

REVISED
Added a word to Item #7 for clarification

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, November 25, 2002

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**

Vice-Chairman Reckhow added two items to be placed at the end of the agenda:

- *Information about Public Health Management in the Durham Public Schools*
- *Cable rate increase*

Commissioner Heron added an item regarding the long-range transportation plan.

3. **Minutes**

- a. a. September 23, 2002 Special Session Minutes
- b. b. October 22, 2002 Joint Meeting Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, approve the September 23, 2002 Special Session Minutes with a correction to one word, and the October 22, 2002 Joint BOCC and Durham County Hospital Corporation Board of Trustees Meeting Minutes as submitted.

The motion carried unanimously.

4. **4. Recognition of Outgoing Board Chairman MaryAnn E. Black**

A reception honoring outgoing Durham County Commissioner Chairman MaryAnn E. Black was held earlier this evening. Vice-Chairman Ellen W. Reckhow will read a resolution honoring the 12-year tenure of Commissioner Black and present a token of appreciation from fellow members of the Board of County Commissioners.

County Manager's Recommendation: Extend sincere appreciation to MaryAnn E. Black for her 12 years of outstanding, compassionate, and visionary leadership while serving as a Durham County Commissioner and Chairman.

Vice-Chairman Reckhow read the resolution into the record.

Chairman Black read a statement of appreciation into the record.

The Commissioners and County Manager Ruffin individually commented on their fortunate association with Chairman Black during her tenure.

The Vice Chairman recognized Dr. Lavonia I. Allison, 1315 McLaurin Avenue, who thanked Chairman Black for her service to the Durham County community.

The Commissioners presented Chairman MaryAnn E. Black with a gift of an engraved Chairman's gavel.

5. **5. November Anchor Award Winner?Ronnie Butler**

Ronnie Butler, Building Maintenance Supervisor at the Department of General Services, is this month's winner of the prestigious "Anchor Award." In his nomination letter, General Services Director Michael Turner noted Mr. Butler's exceptional volunteer service with the County's 2002 United Way Campaign, Juvenile Diabetes Foundation Walk-A-Thon, and logistical support to officials from Durham, England and the Tuesday, November 5th General Election. Because of his compassionate spirit and diligence, Durham County Government exceeded its 2002 United Way Goal of \$81,500 by more than \$3,000.00

Resource Person(s): Michael Turner, Director of General Services.

County Manager's Recommendation: Present the November Anchor Award to Ronnie Butler, along with the sincere congratulations of the entire organization.

Mr. Turner detailed the exceptional service given by Mr. Butler to various projects and emergency situations in Durham County.

6. **6. 911 Telecommunicator of the Year? R. Nathan Huey**

R. Nathan Huey has been awarded the N. C. National Emergency Number Association's "2002-2003 Annie McIntyre 911 Telecommunicator of the Year Award." Mr. Huey is an assistant shift supervisor in Durham's 911 Emergency Communications Center.

The award notes that he received the prestigious recognition for his "duty, ingenuity and ability to adapt to change," in reference to the key role he played in keeping the 911 center open earlier this year when flooding forced its temporary evacuation.

According to Emergency Communications Director Chuck Johnson, "it is impossible to determine how many lives were saved that night due to the quick thinking of Mr. Huey and other squad members who were working." Huey set up a temporary paging system with volunteer fire departments to make sure they were dispatched when needed and stayed on after a late-night shift to help oncoming workers adjust to the work environment.

County Manager's Recommendation: Receive remarks and extend congratulations to Mr. Huey for achieving this outstanding statewide accolade.

Fire Marshal Jeff Batten detailed the extraordinary efforts of Mr. Huey which kept the 911 Center open during a flooding situation.

7. **7. Appointment of Tax Administrator**

North Carolina General Statute §§ 105-294 and 105-349 provide for the appointment of a tax administrator. Ten candidates were interviewed for the position, and a **tentative** offer has been extended to, and accepted by, one of these applicants. The formal appointment by the Board of County Commissioners will consummate the process.

Resource Person(s): MaryAnn E. Black, Chairman; Chuck Kitchen, County Attorney

County Manager's Recommendation: Appoint the selected applicant for a two-year term expiring in July of 2005, pursuant to the terms and conditions that were communicated in correspondence dated November 14, 2002.

Commissioner Cousin moved, seconded by Commissioner Heron, to appoint Mr. Kenneth L. Joyner Jr. as the Durham County Tax Administrator for a two-year term effective January 6, 2003 at a salary of \$75,000.

The motion carried unanimously.

8. 8. Consent Agenda

- a. a. Durham Convention and Visitors Bureau (DCVB) Appointment (approve appointment of Thomas M. Niemann);
- b. b. Resolution in Support of the AMBER Alert Warning System for Missing Children (approve the resolution, forward a copy to the North Carolina Association of County Commissioners, and include it in the Board of County Commissioners 2003 Legislative Agenda);
- c. c. Adopt Resolution to Provide Electronic Listing of Business Personal Property (adopt the resolution to provide Electronic Filing of Business Personal Property);
- d. d. Left blank intentionally;
- e. e. Budget Ordinance Amendment Number 03BCC000023?The Durham Center?Recognize ?Latino Access to Coordinated Healthcare" Grant in the Amount of \$43,542 (approve this amendment and appropriate funds in the amount of \$43,542); and
- f. f. Order Authorizing Issuance of Revenue Bonds (approve the Bond Order so that the sale of the bonds may proceed as scheduled).

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda items 8(a), (c), (d), (e), and (f).

The motion carried unanimously.

After discussion of items 8(e) and (b), the following motion was made:

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda item 8(b).

The motion carried unanimously.

9. 9. Public Hearing on Proposed Zoning Text Amendment Related to Modifications for Home Occupations

This is a citizen-initiated proposal to modify the Zoning Ordinance's Home Occupation standards for Rural District (RD)-zoned properties that are 10 acres or larger. According to the proposal, properties meeting these characteristics could seek a Minor Special Use Permit that would allow the home occupation to exist in an accessory building or dwelling, and employ up to three off-site employees.

The Zoning Committee unanimously recommended approval of the proposal after conducting a public hearing on October 8, 2002.

The Planning Department recommends adoption of this proposed text amendment by the Board of County Commissioners.

Resource Person(s): Bonnie Estes, AICP, Durham City-County Planning

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing on the proposed text amendment and adopt it, if appropriate, after receiving public comment.

The public hearing was opened with one person signed.

Mr. Will Anderson, PO Box 51579, Durham, NC 27707 made comments.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the proposed text amendment.

The motion carried unanimously.

10. **10. Public Hearing on Proposed Zoning Text Amendment Making Technical Changes to Section 15 of the Zoning Ordinance**

This proposal makes technical changes to Section 15 of the Zoning Ordinance. The changes are necessary due to the multiple amendments made to this Section during the past few months. The proposal calls for the re-adoption of the expedited procedure for the initial zoning of newly-annexed property because of its inadvertent deletion during the approval of the multiple amendments to Section 15. This proposal also incorporates the previously-adopted standards for expedited reviews and clarifies the time frame for Planning Commission actions.

The Zoning Committee unanimously recommended approval of the proposal after conducting a public hearing on October 8, 2002.

The Planning Department recommends adoption of this proposed text amendment by the Board of County Commissioners.

Resource Person(s): Bonnie Estes, AICP, Durham City-County Planning

County Manager's Recommendation: The County Manager recommends that the Board adopt this proposed text amendment.

The Commissioners voted to adopt this text amendment.

11. **11. Public Hearing/Rezoning/Falls Lake Critical Area Boundary (Case P02-52)**

Durham County has recently adopted an ordinance revising the definition of the Falls Lake Critical Area in the vicinity of Ellerbee Creek. This rezoning is the mapping change reflecting that text amendment. The proposed change would remove approximately 274 acres from the F/J-A overlay district and place that area in the Falls/Jordan Protected Area (F/J-B) overlay district. The change will allow slightly-higher density, residential development and some non-residential development (with a change in the underlying zone). The proposed change is consistent with the North Durham Plan and with the requirements of the Durham Zoning Ordinance.

The Planning Department recommends adoption of this proposed overlay district change.

The Zoning Committee of the Durham Planning Commission conducted a public hearing on this item at its regular meeting on October 8, 2002. No citizens spoke at the public hearing and the Zoning Committee, without question or comment, voted unanimously to recommend approval.

Resource Person(s): Frank M. Duke, AICP, Director, City-County Planning Department; Keith Luck, Planning Supervisor, City-County Planning Department

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing on the proposed rezoning and approve it, if appropriate, based on the public comment.

Dr. Lavonia Allison, 1315 McLaurin Avenue, signed to speak on this item. Her questions were addressed by City-County Planning Director Frank Duke.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the proposed rezoning.

The motion carried unanimously.

12. **12. Quasi-Judicial Public Hearing: Major Use Permit? Shimizu-AW North Carolina (Major Use Case M02-08)**

To hold a public hearing to consider a Major Use Permit for an increase in impervious surface to 32% in the F/J-A Watershed District. Arcadis G&M, on behalf of Shimizu-AW North Carolina, has submitted an application for a Major Use Permit to allow this increase in the F/J-A Watershed Overlay District. The project is a 78,800 square-foot addition to an existing manufacturing facility with 415 new parking spaces on a ±123 acre site. The site is located on the south side of Teknika Parkway east of Old Oxford Highway, and is to be accessed by existing driveway entrances off Old Oxford Highway and Teknika Parkway. The Board heard testimony on November 11, 2002 and requested additional information on parking and hazardous materials handling.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive public comment on this application.

Those persons signed to speak at this Quasi-Judicial Public Hearing were sworn in by Mr. Garry E. Umstead, Clerk to the Board.

Mr. Don Doty presented the additional information requested by the Commissioners.

First to speak were the proposal's Proponents: Will Collins, Human Resources Manager; Erin Hite, Environmental Officer; Randy King, Arcadis; Dick Ikuma of Shimizu AW; Walter Brice, Facility Engineer for Shimizu; and Ted Conner, V-P Economic Development, Durham Chamber of Commerce.

Dr. Lavonia Allison, 1315 McLaurin Avenue, had questions regarding the environment

The Commissioners expressed their concern that the number of parking spaces be kept to only those required, to reduce runoff from impervious surfaces.

The public hearing was continued.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the request to increase the impervious surface from 25% to 32% in the F/J-A Watershed Overlay District for this project.

The motion carried unanimously.

13. **13. Public Hearing?Major Site Plan?Shimizu-AW North Carolina (Site Plan Case D02-532)**

To approve a site plan for a 78,800 square-foot addition to an existing manufacturing facility with 415 additional parking spaces on a ±123 acre site. Arcadis G&M, on behalf of Shimizu-AW North Carolina, has submitted a site plan for a 78,800 square-foot addition to an existing transmission manufacturing and assembly facility with 415 new parking spaces on a ±123 acre site. The proposed project is located on the south side of Teknika Parkway east of Old Oxford Highway and is to be accessed by existing driveway entrances off Old Oxford Highway and Teknika Parkway. This site is located inside the F/J-A Watershed District, which requires Major Site Plan approval for new, non-residential development. This site plan is consistent with the master plan for Shimizu as presented to the Board with its original site plan approval in March 1999. As required under the Watershed regulations, notice for the Board's consideration of this site plan has been advertised in the Durham Herald-Sun on October 28 and November 4, 2002.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The County Manager is recommending approval of this site plan.

Persons signed to speak on this item had no information to add to their previous testimony on item #12. Those persons were: Erin Hite, Randy King, Will Collins, Dick Ikuma, Dr. Lavonia I. Allison, and Walter Brice.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the site plan.

The motion carried unanimously.

14. **14. Review of the Draft Recommended 2025 Long-Range Transportation Plan**

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) will hold a public hearing on December 4, 2002 to consider the 2025 Long-Range Transportation Plan. This Plan affects transportation spending within Durham County. The Durham County Commissioners serving on the MPO requested a review of the draft plan by the full Commission.

Resource person(s): Felix Nwoko, Transportation Planning Manager

County Manager's Recommendation: The County Manager recommends that the Board review the draft 2025 Long-Range Transportation Plan and, if appropriate, comment on it.

The public hearing was opened for speakers:

John Dagenhart, 1409 Dollar Avenue, Durham 27701, spoke for improvements in northern Durham County.

Ted Conner, 3305 Park Overlook Drive, spoke to encourage dialog between all interested persons during this process.

Robert Larson, 513 N. Waters Edge Drive, Durham 27703, Grove Park Neighborhood Association, spoke in support of the Northern Durham Parkway.

Anne Peele, Durham Chamber of Commerce, spoke to support smart growth.

Caleb Southern, 604 W. Morgan Street, spoke to support the Northern Durham Parkway.

Larry Holt, 5110 Stardust Drive, Durham 27712, spoke in support of the East End Connector, US-70 improvements, and I-85 improvements.

There being no other persons signed to speak, the public hearing was closed.

Vice-Chairman Reckhow moved, seconded by

Commissioner Heron, to agree in principal with the draft of the 2025 Long-Range Transportation Plan, with a change to the chart on page 13 and substitution with information on page 6 of a referenced memo.

The motion carried unanimously.

15. **15. Budget Ordinance Amendment No. 03BCC000024?DSS?Accept Revenue from Duke Medical Center for ?Just for Us? and ?LATCH? Grant Projects in DSS and from The Durham Center for an Outposted Medicaid Worker in DSS**

The Department of Social Services (DSS) requests that the Board of Commissioners approve accepting three new revenue contracts for four new Social Worker positions described below with no cost to the County.

The Department of Social Services partners with Duke Medical Center to improve coordination of medical care for Medicaid-eligible families and individuals. DSS provides social workers for the projects that are funded with Medicaid At-Risk Case Management revenues. Duke provides 100% of the non-federal (County) share of the funds, so there are no costs to the County.

1. **Just for Us** is expanding and needs two additional Social Worker IIs. Just for Us provides healthcare management for the elderly. Each Social Worker II's seven-month salary and benefits costs are \$12,017 (Grade 29, Step A). The County is reimbursed by Medicaid, and Duke Medical Center will pick up the County share. The total cost for both positions is \$24,033, and Duke will contract with DSS for the County share of the positions.

2. The new **LATCH grant project** is a collaborative project between Duke, Mental Health, Lincoln Community Health Center, El Centro Hispano, and DSS to enroll Latino families in care management for their health care, whether they are in Medicaid, CHIP, or are uninsured. One DSS Social Worker III will be hired to do the health care management, and Duke will contract with DSS to pay 100% of the costs for the worker. A Social Worker III's seven-month salary and benefits costs are \$14,868, and Duke will pay DSS that amount. There is no cost to the County.

3. The third revenue contract is between DSS and The Durham Center to provide an outposted worker to determine client eligibility. The Department of Social Services is requesting an Income Maintenance Case Worker II (IMC II) to take and process applications for family, children, and adult Medicaid. This position will help The Durham Center recover Medicaid reimbursement and will not require departmental funding. There are other contractual arrangement like this between DSS and Duke Medical Center, Lincoln Community Health Center, and the VA Hospital. The salary and benefits for the IMC II are \$36,391 and The Durham Center and Medicaid will each pay half of the cost of this position.

All of the above are funded as provisional positions based on availability of the contracts funding for the County share.

Resource Person(s): Dan Hudgins, DSS Director, and Susan Epstein, Chief, Division of Community Health, Department of Community and Family Medicine and School of Nursing, Duke University Medical Center.

County Manager's Recommendation: The County Manager recommends that the Board Approve Budget Ordinance Amendment No. 03BCC000024 which will approve the four new Social Worker positions in DSS that do not require any County funding.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the four new Social Worker positions in DSS that do not require any County funding.

The motion carried unanimously.

16. **16. Report on Malpractice Insurance Renewals**

The malpractice insurance for the County departments and The Durham Center expires on December 1, 2002. The present insurance is with St. Pauls. The company has indicated that it is not continuing to provide malpractice insurance after its current policies expire. The Risk Manager, working with the County's insurance advisor, Marsh and Marsh, has been able to procure the quotes on the attached summary.

During the current year, the premiums for the malpractice coverages, excluding EMS, total approximately \$63,042. The proposed insurance carriers are National Union Fire Ins. Co. for Mental Health physicians and Public Health physicians for the jail, and Medical Mutual for the two dentists. National Union is not a Marsh and Marsh-contracted company, and the County will deal directly with the insurance company. It should also be noted that the total cost for the two dentists will be approximately \$2,400 after the filling of the second position. The dentists' coverage would involve a contract being issued directly to the dentist, with the County paying the bill. An agreement will be required to have the pro rata costs reimbursed to the County should the dentist leave the employment of the Health Department prior to the conclusion of the term of the insurance policy.

At this time, we have been unable to procure a quote for EMS coverage. Last year's premium was \$35,709 for this coverage. Marsh and Marsh has been able to find one insurance company, Arch Insurance Service, which has indicated that it may be willing to give us a quote on the insurance, but has not at this point. It has indicated that if it gave a quote, the premium would be in the \$50,000 range, with a deductible of \$5,000-\$10,000. We are continuing to work with Marsh and Marsh to obtain additional quotes. However, it is unlikely that replacement insurance will be in place by December 1, 2002. In that case, EMS would come under the County's resolution on defense of employees, as are the other departments which do not have insurance coverage.

Resource Person(s): S. C. Kitchen, County Attorney; Cathy Whisenhunt, Risk Manager.

County Manager's Recommendation: Approve the purchase of insurance as recommended by the County Attorney, and authorize the procurement of malpractice insurance for the EMS Department if a satisfactory policy can be purchased within budgeted funds.

***Commissioner Bowser moved, seconded by Commissioner Cousin,
to approve the recommendation of the County Attorney.***

The motion carried unanimously.

16a?Items added by Vice-Chairman Reckhow

1. ***1. Vice-Chairman Reckhow commented that the County's Public Health Department has put together a booklet for the school system addressing asthma. Durham's PH Department has been contacted by PH agencies nationwide due to this outstanding project.***
2. ***2. Vice-Chairman Reckhow suggested the County Manager draft a letter to NACo and the Durham delegation to communicate the County's concerns over the continued rate increases to basic cablevision and enhanced cable.***

16b?Item added by Commissioner Heron

1. ***1. Commissioner Heron added an item regarding long-range planning for traffic.***

17. **17. Closed Session**

The Board of Commissioners is requested to adjourn to closed session to consider the performance of a public official pursuant to N.C.G.S. § 143-318.11(a)(6).

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to adjourn to Closed Session to evaluate the performance of the County Manager.

The motion carried unanimously.

The Commissioners and associated persons adjourned to the closed session at 10:06 p.m.

Reconvene Into Open Session

Vice-Chairman moved, seconded by Commissioner Cousin, to increase the County Manager's term life insurance by 3 times and to increase his salary from \$131,250 to \$136,500.

The motion carried unanimously.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 11:20 P.M.