

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

Monday, June 7, 2004

9:00 A.M. Worksession

AGENDA

1. Citizen Comments

10 min.

1. Mr. Ralph McKinney Jr. has requested time on the agenda to speak to the Commissioners about various issues.
2. Mr. Roland Staton has requested time on the agenda to bring the Board up to date on the status of negotiations between Gotta Save Inc. and Duke University Health System for use of the Oakleigh Facility.

2. Transportation Advisory Committee Issues

30 min.

On May 12, the Transportation Advisory Committee (TAC) considered resolutions relative to the use of toll financing to construct the Triangle Parkway, an extension of NC 147 from I-40 to I-540, as well as matters related to Express High Occupancy lanes on I-40 and Mobility in the Triangle. No action is urgently required for the latter two items; however, the North Carolina Turnpike Authority will be meeting on June 10 to consider toll financing for the Triangle Parkway as one of three projects in North Carolina for toll financing.

RESOURCE PERSON(S): Mark Ahrendsen, Transportation Manager, City of Durham, and Becky Heron, Transportation Advisory Committee

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation, suspend the rules if it desires to take any action, and advise the staff if additional action is necessary.

3. Fiscal Impact Analysis of the County's Living Wage Policy

30 min.

In December 2003, the Board approved the Resolution Adopting a Policy on Paying a Living Wage that set a livable wage based on the federal poverty guidelines plus 7.5% or \$9.51, to be adjusted annually. This policy becomes effective July 1, 2004 and applies to all full-time County employees, all contracts with temporary agencies for personnel, and all service contracts not exempted by the policy. (Exempted contracts are those subject to Federal or State Laws [grants with payment to lowest bidder or which provide for a particular rate of payment for services or provide for payment by the unit of service]; contracts between the County and other units of government; or any contract exempted by action of the County Manager). The Board instructed staff to contract with an outside consultant for a fiscal impact analysis of the Living Wage Policy on the County's for-profit service contracts before applying the policy to County contracts. The fiscal analysis would allow the County to determine what, if any, increases in contract costs might be incurred by requiring employers to pay their employees the living wage.

At the March 8, 2003 meeting of the Board of Commissioners, a contract was awarded to Optimal Solutions Group, LLC in the amount of \$32,600 to provide the fiscal analysis. The consultants surveyed 79 of the County's for-profit service providers and 18 jurisdictions across the country that are currently implementing a living wage policy to determine administrative or other costs incurred with policy adoption.

Optimal Solutions Group, LLC has prepared a written report and presentation on the findings of its surveys and research.

RESOURCE PERSON(S): Mark Turner, Ph.D., President and Chief Executive Officer of Optimal Solutions Group, and Heidi Duer, Assistant County Manager for Special Projects

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation is that the Board receive the presentation and determine whether any changes to the scope of the policy are necessary, taking into consideration the potential budgetary impacts of policy administration. Potential changes would be presented to the Board at its June 14 meeting.

4. Annual Report?Durham City-County Appearance Commission

15 min.

In 2001, the Durham Board of County Commissioners and the Durham City Council established the

Durham Appearance Commission through an Interlocal Agreement. The purpose of the Commission is to enhance and improve the visual quality and aesthetic character of Durham City and County. The Annual Report is provided in conformance with the requirements of the Interlocal Agreement and outlines the Commission's activities for the past year in accomplishing its mission. These activities include, among other things, an awards program, an outreach program, a landscape program, contributions to the development of the Comprehensive Plan and Unified Development Ordinance, and reviews of selected projects.

The Chairman of the Commission will be available to make a presentation to the Board.

RESOURCE PERSON(S): George Stanziale, Appearance Commission Chairman

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the Appearance Commission's 2003-2004 Annual Report.

5. Results of the Organizational Climate Assessment

40 min.

The County Manager, through his annual workplan, was directed by the Board to conduct an organizational climate assessment. In January 2004, The Waters Consulting Group Inc. was contracted to administer an organization-wide climate survey to serve as a diagnostic instrument to help identify areas of strength and opportunities for improvement. Over a three-day period in March, the consultant met with County departments to administer the written survey and assure anonymity and confidentiality for all survey participants. The written survey consisted of 39 questions designed to provide the County with information about employee attitudes and opinions on six dimensions: communications; supervisor/employee relations; job satisfaction; department leadership; executive leadership; and County operations. The consultants have provided statistical analyses of the responses and have prepared both a written report and an oral presentation on their findings.

RESOURCE PERSON(S): Michael Ruffin, County Manager; Ruth Ann Eledge, Senior Consultant and Director of Consulting Services, The Waters Consulting Group; and Heidi Duer, Assistant County Manager for Special Projects

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the report and presentation. The Manager's workplan requires him to present strategies to address the findings to the Board in August.

6. Presentation of Durham Comprehensive Plan and Durham Unified Development Ordinance (UDO)

1 hr.

The presentation provides an overview on the purpose and impacts of two major initiatives being undertaken by the Planning Department: the Durham Comprehensive Plan and the Unified Development Ordinance [UDO]. The plan will establish a pattern of land uses and clarify basic governmental policies related to development. The UDO merges zoning and subdivision regulations into a single ordinance employing Smart Growth tenets and principles.

The Planning Department recommends that the Board receive the presentation and provide direction as appropriate.

RESOURCE PERSON(S): Frank M. Duke, AICP, Durham City-County Planning Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation and provide direction as appropriate.

7. Interest Rate Swap

10 min.

The Finance Department would like to present to the BOCC the legal documents of the Swap Arrangement, a policy to governing this arrangement and pricing of the arrangement with Rice Financial Products.

RESOURCE PERSON(S): George K. Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the BOCC receive the presentation and place the item on the agenda for approval at the June 14, 2004 meeting.

LUNCH: 12:15 ? 1:00

8. Impact Fee Appeal Hearing

15 min.

On January 1, 2004, the Durham County Ordinance Adopting Impact Fee Procedures for the Imposition Calculation, Collection, Administration, and Expenditures of School Impact Fees to Be Imposed on New Residential Construction (School Impact Fee Ordinance) became effective. This ordinance requires that all new residential construction occurring within the County shall pay the School Impact Fee according to the following fee schedule:

- Single-family detached house: \$2,000 per dwelling unit
- All other residential construction (including multi-family dwelling units): \$1,155 per dwelling unit.

The School Impact Fee is assessed (generally by the Durham City-County Inspections Department) at the time an application for a building permit is submitted and must be paid prior to the issuance of the Certificate of Occupancy.

On April 14, 2004, Mr. Brian Ruff sent a letter of appeal to the County Manager's office requesting that the Board waive the impact fee on the construction of a single-family house to be built at 2206 Elmwood Avenue. According to Mr. Ruff, and confirmed by the staff in the Inspections Department, he received his original building permit (#0302358) issued to Tri City Construction, on July 16, 2003, before the School Impact Fee was required. Mr. Ruff did not begin construction on this house within six months as required by North Carolina General Statute: 153A-358 for counties and 160A-418 for cities, which state that a permit expires six months after the date of issuance if the work authorized by the permit has not commenced; therefore, his building permit expired and was voided by the Inspections Department. Work on the house could not be performed until a new permit had been secured. A second permit (#401299) was applied for and issued to Vance Crabtree Builders on April 27, 2004. As required by the adopted Impact Fee Ordinance, the City-County Inspections Department assessed a \$2,000 impact fee to this house when the building permit was issued.

In accordance with Section 7-36 of the School Impact Fee Ordinance, which grants applicants who are required to pay a School Impact Fee the right to request a hearing before the Board of County Commissioners, Mr. Ruff has requested the Board to review his appeal of the School Impact Fee. This request meets the requirements of the Ordinance: it was filed within the specified time frame, was filed through the Clerk to the Board, the request contained the required information, and the hearing was scheduled by the Administrator as directed. Section 7-36 G of the ordinance states that the Board shall make the final determination in cases of appeal and requires that a determination be made in writing and issued within 30 days of the hearing. Staff recommends that the Board deny this exemption of the Impact Fee.

RESOURCE PERSON(S): Heidi Duer, Impact Fee Administrator; Chuck Kitchen, County Attorney; and Roy Brockwell, City-County Inspections Department

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board conduct the hearing, issue a determination of the appeal to be included on the June 14 consent agenda, and provide the decision in writing within 30 days as required by the ordinance.

9. Presentation of Manager's Findings on Internal Audit of Human Resources

1 hr.

The Manager has finalized his review regarding an internal audit of the Human Resources Department and will submit his written findings to the Board of County Commissioners.

RESOURCE PERSON(S): Mike Ruffin, County Manager

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the report and advise if any additional information is necessary.

10. Budget Hearing?Compensation and Benefits

1 hr.

The Board is requested to hear the FY 2004-05 budget presentation from the Human Resources Department regarding Compensation and Benefits.

RESOURCE PERSON(S): Jackye Knight, Human Resources Director; and Tony Noel, Debbi Davidson, and Elaine Hyman, Human Resources Managers

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation.

11. Budget Hearing?Mental Health

1 hr.

The Board is requested to hear the Mental Health Department's FY 2004-05 budget presentation.

RESOURCE PERSON(S): Ellen Holliman, Interim Director; Delphine Powell, Administrative Officer II; and

Doug Wright and Nancye Bryan, Area Mental Health Board Members
COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation.

12. **Closed Session**

30 min.

The Board is requested to adjourn to closed session to discuss the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

7 hrs.



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