

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

Monday, January 24, 2000

Date changed due to weather - Meeting occurred on January 31, 2000

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. December 6, 1999 Worksession
4. **Consent Agenda**
  - a. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000025 (to recognize state grant revenue in the amount of \$3,230 for Specialized Dental Services);
  - b. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000027 (to recognize state grant revenue [\$4,483] for Lead prevention Services in the Environmental Health Division);
  - c. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000024 (to appropriate funding for the purchase of bulletproof vests in the amount of \$6,000);
  - d. Interlocal Agreement on Emergency Management (adopt the interlocal agreement as it reflects the existing agreement between the City and County);
  - e. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000028 (approve the Budget Appropriation from Fund Balance of Medicaid Maximization Funds and Budget Amendment 00BCC000028 in the amount of \$42,176 for Maternal Health, Child Health, and Neighborhood Nursing);
  - f. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000031 (to approve Social Services Budget Amendment in the amount of \$472,619 to provide housing subsidies);
  - g. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000029 (to approve budget amendment to accept \$158,766 in new revenues for the DSS Crisis Intervention Program (CIP);
  - h. To recommend approval of abandonment of a portion of the 30' sanitary sewer easement on lot 27 Chadwick Place--TM 717-03-27 for owner David Crabtree, and request the County Attorney to prepare a quick claim deed for the abandonment thereof;
  - i. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000033 (to approve Budget Ordinance Amendment Reserve for Encumbrances to pay the outstanding purchase orders);
  - j. Approval of construction contract for the Social Services building chiller and cooling tower replacement (authorize execution of contracts with Quate Mechanical Services in the amount of \$228,500 and Applied Control Technology in the amount of \$20,570 thus totaling \$249,070 and authorize the County Manager to execute change orders [if necessary] not to exceed \$15,000);
  - k. Resolution—approve application for Community Transportation Grant (approve resolution authorizing the Durham Center of NC Cooperative Extension to submit the FY 00-01 Community Transportation Grant application to the North Carolina Department of Transportation. The Cooperative Extension Department will budget \$30,619 for inclusion in the County's FY 00-01 budget to meet the local match requirements.)

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

**5. Office of the Sheriff – Public Hearing and Budget Amendment for 1999 Local Law Enforcement Block Grant Funds**

The Office of the Sheriff submitted its first on-line application for Durham County's share of the 1999 Local Law Enforcement Block Grant (LLEBG) and received subsequent approval of a \$50,407 block grant award from the U.S. Department of Justice – Bureau of Justice Assistance. The purpose of the LLEBG Program is to reduce crime and improve public safety. The award can only be used in accordance with the seven purpose areas described for this grant program.

These intergovernmental funds awarded to Durham County will be used for the purchase of equipment for the Sheriff's Investigators, Emergency Response Team, Security, Property Management, Training, Search and Recovery Team, and general field deputies.

The Sheriff established an Advisory Board as specified by the grant, which met on December 15, 1999 to recommend the proposed use for these funds. The equipment to be purchased as suggested by the Advisory Board are as follows: Employee ID camera upgrade, two dogs with car kennels, money counters, raincoats, scuba dry suit, scuba wet suits, X-ray bomb machine, bullet proof vests, VCR/TV for training, Magellon GPS EC-10X (tracking device for drugs) and hand-held radios. Such equipment and technology will enhance and improve the law enforcement abilities of the Sheriff's Office.

One of the special conditions of this grant award program is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing has been advertised in the Durham Herald Sun paper on January 15, 16, 22, and 23, 2000 to give proper public notification.

No additional county funding is required and no subsequent year budget impact is anticipated. The Office of the Sheriff will provide the required grantee local cash match of \$5,601 from their current budget. The total appropriation is for \$56,798, the revenue recognized is for \$50,407 from the grant award and \$790 from interest earned on the LLEBG Trust Account.

Resource Person(s): Nancy Dellinger, Director of Planning and Development for the Sheriff's Office

County Manager's Recommendation: We congratulate the Sheriff on applying for and receiving another Local Law Enforcement Block Grant to continue these traditional improvements. The Sheriff's Office has traditionally used the LLEBG funds, received in 1996, 1997 and 1998, for improving and upgrading the agency's equipment and technological infrastructure. It is recommended to conduct the public hearing to receive public comment, and then approve the Advisory Board's recommendation for the proposed use of the 1999 LLEBG award funds. Approve Budget Amendment #00BCC000023 to accept grant funding and appropriate program spending.

**6. Public Hearing--John R. McAdams Company, Inc. (Rezoning Case P99-54)**

John R. McAdams Company, Inc. will present to the Board of County Commissioners a request to rezone a 29.83-acre site located at 7509 Fayetteville Road, south of Massey Chapel Road. (Tax Map 529, Block 1, Lots 16 and 16B). Request: RD (Rural District) to PDR-2.96 (Planned Density Residential 2.96 units/acre) The 2020 Plan supports Suburban Neighborhood uses. The Future Land Use Map in the Triangle Township Plan indicates Low Density Residential (1-4 units per acre). Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on October 12, 1999, and voted 2-5 to recommend denial.

The public hearing for this request was advertised on January 8, 2000 and January 14, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Planning Manager

**7. Public hearing to consider amendments to the zoning ordinance concerning: a) revisions to**

**Section 4A.8 [multi-family residential] regarding accessory dwellings and building frontages; b] revisions to Section 8 [Performance Standards] regarding buffers on Interstate 540; c] revisions to Section 4C.1 [Office and Institutional -1] regarding personal service establishments as a permitted use in certain circumstances; and d] revisions to Section 4D.5.2 of the CT district to allow artist studios and artist galleries.**

To adopt the amendments concerning a) revisions to Section 4A.8 [multi-family residential] regarding accessory dwellings and building frontages (TC90-99); b) revisions to Section 8 [Performance Standards] regarding buffers on Interstate 540 (TC91-99); c) revisions to Section 4C.1 [Office and Institutional -1] regarding personal service establishments as a permitted use in certain circumstances (TC92-99); and d) revisions to Section 4D.5.2 [Commercial Trade] district to allow artist studios and artist galleries (TC-93-99).

Resource Person(s): Bonnie Estes and Norm Standerfer

County Manager's Recommendation: Consider approval of the amendments after conducting a public hearing.

**8. Public Hearing for Biogen**

Biogen, Inc. and the Research Triangle Foundation are requesting that the Board of Commissioners hold a public hearing to consider the expansion of Research Triangle Park to include property currently owned by Biogen, Inc. The property lies in both Wake and Durham Counties. The two parties are requesting this action by both Durham and Wake County Boards of Commissioners.

Following the public hearing, the Board is requested to adopt the attached resolution annexing the Biogen property into Research Triangle Park research and production service district.

Resource Person(s): Charles Case, attorney for Biogen; Hal Price, Biogen; and Rob Teer, Consultant to Biogen.

County Manager's Recommendation: Hold the public hearing to consider annexing the property in Research Triangle Park Research and Production Service District. Following the public hearing, adopt the resolution if appropriate based on the information received.

**9. HUD "Needs" Public Hearing for the upcoming 2000-2005 Consolidated Plan and the Fiscal Year 2000-2001 Action Plan.**

The City of Durham, Department of Housing and Community Development, (DHCD) requests that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing on January 24, 2000 in preparation of the 2000-2005 Consolidated Plan and the 2000-2001 Annual Action Plan. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that two public hearings be held prior to the submission of the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive public comments and proposals pertaining to community needs in Durham and the HOME program. The City Council is holding its Needs Public Hearing on January 18, 2000.

The major uses of HOME funds are to expand the supply of safe, decent, sanitary and affordable rental and owner-occupied housing. In May 1993, the Board of County Commissioners and the City Council approved a Durham City-County HOME Consortium Agreement to be used in the administration of the HOME program. HOME program activities are included as a part of the Durham Consolidated Plan and submitted annually to HUD for approval.

At the January 10, 2000 regular meeting the Board of County Commissioners requested additional information on whether residual funds from the HOME program could be utilized for rental subsidies. DHCD staff is prepared to respond to this matter.

Resource Person(s): John Mickle; Ava Hinton

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing. DHCD staff will be available to answer questions.

**10. Status Report Regarding Shooting and Commercial Activities on Duncan Floyd Property**

As stated at the January BOCC Worksession, this case involves the resumption of commercial activities on a farm in eastern Durham County. Zoning Enforcement staffs have been monitoring this site since the first citation was issued on December 30, 1999. As of this time, zoning enforcement officers have not found any further violations. The property owner has been in contact with both the Planning staff and the County Attorney's office to discuss the case. The property owner has also retained private counsel.

In late December, Planning staff contacted the NC Division of Wildlife Management, the agency that issued the most recent license for a Hunting Preserve on this site. Zoning enforcement officers advised them of the zoning violation which has been determined to exist on the property. They responded back via letter that they have no legal foundation to revoke his permit since commercial operations are not prohibited under their licensing requirements.

Staff will continue to monitor this site for compliance and will be able to give an update at the 1/24/00 BOCC meeting.

Resource Person(s): Dennis Doty, Zoning Enforcement Officer, and Lowell L. Siler, Deputy County Attorney

County Manager's Recommendation: Receive for informational purposes.

**11. DSS--Budget Amendment to Accept New Revenues and to Establish Social Worker Position**

The Department has received notice of a new annual allocation to Durham County of \$55,000 to be used for the establishment of staff positions to recruit, train, license, and support prospective foster and adoptive families. The funds were awarded to those County DSS agencies with the highest number of children who entered the foster care system for the first time during SFY 98-99 AND the highest number of children adopted during SFY 98-99. The funds, provided by the NC Division of Social Services, can only be used to support positions created or contracts signed after January 1, 2000. The Department is proposing to use the allocation to fund one new social worker position to provide post adoption services. Post adoption services can be provided to adoptive parents and adult adoptees. Adoptive parents may need information regarding services for adoptive children, such as therapy or counseling to address the adoptive child's behaviors or special needs. Adult adoptees may make requests, either directly or through the courts or their attorneys that may involve re-opening sealed adoption files and extracting requested information. Other duties of this position may include community liaison and pre-placement adoption assessments and interstate adoptions. There is no local match required to accept this funding. It is anticipated that this funding will be an ongoing annual allocation from the State.

Resource Person(s): Dan Hudgins, DSS Director, will be available as a resource person for this item.

County Manager's Recommendation: County Manager recommends approval of budget amendment No. 00BCC000030 in the amount of \$55,000 to accept new revenues from NC Division

of Social Services to support prospective foster and adoptive families, and approval to establish the corresponding social worker position.

**12. Public Health--Budget Amendment to Recognize Grant Revenue from Smart Start for Programs in Nursing, Nutrition, and Health Education and Approval and Establishment of Grant Related Positions.**

The Health Department requests approval of a budget amendment to recognize a grant of \$137,125 for the Child Health (6233), Nutrition (6215), and Health Education (6216) divisions. This amount represents a grant from Durham's Partnership for Children (Smart Start) to expand the Linkages to Families Project and the Child Care Health Consultant Project.

The Health Department also requests approval for the establishment of the following positions funded by the grant. Additions to the Linkages Program include a Public Health Nurse, an Early Childhood Educator, and a part-time Nutritionist. The Child Care Health Consultant Project requires three new Public Health Nurses, a Health Educator, a part-time Nutritionist, and a part-time Processing Assistant.

The Linkages to Families Project provides home visits to low to moderate risk pregnant women on a regular basis, providing health education on priorities decided by clients. The Child Care Health Consultant project provides preventive health services to children in child care centers including: assessment; follow-up and referral of individual children; information about health problems related to child care; and consultation provided to anyone with a specific health concern related to children in a child care setting.

The grant runs through June 30, 2000. It is anticipated that this funding will be continued through the FY 2000-2001 budget period. Positions established are contingent upon continuation of grant funding and applicants for the positions are notified.

The Board of Health has adopted this amendment.

Please note that this amendment requires no additional county funds.

Resource Person(s): Gayle Harris, Nursing Director, Public Health Department.

County Manager's Recommendation: The Manager recommends approval of Budget Amendment # 00BCC000026 to recognize grant revenue in the amount of \$137,125 from Smart Start for programs in Nursing, Nutrition, and Health Education, and approval and establishment of grant related positions.

**13. Approval of Contract to Conduct Health and Human Services Delivery System Study for \$50,000**

In February of 1999, the Board of County Commissioners (BOCC) approved the following goal for fiscal year 1999-2000:

"To complete a comprehensive study that identifies and recommends best practices for delivery of health and human services to all citizens of Durham County."

To accomplish this goal, the County Manager assembled a Leadership Team consisting of Department Heads from Public Health, Social Services, The Durham Center, Criminal Justice Resource Center, Cooperative Extension, Youth Coordinating Board, Library, and the County Attorney to develop recommendations that best meet the above-referenced Board goal. The Leadership Team has recommended the use to a consultant to gather information upon which to formulate their recommendations to the County Manager. A competitive process was initiated on November 18, 1999 with a one-month acceptance period for responses to a Request for Qualifications [see attached RFQ#00-014]. The RFQ was sent to twelve firms [see attached RFQ#00-014] and advertised one time each in the *Herald-Sun*, *News and Observer*, *Charlotte Observer*, *Carolina Times*, and the North Carolina Association of County Commissioners'

newsletter, *County Lines*. The following four firms responded to the RFQ: (1) DMG Maximus, (2) Benton and Associates, (3) MGT of America, and (4) Public Consulting Group, Inc.

Based on the work plans and responses received, the Leadership Team is recommending Public Consulting Group, Inc. (PCG) to conduct the analysis and delivery system study. Consultants from PCG, along with input from the Leadership Team, developed the following revised scope of service to be performed in a six to eight week period at a cost of \$50,000:

"To evaluate what service improvements and management goals could be accomplished through an organizational restructuring of the health and human services system, including the departments of: Social Services, Public Health, and MH/SA/DD. This will include establishing criteria for the evaluation, projecting the major cost considerations each would involve and clarifying the opportunities and risks inherent in each organizational restructuring. The organizational models to be considered are: a) the county model used by Mecklenberg County, b) the human service model used by Wake County, and c) the board model currently used by Durham."

The Leadership Team requests the BOCC to approve the contractual agreement with Public Consulting Group, Inc. (PCG) for a not-to-exceed amount of \$50,000 for their services in conducting a health and human services delivery study. The funds have been budgeted in the County Manager's cost center to cover the cost of the contract.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The Manager recommends approval of the consulting contract in the amount of \$50,000 with Public Consulting Group (PCG), Inc. to conduct a study of the health and human services delivery system for the purposes of meeting the Board's FY 1999-00 Goal.

#### **14. Request to Utilize Commissioners' Chambers for District Civil Court Hearings**

During the September 13, 1999 Regular Session of the Board of County Commissioners, Chief District Court Judge Kenneth Titus requested use of the Commissioners' Chambers to hold hearings for District Civil cases due to lack of space at the judicial building which had resulted in a backlog of cases. The Board of County Commissioners approved the request to utilize the Chambers on Wednesday mornings, 9:00 a.m. to 1:00 p.m. through the month of March 2000.

At this time, District Court Officials have submitted a revised schedule for use of the Commissioners' Chambers. The new schedule is Tuesdays and Wednesdays every other week during the months of February through June 2000 as per the memorandum. This does not increase the net number of days but does extend the schedule into June. By granting this request, the backlog to the District Court System can be reduced and provides for effective use of judges' time.

Resource Person(s): Kathy Shuart, Trial Court Administrator, and David F. Thompson, County Manager.

County Manager's Recommendation: Recommendation is that if the Board of County Commissioners agree with the attached revised schedule that the same restrictions apply that the room will be used for motions with judges, attorneys, and their clients. The only concern I have is that this will extend into the budget season. However, I believe that it can be accommodated if a revised budget calendar is brought to the Board prior to final approval of utilization of the boardroom for the months of May and June. I did not feel comfortable approving this request administratively since the Board was specific in its approval the last time this issue was brought forward.

#### **15. Discussion on Next Steps for Possible Merger of City and County Governments**

Chairman MaryAnn Black has requested an opportunity to brief the Board of County Commissioners on discussions with Mayor Nick Tennyson concerning the next steps towards a decision on City and County Merger. These discussions have included the establishment of a Charter Commission, as well as some appropriate technical assistance for this process.

County Manager's Recommendation: Staff needs direction as to how to proceed. After listening to Board's expectation of staff support, I believe a discussion must be held concerning appropriate staffing of the Charter Commission and County Commission so staffing shortages will not interfere with the startup of this new stage.

16. **Board and Commission Appointments**

Garry E. Umstead, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Adult Care Home Community Advisory Committee
- Animal Control Advisory Committee
- Animal Control Review Board
- Boxing and Wrestling Commission
- Public Health Board
- Women's Commission