

October 2, 2000

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

Monday, October 2, 2000

9:00 A.M. Worksession

MINUTES

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

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

Absent: None

Presider: Chairman Black

October 2, 2000

Citizen Comments—Charles S. Bostic

Mr. Charles Bostic, 1708 Angier Avenue, requested time on the agenda to make comments to the Commissioners.

Mr. Bostic wished to talk to the Commissioners about his arrest, the seizure of his sister's van, and what has transpired since his case went to court. He explained his situation in detail.

Chairman Black told Mr. Bostic that she would ask Interim County Manager Carolyn P. Titus and County Attorney Chuck Kitchen to prepare a report so the Commissioners can understand what is going on in the court case. The Commissioners would be in touch with Mr. Bostic after reviewing the report.

No action was taken on this agenda item.

Citizen Comment—Ralph McKinney

Mr. Ralph McKinney, 500 Fairfield Road, requested time on the agenda to make comments to the Commissioners.

Mr. McKinney spoke to the Commissioners about racism and abuse of citizens in Durham. He gave examples of how businesses in the community abused citizens and what should be done to correct the situation.

Hearing to Discuss the Removal of Robert Maestri as a Member of the Stadium Authority

At a regular meeting of the Durham County Stadium Authority on Wednesday, August 9, 2000, the Authority unanimously passed a motion requesting that the BOCC remove Mr. Robert Maestri from the Authority for lack of participation.

Mr. Maestri, 1010 Demerius Street, Durham NC 27701, was appointed to the Authority by the BOCC on June 9, 1997, to serve a five-year term ending in May 2003. Since his appointment, Mr. Maestri has attended only two meetings (August 13 & December 10, 1997). On December 12, 1998, at the direction of the Authority, Mike Turner, General Services Director and Stadium Manager, contacted Mr. Maestri in reference to his absenteeism and forwarded a copy of the BOCC's attendance policy. Mr. Maestri indicated that he had a conflict with his job; he said he would submit a written resignation. A resignation has not been received nor has Mr. Maestri returned to participate in the Authority meetings. Several attempts have been made over the past two years. In July 2000, Deborah Booth, Administrative Assistant with General Services, mailed a pre-typed resignation with a self-addressed stamped envelope. To date, Mr. Maestri has failed to respond.

October 2, 2000

At the August 14, 2000 Regular Session, the BOCC scheduled this hearing for October 2, 2000, to determine whether Mr. Maestri should be removed from the Durham County Stadium Authority.

Resource Person(s): Mike Turner, Director of General Services/Stadium Manager, was present to answer questions.

County Manager's Recommendation: Receive the Stadium Authority's request for the removal of Mr. Robert Maestri as a member of the Authority, determine if any action is appropriate, and direct staff.

County Attorney Chuck Kitchen said it appears Mr. Maestri has violated the County's attendance policy. If the Board wishes to remove him from the Memorial Stadium Authority, it would be appropriate to do so.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to remove Robert Maestri from the membership of the Memorial Stadium Authority due to violation of the attendance policy.

The motion carried unanimously.

Chairman Black asked Mr. Turner to carry Commissioner Heron's concern regarding the stadium to the Memorial Stadium Authority for resolution.

Vice-Chairman Reckhow was interested in additional uses of the stadium to make it a multi-purpose facility.

Appointments—Lincoln Community Health Center and Memorial Stadium Authority

Chairman Black asked the Clerk to place the appointments of Commissioner Bowser to the Lincoln Community Health Center Board of Directors and Commissioner Heron to the Memorial Stadium Authority on the October 10, 2000 Regular Session consent agenda.

Commissioner Bowser will replace Commissioner Bell and Commissioner Heron will replace Robert Maestri.

Update on the Neuse River Basin Nutrient Sensitive Waters Management Strategy Rules

The Neuse River Basin Nutrient Sensitive Water Management Strategy Rules adopted by the Environmental Management Commission require the County of Durham and 14 other local governments to develop and implement a stormwater management strategy to control nitrogen runoff. Durham County's stormwater plan to meet these requirements

October 2, 2000

and an associated stormwater ordinance were reviewed.

Two policy issues in the Stormwater Management Ordinance that required the Board's direction follow:

1. Applicability of the ordinance to only the unincorporated areas in the Neuse River Basin or all unincorporated areas of the County.
2. Protection of Riparian Buffers. The County may either request delegation from the state and implement all applicable provisions of the buffer rule or disapprove any new development that impacts the buffer unless the applicant can demonstrate that the NC Division of Water Quality has approved the activity.

On September 11, 2000, the Board scheduled a public hearing for the Stormwater Management Ordinance for October 10, 2000.

Resource Person(s): Wendell Davis, Deputy County Manager; Glen Whisler, County Engineer; and Curtis Massey, Assistant County Attorney

County Manager's Recommendation: The Manager recommends that the Board receive the update and provide direction to staff in regards to the policy issues noted above as well as any comments on the Stormwater Plan and ordinance.

Mr. Davis made introductory remarks and explained the necessity of the plan.

Mr. Whisler reviewed the plan in detail.

The elements that must be included in the local government stormwater management programs are:

October 2, 2000

1. New Development Review/Approval
2. Illegal discharge
3. Retrofit locations
4. Public education
5. Annual reporting

The elements were discussed in the presentation.

The Board of County Commissioners asked several questions and remarked about the plan and ordinance. The County Attorney and staff responded.

Mr. Massey reviewed the ordinance. He ended his presentation by asking the Commissioners for direction to staff regarding the policy issues.

Mr. Edward Harrison, Soil and Water Conservation District Board member, spoke about the nitrogen loading calculation and the delegation and buffer issues.

Chairman Black asked staff to prepare a sheet to show the pros and cons of applying the nitrogen load limits countywide versus only in the Neuse River Basin.

Commissioner Heron requested that the stormwater ordinance be adopted countywide and that the nitrogen load limit requirement apply only in the Neuse River Basin.

Mr. Davis commented that staff would compile information about the nitrogen load limit and the stormwater plan for the Commissioners' review and information.

Mr. Whistler said the ordinance has a provision for permit fees but the fee schedule has not been established by the Board of Commissioners.

Commissioner Heron supported the permit fees provision.

Vice-Chairman Reckhow requested the ordinance require a 50-foot buffer for all of the streams.

Letter of Appreciation—Community Cleanup Day

Commissioner Heron read the following letter into the record:

TO: Becky Heron

FROM: Sergeant Adam Clayton

RE: Letter of Appreciation

DATE: September 26, 2000

October 2, 2000

Ms. Heron,

On September 7 and 8, the Durham County Sheriff's Office S.C.O.P.E. Response Team set up an operation named "Fresh Start" that focused on North-East Central Durham that included two nights of aggressive law enforcement, followed by a full day of physically cleaning up the area. The idea was to address not only the issue of criminal activity, but also to rid the area of trash and debris. This in turn gives the citizens in this area a starting point. If their community looks better, then they will feel better about themselves and their community. This part of the operation also put offenders sentenced to community service back into the neighborhoods to clean up the area. The operation was a tremendous success, drawing many praises from the citizens who live in that community.

Enough cannot be said about the assistance we received from Durham County General Services and the Durham Community Services Program. We called on Larry Dixon from General Services and Frances Battle from Durham Community Services to assist us with the community clean up day. We feel that without their help the operation would not have been as effective as it was. Their commitment to the operation and to the community is exemplary. Both should be commended for a job well done.

Any further recognition you can extend to General Services, Community Services, and these two people would be greatly appreciated.

Should you have any questions, or if I can assist in any way, please let me know.

/s/ Sgt. O. A. Clayton

Ph. 560-0658

Tour—Stormwater Control Areas

Commissioner Heron and Vice-Chairman Reckhow went on the tour to see the stormwater control areas. They were thoroughly impressed with areas and the good quality of work.

The Commissioners thanked Leon Beddingfield for the hard work he and other employees have done on the stormwater control projects.

Reassembling at Noon

Chairman Black said the County Commissioners would reassemble at noon to complete the agenda.

Call to Order and Welcoming Remarks

October 2, 2000

Chairman Black called the meeting to order and thanked everyone for coming.

Chairman Black said the Board is taking this opportunity to present the finalist for the position of County Manager.

Introduction of Final Candidate

Chairman Black introduced the final candidate to the citizens and the employees that were present. The Chairman read a prepared statement as her introductory remarks. The following statement was distributed to those in attendance:

INTRODUCING MICHAEL MARK RUFFIN

Michael Mark Ruffin was born and raised in Rocky Mount, NC. He graduated from East Carolina with a degree in Urban and Regional Planning and holds a MPA from UNC-Chapel Hill. He began his career as a planner for Rocky Mount. He was hired in 1976 as a County Planner for Nash County and served as Town Manager of Nashville from '78 to '82. Other North Carolina experiences include five years as Person County Manager and two and one-half years as County Manager for Cabarrus County. He has spent the last nine years as the County Manager for Spaulding County, Georgia. It is in the southern most metropolitan Atlanta region and adjacent to one of the fastest growing counties in the country.

He is married to Robbie Ruffin from Kannapolis, NC. He has four children—Jeremy Russell, 21, Lauren Russell, 19; Mark Ruffin, 15; and Victoria Ruffin, 12.

Volunteerism is a passion of his and includes a term as president of the United Way. Golf and hunting are other interests of his when not watching his son's participation in baseball and JROTC.

Presentation by Final Candidate

Chairman Black called on Mr. Ruffin for his presentation and remarks.

Questions from the Public

Chairman Black called on the audience to ask Mr. Ruffin questions. The news media would have an opportunity to speak to Mr. Ruffin at a later time.

There were no questions from the audience.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adjourn to Closed Session pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or

October 2, 2000

conditions of initial employment of a public officer. The Closed Session would begin at 12:45 p.m.

The motion carried unanimously.

Reception—To Meet Mr. Michael Ruffin

Chairman Black encouraged everyone to go to the reception to meet Mr. Ruffin.

Reconvene Into Open Session

Chairman Black called the meeting to order.

Chairman Black called for the following motion:

Commissioner Heron moved, seconded by Vice-Chairman Reckhow and Commissioner Bell, to offer Mr. Michael Ruffin a contract to work with Durham County Government as the County Manager at a yearly salary of \$125,000.

The motion carried unanimously.

Chairman Black called on the County Commissioners to make any remarks they wished to make concerning the employment of Mr. Ruffin as County Manager.

Each Commissioner made remarks about the appointment.

The Commissioners thanked staff for all the hard work since the search for a new County Manager began.

Adjournment

Chairman Black adjourned the meeting at approximately 1:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board