately 25.5 acres of land within the New Hope Creek project area, and authorize the County Manager to dedicate a conservation easement to the State of North Carolina for the properties in accordance with the CWMTF grant provisions; in addition, authorize the County Manager to initiate a request for permission from Orange Board of County Commissioners for the 1.1-acre tract within Orange County; in addition, to increase the Open Space Acquisition and Development Capital Project Budget CD027 by \$40,007 to reflect anticipated CWMTF reimbursement funds).

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Capital Projects Ordinance
Amendment No. 03CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Open Space Acquisition and Development project.

OPEN SPACE ACQUISITION & DEVELOPMENT

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Open Space Acquisition and Development Project	\$647,635	\$40,007		\$687,642

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of February, 2003.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(j). Resolution Setting Technology Surcharges and Fees for City-County Planning and City-County Inspections Departments (adopt the proposed Fee Resolution).

The Resolution follows:

RESOLUTION ESTABLISHING FEES AND SURCHARGES CHARGED BY THE
CITY-COUNTY PLANNING DEPARTMENT FOR DEVELOPMENT REVIEWS,
PUBLIC HEARING NOTIFICATION, TECHNOLOGY, AND OTHER SERVICES;
And
BY THE CITY-COUNTY INSPECTIONS DEPARTMENT FOR TECHNOLOGY
SERVICES

WHEREAS the Board of County Commissioners establishes fees for various services offered by the Planning Department; and

WHEREAS the Board of County Commissioners desires to implement a 'one-stop shop' application automation program:

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THAT:

Section 1

The fees to be charged by the Durham Planning Department shall be as follows:

A. Rezoning Applications:

(Per-acre fees shall be calculated on the entire project and shall not be calculated on a pro rata share. Cases with multiple zones, or, as in MU, multiple use categories, are charged the highest base fee applicable according to the zone or use categories proposed, plus the per-acre fee according to the acres in each of the categories proposed.)

1. Residential, Single Family, 1 acre or less: \$250 per case, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315);
2. Residential, Single Family (non-PDR), greater than 1 acre and less than or equal to 20 acres: \$2185, plus \$55 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315);
3. Residential, Single Family (non-PDR), greater than 20 acres: \$2885, plus \$55 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and signs (typically \$315);

4. PDR, less than or equal to 30 acres: \$3135, plus \$55 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315);
5. PDR, greater than 30 acres: \$3385, plus \$55 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315);
6. Office, Residential other than Single Family or PDR, Industrial, or Research zones, without a TIA required: \$3935, plus \$65 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315);
7. Office, Residential other than Single Family or PDR, Industrial, or Research zones, with a TIA required: \$5730, plus \$65 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and signs (typically \$315);
8. Commercial, without a TIA Required: \$3935, plus \$75 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315);
9. Commercial, with a TIA Required: \$5730, plus \$75 per acre, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$315); and
10. Re-review fees: half of filing fee, up to \$3500; if Transportation or Engineering re-reviews are needed, half of their review fee(s) is/are also required; plus Technology surcharge of 4%.

B. Board of Adjustment Applications:

1. Custodial Care (single residential unit on same lot as primary residential unit, for custodial care purposes): \$75, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$240);
2. Small Day Care Use Permits (Up to 12 persons being cared for): \$465, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$240);
3. Communications Tower Minor Use Permit: \$3165, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign, plus consultant review fee, based on contract charges (typically \$240);
4. Non-revenue-generating Single Family Use Permit (fences, etc.): \$465, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign, (typically \$240); and

5. All other BOA Applications (any other Use Permit, any Appeal, any Variance, etc.): \$1165, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$240).

C. Major Special Use Permit Applications:

1. Major Use Permit for Communications Tower: \$3165, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$240), plus consultant review fee, based on contract charges;
2. Major Use Permit for Traffic Impact Analysis: \$1500, plus Technology surcharge of 4%, plus surcharges for advertising, letter notice and sign (typically \$240); and
3. All Other Major Use Permit Applications: \$1665, plus Technology surcharge of 4%, plus Surcharges for advertising, letter notice and sign (typically \$240).

D. Site Plans

1. Administrative Site Plan: \$350;
2. Simplified Site Plan: \$1615, plus \$20 per 1000 square feet of gross building area, or \$25 per lot, or \$20 per attached dwelling unit; plus Technology surcharge of 4%;
3. Minor Site Plan: \$2365, plus \$20 per 1000 square feet of gross building area, or \$25 per lot, or \$20 per attached dwelling unit; plus Technology surcharge of 4%;
4. Major Site Plan, without TIA: \$3000, plus \$20 per 1000 square feet of gross building area, or \$25 per lot, or \$20 per attached dwelling unit; plus Technology surcharge of 4%;
5. Major Site Plan, with TIA: \$3500, plus \$20 per 1000 square feet of gross building area, or \$25 per lot, or \$20 per attached dwelling unit, plus Technology surcharge of 4%;
6. Re-reviews: ½ of original fee, up to \$3500, plus Technology surcharge of 4%; and
7. Landscaping Extensions: major non-residential - \$300, minor non-residential - \$150, residential - \$75; plus Technology surcharge of 4%.

E. Subdivision Plats

1. Preliminary Plat: \$2230, plus \$25 per lot; plus Technology surcharge of 4%;
2. Final Plat: \$640, plus \$25 per lot; plus Technology surcharge of 4%;

3. Exempt Plat: \$100, plus \$25 per lot, plus Technology surcharge of 4%;
 4. Re-reviews: half of original fee up to \$3500, plus Technology surcharge of 4%;
and
 5. Landscaping Extensions: major non-residential—\$300, minor non-residential—
\$150, residential—\$75, plus Technology surcharge of 4%.
- F. Landscape Re-inspection Fees: \$100, plus Technology surcharge of 4%.
- G. Land Use Plan Amendments: \$1500, plus Technology surcharge of 4%; plus
Surcharge for advertising (typically \$125).
- H. Street/Alley Closing: \$1200, plus Technology surcharge of 4%; plus Surcharges for
advertising, letter notice and sign (typically \$240).
- I. Zoning Text Amendment: \$1500, plus Technology surcharge of 4%; plus Surcharge
for advertising (typically \$190).
- J. Zoning Verification Letter: \$40, plus Technology surcharge of 4%.
- K. Business Verification Letter: \$40, plus Technology surcharge of 4%.
- L. Home Occupation Inspection: \$50, plus Technology surcharge of 4%.
- M. Street Renaming Petitions: \$1200, plus Technology surcharge of 4%, plus Surcharges
for advertising, letter notice, and sign (typically \$240).
- N. Surcharges:
1. Newspaper Advertising for
 - a) Zoning, Small Area Plan Amendments: \$125; if case has to be heard by both
governing bodies, \$190;
 - b) BOA, Major Use Permits, Street Renaming Petitions and Street Closings: \$90;
and
 - c) Ordinance Amendments: \$190.
 2. Letter Notice for
 - a) Zoning: \$90; and
 - b) BOA, Major Use Permits, Street Renaming Petitions and Street Closings: \$50.
 3. Sign—Posted on Site for Zonings, BOA, Major Use Permits, Street Renaming
Petitions and Street Closings: \$100. If multiple signs are necessary to adequately
notify neighbors, multiple signs will be charged for at the case intake.

- O. Costs For Departmental Publications: Publications presently available at the front counter continue to be \$5. Republications or new publications will be priced according to costs.
- P. Copies Made By The Large Format Copier: \$1 per square foot (for example: a 3' X 6' map = 18 sq. ft. for a copying charge of \$18).
- Q. Photocopies: \$0.20 per page.
- R. Standard Map Products: The following standard map products are available at various City and County Departments:
1. Standard Color Maps: (52" X 72" - \$15.00)
 2. Standard Black and White Maps: Orthophotos (34" X 42") \$5.00 per tile
 3. Blueline Prints Per Sheet:
 - a) Orthophotos—1988 or 1994 - \$9.00;
 - b) Property Maps - \$10.00; and
 - c) Planimetric & Topographic Maps - \$17.00.
- S. Customized Maps & Reports: \$35 per hour (minimum charge of \$35).

Section 2

The fees to be charged by the Durham Inspections Department shall include an additional 4% Technology surcharge.

Section 3

This resolution shall be in full force and effect for submittals filed to meet submittal deadlines on or after February 17, 2003 and shall supersede any conflicting resolutions.

Consent Agenda 5(m). Approval of Resolution to appoint Jeffrey L. Batten, Director, Emergency Management, as Durham County's Primary Agent; and Susan Fox-Kirk, Assistant Finance Director, as Durham County's Secondary Agent for Ice Storm 2002, FEMA 1448 DR-NC.

The resolution follows:

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization) Durham County	Disaster Number: FEMA 1448-DR-NC
Applicant's State Cognizant Agency for Single Audit purposes (if Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start Month: July Day: 01	
Applicant's Federal Employer's Identification Number 56-6000297	
Applicant's Federal Information Processing Standards (FIPS) Number 063-99063-00	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Jeffrey L. Batten	Agent's Name Susan Fox-Kirk
Organization Durham County	Organization Durham County
Official Position Emergency Management Director	Official Position Assistant Finance Director
Mailing Address 2422 Broad Street	Mailing Address 200 East Main Street
City, State, Zip Durham, NC 27704	City, State, Zip Durham, NC 27701
Daytime Telephone 919-560-0660	Daytime Telephone 919-560-0039
Facsimile Number 919-560-0670	Facsimile Number 919-560-0077
Pager or Cellular Number 919-506-6460	Pager or Cellular Number
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this <u>10th</u> day of <u>February</u> , 2003.	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Ellen Reckhow, Chairman, BOCC	Name Garry Umstead, Clerk to the Board
Name and Title Joe Bowser, Vice Chairman, BOCC	Official Position Clerk to the Board
Name and Title	Daytime Telephone 919-560-0027

CERTIFICATION

I, Garry E. Umstead, CMC, (Name) duly appointed and Clerk to the Board (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Durham County (Organization) on the 10th day of February, 2003.

Date: February 10, 2003

Signature: /s/ Garry E. Umstead

Consent Agenda Items Removed for Discussion

Consent Agenda 5(a) Budget Ordinance Amendment No. 03BCC000038—Public Health—To Recognize \$13,735 in New Revenue and Request to Establish a Health Educator I Position for the Health Education Division (approve this amendment to recognize \$13,735 in revenue from the NC DHHS and to establish a Public Health Educator I position for the Health Education Division).

Vice-Chairman Bowser pulled the item for questions. He asked if this would be a permanent position paid by the County after the grant money is used.

Ms. Gale Harris, Assistant Public Health Director, advised that this is a continuation grant with funds available also in the coming budget year. There would be no additional County charges. After three years, the department would have to seek additional funding elsewhere to cover the position or else discontinue the program.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve Consent Agenda item 5(a).

The motion carried unanimously.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000038

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$317,555,867	\$13,735		\$317,569,602
<u>Revenues</u>				
Intergovernmental	\$261,114,034	\$13,735		\$261,127,769

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of February, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(c). Budget Ordinance Amendment No. 03BCC000040—Public Health—To Accept a Three Year Grant from Duke University Medical Center in the Amount of \$142,571, to Appropriate \$18,843 for the Health Education Division, and to Establish a Full Time Health Education Specialist for HIV Outreach and Prevention (approve this amendment to recognize \$18,843 in grant funds from the Duke University Medical Center).

As with Consent Agenda item 5(a), Vice-Chairman Bowser asked if this would be a permanent position paid by the County after the grant money is used. He was concerned that future years of tight budgets would not be able to support the position.

Ms. Gale Harris, Assistant Public Health Director, answered that the full award for the three-year grant is \$142,571. The amount to fund the position for the latter part of FY 2002-2003 is \$18,843. The remaining portion will be spread over a three-year period. The position is tagged such that no additional County funding would be requested.

Commissioner Jacobs added that she applauded the Public Health Department for seeking grants to fund positions. The positions might not become permanent, but they are beneficial during their term. She encouraged other departments to do the same.

Chairman Reckhow agreed that these positions are beneficial for as long as they last. She also agreed that anyone hired into these positions should be informed that they might be deleted if funding runs out.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve Consent Agenda item 5(c).

The motion carried unanimously.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000040

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Expenditures</u>				
Human Services	\$317,593,602	\$18,843		\$317,612,445
<u>Revenues</u>				
Intergovernmental	\$261,151,769	\$18,843		\$261,170,612

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of February, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(e). Rules of Procedure for the Durham County Board of Commissioners (adopt the revised Rules of Procedure which incorporate the changes suggested by the Board).

Consent Agenda items 5(e) and 5(l) were pulled to allow citizen comment by Mr. Bob Novak. Chairman Reckhow allowed two minutes per item. The motion to approve both items appears at the end of item 5(l).

Mr. Bob Novak, 5500-89A Fortunes Ridge Drive, Durham, NC 27713, addressed Section III of the "Rules of Procedure for Durham County Commissioners to Govern Worksessions." He objected to the requirement that written requests to speak under "Citizen Comments" must be received by the Clerk to the Board two weeks in advance of a Worksession.

He also expressed the opinion that the public was not receiving notice of some Board of County Commissioner special meetings through the news media.

He also was of the opinion that there were errors in the text requiring editing and stated that he would contact County Attorney Chuck Kitchen regarding these.

Commissioners Heron and Reckhow discussed the requirement for Citizen Comments requests to be submitted two weeks in advance. County Manager Ruffin advised that all agenda items must be submitted two weeks in advance for placement on the printed agenda. This is standard procedure that gives the staff time to assemble information that the Board may need for review. Chairman Reckhow stated that the Citizen Comments opportunity is a privilege that allows persons to add something not already on the agenda.

County Manager Ruffin and Commissioners Jacobs, Reckhow, and Cousin discussed the fact that in many instances, the time between submittal of the request and the meeting allows a chance to resolve an issue that a citizen may have.

The Rules of Procedure follow:

RULES OF PROCEDURE FOR THE DURHAM COUNTY
BOARD OF COMMISSIONERS

INTRODUCTION

The following rules of procedure were developed for use by the Durham County Board of Commissioners. They incorporate general principles of parliamentary procedure and the applicable laws of North Carolina. The Rules were designed with the following guidelines in mind:

1. The Board must act as a body;
2. The Board should proceed in the most efficient manner possible;
3. The Board must act by at least a majority vote;
4. Every member must have an equal opportunity to participate in decision-making;
5. The Board must apply the rules of procedure consistently; and
6. When situations occur which are not explicitly covered by these Rules and cannot be resolved through reasonable inference from or interpretation of these Rules, then Robert's Rules of Order shall be followed.

It is the policy of this Board that all hearings, deliberations and actions be conducted fairly, openly and consistent with the applicable Statutes of North Carolina.

I. YOUR COUNTY COMMISSIONERS

Durham County has a five-(5) member Board of Commissioners which is elected at-large for two-(2) year terms. The Board sets policies and enacts ordinances which are administered by the County Manager and his/her staff.

II. REGULAR MEETINGS

The Board shall hold a regular meeting on the second and fourth Monday of each month. The meeting shall be held at the Durham County Government Administrative Complex, 2nd floor in the Commissioners' Meeting Room, 200 East Main Street, Durham, NC and shall begin at 7:00 p.m. (meetings may begin earlier in some circumstances) and end not later than 11:00 p.m., unless extended by majority vote to 12:00 midnight. An extension of the meeting beyond 12:00 midnight shall require a unanimous vote of the Board. If the Board votes to extend the meeting beyond midnight, then the Board shall also vote to determine those items remaining on the agenda on which a vote will be taken.

III. SPECIAL MEETINGS

The Chairperson or a majority of the members of the Board may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Notice of the meeting shall be delivered to each Board member and posted at the Court House at least 48 hours before the meeting.

If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

At the first meeting in December following an election of County Commissioners, all the newly elected members of the Board shall take and subscribe the oath of office. At the first meeting in December of each year, as the first order of business, the Board, with the County Attorney presiding, shall elect a chairperson. The Board will immediately thereafter elect a vice-chairperson. These officers shall not otherwise be removed from office unless disqualified as a member of the Board. The second order of business for the first meeting in December of each year shall be for the Board to approve the Durham County Public Official performance bonds.

IV. AGENDA

The Clerk to the Board shall prepare the agenda for the meeting. Agenda packages will be distributed by the end of the Wednesday preceding the meeting date. All agenda materials must be submitted to the Clerk to the Board on the Monday, two weeks preceding the meeting date. Any board member may, by a timely request, have an item placed on the agenda for inclusion in the agenda package.

A complete copy of the agenda with attached material shall be available for public inspection as soon as distribution to Commissioners has been completed.

At least one copy of the complete agenda package shall be available for public inspection and reference at the rear of the Commissioners' Meeting Room during the meeting.

Any member of the Board may add any item to the agenda at the beginning of the meeting, and the County Manager or County attorney, may, with the permission of the Chair, add an item that is not on the agenda.

V. PUBLIC ADDRESS TO THE BOARD

The public may present a written petition to the Board by submitting it to the Clerk to the Board prior to any regular meeting of the Board or during normal business hours at the Clerk's Office. The Clerk shall forthwith make copies of the petition and forward it to each commissioner with a copy to the County Manager.

Any citizen of Durham County shall have the right to request, in writing, to the Clerk of the Board, that any item be placed on the agenda for consideration by the Board at a Worksession. The request must be submitted to the Clerk to the Board at least two weeks preceding the meeting date as provided on Page 9, Agenda. Please refer to Page 10, Citizen Comment, for details.

Any member of the public who wishes to address the Board regarding an agenda item shall complete a sign-up card on the table outside the entrance door to the Commissioners' Room, clearly indicating the item number(s) to which they intend to speak. Sign-up cards will be available beginning thirty minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff. A time limit is established of three minutes for each individual, other than staff and those presenting the request to the Board, in an effort to ensure adequate discussion of that item and all the other items on the agenda. Each individual signed up to speak shall only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him by another individual who has also signed up to speak on that item. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the room.

VI. ORDER OF BUSINESS*

- 1) Discussion/Adjustment of Agenda*
- 2) Approval of Minutes
- 3) Approval of Consent Items
- 4) Public Hearings
- 5) Administrative Reports
- 6) Unfinished Business (carry over)
- 7) New Business
- 8) Closed Session
- 9) Adjournment

*By general consent of the Board, items may be considered out of this order.

VII. POWERS OF THE CHAIRPERSON

The Chairperson shall preside at meetings of the Board. In the Chairperson's absence, the Vice-chairperson shall preside and shall have all the powers specified herein. If the chairman and vice-chairman are both absent from the meeting, the Clerk to the Board shall convene the meeting and the remaining members shall elect a member to preside for that meeting or until either the Chairperson or Vice-chairperson appears. A member must be recognized by the Chairperson in order to address the Board. The Chairperson shall have the following powers:

1. To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

2. To establish time restraints for discussion, except for matters requiring a quasi- judicial public hearing;
3. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
4. To entertain or refer to the County Attorney questions of parliamentary law or procedure;
5. To call a brief recess when needed;
6. To adjourn in an emergency;
7. To conduct public hearings as otherwise provided for herein; and
8. The Chair shall have the Duty to decide upon and to assign those members of the Board as he or she sees fit to membership on any other board or commission which requires a county commissioner to serve *ex officio*. After such an appointment has been made, the Chair shall inform the other members of the Board at the next regular meeting of the Board who shall then ratify the appointments or take other appropriate action.

VIII. ACTION BY THE BOARD

The Board shall proceed to discuss an item, including receipt of comment from the staff or the public, when the item is announced by the Chair. Upon completion of discussion, the Board shall, unless some other action is deemed appropriate, proceed by motion on the item. Any member, including the Chairman, may make a motion or second a motion.

Second Required

Any motion to be considered for a vote shall require a second. If the motion does not receive a second, it "dies" for lack of a second. If the motion is seconded, and stated by the Chairman, it then goes before the Board for discussion and debate.

Substantive Motions

Only one substantive motion may be considered on the floor. A new substantive proposal may not be put forth until action on the preceding one has been concluded.

A subsidiary motion can be made only while a substantive motion is pending. Examples of subsidiary motions are: a motion to table a motion, to move the previous question, to go into closed session, to amend a main motion, to make a substitute motion.

Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present unless otherwise required by these rules, an ordinance, or state statute.

Debate

The Chairperson shall state the motion and then open the floor to debate. The Chairperson shall preside over the debate according to these general principles:

- (a) The introducer (the person who makes the motion) is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before a member who has previously spoken;
- (c) To the extent possible, the debate should alternate between opponents and proponents of the measure.

Procedural Motions

The following procedural motions and no others shall be in order.

1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To Take a Recess. The motion is in order at any time a member feels a recess is needed. The chairman also has the power to call a brief recess.
3. To Defer Consideration. A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter, unless a motion to revive consideration is adopted.
4. To Revive Consideration. This motion is in order at any time following the expiration of 100 days after a vote to defer consideration of an item.
5. To Reconsider. The motion must be made by a member who voted with the prevailing side in the prior action.

A motion to reconsider an item on which action has been taken following a public hearing required by statute may be considered only after a public hearing on the reconsideration request.

A motion to reconsider an item on which action has been taken following a discretionary public hearing may be considered without further public hearing in the discretion of the Board determined by majority vote.

6. To Ratify. To provide clarity the Board may later ratify any action which it has or could have authorized.

7. To Prevent Reconsideration for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and will not be allowed at any other time. The action of the Board, if the motion is adopted, is valid for six (6) months or until the next regular election of county commission board members, whichever occurs first.
8. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by vote. Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.
9. Renewal of Motion. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
10. Withdrawal of a Motion. A motion may be withdrawn by the introducer at any time before a vote.
11. Suspension of the Rules. These rules may be suspended by a majority vote of the Board, but such motion may not be made if a substantive motion is already before the Board.

Duty to Vote

Every member must vote unless excused by a majority vote according to law. A member who wishes to be excused from voting shall so inform the chairman, who shall take a vote of the remaining members prior to any discussion of the item.

G.S. 153A-44 provides members may be excused from voting on matters in which they have a direct financial interest, or on questions involving the Board Member's official conduct. The County Attorney may be asked by the individual commissioner, the Board or any other interested party to render an opinion on questions of conflicts of interest arising from financial interest, official conduct or any other circumstance presenting the appearance of conflict of interest of any member.

Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced at the first meeting in which it is placed on the agenda regardless of whether it is actually considered by the Board.

Adoption of Ordinances

To be adopted at the meeting at which it is first introduced an ordinance must receive the approval of all members of the Board. If the proposed ordinance is approved by a majority of those voting but not by all the members of the board or if the ordinance is not

voted on at that first meeting of the Board, it shall be considered at the next regular meeting. If it then or at any time thereafter within 100 days of its introduction receives another majority vote, the ordinance is adopted.

Adoption of the Budget Ordinance

1. Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the board by a simple majority vote.
2. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board.
3. The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning and calling of an initiative or referendum.

During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Any provisions of law concerning the call of special meetings do not apply during that period so long as (i) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget, and (ii) no business other than consideration of the budget is taken up.

Closed Session

The Board may hold closed sessions as provided by law. It shall commence a closed session by a majority vote on a motion to do so which specifically refers to the provision(s) of law providing the authority for the closed session as required by the amended Open Meetings Law.

Quorum

A majority of the membership of the Board shall constitute a quorum. The members required for a quorum shall not be affected by vacancies. If a member is absent or has withdrawn from a meeting without being excused by a majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present, and his/her vote shall be recorded as a vote in the majority, or in case of a tie among those members remaining present, as a vote in support of any motion made.

Public Hearings

Public hearings required by law or deemed advisable by the Board shall be organized and adopted by a majority vote, setting forth the subject, date, place and time of the hearing.

The Board may adopt a standing rule that the staff may schedule and give notice of public hearings on requests for zone changes and special use permits pursuant to the Planning and Zoning Ordinance.

At the appointed time, and after the staff or other appropriate persons have presented the item, the chairperson shall call the hearing to order open the public hearing, and when the allotted time expires or no one who has not yet spoken wishes to do so, the chairman shall declare the hearing ended. To the extent required by state law, the chairman shall have the authority to administer oaths or authorize the Clerk to do so to witnesses presenting evidence in public hearings. Except for matters requiring a quasi-judicial public hearing, the party presenting the request shall have ten minutes to present its request. Any other persons speaking either in favor of or opposed to the request shall have three minutes each for their remarks. Each individual signed up to speak shall only be entitled to the time allotted to each speaker, plus one additional time period if yielded to him by another signed up to speak on the same item. Rebuttals will only be permitted if deemed necessary by the chairman, with time limits therefor being set in the discretion of the chairman.

Minutes

Minutes shall be kept of all meetings of the board, including closed sessions as provided by law.

The Rules of Procedure for Durham County Commissioners were adopted by the Board on March 13, 1989 and became effective March 13, 1989. There have been periodic amendments which are reflected in this revision adopted January 27, 1997, and February 10, 2003.

RULES OF PROCEDURE FOR DURHAM COUNTY COMMISSIONERS TO GOVERN WORK SESSIONS

INTRODUCTION

The following rules of procedure were developed for use by the Durham County Board of Commissioners in conducting Worksessions. Since Worksessions have been initiated for the purpose of discussion only with the intent of reducing the amount of time for consideration of items at regularly scheduled meetings, it is intended that no action will be taken on any item during the Worksession, other than that of giving directions to the administration and staff as to preparation and presentation of the item at a scheduled regular meeting. However, since notices of the sessions are given as required by the Open Meetings Law, they constitute an Official Meeting of the Board, and action can be taken. It is recommended however, that actions not be taken unless necessary to address an issue which is time-sensitive, and which can not wait until a regularly scheduled meeting of the Board. In the event action is required to be taken on a time-sensitive issue, those Rules of Procedure adopted by this Board on March 13, 1989 and as amended relate to motions and votes shall be followed.

To the extent the Rules of Procedure adopted by this Board on March 13, 1989 as amended govern discussions of items and materials, they shall apply to discussions at the Worksession.

I. MEETING TIME

The worksessions will be held on the first Monday of each month unless the meeting time is changed to avoid conflicts with regularly scheduled holidays, or unless changed or canceled by majority vote of the Board. The meetings will be held in the County Commissioners' Meeting Room beginning at 9:00 a.m.

II. AGENDA

The Clerk to the Board shall prepare the agenda for the meeting. Agenda packages will be distributed on the Wednesday preceding the meeting date. All agenda materials must be submitted to the Clerk to the Board on Monday, two weeks preceding the meeting date. Any board member may, by a timely request, have an item placed on the agenda.

A complete copy of the agenda with attached material shall be available for public inspection as soon as distribution to Commissioners has been completed. Each Board member shall receive a copy of the agenda with the agenda materials by the end of the Wednesday preceding the day of the meeting.

At least one copy of the complete agenda package shall be available for public inspection and reference at the rear of the Commissioners' Meeting Room during the meeting.

The Board may, by majority vote, add an item that is not on the agenda.

III. CITIZEN COMMENT

Any citizen of Durham County shall have the right to request, in writing to the Clerk to the Board, that any item be placed on the agenda for consideration by the Board at a worksession. The request should include a summary of the issue being presented and such background material as the requester deems relevant. Upon such request in writing, the Clerk shall forward the request to the County Manager and Chairman of the Board who shall determine whether, in their discretion, to place the item on an appropriate agenda, or whether the matter can be handled by the County Administration. If the item is placed on an agenda, the person making the request shall have up to five minutes to speak on the item. The request must be submitted to the Clerk to the Board at least two weeks preceding the meeting date as provided on Page 9, Agenda.

IV. POWERS OF THE CHAIRPERSON

The Chairperson shall preside at the worksessions. In the Chairperson's absence, the Vice-chairperson shall preside and shall have all the powers specified herein. A member must be recognized by the Chairperson in order to address the Board. The Chairperson

shall have those powers specified in the Board's Rules of Procedure related to discussion of items and materials on the agenda for the worksession, and specifically

1. To establish time restraints for discussion;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain or refer to the County Attorney questions of parliamentary law or procedure;
4. To call a brief recess when needed; and
5. To adjourn in an emergency.

V. DISCUSSION BY THE BOARD

The Board shall proceed to discuss an item, including receipt of comment from the staff, when the item is announced by the Chair. Upon completion of discussion, the Board shall give the staff and administration direction as to preparation for and presentation of the item at a regularly scheduled meeting. This may take the form of expressed consensus among the members, but if necessary to establish the Board's intent, may be expressed in the form of a motion and voted upon. These rules may be suspended by a majority vote of the Board.

Quorum

A majority of the membership of the Board shall constitute a quorum. However, since it is intended that no action will be taken during the work session, a quorum is not required to discuss materials and agenda items. In the event it is necessary to vote on any item which is time-sensitive, a quorum must be present for the motion and vote. For purposes of such votes in the worksessions, if a member is absent or has withdrawn from a meeting without being excused by a majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present, and his/her vote shall be recorded as a vote in the majority, or in case of a tie among those members remaining present, as a vote in support of any motion made.

VI. MINUTES

Minutes of the worksessions shall be prepared by the Clerk to the Board to the same extent as a regular meeting and as required by law.

These Rules of Procedure to Govern Conduct of Worksessions were adopted by the Durham County Board of Commissioners on January 14, 1991, and became effective on that date. They have amended from time to time, and said amendments are reflected in this revision adopted January 27, 1997, and February 10, 2003.

Consent Agenda 5(l). Resource Conservation and Development (RC&D) Council Application (adopt the attached application to become a member of the RC&D Council).

Consent Agenda items 5(e) and 5(l) were pulled to allow citizen comment by Mr. Bob Novak. Chairman Reckhow allowed two minutes per item.

Mr. Bob Novak, 5500-89A Fortunes Ridge Drive, Durham, NC 27713, said he had no complaint about the \$450 membership fee. He objected to the “Goose Creek” project behind Barnes Avenue. He said that any claim that it could be made beautiful with a walking trail beside it was unattainable.

He asked that County Engineer Glen Whisler and Hugh Osteen from the Durham Public Schools to look at those plans.

Mr. Eddie Culberson, Director of Soil and Water, stated that “Goose Creek” was a Soil and Water District project paid for with 319 grant money through the Division of Water Quality. The purpose of the project was to improve the water quality as well as the aquatic life, which his department believes has been accomplished. Community volunteers were involved as well.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve Consent Agenda items 5(e) and 5(l).

The motion carried unanimously.

Consent Agenda 5(i). Major Preliminary Plat—Horseshoe Circle Subdivision—Horseshoe Road (Case D02-047) (hear the merits of the preliminary plat and approve).

Commissioner Heron said she pulled the item because she felt it was most unusual for a Planning Department issue to be placed on the Consent Agenda. She asked Frank Duke, City-County Planning Director, to explain the item.

Mr. Duke advised that this is not a rezoning request, only a request for approval of a Major Preliminary Plat for a cluster subdivision with 49 single-family lots on a ± 25.387 -acre site. As such, the only issue before the Board would be technical compliance with the Code of Ordinances. It does technically meet all the requirements of the zoning ordinance such that Planning has recommended approval. It was also reviewed by the Development Review Board, which has also recommended approval at its meeting of December 30, 2002.

Commissioner Heron was concerned that the developer might use the same portion of land to meet both the open space and tree-save requirements. Mr. Duke advised that this was allowed under the ordinance. They agreed that this was an issue that would be discussed in the near future as the UDO (Unified Development Ordinance) is reviewed.

Commissioner Heron was also concerned that parking for only one car outside a garage would be provided. Mr. Duke advised that the (Falls/Jordan protected area's) impervious surface limitations under the current ordinance do not allow for widening the parking pad to accommodate two cars side by side.

In answer to Commissioner Heron's question regarding a payment to be made by the developer in lieu of providing enough public open space, County Attorney Kitchen and Jane Korest of City-County Planning answered that the money would go towards a fund and would be used to purchase open space in the same area.

Commissioner Heron expressed her concern that this subdivision would generate more students than some others in the area. She cautioned that school crowding must be addressed as housing requests come before the Board.

Chairman Reckhow stated that the Board is limited when the housing requests meet the zoning requirements of the area.

Commissioner Heron advised that any Planning item placed on the Consent Agenda was likely to be pulled for discussion. Vice-Chairman Bowser said he had the same concern.

Vice-Chairman Bowser asked if there was a way to vote against this, even though the preliminary plat meets the requirements of the Code of Ordinances.

County Attorney Kitchen advised that the developer is not asking to change the zoning in place. The Commissioners act as legislators in deciding a rezoning request. With a denial, there is little area for appeal by the developer. In this case, the developer is asking for approval of a plat that is in compliance with the ordinance. As such, the Commissioners act as administrators. To deny a request to develop a property in accordance with the ordinance is to invite a regulatory taking. He noted that, in the last 10 years, only one regulatory taking case that has gone to the US Supreme Court has been won by a local government. That is the legal framework with which you are working.

Vice-Chairman Bowser addressed the need for school impact fees to fund the building of new schools to accommodate the new housing being proposed in the county. Chairman Reckhow advised that these concerns would be addressed when the Board discusses the Adequate Public Facilities Ordinance at the March Worksession.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve Consent Agenda item 5(i).

The motion carried unanimously.

Report on Money Wi\$e Program in the Department of Social Services

Reducing poverty in Durham County is a shared goal among numerous government agencies, nonprofits, the faith community, and the business community. Essential steps toward our goal of reducing poverty are to connect more families to checking and savings accounts and the Earned Income Tax Credit and to provide training to families on how to manage their money. Money Wi\$e Durham aims to achieve this and to serve as a model for other communities across the State.

Money Wi\$e Durham will bring together the numerous organizations that work with and employ low-income families to provide training to service providers, employers, and low-income, working families with three measurable outcomes:

1. More low-income families will start checking accounts with a mainstream financial institution
2. More low-income families will apply for the Earned Income Tax Credit (EITC)
3. Service providers in Durham County will understand the importance of financial literacy, the EITC, having a checking account, and the use of credit so that they can make appropriate referrals and provide support for families.

The Department of Social Services will report on the vision, strategies, evaluation, and stakeholders involved in this partnership program.

Resource Person(s): Dan Hudgins, Director, Department of Social Services; Sharon Hirsch, Assistant Director for Program Support Services

County Manager's Recommendation: Receive the presentation and offer any feedback to staff.

Chairman Reckhow advised this item was postponed from the Board's retreat due to time limitations. This is a new initiative that hopefully will benefit some of the county's neediest residents.

Dan Hudgins, DSS Director, and Sharon Hirsch, Assistant Director for Program Support Services, gave a short presentation on the program. The process was begun over a year ago, to consider how results would be measured in the agency. The DSS agency hopes to partner with families and the community. Its four major outcome goals are:

1. Reducing family poverty
 - Income, asset building, connecting with financial institutions to build checking accounts, and applying for the Earned Income Tax Credit
 - Providing economic literacy to meet the goal
 - Working with community partners
2. Increasing family permanence
3. Increasing family safety
4. Improving access to services and customer service

Ms. Hirsch reported that about \$6 million in EITC money went uncollected last year by eligible Durham County families. Nearly 11% of current and recent Work First families used a payday lender in the last two years. Only about one in five DSS clients have a checking account. They don't understand the power of credit and what happens with high interest rates. Without bank accounts, families are paying much higher fees for services. Low-income individuals with bank accounts are 43% more likely than those unbanked to have positive net financial assets of any kind.

Ms. Hirsch stated her pride for the community collaborative effort with DSS and other agencies to reduce poverty (Chamber of Commerce, Durham Regional Financial Center and Consumer Credit Counseling, Mechanics and Farmers Bank, CCB, the VITA Center, IRS, Durham Technical Community College, and the Self Help Credit Union).

Strategies to be used to help attain their outcome were noted by Ms. Hirsch. These would help persons learn how to use money—from establishing bank accounts to learning how to use loans and credit and eventually purchasing a home. These strategies include using the community partners such as the Chamber of Commerce to educate employers, especially those that employ low-income workers. A Website will give financial information and resources that employers can use. The media will be used to inform the community of the efforts.

To be accountable to the Commissioners, the program will be evaluated for efficiency. Tracking, through the community partners, will be done to determine how many low-income families start checking accounts, are receiving the EITC, and how many DSS staff and low-income clients are provided with Money Smart training.

Mr. Hudgins stated that the financial stability gained by low-income families in the program would have other positive effects. Statistics show that child abuse and neglect occur less in financially stable families. Family economic stability will impact children's school performance.

Mr. Hudgins reported that a \$75,000 grant has been secured from the Banking Commission. Other grants and funding will be pursued through corporate sponsorship. The school system will be approached to incorporate economic literacy into the curriculum.

Chairman Reckhow suggested that ninth-grade Civics, which is a compulsory course, would provide an opportunity for all students to receive economic instruction.

Commissioner Cousin and Mr. Hudgins discussed the problem of credit education and dealing with unsolicited credit. The Money Smart curriculum will deal with this. The DSS staff will be exposed to and benefit from the training first, then the clients. The curriculum is currently being provided to first-year students at North Carolina Central University.

The Commissioners and Mr. Hudgins discussed various points of the program.

No action was required of this agenda item.

Triangle GreenPrint Regional Open Space Assessment and Resolution

A partnership consisting of the Triangle J Council of Governments, the State of North Carolina, and the Triangle Land Conservancy has been cooperating in a regional open space planning effort. The Triangle GreenPrint Regional Open Space Assessment is the first product of this effort. This first phase gathered information regarding existing open space from the six Region J Counties, and compiled the information onto regional maps for the first time. The partnership is presenting this information to the Counties covered by this regional effort, and is looking for local government support for the planning effort. The Durham Open Space and Trails Commission (DOST) has received a presentation on the Triangle GreenPrint effort and has passed a resolution in support of the project. The DOST recommends that the Board of County Commissioners also endorse the resolution supporting the regional planning effort.

Resource Person(s): Jane Korest, Senior Planner, Durham City-County Planning Department; Guillo Rodriguez, DOST Chair

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners consider the material on the Triangle GreenPrint and, if appropriate, endorse the resolution supporting the regional planning effort.

Ms. Korest introduced Ben Hitchings, Principal Planner with Triangle J Council of Governments, and principal author of the GreenPrint report.

Mr. Hitchings gave a PowerPoint presentation about the GreenPrint process. He stated that this regional project could have great benefits for Durham County. It is a grant-funded project, with federal and private foundation grants, and some TJCOG funding. The project is designed to help overcome the challenges that are presented between political boundaries (county line) and natural systems such as the Eno River that traverse beyond them. Recreational systems also extend beyond the county line.

The Triangle GreenPrint Regional Open Space Assessment has several goals:

- Identify the region's essential green infrastructure (important green spaces),
- Show how it fits together on a regional scale, and
- Help local governments and others to identify opportunities to protect a linked network of green space over time.

Mr. Hitchings stated the benefits of a regional green space network:

- Can maintain and protect our ecosystem services such as clean water,
- Can create new recreational amenities such as a regional trail system, and
- Can help maximize the investments in green space.

This would make the most of the investment from each jurisdiction by linking them together and coordinating across county boundaries. The project has three phases—technical, outreach, and tracking and coordination. The County will benefit by receiving good information to augment what it already has, in particular about what neighboring jurisdictions are doing. Over time, opportunities will arise for cross-jurisdictional cooperation to protect the region's resources.

Mr. Hitchings noted that Durham County has wonderful resources such as Penny's Bend along the Eno River, New Hope Creek, the Little River, and the American Tobacco Trail. There are other opportunities such as helping to link green spaces in Durham County with green spaces in adjacent counties. The hope of the project is to protect the green infrastructure for today's citizens and future generations.

Mr. Hitchings asked the Board to consider adoption of a resolution indicating endorsement for the Triangle GreenPrint Assessment and Planning Process.

Chairman Reckhow stated that if the Board was comfortable with the wording, staff could be directed to draft a resolution appropriate for Durham County. It could be placed on Consent Agenda for the next meeting. It would commit the County to sharing information, engaging in appropriate meetings, and looking for ways to cooperate regionally on land protection projects.

Commissioner Heron moved, seconded by Commissioner Jacobs, that a resolution be drafted indicating the support of the Durham County Board of Commissioners for the Triangle GreenPrint Assessment and Planning Process.

The motion carried unanimously.

Chairman Reckhow thanked Mr. Hitchings for his hard work on this project. He was instrumental in pulling the parties together and seeking outside grant money.

Award of Contract for the Cultural Arts Master Plan

The Durham Cultural Master Plan will be a Countywide, community-wide plan that will:

- Document Durham's cultural strength and assets and identify needs,
- Identify Durham's vision for cultural resources that reflect and serve the diverse and vibrant population of the County,
- Establish the framework for the long-term coordination of public and private sectors to realize that vision, and
- Create a logical plan and implementation strategies for stabilization and sustainability of existing cultural institutions and resources and for future cultural development.

The Durham Arts Council is conducting the cultural planning process and providing administrative services to the County in carrying out this Plan. This dynamic planning

process is lead by a 62-member Cultural Master Plan Steering Committee appointed by the Board of County Commissioners at the May 13, 2002 BOCC meeting. A Request for Proposals (RFP) was issued on July 7, 2002. In August, five proposals had been submitted in response to the RFP by: Wolf, Keens & Co.; Dreeszen & Associates; Emc.Arts, LLC; Creative Planning, Inc.; and Lord Cultural Resources Planning and Management, Inc. Proposals were reviewed by County staff and then by the Executive Committee of the Cultural Master Plan. A recommendation was then made to the Steering Committee for the selection of Wolf, Keens & Co. to conduct the process of creating the Durham Cultural Master Plan. Working with the County Attorney's Office, the Consulting Contract was created for approval and review by the Board of County Commissioners.

Resource Person(s): Sherry DeVries, Executive Director, Durham Arts Council; Peter Anlyan, MaryAnn Black, and Sylvia Kerckhoff, Co-Chairs of the Cultural Master Plan Steering Committee.

County Manager's Recommendation: Receive the presentation and award the contract for the Durham Cultural Master Plan to Wolf, Keens & Company.

Ms. MaryAnn E. Black made the presentation. She introduced the resource persons who were present, as well as Margaret DeMott, Director of Artist Services, Durham Arts Council. She praised the Arts Council for the very valuable job it had done in its writing of the RFP and getting the project going.

Ms. Black stated that the rapid growth of the region and Durham's redevelopment process makes this is an opportune time for citizens to assess and plan for their cultural future. The Cultural Arts Master Plan will enhance the downtown and countywide landscape, be an expression of the vibrant and diverse cultures of Durham, act as a strong economic force in building tourism and business investment, endorse building a quality educational system, and support a strong family life.

On behalf of the Cultural Master Plan Steering Committee, Ms. Black presented the recommendation to the County Commissioners to award the consulting contract to Wolf, Keens & Company, a nationally-recognized cultural planning firm. The firm is known for its work to help organizations and communities build consensus as they respond to complex, dynamic, and changing environments. AMS Planning and Research, its partner firm, provides market research and facilities-oriented community and strategic planning.

Concerning the M/WBE minority participation on the Cultural Master Plan consulting process, Wolf submitted the appropriate affidavits that were approved by the County Purchasing office as being in compliance. Ms. Black read a detailed listing of credentials to support this M/WBE participation.

The planning process is funded through the increase in the occupancy tax passed by the North Carolina Legislature in December 2001. Of the designated \$200,000 for the

project, \$165,000 will fund the consulting contract and all associate expenses; \$35,000 will fund the local administrative costs.

Ms. Black introduced Ms. Sherry DeVries, Executive Director, Durham Arts Council, to provide more background regarding the credentials of the consulting firm and the highlights of the yearlong planning process.

Ms. DeVries thanked the other members of the steering committee for their leadership in helping to design the process and to put together the very fine team to work on this. She also thanked Margaret DeMott, Arts Council staff member, and Barker French on the Arts Council. She detailed the 20 years of experience by Wolf, Keens & Company and its project partner AMS Planning and Research. They have conducted major cultural planning initiatives in dozens of mid-sized and large American cities. They address cultural diversity and multi-jurisdictional areas. The consultants, through their experience, will be able to share with Durham the best practices that have been successful in other urban areas. Over the next year, the consultants will employ community meetings, task force work, interviews, surveys, and inventories. This will provide the structure for articulating the community's cultural goals.

Details of the five phases were given by Ms. DeVries. The five phases are:

- Phase 1—Project Pre-planning and Materials Review
- Phase 2—Community Visioning
- Phase 3—Situation Analysis/Research
- Phase 4—Community Review and Comment
- Phase 5—Submit, Review, Revise, and Present Report

Mr. Peter Anlyan, also a Cultural Master Plan Co-Chair, noted that creating this plan is just the beginning. It will provide a common ground for making Durham the community that it can be. The Commissioners will be informed of the group's progress as the plan moves forward. He urged the Commissioners to approve this contract with Wolf, Keens & Company because of its ability, reputation, and having submitted the lowest bid of the five companies making proposals.

Chairman Reckhow thanked the group for the very thorough presentation with its detailed backup materials. The Commissioners stated they were impressed with the credentials of Wolf, Keens & Company.

Commissioner Jacobs moved, seconded by Commissioner Heron, to award the consultant contract for the Durham Cultural Master Plan to Wolf, Keens & Company in the amount of \$165,000.

The motion carried unanimously.

Budget Amendment 03BCC000042—The Durham Center—Recognizing Additional Medicaid Revenues of \$5,777,160 for The Durham Center Budget

The Durham Center requests that the Board of Commissioners approve a budget amendment to recognize over-realized Medicaid revenue in the amount of \$5,777,160. Associated with the increase in revenues is a corresponding increase in expenditures for Medicaid-related vendor contracts. It is estimated, based on revenue collection trends, that this amount will be collected over the 2002-03 approved-budgeted amount. By recognizing this “new” revenue, funds can be budgeted in contracted services expenditure line items to support increased Medicaid related vendor contracts.

Funds will be used to cover additional Medicaid service contract amounts and will have no impact on future years’ operating budgets. The Durham Center Area Board approved this request at its January 28, 2003 meeting. There is no impact on other Mental Health allocations, and no new positions are being requested with these funds.

Resource Person(s): Ellen Holliman, Interim Area Director

County Manager’s Recommendation: The County Manager recommends that the Board of County Commissioners approve this budget amendment recognizing new revenues in the amount of \$5,777,160.

County Manager Mike Ruffin advised that Ms. Delphine Powell, Finance Director for The Durham Center, would make the presentation. Ms. Ellen Holliman was absent due to illness.

Ms. Powell advised that the current budget for Medicaid funds is \$11.3 million. The Durham Center has received \$8 million of that money as of 12/30/02. In January, another \$1.5 million was received. By February, the current budgeted amount of \$11.3 million will be exceeded. From March through June, Mental Health will have no money budgeted for Medicaid revenue coming in or for expenditures for that line item. This is due to federal and state grant funding being withheld. Thus, The Durham Center is asking to increase the revenue budget for 22 of the department’s 42 line items which have Medicaid revenues coming in and expenditures going out. Some of the budget line items have already exceeded spending expectations and must be increased so that vendors can be paid and Medicaid revenue can be received. These are really pass-through funds, with about 10% kept for processing fees.

Commissioner Heron cautioned that the State requires a local match, so funding is not free.

County Manager Ruffin stated that the matching funds (about 0.5 percent) are budgeted through the Department of Social Services. He commented that Mental Health has made a great effort to get more Medicaid revenue into its budget, which helps the County a great deal.

Chairman Reckhow stated that, given the declining State support, the effort to bring in the Medicaid revenues is a tremendous boost to the program. Also encouraging, the DSS Director has advised that the County is slightly behind the budget schedule for Medicaid pay out.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 03BCC000042 recognizing additional Medicaid revenues in the amount of \$5,777,160 for Mental Health.

The motion carried unanimously.

Amendment to Stormwater Management Program Ordinance

Durham County established its stormwater program as part of the Neuse River Nutrient Sensitive Waters Stormwater Management Strategy, following a public hearing held in October 2000. The Ordinance was adopted on February 26, 2001.

Among the requirements for obtaining a stormwater permit is that the applicant post a security to ensure that any required control measures are built and maintained. The concerns behind this section are the financial resources and to ensure compliance should the permit holder leave the County. As these concerns do not exist as to the School system, in that the financial resources are those of the County, and the School system cannot leave Durham County by definition, the requirement to post a bond is unnecessary and costly. As enacted, the ordinance does not exempt the Public School System or other governmental entities from this requirement.

Resource Person(s): Chuck Kitchen, County Attorney; Curtis Massey, Assistant County Attorney; Glenn Whisler, County Engineer

County Manager's Recommendation: Adopt the proposed ordinance revision to save the unnecessary cost of this requirement.

Chairman Reckhow asked the County Attorney to present the agenda item.

County Attorney Chuck Kitchen explained that the proposed revision to the ordinance would exempt state and federal governments and the school system from the requirement of an improvement security, which is meant "to assure performance of the continuing conditions of a permit" if the applicant leaves the county. Since these entities are permanent and would not leave the county, this costly requirement is not necessary. He stated that the cost of the bond for the new school in the southwest part of Durham County would be \$72,000—which could be better used for the benefit of the school children.

County Attorney Kitchen commented that City government is not included in this revision. City Council has advised it would address the issue at some point and consider reciprocity between the two governments.

Commissioner Heron asked County Attorney Kitchen if the County is involved in stormwater management to the required degree that was projected (under Phase II regulations).

The County Attorney advised that the requirements are not yet agreed-upon. He reportedly has been meeting in conjunction with the NCACC (North Carolina Association of County Commissioners) to try to reach a solution agreeable to the counties and the state. Unfortunately, the Phase II stormwater regulations proposed have significant differences between what the County thought was being agreed to and what had been proposed. He commented that litigation with the State is a possibility. The State wants to mandate both that counties pass a stormwater management ordinance and what requirements it contains.

There being no further discussion, a motion was made for adoption.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to adopt the proposed revision to the Stormwater Management Program Ordinance.

The motion carried unanimously.

The Stormwater Management Program Ordinance amendment follows:

**ORDINANCE AMENDING THE DURHAM COUNTY STORMWATER
MANAGEMENT PROGRAM**

WHEREAS, the North Carolina Legislature has, through N.C.G.S. §§ 143-214.1ff, vested the North Carolina Environmental Management Commission with the authority to establish stormwater runoff rules and programs; and

WHEREAS, the North Carolina Environmental Management Commission has, through the adoption of 15A N.C.A.C. 2B.0235, directed Durham County's participation in the Neuse River Nutrient Sensitive Waters Stormwater Management Strategy which is further detailed in subchapter 2B of Title 15A of the North Carolina Administrative Code; and

WHEREAS, this program is intended to protect and enhance the quality of surface waters by reducing the amount of new and existing stormwater runoff, by identifying and eliminating illegal discharges to the basin, and by protecting riparian areas; and

WHEREAS, these goals are endorsed by the Board of County Commissioners and are consistent with their goals to promote ecologically responsible growth in Durham County and high quality water resources; and

WHEREAS, the County of Durham adopted a local ordinance, Article V of Chapter 14, which controls same on February 26, 2001; and

WHEREAS, upon further review it has been determined that certain amendments to the local ordinance are proper to save unnecessary expense without a degradation in enforcement; and

WHEREAS, the North Carolina Legislature has, through N.C.G.S. §§ 143-214.7, 153A-102, 153A-121, 153A-123, and 153A-274ff, vested the Board of County Commissioners with the authority to enact this article:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOTH ORDAIN:

- 1) That section 14-155 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 14-155 Permit requirements

- (a) No person shall undertake any development subject to this ordinance without first obtaining a permit therefor from the Stormwater Administrator, or their designee. Permits must be maintained for the life of the development and shall be renewed every ten years from the date the initial permit was issued.
- (b) A stormwater permit may be obtained upon submitting the fee, zoning compliance checkoff issued by the Durham City-County Planning Department if required, statement of financial responsibility and ownership, development plan, and the stormwater control plan. A proposed development affecting riparian buffer areas, as detailed in 15A N.C.A.C. 2B.0233, shall also be accompanied by proof that it has been approved by the Division of Water Quality of the North Carolina Department of the Environment and Natural Resources.
- (c) The applicant shall submit three copies of the permit application, including the control plan, to the Stormwater Administrator, or their designee, at least 30 days prior to commencement of the proposed development. The Stormwater Administrator, or their designee, shall review permit applications for developments and, within 30 calendar days of receipt thereof, shall notify the person submitting the application that it has been approved, approved with modifications, or disapproved. If the permit application is disapproved, the reasons for this action will be stated with particularity in writing.
- (d) No permit shall be issued until such time as the Stormwater Administrator, or their designee, is assured that the proposed development will be carried out in accordance with this ordinance and the approved stormwater control plan.

(e) Improvement security. The Stormwater Administrator, or their designee, shall require security to assure performance of the continuing conditions of the permit. The applicant shall be required to file an improvement security in the form of a performance bond approved by the County Attorney. The amount shall be deemed sufficient by the Stormwater Administrator, or their designee, to cover all costs of constructing and maintaining, for a period of ten years, the stormwater control measures required by the permit for conformity with the standards specified in this article. This bond must be renewed every ten years, contemporaneous with the renewal of the permit. At the time of renewal, the amount of the bond shall be revised to reflect any increase in the costs of construction or maintenance and shall be in the amount specified by the Stormwater Administrator, or their designee. Forfeiture of the improvement security shall not release the person conducting the land disturbing activity of their obligation to install and maintain necessary stormwater control measures, to stabilize the site, or any other obligation of this article, the Act, or any rule or order promulgated in furtherance thereof. No improvement security shall be required from an applicant which is a federal, state, or county government, or an agency thereof, or is a school board.

2) The provisions of this ordinance shall take effect upon enactment and shall apply to all existing permits applied for, or issued on, before, or after the date of enactment.

Approved by the Durham County Board of Commissioners, this the 10th day of February, 2003.

Implementation of Recommendations from Retreat Summary

The consultant's summary of the Board of County Commissioners' Retreat has been received and shared with all of the retreat participants. While considerable progress was made, additional work must be completed to further develop indicators, strategies, and performance measures that are in keeping with the five outcome areas that were selected. The completion of this task would enable County staff to integrate outcomes, indicators, and strategies more fully in the FY 2003-2004 Budget. It should also be noted that several other issues were identified in Section III of the consultant's report and are already under investigations, e.g. a "Mini-CIP" to address maintenance and repair needs not included in the County's CIP, a review of existing fees, potential sale of unused County property, etc.

The County Manager plans to address "next steps" with department heads during the February 19, 2003 department head meeting and desires additional input from the Board before any plan of action is finalized. In the near-term, one approach being considered is to assemble teams of department heads around each of the outcome areas and ask them to propose an extended list of indicators, strategies, and performance measures for the Board to review and discuss during its April 7 Worksession. Additional work to integrate the process over a multi-year continuum will also be necessary and could be

accommodated during another retreat-like format after the Fiscal Year 2003-2004 Budget has been adopted.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: Advise the staff as to additional action that the Board deems necessary to further develop indicators, strategies, and performance measures for the five outcome areas selected during the Commission's January 28-29, 2003 Retreat.

Chairman Reckhow commented that the retreat had been productive and that the facilitator, John G. Ott, had submitted an excellent summary. She highlighted the summary, which gave an overview of the retreat's accomplishments. The Commissioners had discussed upcoming budget realities and ways to address the state-created shortfall. They determined long-term indicators and outcomes to be focused upon in the coming year:

The Board agreed to have the following as its focus areas for the next year or more:

- Good health (indicators include number of low birth-weight babies, rates of infectious diseases, rates of sexually transmitted diseases, over-weight and obesity, and physical activity of adolescents, etc.)
- Safety (indicators include child abuse rates, domestic violence rates, child death rates, and rates of violent crime)
- Social and emotional well-being (indicators include substance abuse rates, teen birth rate, out of home placements through DSS, homelessness, traffic congestion, school overcrowding, and public library and museum usage)
- Economic well-being (indicators include rate of job creation, growth in the County tax base, unemployment rate, use of the Earned Income Tax Credit, and bankruptcy and poverty rates)
- School and workforce readiness (indicators include access to quality child care, grade level reading rates, high school graduation rates, dropout rates, percentage of adults with high school diploma or equivalent, percentage of jobs physically located in Durham County that are held by Durham County residents)

Chairman Reckhow stated that the Commissioners also want to focus on effectiveness and efficiency in County government. A number of performance measures will be employed in this internal outcome including:

- Maintaining the AAA bond rating
- Maintaining or increasing the current fund balance
- Setting and meeting a target for tax collections in the coming fiscal year
- Reduction of staff turnover
- Staff morale
- On-line access to services
- Customer satisfaction
- Waiting time

- Implementing a comprehensive technology plan
- Staff training and development plan to focus on efficiency
- Comprehensive communications plan

County Manager Mike Ruffin stated that the retreat reminded the participants that there is much work yet to be done. This is a process, not just an event. As some of the lists are incomplete, additional indicators and strategies related to the outcome will continue to be developed over the next 60 days by department heads and staff. At the April worksession, an expanded report and lists should be presented to the Commissioners for their modification. He stated he hoped some of this could be integrated into the next fiscal year's budget. He proposed that the Commissioners meet again after the budget process, in July or August, to go over the outcomes and indicators lists again to enable implementation in a broader and deeper way in the FY 2004-2005 budget. At that time, performance-based budgeting on a countywide scale should be in place.

Chairman Reckhow suggested that outside stakeholders (Durham Public Schools and Durham Technical Community College) be involved in the development of additional indicators and strategies, especially concerning education and workforce preparedness.

Commissioner Heron suggested that the educational system be urged to improve its vocational education program.

Commissioner Jacobs suggested that the groups assembled in order to develop additional indicators and strategies be cross-functional, and that they also address revenue generation and expenditure reduction.

No action was required for this agenda item.

Closure of the North Carolina Department of Revenue Office in Durham

Vice-Chairman Bowser stated that he had heard that the NC Department of Revenue is planning to close its Durham tax office. This would place a hardship on many Durham citizens who need the department's tax services. He stated he had investigated and found that the Winston-Salem and Greensboro offices would be among the 15 in the state to remain open. Given that these offices would serve the Triad area, which has a smaller population than our Triangle area, he asked that an effort be made to keep the Durham office open—at least during tax filing season. He requested that the County Manager investigate whether this is true and, if so, begin a process to try and keep that revenue office open. If the plan is to close the Durham office, he wanted letters sent to NC Department of Revenue Secretary Norris Tolson, the Governor, and the Durham Legislative Delegation.

The Board agreed to this request by consensus.

Employee Grievances

Vice-Chairman Bowser requested the addition of this agenda item. He asked the Board for support and consideration of a plan to obtain substantial equivalency in the Human Resources area of employee relations. This move would allow all County employees an opportunity to have issues that involve adverse actions such as terminations, demotions, and suspensions to be reviewed by an appeals board appointed by the Board of County Commissioners. He said this request for consideration was based on one specific termination that he had followed from the day of termination to the point of appeal. He was of the opinion that this employee was not afforded proper due process related to job performance and was therefore terminated without a full and complete consideration of the facts. He said that just cause was not proven. Two written warnings must be issued before steps to terminate are initiated. The nine-year employee was given one written warning and, on the same day, recommended for termination for a non-existent personal conduct issue. Vice-Chairman Bowser stated that the right to due process was violated.

Vice-Chairman Bowser stated he had thus spoken to the County Manager and requested that he direct the Human Resources Department to research the area of substantial equivalency in employee relations and asked that the item be placed on the agenda for discussion and consideration. He thanked the Board for hearing his request.

County Manager Ruffin advised he had spoken with the County Attorney. The first step will be to gain an understanding of the state requirements that the County must fulfill. There may be some costs, also, associated with handing the appeals internally.

Chairman Reckhow stated this sounds like a complicated situation. She stated that since Durham County doesn't yet have the authority to do this, it would be appropriate to have staff research this proposal very seriously and come back before the Board with the state's parameters at the March Worksession.

The County Attorney advised there are probably three or four processes for appeals under County government under current policy.

County Attorney Kitchen explained the appeals policies and procedures currently available to County employees, including employees in Human Services, Office of the Sheriff, Register of Deeds, Board of Elections, and the Tax Department. The County does not currently have substantial equivalency in the appeals process. If substantial equivalency in the Human Resources area of employee relations were granted, all County employees would come under the same umbrella as the human service employees. There would be one system for both types of employees—the only difference would be who makes the final recommendation, either the County Manager or the human services director.

For clarification, Jackye Knight told the Commissioners that the County currently has substantial equivalency in the areas of classification, compensation, recruitment, and

selection. When this was adopted, the Board chose not to pursue substantial equivalency in the area of appeals due to its cost and complexity.

Commissioner Heron suggested that this case referenced by Vice-Chairman Bowser be included in the Closed Session.

Chairman Reckhow advised this would be added to the Closed Session.

Vice-Chairman Bowser requested a copy of the response from Raleigh on substantial equivalency from last year. Ms. Knight stated she would get this for Vice-Chairman Bowser.

Closed Session

The Board is requested to adjourn to Closed Session to consider the performance of a public officer pursuant to N.C.G.S. § 143-318.11(a)(6), to maintain attorney-client privilege, and to discuss *Brannon v. DSS 02-OSP769* pursuant to N.C.G.S. § 143-318.11(a)(3) and (6).

Commissioner Jacobs moved, seconded by Commissioner Cousin, to adjourn into Closed Session.

The motion carried unanimously.

Reconvene Open Session

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

Adjournment

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board