

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

Monday, October 27, 2003

7:00 P.M. Regular Session

ACTION MINUTES-DRAFT

Opening of Regular Session

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

Recognition of City of Medicine High School Awards

The City of Medicine High School Awards were presented to six outstanding students from Durham Public Schools at a special ceremony on October 9, 2003. Diane Wright, Chair, Durham Health Partners, recognized the following students as Richard Meyers Scholarship Winners and Thomas Howerton Scholarship Winners:

Richard Meyers Scholarship Award Thomas Howerton Scholarship Award
Gurdal Baidwan, Winner (\$3,000) Stephen Hoyle, Winner (\$3,000)

Southern High Jordan High

Matthew Rinehart, Runner Up (\$1,500) Monjural Dolon, Runner Up (\$1,500)

Jordan High Southern High

Emily Nwakpuda, Judges Incentive Award (\$500) Syed Jaffery, Judges Incentive Award (\$500)
Hillside High School Southern High School

Resource Person(s): Diane Wright, Chair, Durham Health Partners Board of Directors

County Manager's Recommendation: The County Manager recommended that the Board congratulate the 2003 City of Medicine Award Winners.

Agenda Adjustments

County Attorney Chuck Kitchen noted an addition to the Closed Session [G.S. § 143-318.11(a)(3) to consult with an attorney to preserve the attorney-client privilege regarding *Davis v. Durham Mental Health Developmental Disabilities Substance Abuse Area Authority*, et al., file no. 1:03CV273]. The revised agenda action form had been placed at each Commissioner's station.

Commissioner Bowser added an agenda item regarding the need for a four-way stop sign at the intersection of Red Mountain Road and Moores Mill Road.

Announcements

Chairman Reckhow publicly thanked Deborah Craig-Ray, Public Information/Governmental Affairs Director, and Darnell Tabron, Social Studies Coordinator, Durham Public Schools, for organizing the successful County Government Day for "Junior Leadership Durham" held on October 22, 2003. Approximately 20 high school students shadowed the County Manager and various Department Heads during the morning hours, followed by a mock county commission meeting in the afternoon. Chairman Reckhow also thanked everyone who attended, including Vice-Chairman Bowser and Commissioner Heron.

Chairman Reckhow announced that the Money Wi\$e Durham Coalition is sponsoring an information forum to help working families become more financially stable. Topics include Earned Income Tax Credit, free income tax assistance, banking relationships, and financial education. The free session is open to the public and will be held October 30 from 6:30 to 8:30 p.m. at the Herald-Sun Civic Room, 2328 Pickett Road. Chairman Reckhow encouraged citizens to attend.

Minutes

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve as submitted the following Minutes of the Board:

- a. September 29, 2003 Fall Retreat
- b. October 7, 2003 Worksession
- c. October 13, 2003 Regular Session

The motion carried unanimously.

Resolution Honoring the Memory of Lt. Harold Bowen

Commissioner Becky Heron requested that a resolution be prepared honoring the life and work of Lt. Harold Bowen, who passed away on September 10, 2003. Mr. Bowen was a firefighter and EMT for Bahama Volunteer Fire Department for more than 20 years. He will be remembered for his outstanding contributions to the entire community.

County Manager's Recommendation: The County Manager recommended that the resolution be presented to family members of Lt. Harold Bowen, along with grateful appreciation from Durham County citizens.

Commissioner Heron read the following resolution into the record:

WHEREAS, Harold T. Bowen was a generous human being who loved his community and worked individually and collectively to improve the health, welfare, and safety of his neighbors; and

WHEREAS, in addition to being a loving husband and father, he spent more than twenty years working as a firefighter and as an EMT primarily based out of the Bahama Volunteer Fire Department; and

WHEREAS, he never hesitated to enter a structure filled with thick smoke or flames while risking his own life in such a dangerous line of work to rescue innocent lives; and

WHEREAS, Lt. Bowen was admired for his dedication, as a bridge builder and as a true team player who mentored others, and always stressed the importance of bringing professionalism to the work; and

WHEREAS, he will forever and fondly be remembered as a quiet hero who brought comfort to those involved in an emergency:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby honor the memory of

LT. HAROLD T. BOWEN

a compassionate public servant who unselfishly gave his talents to improve the lives of others. We call upon citizens of Durham County to remember the numerous contributions he made in this community, particularly while serving as a member of the Bahama Volunteer Fire Department.

This the 27th day of October, 2003.

/s/ Five Commissioners

Durham County Commissioners

Proclamation for Home and Hospice Care Month

November is National Home Care and Hospice Month. Helen Poole, Director of Major Gifts, Marketing and Development for Duke Health Community Care, requested that the Chairman of the Board of County Commissioners proclaim the month of November as Home and Hospice Care Month in Durham County. Mari Pitcher, Hospice Representative, accepted the proclamation.

County Manager's Recommendation: The County Manager recommended that the Board approve the proclamation and present it to Ms. Mari Pitcher.

Chairman Reckhow read the following proclamation into the record:

WHEREAS, in-home health, hospice and community-based services provide for an individual's health and social needs across the continuum of life-compassionate care which serves expectant mothers, children, adults, persons with disabilities and the elderly, and also provides love, comfort and support at the end of life; and

WHEREAS, in-home health, hospice and community-based services enable Durham County's citizens to access a wide variety of quality health and social services, including preventive care, acute care, sustainable long-term care and palliative care; and

WHEREAS, these services provide care offered by home health agencies, licensed home care agencies, hospice agencies, adult day care and adult day health care facilities, and home medical equipment companies; and

WHEREAS, in-home health, hospice and community-based services build upon a strong tradition of care and compassion, striving to keep families intact and responsible while preserving each individual's independence and dignity in the setting of his or her choice:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Commissioners, do hereby proclaim November 2003, as

"HOME AND HOSPICE CARE MONTH"

in Durham County, and urge our citizens to observe this month by giving recognition and support to all in-home and community-based services.

This the 27th day of October, 2003.

/s/ Ellen W. Reckhow

Chairman, County Commissioners

Proclamation for Grief Awareness Week-November 2-8, 2003

November 2-8, 2003 is Grief Awareness Week. Representatives of the Duke Community Bereavement Services requested that the proclamation be issued. Mari Pitcher, Hospice Representative, accepted the proclamation on behalf of the organization.

County Manager's Recommendation: The County Manager recommended that the Board approve the

proclamation and present it to Ms. Mari Pitcher.

Commissioner Cousin read the following proclamation into the record:

WHEREAS, each year, there are approximately 2 million deaths in the United States, which directly affect 10-12 family members per death (excluding close friends and colleagues), thus having an impact on approximately 20 million people; and

WHEREAS, in North Carolina, there are approximately 72,000 deaths each year; and

WHEREAS, natural disasters like Hurricane Floyd, tragic deaths like 9/11, suicides and school shootings touch countless lives and continue to have an impact long after the initial event; and

WHEREAS, grieving is a natural and normal response to death and other losses and is a healthy way for people to take care of themselves; and

WHEREAS, cultural traditions and religious institutions have historically recognized the need for community mourning rituals and individual grief expressions; and

WHEREAS, all Durham County citizens are urged to be sensitive and supportive of their families, neighbors, friends, and colleagues who are adjusting to a significant loss in their lives; and

WHEREAS, a week set aside for grief awareness will enhance solidarity with our human mortality and our common need for mourning and healing and will promote spiritual, mental, physical, and emotional health; and

WHEREAS, we urge all Durham County citizens during this week to remember and support those who have experienced a significant loss in their lives; and

WHEREAS, we urge all Durham County citizens during this week to participate in community activities and educational events to increase their own knowledge of the grief process so that neighborhoods, faith communities, and workplaces can create a more healing environment for those in grief:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen Reckhow, Chairman of the Durham County Commissioners, do hereby proclaim the first week in November as

GRIEF AWARENESS WEEK

in Durham County, in recognition of every person's right to grieve in the face of death and loss.

This the 27th day of October, 2003.

/s/ Ellen W. Reckhow

Chairman, County Commissioners

Literacy Council Presents Special Award to Durham County Board of Commissioners

The Literacy Council, at its annual meeting on Thursday, October 16, 2003, held an awards ceremony. Commissioner Heron was present at the ceremony to accept the award on behalf of the Durham County Commissioners. The award recognized the Board for its continuing support of the organization.

Resource Person(s): Sandee Washington, GED Program Coordinator, Literacy Council

County Manager's Recommendation: The County Manager recommended that the Board receive the award from the Literacy Council with grateful appreciation.

Ms. Washington officially presented the award to the entire Board of Commissioners in recognition of its

exemplary commitment to cooperation, creative problem solving, and community accountability so crucial to closing the achievement gap among Durham teens.

Best Workplaces for Commuters Distinction

Best Workplaces for Commuters, established by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT), is a public-private sector program recognizing employers who reach a National Standard of Excellence for offering cost-effective, highly sought-after commuter benefits to their workforce. This nationwide, voluntary program advocates employee commuter benefits and promotes innovative solutions to commuting challenges. Participating companies earn the designation "Best Workplaces for Commuters"-a mark of excellence for environmentally- and employee-friendly organizations.

Best Workplaces for Commuters was launched as a pilot program in October 2000 with 11 pilot partners. In April 2001, the pilot phase ended and the program was opened to employers nationwide and now includes over 1800 employers, covering more than 800,000 employees. Other partners in North Carolina obtaining this distinction include:

Cisco Systems Inc., Research Triangle Park, NC

GlaxoSmithKline, Research Triangle Park, NC

National Institute of Environmental Health & Sciences, Research Triangle Park, NC

Research Triangle Foundation, Research Triangle Park, NC

Triangle Transit Authority, Research Triangle Park, NC

University of North Carolina, Chapel Hill, NC

U.S. Environmental Protection Agency, Research Triangle Park, NC

To participate in this federal program, employers must meet numerous criteria, including a central point of contact for commuter benefit information; educational and informational promotion of commuting alternatives; transit or vanpool subsidies; telecommuting options; a ridesharing match program; bicycle racks; active membership in a Transportation Management Association; and a voluntary agreement with EPA and DOT. As part of this agreement, Durham County has consented to a series of commitments to continue promotion of commuting benefits and to submit annual reports to the EPA detailing the commuting choices of our workforce.

Resource Person(s): Heidi Duer, Assistant to the County Manager

County Manager's Recommendation: The County Manager recommended that the Board receive the presentation.

Ms. Duer described the Best Workplaces for Commuters program created to recognize environmentally- and employee-friendly organizations committed to the promotion of commuting benefits for employees. Durham County is honored to be a member of this program, which provides a network of resources to participants and promotes members nationwide through marketing efforts.

Through Durham County's Commute Trip Reduction Ordinance adopted by the Board in February 2000 and the TDM Program known as RAVE (reduction alternatives to vehicle emissions), the County has met the criteria for the distinction. With the RAVE program in its third full year, Durham County continues realizing a reduction in the number of single-occupancy vehicles driven to and from work, as well in vehicle miles traveled per day. Before implementation of the RAVE program, nearly 100 percent of County employees drove single-occupancy vehicles to and from work. During the first year of the RAVE program (2000-2001), the number was reduced to 87 percent, while continuing to drop to its current 84 percent. Subsequently, the number of employees riding the bus and carpooling has increased (.8 percent to 6.6 percent and 4 percent to 5.6 percent, respectively).

Durham County Government ranks in the top 1 percent of commuter-friendly employers in the country, while its participation in the Best Workplaces for Commuters program demonstrates leadership and commitment to reducing traffic and air pollution, as well as improving the quality of life for employees.

Consent Agenda

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

- *a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the September 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. 04BCC000021-FY 2003-2004 Encumbrances (approve the budget ordinance amendment; the unrestricted fund balance will not be affected by this amendment);
- *c. Budget Ordinance Amendment No. 04BCC000022-Recognize Deferred Revenue for the Departments of Fire Marshall, Public Health, Sheriff, Budget, Social Services, Tax, and Mental Health (approve the budget ordinance amendment to recognize deferred revenue in the amount \$1,532,397);
- *d. Budget Ordinance Amendment No. 04BCC000023-Recognize Revenue From the Bureau of Justice Assistance (BJA) (authorize the Sheriff's Office to accept the award from the Bureau of Justice Assistance and approve the budget ordinance amendment in the amount \$93,108);
- *e. Budget Ordinance Amendment No. 04BCC000024-Fire Marshal-US Department of Homeland Security/State Homeland Security Grant Program (approve the budget ordinance amendment in the amount of \$221,227 to be received from the North Carolina Crime Control and Public Safety, Division of Emergency Management);
- f. Donation of Obsolete Desktop Computers to Triangle United Way (declare the obsolete systems surplus and approve donation of these systems to Triangle United Way);
- *g. Ordinance Amending the Commute Trip Reduction Program (approve the ordinance with the changes proposed by the Advisory Board and County Attorney); and
- h. Contract Amendment-Extension of Schedule for Development of Unified Development Ordinance (UDO) (approval to execute an amendment to the UDO contract to extend the schedule for project completion through September 30, 2004).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the September 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 September 2003.

Releases & Refunds for 2003 Taxes:

Real \$ 27,134.49

Personal \$ 67,774.69

Registered Vehicles \$ 19,849.30

Vehicle Fees \$ 255.00

Solid Waste \$ 260.00

Total for 2003 Taxes and Fees \$ 115,273.48

Prior years (1999-2002) releases and refunds for September 2003 are in the amount of \$18,187.58.

The total current year and prior years' releases and refunds amount to \$133,461.06.

(Recorded in Appendix A in the Permanent Supplement of the October 27, 2003 Regular Session

Minutes of the Board.)

Consent Agenda b. Budget Ordinance Amendment No. 04BCC000021-FY 2003-2004 Encumbrances (approve the budget ordinance amendment; the unrestricted fund balance will not be affected by this amendment).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance

Amendment No. 04BCC000021

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

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Other Financing Sources \$ 13,339,630 \$ 2,219,374 \$ 15,559,004

SELF INSURANCE FUND

Other Financing Sources \$ 350,000 \$ 18,175 \$ 368,175

REAPPRAISAL RESERVE FUND

Other Financing Sources \$ 100,000 \$ 687 \$ 100,687

SEWER UTILITY FUND

Other Financing Sources \$ 0 \$ 617,654 \$ 617,654

EQUIPMENT LEASING FUND

Other Financing Sources \$ 250,000 \$ 20,000 \$ 270,000

Expenditures:

Activity

GENERAL FUND

General Government \$ 22,676,954 \$ 715,274 \$ 23,392,228

Public Safety \$ 35,780,215 \$ 307,416 \$ 36,087,631

Environmental Protection \$ 2,603,753 \$ 7,698 \$ 2,611,451

Economic & Physical

Development \$ 2,919,461 \$ 66,779 \$ 2,986,240

Human Services \$ 354,999,247 \$ 973,853 \$ 355,973,100

Cultural & Recreational \$ 7,762,726 \$ 148,354 \$ 7,911,080

SELF INSURANCE FUND

General Government \$ 1,505,651 \$ 18,175 \$ 1,523,826

REAPPRAISAL RESERVE FUND

General Government \$ 100,000 \$ 687 \$ 100,687

SEWER UTILITY FUND

Utilities \$ 6,446,455 \$ 617,654 \$ 7,064,109

EQUIPMENT LEASING FUND

Other \$ 1,147,853 \$ 20,000 \$ 1,167,853

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

This the 27th day of October, 2003.

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

Consent Agenda c. Budget Ordinance Amendment No. 04BCC000022-Recognize Deferred Revenue for the Departments of Fire Marshall, Public Health, Sheriff, Budget, Social Services, Tax, and Mental Health (approve the budget ordinance amendment to recognize deferred revenue in the amount \$1,532,397).

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance

Amendment No. 04BCC000022

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

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$296,013,996 \$ 1,491,570 \$297,505,566

Miscellaneous Income \$ 3,721,967 \$ 40,827 \$ 3,762,794

Expenditures:

Activity

GENERAL FUND-

General Government \$ 23,392,228 \$ 147,187 \$ 23,539,415

Public Safety \$ 36,087,631 \$ 156,273 \$ 36,243,904

Human Services \$355,973,100 \$ 1,228,937 \$357,202,037

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

This the 27th day of October, 2003.

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

Consent Agenda d. Budget Ordinance Amendment No. 04BCC000023-Recognize Revenue From the Bureau of Justice Assistance (BJA) (authorize the Sheriff's Office to accept the award from the Bureau of

Justice Assistance and approve the budget ordinance amendment in the amount \$93,108).

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance

Amendment No. 04BCC000023

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

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$297,505,566 \$93,108 \$297,598,674

Expenditures:

Activity

GENERAL FUND

Public Safety \$ 36,243,904 \$93,108 \$ 36,337,012

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

This the 27th day of October, 2003.

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

Consent Agenda e. Budget Ordinance Amendment No. 04BCC000024-Fire Marshal-US Department of Homeland Security/State Homeland Security Grant Program (approve the budget ordinance amendment in the amount of \$221,227 to be received from the North Carolina Crime Control and Public Safety, Division of Emergency Management).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance

Amendment No. 04BCC000024

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

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$297,598,674 \$221,227 \$297,819,901

Expenditures:

Activity

GENERAL FUND

Public Safety \$ 36,337,012 \$221,227 \$ 36,558,239

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

This the 27th day of October, 2003.

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

Consent Agenda g. Ordinance Amending the Commute Trip Reduction Program (approve the ordinance with the changes proposed by the Advisory Board and County Attorney).

The ordinance amendment follows:

ORDINANCE AMENDING THE COMMUTE

TRIP REDUCTION PROGRAM

WHEREAS, certain changes have been recommended by the Trip Reduction Program Multi-jurisdictional Advisory Board to the County's Trip Reduction Program; and

WHEREAS, the Board of Commissioners had considered the recommended changes, and has found the changes to be in the interest of the welfare of the citizens of Durham County.

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

1. That section 24-118 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-118. Requirements for Major Employers.

In each year, each Major Employer shall:

1. Provide each full time, part-time, contract, or other employee with information on Alternate Mode options and required travel reduction measures and related incentives. This may include, but is not limited to: any bus routes and schedules, information on any ride share programs, and any bicycle routes. This information shall also be provided to new employees, as described above, at the time of hiring.
2. (a) Participate in a survey and reporting effort, as directed and scheduled by the Lead Agency staff. All surveys or other reporting efforts as approved by the Lead Agency shall be completed by at least the number of employees as shown in the following table to meet the required sample size:

Number of employees Required sample size

100-119 65

120-139 78

140-159 91
160-179 104
180-199 117
200-219 130
220-239 143
240-259 156
260-279 169
280-299 182
300-319 195
320-339 208
340-359 221
360-379 234
380-399 247
400-419 261
420-439 268
440-459 273
460-479 280
480-499 285
500-549 289
550-599 301
600-649 312
650-699 323
700-749 331
750-799 339
800-849 347
850-899 353
900-949 360

950-999 365

1,000-1,099 371

1,100-1,199 380

1,200-1,299 388

1,300-1,399 396

1,400-1,499 403

1,500-1,599 408

1,600-1,699 413

1,700-1,799 417

1,800-1,899 423

1,900-1,999 427

2,000-2,199 429

2,200-2,399 436

2,400-2,599 441

2,600-2,799 447

2,800-2,999 451

3,000-3,499 453

3,500-3,999 461

4,000-4,499 468

4,500-4,999 472

5,000-5,999 476

6,000-6,999 481

7,000-7,999 485

8,000-8,999 489

9,000-9,999 491

10,000-14,999 493

15,000-19,999 501

20,000-29,999 503

30,000-39,999 505

40,000-49,999 507

50,000 & over 508

(b) The results of the survey or other reporting efforts which are accurate, verifiable and comparable to a survey for determining single occupancy vehicle use during peak periods and vehicle miles traveled, and as approved by the Lead Agency, shall be used to determine if the traffic congestion and reduction targets have been achieved. Employee participation and trip reduction shall be based on the total number of employees.

3. Prepare and submit a travel reduction plan to Lead Agency staff. The Lead Agency staff will assist in preparing the required plans when requested to do so by the employer. Major Employers shall submit plans according to a schedule set by the Lead Agency. If not notified earlier by the Lead Agency, Major Employers shall submit plans by December 31 of each year. One plan may be submitted for each Major Employer which addresses the travel reduction measures for all of the facilities located in Durham County. Each Major Employer shall set its own good faith goals and shall work toward achieving the community goals set forth herein. The plan shall contain the following elements:

A. The name, address, e-mail address, and phone and fax number of the formally designated Transportation Coordinator.

B. A description of employee information programs designed to achieve the designated transportation reduction goals and other travel reduction measures which have been completed to date or during the previous year.

C. A description of travel reduction measures to be undertaken by the Major Employer in the upcoming year of the plan. The following measures may be included:

a. Participate in a commuter matching service to facilitate employee Ridesharing for work trips.

b. Provision of vans for Vanpooling.

c. Subsidized Carpooling or Vanpooling which may include payment for fuel, insurance, or parking.

d. Use of company vehicles for Carpooling.

e. Provision of preferential parking for Carpool or Vanpool users which may include close-in parking or covered parking facilities.

f. Reduction of on-site employees parking or redesignation of existing parking for pooling employees.

g. Subsidized bus fares.

h. Construction of special loading and unloading facilities for transit, Carpool, and

Vanpool users.

- i. Cooperation with the City or County of Durham in construction of sidewalks or bicycle routes for the work site.
- j. Provision of bicycle racks, lockers, and showers for employees who walk or bicycle to and from work.
- k. Provision of a special information center, including a web page on the company's Internet site, where information on Alternate Modes and other travel reduction measures will be available.
- l. Establishment of a work-at-home program, including telecommuting, for employees.
- m. Establishment of a program of adjustable work hours which may include compressed workweeks and employee selected starting and stopping hours. Work hour adjustments should not interfere with or discourage use of ridesharing and transit.
- n. Establishment of a program of parking incentives and disincentives; such as a fee for parking and/or a "rebate" for employees who do not use the parking facility.
- o. Implementation of other measures designed to reduce Commute Trips such as provision of day-care facilities, restaurant, or emergency ride home services.

D. A Travel Reduction Plan shall meet all the following criteria:

- 1. The plan shall designate a Transportation Coordinator.
- 2. The plan shall describe a mechanism for routine distribution of Alternate Mode transportation information to employees.
- 3. The plan shall accurately and completely describe current and planned travel reduction measures.
- 4. The plan shall state the travel reduction goals adopted by the Major Employer, including both Alternate Mode and Non-Peak Commute Trips and Average Commute Trip VMT Reduction.
- 5. The plan shall be signed by the Site Executive.

2. That section 24-122 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-122. Review of Effectiveness of Ordinance.

The Multi-jurisdictional Advisory Board after consultation with the Lead Agency, if other than the County, shall report to the Board of Commissioners, the Durham City Council and Chapel Hill Town Council, if the two municipalities have allowed this ordinance to be enforced in their jurisdictions or enacted a substantially similar ordinance and have entered into an interlocal government cooperation agreement with the County of Durham for the administration of this or a substantially similar ordinance,

and to other jurisdictions which have enacted a substantially similar ordinance and have entered into an interlocal government cooperation agreement as set forth in Sec. 24-120, by December 31, 2002, and every two years thereafter, on the effectiveness of this Ordinance, and shall, as part of this report, make recommendations for changes in the Ordinance or implementing program as deemed appropriate.

3. That section 24-123 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-123. Definitions.

1. "Alternate Mode" means any mode of commute and transportation other than the single occupancy motor vehicle, including telecommuting.
2. "Travel Reduction Plan" means a plan submitted by a Major Employer that meets the requirements as set forth in this article.
3. "Carpool" means two or more persons traveling in a light duty vehicle (car, truck, or van) to or from work.
4. "Peak Commute Trip" means a trip taken by an employee to or from work during peak hours.
5. "Commute Trip" means a trip taken by an employee to or from work.
6. "Commuter Matching Service" means any system, whether it uses computer or manual methods, which assists in matching employees for the purpose of sharing rides to reduce drive alone travel.
7. "Employer" means a sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, either public or private, that employs workers. However, the term "employer" shall not include the State of North Carolina, the United States of America, or any agency thereof.
8. "Full-time equivalent (FTE) employees" means the number of employees the employer would have if the employers work needs were satisfied by employees working 40 hours per work week. The number of full-time equivalent employees for any employer is calculated by dividing the total number of annual work hours paid by the employer, including work hours paid to contract or other workers whether or not considered employees of the major employer, by 2080 work hours in a year.
9. "Lead Agency" means a governmental or quasi-governmental agency shall evaluate Major Employer's travel reduction plans and the results achieved by the Major Employers due to the implementation of the plans, and shall provide consultative and educational programs for businesses, industries, and the general public.
10. "Major Employer" means an employer who employs, during a 24 hour period, 100 or more full-time equivalent employees with at least 50 employees at a work site for at least six months during the year. Not included in this calculation shall be any employee who is required by the nature of his work to daily use a personal owned vehicle in his work or is required to commute using a vehicle owned by the employer.
11. "Mode" means the type of conveyance used in transportation including single occupancy

motor vehicle, ride share vehicle (Carpool or Vanpool), transit, bicycle, and walking.

12. "Non-Peak Commute Trip" means a trip taken by an employee to or from work during hours which are not Peak Hours.
13. "Motor Vehicle" means every device in, upon or by which any property is or may be transported or drawn upon a highway by mechanical means including car, van, bus, motorcycle, and all other motorized vehicles.
14. "Peak Hours" mean the hours between 7:00 AM and 9:00 AM or 4:30 PM and 6:30 PM .
15. "Ridesharing" means transportation of more than one person for commute purposes, in a motor vehicle, with or without the assistance of a commuter matching service.
16. "Site Executive" means the highest ranking corporate officer in Durham County of a Major Employer.
17. "Transit" means a bus or other public conveyance system.
18. "Transportation Coordinator" means a person designated by employer as the lead person in developing and implementing a travel reduction plan. The Transportation Coordinator shall act as the agent for the Major Employer for purposes of this ordinance.
19. "Travel Reduction Plan" means a written report outlining travel reduction measures which will be submitted annually by each Major Employer.
20. "Travel Reduction Program" means a program, implementing a travel reduction plan by an employer, designed to achieve predetermined reductions in commute trips and vehicle miles traveled through various incentives and disincentives.
21. "Vanpool" means seven or more persons traveling to and from work together in one vehicle.
22. "Vehicle Occupancy" means the number of occupants in a motor vehicle including the driver.
23. "Vehicle Miles Traveled" (VMT) means the average (mean) number of miles traveled by a motor vehicle for commute trips.
24. "Work Site" means a building or any grouping of buildings located within Durham County which are physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and which are owned or operated by the same employer.

4. This Ordinance shall be effective November 1, 2003.

This the 27th day of October, 2003.

Preliminary Plat-Landings at American Village (Case D03-201)

Tony M. Tate Landscape Architecture, P.A., on behalf of Regions Development, LLC, has submitted a preliminary plat for 104 clustered single-family residential lots on an approximate 64.3-acre site zoned R-20. The property is located on the west side of American Drive and south of Neal Road and Southern Railroad. PIN 0802-02-77-6852, 0802-02-68-8138, 0802-02-68-8513, 0802-02-67-8823, 0802-02-67-8415 (portion). County Atlas Page 47, Block C-1, C-2, D-1, D-2.

The Planning staff recommends approval.

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department

County Manager's Recommendation: The County Manager recommended approval.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the Preliminary Plat-Landings at American Village (Case D03-201).

The motion carried unanimously.

(Tax Map number: _____; recorded in Ordinance Book _____, page _____.)

Time Warner Cable's Rate Filing Through January 2004

On October 1, 2003, Time Warner Cable submitted an FCC-1240 Updating Maximum Permitted Rates filing, FCC-1205 Determining Regulated Equipment and Installation costs, and FCC-1235 cost of Service Filing for Cable Network Upgrades for Regulated Cable Service with the County. Time Warner Cable's filing includes actual and estimated costs which it may incur during the projected period January - December 2004, along with previous expenses from the "true up" period October 2002-September 2003;

The Federal Communications Commission has promulgated rate filing procedures that allow cable operators to estimate future external costs, and costs associated with system upgrades, and recover those projected costs utilizing the FCC-1240 filing process, performed annually;

The County is certified with the FCC to regulate basic cable service, equipment and installation rates and services within Durham County; and

The FCC '76.933 grants franchise authorities the ability to toll the time in which to review rate filings submitted by cable operators, extending the period of review from the initial 30 days, to an additional 90 days (120 days total) past the original date of receipt by the franchise authority.

Resource Person(s): Robert Sepe, President, Action Audits LLC; Chuck Kitchen, County Attorney; and Lowell Siler, Deputy County Attorney

County Manager's Recommendation: The time period in which Durham County has to review Time Warner Cable's FCC-1240 rate filing be tolled 90 days past the original 30 days (120 days total) allowed by the FCC, extending the total review period deadline; and that Time Warner Cable be directed to maintain a complete and accurate accounting of all costs and revenues associated with the aforementioned filing.

Commissioner Heron moved, seconded by Commissioner Jacobs, to extend the time period in which Durham County has to review Time Warner Cable's rate filing to 90 days past the original 30 days (120 days total) and to direct Time Warner to maintain a complete and accurate accounting of all costs and revenues associated with the aforementioned filing.

The motion carried unanimously.

The order follows:

**STATE OF NORTH CAROLINA
DURHAM COUNTY**

Tolling and Accounting Order to

IN THE MATTER OF:) Extend the Review Period for

Regulated Cable Service Provided by Time Warner Cable's 2003

Warner Cable to its Durham County Cable FCC-1240. 1205, 1235 Rate Filing

Television Subscribers) Through January 2004

BEFORE THE DURHAM COUNTY BOARD OF COMMISSIONERS:

WHEREAS, on October 1, 2003, Time Warner Cable submitted an FCC-1240 Updating Maximum Permitted Rates filing, FCC-1205 Determining Regulated Equipment and Installation costs, and FCC-1235 cost of Service Filing for Cable Network Upgrades for Regulated Cable Service with the County. Time Warner Cable's filing includes actual and estimated costs which it may incur during the projected period January - December 2004, along with previous expenses from the Atrue up@ period October 2002-September 2003;

WHEREAS, the Federal Communications Commission has promulgated rate filing procedures that allow cable operators to estimate future external costs, and costs associated with system upgrades, and recover those projected costs utilizing the FCC-1240 filing process, performed annually;

WHEREAS, the County is certified with the FCC to regulate basic cable service, equipment and installation rates and services within the Durham County; and

WHEREAS, the FCC '76.933 grants franchise authorities the ability to toll the time in which to review rate filings submitted by cable operators, extending the period of review from the initial 30 days, to an additional 90 days (120 days total) past the original date of receipt by the franchise authority.

IT IS THEREFORE ORDERED:

THAT the time period in which the Durham County has to review Time Warner Cable's FCC-1240 rate filing is tolled 90 days past the original 30 days (120 days total) allowed by the FCC, extending the total review period deadline; and

THAT Time Warner Cable is directed to maintain a complete and accurate accounting of all costs and revenues associated with the aforementioned filing.

ISSUED BY ORDER OF THE DURHAM COUNTY BOARD OF COUNTY COMMISSIONERS:

This the 27th of October, 2003.

/s/ Ellen W. Reckhow /s/ Garry E. Umstead

Chairman Clerk

Update on After-School Child Care Funding

Due to a funding shortfall, Durham's Alliance for Child Care Access (DACCA) has begun a waiting list for child care subsidies. Currently, there are over 1,200 eligible children on the waiting list (this includes the 688 school-age children being terminated). The combination of increased demand for services, increased costs for quality child care, and a cut in funding from our local Smart Start agency has left Durham with a projected shortfall. Because funding is so limited, subsidy is being terminated for school-aged children for before- and after-school care effective November 14. Letters were sent to parents and child care

providers on October 7, 2003 to give families time to make alternative plans.

Plans have been developed in partnership with the Child Care Services Association and Durham CAN to solicit funds from the faith and business communities to cover the shortfall in funding for school-age children currently enrolled in before- and/or after-school programs. The Department of Social Services will share these plans and provide background information, as well as information on current funding proposals in Congress to address the demand for child care subsidy.

Resource Person(s): Dan Hudgins, DSS Director; Arnold Dennis, Director for Family Economic Independence, DSS; and Karenne Berry, Executive Director, Durham's Alliance for Child Care Access
County Manager's Recommendation: The County Manager's recommendation was that the Board receive the report and provide staff with policy direction on this matter.

The following citizens spoke on this agenda item:

Thomas Sheppard, 1419 Sedgefield Street, Durham, NC 27701

Kim Curtis, 1305 Watts Street, Durham, NC 27701, member of People's Alliance and DurhamCAN

Karima Abdusamad, 1507 Logan Street, Durham, NC 27701, DurhamCAN, Education Team

Tamara Loza, 10107 McQueen Drive, Durham, NC 27704, Child Care Services Association, DurhamCAN

Chairman Reckhow suggested that an intense letter be written to Durham County's Legislative Delegation and the US Senators (copied to Governor Easley and Carmen Hooker Odom, Health and Human Services Secretary). The County Manager was directed to work with Social Services Director Dan Hudgins to determine unexpended funds in Social Services' budget which can be applied in the short term. This item will be addressed further at the November 3, 2003 Worksession.

Board and Commission Appointment

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots for the Commissioners to make an appointment to the Citizens Advisory Committee.

Resource Person(s): Garry E. Umstead

County Manager's Recommendation: The County Manager recommended that the Board of County Commissioners vote to appoint a representative to the Citizens Advisory Board.

Amy Lynn Henderson was appointed to the Citizens Advisory Committee.

Closed Session

The Board of Commissioners was requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(3) & (4) to consult with an attorney to preserve the attorney-client privilege regarding *Davis v. Durham Mental Health Developmental Disabilities Substance Abuse Area Authority*, et al., file no. 1:03CV273, and to consider the location or expansion of an industry.

Chairman Reckhow declared that direction was given to staff during the Closed Session.

Adjournment

Chairman Reckhow adjourned the meeting at 10:11 p.m.

Respectfully submitted,
Garry E. Umstead, CMC
Clerk to the Board



Last updated: May 3, 2006

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200 E Main Street, Durham, NC 27701
webmaster@durhamcountync.gov
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