

September 28, 1998

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

Monday, September 28, 1998

6:30 - 7:00 P.M.

MINUTES

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

Present: Chairman MaryAnn E. Black and Commissioners William V. Bell, Joe W.
Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Interview—ABC Board Candidate

The County Commissioners had planned to interview Mr. Frank A. Ward, candidate for the Alcoholic Beverage Control Board.

Chairman Black announced that Mr. Ward had withdrawn his name as a candidate for the ABC Board.

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to adjourn into Closed Session as permitted by G.S. 143-318.11(a)(6) to discuss a personnel matter.

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The motion carried unanimously.

7:00 P.M. Regular Session

Reconvene Into Open Session

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

Opening of Regular Session

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

Agenda Adjustments

Commissioner Heron added one agenda item.

Vice-Chairman Reckhow announced that the Durham County Commissioners' Great Family Fun Walk, sponsored by the Durham County Fitness Council, will be held on Saturday, October 3, at Duke's Wallace Wade Stadium from 10:30 a.m. until 12:30 p.m. The proceeds from this walk will fund mini grants to the schools to help promote fitness.

Introduction

Chairman Black introduced Boy Scout Troop 400 from Aldersgate United Methodist Church. The troop was working on the Citizenship Merit Badge.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the August 10, 1998 Regular Session Minutes of the Board as corrected.

The motion carried unanimously.

Resolution Honoring the Centennial Anniversary of North Carolina Mutual Life

A resolution recognizing North Carolina Mutual Life Insurance Company's 100 years of existence was prepared by staff at the request of Chairman Black. This local company was founded in 1898, and has operated successfully through the years. Senior Vice President Charles Blackmon was present to receive the resolution and to detail some of the events to take place throughout the anniversary period.

County Manager's Recommendation: Approve the resolution and present to Mr. Blackmon.

Chairman Black read the following resolution into the official minutes:

RESOLUTION

WHEREAS, North Carolina Mutual Life Insurance Company was founded in 1898 by John Merrick, who became the company's first president, Dr. Aaron McDuffie Moore, and five other prominent leaders in the Durham Community; and

WHEREAS, the company was incorporated by the North Carolina General Assembly in 1899 and began selling burial insurance; and

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WHEREAS, from humble beginnings, North Carolina Mutual Life Insurance Company has grown to become the largest African-American owned insurance company in the nation; and

WHEREAS, the company is licensed to sell in 22 states, with offices in 11 states and the District of Columbia; and

WHEREAS, in 1971, North Carolina Mutual Life Insurance Company joined the "Billion Dollar League" by having in excess of \$1 billion worth of insurance in force; and

WHEREAS, in 1990, Bert Collins was named President and Chief Executive Officer, the first CEO not descended from one of the company's founders; and

WHEREAS, North Carolina Mutual is one of the top-10 ranked insurance agencies in the nation with more than \$9 billion worth of insurance in force; and

WHEREAS, several activities over the next 30 days will kick off a year-long celebration of the centennial including: a 20-panel exhibit entitled, "North Carolina Mutual . . . Its World and Its Times," guided tours of the Heritage Room, and N. C. Mutual Night at NCCU's University Theatre featuring the play, "Hayti Lived Before":

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

NORTH CAROLINA MUTUAL LIFE INSURANCE COMPANY

in observance of its 100th Anniversary. We call upon all citizens of Durham County to join in honoring this historic milestone along with the extraordinary achievements of North Carolina Mutual Life Insurance Company. We further ask citizens to join us in extending best wishes for continued growth and success of this visionary and innovative company well into the next millennium.

This the 28th day of September, 1998.

/s/ Five Commissioners
Durham County Commissioners

Mr. Blackmon introduced Eileen Watts Welch and James Sansom, great grandchildren of Mr. Merrick and Dr. Moore. Barbara Peele, Administrative Assistant to Mr. Collins, was introduced also.

The Commissioners made remarks prior to photographs being taken..

Northwest/Northeast Loop

Commissioner Heron announced that the Environmental Affairs Board presented its "Environmental Impacts of the Proposed Northwest/Northeast Corridor" report to the Joint City-County Planning Committee on September 25, 1998. She thanked the Environmental Affairs Board for the report.

Consent Agenda

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

- *(a) Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);

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- (c) Bus stop shelter at Stanford L. Warren Library (approve Deed of Easement as submitted);
- * (d) Street closing—Crystal Lake Road (SC98-1): setting a public hearing (set public hearing for October 12, 1998);
- (e) Contract for Forest Ranger (approve the contract for the County to continue to receive protection from forest fires provided under the contract);
- * (g) FY 1998-99 Budget Ordinance Amendment No. 99BCC000010 (Public Health—approve grant revenue of \$3,500 for Asthma Management Program in school health); and
- * (h) FY 1998-99 Budget Ordinance Amendment No. 99BCC000011 (Public Health—approve grant revenue of \$5,000 for special nutrition program).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 5(a). Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator 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 reports detail releases and refunds for the month of August 1998.

FY 1998-99 releases and refunds amounted to \$13,210.03 in taxes for real property, \$5,714.00 in taxes for personal property, \$19,520.77 in taxes for registered motor vehicles, \$340.00 in city vehicle fees, and \$385.00 in solid waste fees.

For prior years, releases and refunds amounted to \$50,629.84.

(Recorded in Appendix A in the Permanent Supplement of the September 28, 1998 Minutes of the Board.)

Consent Agenda 5(d). Street closing—Crystal Lake Road (SC98-1): setting a public hearing (set public hearing for October 12, 1998).

The resolution follows:

RESOLUTION DECLARING THE INTENT OF THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF DURHAM TO CONSIDER
PERMANENTLY CLOSING
24,763± Square Feet of Crystal Lake Road

AND CALLING A PUBLIC HEARING THEREON.

WHEREAS, the Clerk to the Board of County Commissioners of the County of Durham has received a petition to close 24,763± square feet of Crystal Lake Road:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that:

1. The Board of County Commissioners proposes to consider permanently closing 24,763± square feet of Crystal Lake Road, west of Guess Road.
2. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 12th day of October,

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1998, at 7:00 p.m. in the Board of County Commissioners' Chambers, Durham, North Carolina.

3. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
4. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.
5. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.
6. If it appears to the satisfaction of the Board of County Commissioners after said public hearing that the closing of all of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and egress to his property, the Board of County Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.
7. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald once a week for two successive weeks, the first publication to be not less than ten days nor more than 25 days before the date fixed for the hearing.

This the 28th day of September, 1998.

Consent Agenda 5(g). FY 1998-99 Budget Ordinance Amendment No. 99BCC000010 (Public Health—approve grant revenue of \$3,500 for Asthma Management Program in school health).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,590,975	\$3,500		\$175,597,475
<u>Expenditures</u>				
Human Services	\$208,507,884	\$3,500		\$208,511,384

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

This the 28th day of September, 1998.

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

Consent Agenda (5h). FY 1998-99 Budget Ordinance Amendment No. 99BCC000011 (Public Health—approve grant revenue of \$5,000 for special nutrition program).

The budget ordinance amendment follows:

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DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,597,475	\$5,000		\$175,602,475
<u>Expenditures</u>				
Human Services	\$208,511,384	\$5,000		\$208,516,384

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

This the 28th day of September, 1998.

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

Consent Agenda Items Removed for Discussion

Consent Agenda 5(b). Set fees for EMS (approve the current EMS fee structure).

Commissioner Heron asked a question to which Mickey Tezai responded.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the current EMS fee structure.

The motion carried unanimously.

Consent Agenda 5(f). Contract for transportation services between the City of Durham and Durham County (authorize the County to enter into this contract with the City of Durham to maintain coordinated transportation services for two years with the current vendor).

Commissioner Heron asked a question to which Cheryl Lloyd, Cooperative Extension Director, responded.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to authorize the County to enter into this contract with the City of Durham to maintain coordinated transportation services for two years with the current vendor.

The motion carried unanimously.

Overview of Durham Public Schools Progress

At the request of Commissioner Becky Heron, Superintendent Dr. Ann Denlinger presented a brief overview of various accomplishments of Durham Public Schools. Dr. Denlinger provided specific information about student achievement and State ABC results.

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The Commissioners made comments about the student achievement report.

Public Hearing—Boomer Construction Company (Rezoning Case P98-37)

Boomer Construction Company presented to the Board of County Commissioners a request to amend the development plan for an 18.78-acre site located on the south side of Chin Page Road between Page Road and South Miami Boulevard and further identified as Tax Map 588, Block 1, Lot 11. Request: I-2(D) to I-2(D); Change in Development Plan. The Community Growth Map of the Durham 2020 Comprehensive Plan shows that the requested site is located on the edge of the “Regional Corridor Study Area” that extends between east Durham and Research Triangle Park. The Triangle Township Plan: Future Land Use Map shows Industrial/Business Park for the site. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 11, 1998, and voted 7-0 to recommend approval.

Sheila Stains-Ramp, Senior Planner, Durham City-County Planning Department, presented an overview of the request to amend the development plan. (Vonda Frantz was the case planner.)

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the amendment to the development plan on an 18.78-acre site located on the south side of Chin Page Road. (Rezoning Case P98-37.)

The motion carried unanimously.

(Tax Map number 588, Block 1, Lot 11: recorded in Ordinance Book 2; page ____.)

Lease Agreement for Day Reporting Center

Durham County is responsible for providing office space and training room facilities for the Day Reporting Center. The County is currently leasing space on the 2nd floor of the First Union Building located at 201 North Roxboro Street for this agency. The lease agreement expires on December 31, 1998. Representatives of the landlord have communicated to County staff that First Union has plans for the space and will not be renewing the lease.

As a result, staff has investigated several space options in the downtown area for the Day Reporting Center. Staff recommended leasing 10,531 square feet of office space at 102 East Main Street in downtown Durham. This space is desirable since its location is walking distance to the courthouse, Adult Probation and Parole, and other County agencies. The space is also the lowest cost option available.

The proposed lease rate is \$8.09 per square foot for the first year, which is below the market rate for downtown Durham. In the first year, the landlord has agreed to exclude 1,500 square feet in calculating the rental space charged to the County. The County will be able to use all of the space in the premises. Staff negotiated this free rent to enable the Day Reporting Center to stay within budget (\$82,000). With this arrangement, the agency has enough funds budgeted to pay for six months of rent, moving expenses, computer wiring, and minor cosmetic remodeling. The base rent will increase by 2.5 percent per year beginning in the second year. However, even with the annual increases in rent, the square-footage rate will remain below market rate.

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The landlord is responsible for all taxes and assessments levied against the facility, capital expenses, and for making improvements to the premises before the lease commences on January 1, 1999. The County is responsible for the costs associated with providing utilities and janitorial service. The lease term is for five years.

County Manager's Recommendation: Provide the County Manager with the authority to enter into a lease agreement with the owner/landlord of 102 East Main Street based on the conditions and terms of the lease agreement.

Resource person: David M. Powell, Economic Development/Property Management

Mr. Powell presented the lease proposal to relocate the Criminal Justice Resource Center. The County Attorney will make minor changes to the lease.

The Commissioners asked questions and made comments about the proposal to which Mr. Powell and County Manager Thompson responded.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to provide the County Manager with the authority to enter into a lease agreement with the owner/landlord of 102 East Main Street based on the conditions and terms of the lease agreement.

The motion carried unanimously.

Contract with Employment Security Commission

The Durham County Board of Commissioners was requested to authorize the County Manager to negotiate and execute a contract with the Employment Security Commission of North Carolina in an amount not to exceed \$27,000 to provide employment assistance services to offenders at the Criminal Justice Resource Center.

The County Attorney has reviewed the proposed contract. There are sufficient funds in the department's budget allocated for employment assistance services to cover the expense. The Criminal Justice Partnership Act Advisory Board is aware and in favor of this contract.

The Criminal Justice Resource Center had previously contracted with EASE Inc. to provide employment assistance services. The contract that paid \$6,666.66 monthly to EASE will expire on September 30, 1998. In an effort to secure quality services at a reasonable cost, the Criminal Justice Resource Center explored various options. It appears that most employment assistance programs in Durham have ties to the Job Link Center at the Employment Security Commission. There are several Day Reporting Centers in North Carolina that have entered into a service contract with the offender program of the Employment Security Commission of North Carolina. The Durham ESC office already provides employment services to the County's Work First Program. The contract with ESC is the most cost-effective and reasonable option. The proposed contract would present a cost savings of nearly 50 percent over the current EASE contract. The remaining allocated funds in the agency's budget could be utilized to cover other expenses related to employment assistance such as uniforms, tools, etc.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with ESC to provide employment assistance services to the clients of the Day Reporting Center for an amount not to exceed \$27,000.

Gudrun Parmer, Criminal Justice Resource Center Director, and Judge Craig Brown presented the proposed contract with the Employment Security Commission to the Commissioners.

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County Attorney Chuck Kitchen stated that the contract in the agenda packet is not the contract that will be executed; however, the contract terms will be the same. The County's standard contract will be executed.

The Commissioners asked questions and made comments about the proposed contracts.

Ms. Parmer responded to the questions and comments. Judge Brown assisted with the questions.

The Commissioners discussed details of the client follow-up program. The tracking aspect through the Employment Security Commission is very important as it relates to the success of the program. The definition of success will have to be defined for the program.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the contract with the changes (use County's standard contract) and authorize the County Manager to enter into a contract with ESC to provide employment assistance services to the clients of the Day Reporting Center for an amount not to exceed \$27,000.

The motion carried unanimously.

Health Insurance for Children--NC Health Choice

The Department of Social Services requested approval for two Income Maintenance Caseworker II positions to administer the new child insurance health program--NC Health Choice. The cost of the two positions for FY 1998-99 is \$45,600 (10/1/98-6/30/99). The annualized cost of these positions is \$60,802. Fifty percent of this cost will be covered by federal funds and fifty percent by state funds. No County funds are involved.

A North Carolina plan for health insurance for children to be provided under the federal Title XXI program has been approved by the N. C. General Assembly, signed into law by Governor Hunt, and approved by the United States Health Care Financing Administration. Through this plan, titled the NC Health Choice, the state will draw down \$80 million in federal funds to be matched with \$27 million in state funds to finance the health insurance program.

Beginning October 1, 1998, low income families will be able to get health insurance for their children. NC Health Choice will cover families that make too much to qualify for Medicaid, but whose income does not exceed 200 percent of the federal poverty level (e.g. a family of 3 can earn up to \$27,300 a year). The plan is comprehensive and covers hospitalization and out-patient care. Preventive dental, vision, and hearing benefits will also be provided under this plan. Application for NC Health Choice will be made through the Department of Social Services. The annualized projected number of eligible children for Durham County is 1,367. In addition, as many as 1,292 children may be identified as Medicaid-eligible through outreach efforts for NC Health Choice.

Dan Hudgins, DSS Director, was responsible for this item.

County Manager's Recommendation: Approve the budget amendment as recommended (99BCCC000012).

Mr. Hudgins presented an overview of the NC Health Choice program.

Commissioner Bell moved, seconded by Commissioner Bowser, to approve the budget ordinance amendment (99BCC000012).

The motion carried unanimously.

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The budget amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,602,475	\$60,802		\$175,663,277
<u>Expenditures</u>				
Human Services	\$208,516,384	\$60,802		\$208,577,186

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

This the 28th day of September, 1998.

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

Mr. Arnold Dennis, representing the Department of Social Services, reported a press conference would be held on Friday, October 2, 1998 at 10:00 a.m. at the Lincoln Community Health Center to announce the NC Health Choice program.

Proposed Resolution Requesting Statewide Legislation Updating the Annexation Laws

This resolution was drafted at the request of Commissioner Heron and is similar in nature to one adopted by Orange County. The resolution requests that the Legislative Delegation for Durham work in conjunction with the NCACC to update the annexation laws.

Commissioner Heron made remarks about the resolution. She asked that an additional "whereas" be inserted to read as follows:

"WHEREAS, the North Carolina Association of County Commissioners received a report from the Annexation Study Committee in 1995 which included important recommendations to improve the annexation process in North Carolina:"

Commissioner Heron and Vice-Chairman Reckhow urged the Commissioners to adopt the resolution.

Commissioner Bell moved, seconded by Commissioner Heron, to adopt the resolution.

The motion carried unanimously.

The resolution follows:

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RESOLUTION

WHEREAS, municipalities may currently annex areas deemed appropriate without meaningful input from the residents of those areas proposed for annexation; and

WHEREAS, annexation often has a tremendous impact on the residents of newly annexed areas; and

WHEREAS, the practice of involuntary annexation violates and limits the basic freedoms upon which this country was founded and is diametrically opposed to the premise of participatory government for all citizens; and

WHEREAS, the North Carolina Association of County Commissioners received a report from the Annexation Study Committee in 1995 which included important recommendations to improve the annexation process in North Carolina:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners respectfully requests that the Legislative Delegation representing the County of Durham work with the North Carolina Association of County Commissioners in crafting legislation to update North Carolina's annexation laws to reflect the changing nature of county and municipal responsibilities; and

BE IT FURTHER RESOLVED that the Durham County Board of Commissioners respectfully requests that the Legislative Delegation representing the County of Durham work with the North Carolina Association of County Commissioners in crafting legislation to ensure equitable arrangements between counties and cities as well as fair treatment for citizens affected by urban growth; and

BE IT FURTHER RESOLVED that the Durham County Board of Commissioners respectfully requests that the Legislative Delegation representing the County of Durham work with the North Carolina Association of County Commissioners in crafting legislation to require enforcement of statutes regarding delivery of municipal services to newly annexed areas; and

BE IT FURTHER RESOLVED that copies of this resolution shall be transmitted to each of the members of the Legislative Delegation representing the County of Durham and to the North Carolina Association of County Commissioners.

This the 28th day of September, 1998.

/s/ MaryAnn E. Black, Chairman
Board of County Commissioners

(SEAL)

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

The resolution was submitted to the Durham Legislative Delegation, the North Carolina Association of County Commissioners, and all North Carolina counties.

Appointment—Alcoholic Beverage Control Board

Mr. Frank A. Ward, realtor and candidate for the Alcoholic Beverage Control Board, withdrew his name for consideration.

Chairman Black asked the Clerk to readvertise the position for additional applications.

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Chairman Black said the applicants must have proven business experience with a background in real estate, property management (involving leases), and be familiar with real property in Durham County.

Adjournment

Chairman Black adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS