

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

Monday, November 24, 2003

**ACTION MINUTES—DRAFT**

4:00 P.M. Joint Meeting

**Board of County Commissioners and Durham Public Schools Board of Education**

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7:00 P.M. Regular Session

**Opening of Regular Session**—Pledge of Allegiance

Chairman Reckhow called the November 24, 2003 Regular Session to order. She asked that all persons in attendance stand for the recitation of the Pledge of Allegiance.

**Minutes**

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve as submitted the November 3, 2003 Worksession and the November 10, 2003 Regular Session Minutes of the Board.

The motion carried unanimously.

**Presentation by Lincoln Hospital School of Nursing Alumni**

In recognition of the 100<sup>th</sup> Anniversary of Lincoln Hospital School of Nursing, the Board of County Commissioners voted to provide financial assistance for a permanent memorial recognizing the institution. In gratitude, Ms. Gloria King and other representatives of the Lincoln Nursing Alumni Association presented the Board of County Commissioners with a commemorative print of the observance. The theme of the August celebration was, “Celebrating the Legacy...Retaining the Spirit”.

**COUNTY MANAGER’S RECOMMENDATION:** Receive the presentation from Lincoln Hospital School of Nursing representatives.

**November Anchor Award Winner—Deborah Craig-Ray**

Deborah Craig-Ray, Public Information/Governmental Affairs Director, was selected to receive the November Anchor Award. Over the past four months, she successfully managed several critical projects on behalf of the County, including:

- 2003 Bond Referendum Communications: Developed Durham County's \$124 million Bond Communications Plan by providing informational materials for all registered voters, television shows, and a comprehensive 2003 Bond web page. She served as advisor to the Bond Marketing Committee, which culminated in the successful bond approval on November 3.
- Durham Neighborhood College: Managed implementation and execution of the first 10-week session of classes to help participants understand the operations of City and County Governments.
- Junior Leadership Durham Government Day: Coordinated a daylong program for 20 local high school students who spent the day shadowing Department Heads and conducting a Mock County Commission meeting where the issue of "Four Year Terms" was debated.

Chairman Ellen Reckhow led the presentation.

COUNTY MANAGER'S RECOMMENDATION: Present the November Anchor Award to Deborah Craig-Ray, along with congratulations of the entire organization.

### **Consent Agenda**

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

- \* (a) Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the October property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \* (b) Budget Ordinance Amendment No. 04BCC000026— Finance—Governor's Crime Commission Pass-Through Grant Award (approve the budget ordinance amendment accepting the pass-through grant revenue in the current budget for \$80,178);
- \* (c) Budget Ordinance Amendment No. 04BCC000027— Social Services—To Recognize Funding from the City of Durham (approve the budget ordinance amendment recognizing \$34,267 for salary and benefits for 11 months for a full-time case manager [\$28,000 to be provided by Community Development Block Grant Funds and \$6,267 from Medicaid At-Risk Reimbursement] [no new County dollars are involved]);
- \* (d) Budget Ordinance Amendment No. 04BCC000028— Mental Health (approve the budget ordinance amendment and appropriate funds in the amount of \$130,611 for Children's Residential Group Home,

PATH/Homeless Adult Allocation, and Work First/Child Protective Services Substance Abuse Initiative);

- \*~~(e) Interlocal Reconciliations (approve the transfer of funds, including the appropriation of \$148,417 from the general fund contingency account, for payment of the Interlocal Reconciliations);~~

**Deferred until the January 5, 2004 Worksession.**

- (f) Request to Terminate Lease Agreement—The Durham Center (approve the termination of the lease for the property at 508 Gordon Street, Durham, NC 27701, effective on or about December 1, 2003, so long as Freedom House Inc. has entered into a lease with Mr. Niemeyer);
- (g) Extension of the Listing Period for Business Personal Property (give the Tax Assessor authority to grant extensions for business personal property owners who request in writing until March 15, 2004);
- \*~~(i) Farmland Preservation: Adoption Map Which Identifies Voluntary Agricultural Districts (VAD) and Agricultural Priority Areas (APA) (approve the Voluntary Agricultural Districts [VAD] and resolution designating the Agricultural Priority Areas [APA]); and~~
- (k) Cancellation of the December 22, 2003 Board of County Commissioners' Regular Session (cancel the Regular Session due to the Christmas Holiday).

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the October property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

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

Releases & Refunds for 2003 Taxes:

Real	\$ 12,336.28
Personal	\$ 322,872.35
Registered Vehicles	\$ 31,558.23
Vehicle Fees	\$ 370.00
Solid Waste	\$ 260.00
Total for 2003 Taxes and Fees	\$ 367,396.86

Prior years' (1994-2002) releases and refunds for October 2003 are in the amount of \$288,204.95.

The total current year and prior years' releases and refunds amount to \$655,601.81.

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

Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000026—Finance—Governor's Crime Commission Pass-Through Grant Award (approve the budget ordinance amendment accepting the pass-through grant revenue in the current budget for \$80,178).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000026

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$297,841,776	\$80,178	\$297,921,954

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$357,202,037	\$80,178	\$357,282,215

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

This the 24<sup>th</sup> day of November, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000027—Social Services—To Recognize Funding from the City of Durham (approve the budget ordinance amendment recognizing \$34,267 for salary and benefits for 11 months for a full-time case manager [\$28,000 to be provided by Community Development Block Grant Funds and \$6,267 from Medicaid At-Risk Reimbursement] [no new County dollars are involved]).

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000027

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$297,921,954	\$34,267	\$297,956,221

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$357,282,215	\$34,267	\$357,316,482

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

This the 24th day of November, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. d. Budget Ordinance Amendment No. 04BCC000028—Mental Health (approve the budget ordinance amendment and appropriate funds in the amount of \$130,611 for Children’s Residential Group Home, PATH/Homeless Adult Allocation, and Work First/Child Protective Services Substance Abuse Initiative).

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000028

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$297,956,221	\$130,611	\$298,086,832

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$357,316,482	\$130,611	\$357,447,093

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

This the 24<sup>th</sup> day of November, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. i. Farmland Preservation: Adoption Map Which Identifies Voluntary Agricultural Districts (VAD) and Agricultural Priority Areas (APA) (approve the Voluntary Agricultural Districts [VAD] and resolution designating the Agricultural Priority Areas [APA]).

RESOLUTION TO APPROVE THE FARMLAND PRESERVATION MAP WHICH  
IDENTIFIES VOLUNTARY AGRICULTURAL DISTRICTS (VAD) AND  
ARGRICULTURAL PRIORITY AREAS (APA)

WHEREAS, the revised Farmland Protection Ordinance adopted by the Board of County Commissioners in August of this year specifies that Voluntary Agricultural Districts (VAD) be established by the BOCC. The Ordinance also specifies that members of the Farmland Protection Board be appointed according to these Districts. Landowners participating in the Program are then members of the District within which they reside. The purposes of the VAD are to encourage the economic and financial health of farming areas, protect farm activities and to increase the identity and pride in the agricultural community.

WHEREAS, the designation of Agricultural Priority Areas (APA) in Durham County is intended to identify existing lands where Durham County desires to encourage permanent agricultural use. Designation of APA boundaries is the first step in directing the expenditure of funds for farmland protection and conservation easement acquisitions. The proposed APA boundary lines take into consideration the Urban Growth Boundary and the draft update of the Durham County Comprehensive Plan.

WHEREAS, the Board of County Commissioners is being requested to adopt the Voluntary Agricultural Districts (VAD) and approve the Agricultural Priority Areas (APA). The proposed map was reviewed by staff from the Planning Department, the Open Space Division of County Engineering and from Board members of the Farmland Protection Board.

NOW, THEREFORE, BE IT ORDERED that the Farmland Preservation Map Which Identifies Voluntary Agricultural Districts (VAD) and Agricultural Priority Areas (APA) are adopted.

Adopted by the Board of County Commissioners during regular session on this 24th day of November, 2003.

/s/ Ellen W. Reckhow  
Chairman, County Commissioners

Attest: /s/ Garry E. Umstead  
Clerk to the Board

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. h. NCDOT Community Transportation Grant Approval Request (approve the application and authorize Cooperative Extension to submit the FY 2004-2005 Community Transportation Program Grant to the North Carolina Department of Transportation).

Following questions by Commissioner Heron, the following motion was made:

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the application. Authorize Cooperative Extension to submit the FY 2004-2005 Community Transportation Program Grant to the North Carolina Department of Transportation.

The motion carried unanimously.

The resolution follows:

RESOLUTION

Applicant Seeking Permission to Apply for CTP Funding,  
Enter Into Agreement with the North Carolina Department of Transportation  
and to Provide the Necessary Assurances

Whereas, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

Whereas, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

Whereas, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

Whereas, Durham County Government hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b)

Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.:

NOW, THEREFORE, BE IT RESOLVED that Chairman Ellen W. Reckhow of the Durham County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

Consent Agenda Item No. j. Durham City/County Interlocal Cooperation Agreement for Planning (approve the Interlocal Cooperation Agreement for Planning and authorize the Manager to execute the Agreement).

After questions and discussion, the following motion was made:

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the Interlocal Cooperation Agreement for Planning. Authorize the Manager to execute the Agreement.

The motion carried unanimously.

### **Public Hearing—Transportation Improvement Program (TIP) for FY 2006-2012**

The Transportation Improvement Program (TIP) determines how state and federal transportation funds will be spent throughout Durham County and the State of North Carolina in upcoming years. The bi-annual TIP preparation begins with a process of setting of priorities by local jurisdictions. Each jurisdiction gives a priority recommendation for transportation projects that have not been funded or are partially funded. A public hearing is scheduled, followed by a three-week comment period. Following the public hearing, if appropriate, the TIP priorities should be adopted by the Board.

#### Attachments:

- A. 2003 County of Durham Resolution and Priority List for 2006-2012 TIP
- B. TIP Two-year Cycle Process
- C. 2001 Durham County Priority List
- D. 2001 City of Durham Priority List
- E. 2001 Regional Priority List for 2004-2010 TIP
- F. Durham County Element of the 2004-2010 TIP
- G. Funding status of Durham County Projects in the 2004-2010 TIP Priority List
- H. 2006-2012 TIP Development Schedule  
Map #1 TIP Project Map



RESOURCE PERSON(S): Felix Nwoko, Transportation Planning Manager, City Transportation Division

COUNTY MANAGER'S RECOMMENDATION: Conduct the public hearing and, if appropriate, adopt the FY 2006-2012 TIP Priorities List.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to adopt the FY 2006-2012 TIP Priorities List as amended.

The motion carried unanimously.

**Quasi-Judicial Public Hearing: Major Special Use Permit—Bahama Volunteer Fire and Rescue (Case M03-03)**

The Board was requested to hold a quasi-judicial public hearing to consider a Major Special Use Permit for a government facility on a parcel located within the RD, R-20, and R-15 Zoning Districts.

Direct the Planning Director to prepare an order for adoption in one of the following ways: 1) approval; 2) approval with conditions; 3) denial; or, 4) continue the hearing to a specified later meeting.

The Timmons Group, on behalf of the Bahama Fire and Rescue Company, proposes a new volunteer fire station and headquarters on a parcel with access on the south side of Bahama Road and east of Staggsville Road (PIN 0838-04-70-6049, Parcel ID# 191071). The proposed station will comprise 14,843 square feet (21'4" high) with four bays for storage of six fire and emergency vehicles.

The Planning Department recommended approval based on the technical requirements.

RESOURCE PERSON(S): Frank M. Duke, AICP, Planning Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board conduct a quasi-judicial public hearing and, if appropriate, based on the testimony, make required findings and approve.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the Order Granting, Upon Certain Conditions, a Major Special Use Permit for Bahama Volunteer Fire and Rescue Headquarters (Case M03-03).

The motion carried unanimously.

**Major Site Plan—Bahama Volunteer Fire and Rescue Headquarters (D03-412)**

The Timmons Group, on behalf of the Bahama Volunteer Fire and Rescue & EMS Company Inc., submitted a site plan for a 14,843-square-foot fire and rescue station on 21.01 acres, zoned RD, R-15, R-20 and M/LR-A. The applicant requested a reduction in the required buffer from 30 feet to 15 feet along the western boundary of the site. The property is located on the south side of Bahama Road and east of Staggsville Road. PIN 0838-04-70-6049. Parcel ID 191071. Durham County Street Atlas Page 17, Blocks C-2 and D-2.

The Planning staff recommended approval.

RESOURCE PERSON(S): Frank M. Duke, AICP, Planning Director

COUNTY MANAGER’S RECOMMENDATION: The Manager’s recommendation was that the Board approve the site plan.

Commissioner Cousin moved, seconded by Commissioner Heron, to approve the Major Site Plan—Bahama Volunteer Fire and Rescue Headquarters (D03-412).

The motion carried unanimously.

**Scattered Site Housing Program**

On December 9, 2002, the County received a Community Development Block Grant (CDBG) for \$400,000 to be used for a Scattered Site Housing Program in Durham County. On January 28, 2002, the Board awarded a consulting contract to Benchmark, LLC for administering the CDBG Scattered Site Housing Program through December 30, 2003. The total amount for those services was an amount not to exceed \$49,937.00. The primary objective of the CDBG Scattered Site Housing Program is to improve housing conditions of very low-income households with incomes at or below 50 percent of area median income. Eligible counties receive these funds every three years on a noncompetitive basis. The funds can be used only in the unincorporated areas of Durham County.

Although Benchmark had performed much of the planning services required under the contract, staff has been informed recently that Benchmark has ceased doing business and another company purchased much of its assets. In light of these events, the County Attorney’s Office advises that the Board declare Benchmark in default and terminate the contract pursuant to Section 5 of the contract. To date, the County has paid Benchmark \$19,418.89 for services rendered; however, \$30,518.00 remain under the contract which will not be paid to Benchmark, due to its substantial failure to perform and subsequent default.

To preserve the remainder of the CDBG funds received from the state for the program, the County is in need of a new consulting firm to administer the Scattered Site Housing Program. The County will need to follow the procurement process to replace the administrator. The maximum amount of the new contract shall not exceed \$30,518.00 and shall be paid from the CDBG grant funds received by the County in December 2002.

RESOURCE PERSON(S): Wendell M. Davis, Deputy County Manager

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation was that the Board declare Benchmark, LLC in default of its contract with Durham County and authorize staff to begin the procurement process for selecting a new consulting firm to administer the CDBG Scattered Site Housing Program.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to declare Benchmark LLC in default of its contract with Durham County. Terminate the contract and authorize staff to begin the procurement process for selecting a new consulting firm to administer the CDBG Scattered Site Housing Program.

The motion carried unanimously.

#### **Appointment to the Convention and Visitors Bureau**

Commissioner Jacobs moved, seconded by Commissioner Cousin, to appoint Commissioner Heron to the Durham Convention and Visitors Bureau effective December 2003 through December 2005.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, Reckhow  
Noes: None  
Absent: Vice-Chairman Bowser was not in the Commissioners' Chambers during the vote.

#### **Commissioner Appointments to the Career and Technical Education Task Force**

Commissioner Cousin moved, seconded by Commissioner Jacobs, to appoint Vice-Chairman Bowser and Commissioner Heron to the Career and Technical Education Task Force (to study career and vocational training needs in Durham County and investigate the feasibility of creating a vocational school that prepares high school students to favorably compete for new and existing jobs in Durham County).

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, Reckhow  
Noes: None  
Absent: Vice-Chairman Bowser was not in the  
Commissioners' Chambers during the vote.

### **Task Force to Consider the Funding Shortfall for After-School Care Assistance**

Chairman Reckhow announced that a new task force has been established to consider ways to maintain access to before- and after-school care by using the full range of funding for subsidy more efficiently and effectively, establishing cooperative relationships with providers, and seeking broader community support.

\$700,000 is still need to fund the program for the remainder of this fiscal year.

The Board of Commissioners looks forward to obtaining a report from this task force on ways to use more effectively our subsidy dollars and ways to involve the community in providing after-school care.

### **Closed Session**

Commissioner Cousin moved, seconded by Commissioner Jacobs, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer.

The motion carried unanimously.

### **Reconvene to Open Session**

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

### **Adjournment**

Chairman Reckhow adjourned the meeting at 9:30 p.m.