

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

Monday, June 27, 2005

**MINUTES**

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and  
Commissioners Lewis A. Cheek and Michael D. Page

Absent: Philip R. Cousin Jr.

Presider: Chairman Reckhow

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4:00 P.M.

**Closed Session—Personnel Matters**

Commissioner Page moved, seconded by Commissioner Cheek, that the Board adjourn to Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

Tax Administrator Kenneth Joyner  
Sheriff Worth Hill  
Register of Deeds Willie Covington  
County Attorney Chuck Kitchen

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

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7:00 P.M. Regular Session

**Opening of Regular Session**

Chairman Reckhow welcomed everyone to the June 27, 2005 Regular Session of the Board.

At the request of Chairman Reckhow, everyone stood for the recitation of the Pledge of Allegiance.

**Action Resulting from the Closed Session—Personnel Matters**

Commissioner Cheek moved, seconded by Commissioner Heron, to approve the annual salaries of the County officials as follows:

Tax Administrator Kenneth Joyner	\$ 93,500 (\$300 monthly car allowance)
Sheriff Worth Hill	\$103,000
Register of Deeds Willie Covington	\$ 94,000
County Attorney Chuck Kitchen	\$142,500

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

Chairman Reckhow announced that the four County officials are performing in an exemplary manner. She thanked them for their service to Durham County.

**Motion to Excuse**

Vice-Chairman Heron moved, seconded by Commissioner Page, to excuse Commissioner Cousin from the June 27, 2005 Regular Session.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

**Announcement of June 30 Board of County Commissioner Meeting**

Chairman Reckhow announced that the Commissioners have scheduled a special meeting for Thursday, June 30, 2005 at 7:30 p.m. to take action on the budget since Commissioner Cousin is absent at tonight's meeting.

Chairman Reckhow addressed an issue raised by Commissioner Cheek regarding public comment at the June 30 meeting. She stated that the public is invited to the June 30 meeting but will not be allowed to comment. The Board heard from citizens during the June 13 budget public hearing; however, citizens will be allowed to speak at tonight's meeting.

Chairman Reckhow requested that item No. 10, Closed Session, be deferred until June 30.

### **Agenda Adjustments**

County Manager Ruffin stated that a revised agenda action form for consent agenda item No. q had been placed at each Commissioner's station.

### **Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve as submitted the March 7, 2005 Worksession, June 1, 2005 Budget Worksession, June 13, 2005 Budget Worksession, and the June 13, 2005 Regular Session Minutes of the Board; and approve the June 6, 2005 Worksession Minutes as corrected.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow  
Noes: None  
Absent: Cousin

### **June Anchor Award Winner—Eddie Culberson**

Chairman Ellen Reckhow recognized Eddie Culberson of the Soil and Water Conservation District as the June Anchor Award winner.

In January 2005, the North Carolina Department of Transportation informed Duke Park residents that an area water problem was related to beavers and that the beavers might have to be destroyed. Mr. Culberson was recognized for this honor because of his superior work in resolving this situation.

Chairman Reckhow had received a letter and an email from two citizens raving about Mr. Culberson's assistance. She read a few sentences of the email, which stated that Mr. Culberson went beyond the call of duty to make sure a Durham County resident received proper service. Mr. Culberson not only continuously communicated with the citizen, but also contacted NCDOT and regularly updated all parties.

County Manager Ruffin stated that Mr. Culberson took ownership of the dilemma, went beyond the call of duty, and won the admiration of the Duke Park neighborhood. Durham County was thankful for all his hard work.

Vice-Chairman Heron conveyed that she refers all contact regarding water problems to Mr. Culberson. She referenced the major water problems on Felicia Street, stating that Mr. Culberson has worked on the situation for approximately two years. Due to his efforts, the streets have been repaired. He is now working on a way to reroute the water to prevent future flooding. Vice-Chairman Heron announced that she was proud that Mr. Culberson is a Durham County employee.

Tom Davidson, Durham Soil and Water Conservation District Board Supervisor, stated that the Board is very proud of Mr. Culberson, particularly his work regarding stream restoration. Recently, Mr. Culberson spearheaded a grant from the Clean Water Management Trust Fund to plant grass atop one of the Leggett Tobacco buildings to capture water. Mr. Davidson thanked the Commissioners for selecting Mr. Culberson for the award.

Mr. Culberson stated that he was honored to receive the Anchor Award and that during his 21-year tenure with Durham County, he attempts to treat citizens as he wishes to be treated.

Chairman Reckhow presented the Anchor Award and the \$200 check to Mr. Culberson.

**2005 County Commissioner Leadership Award—Commission Chairman Ellen W. Reckhow**

Vice-Chairman Heron stated that she was very pleased to recognize Commission Chairman Ellen W. Reckhow as the recipient of the North Carolina Council of Community Programs 2005 County Commissioner Leadership Award. The prestigious award highlights Chairman Reckhow's commitment to those in need of mental health, developmental disabilities, and substance abuse services. She was honored at a special awards banquet on Monday, June 13, 2005, hosted by the NC Council of Community Programs. (The NC Council of Community Programs is the State Association for Area Authorities, who are the public providers of treatment and rehabilitation services for persons disabled by mental illness, developmental disabilities, and alcohol and drug abuse. Over 325,000 individuals are served each year.)

Vice-Chairman Heron remarked that the Commissioners and Durham County are proud of Chairman Reckhow for being chosen for this award.

Ellen Holliman, Director, The Durham Center, stated that The Center was thrilled to learn that the North Carolina Council chose Chairman Reckhow for the County Commissioner Leadership Award. Chairman Reckhow works tirelessly for all of Durham County. She is the Commissioner liaison to the Area Mental Health Board and an ardent supporter of The Center's services. Ms. Holliman expressed appreciation for support of the entire Board regarding the housing effort. Through the leadership of Chairman Reckhow and the other Commissioners, the County's System of Care for Children (a collaborative program involving Durham County's human service agencies, Durham Public Schools, and the judicial system) is the model program for the state. The Durham Center is proud to be a part of the System of Care to provide services to Durham County's children. Ms. Holliman thanked Chairman Reckhow for her great leadership.

Chairman Reckhow stated that she was honored to receive the award at a ceremony in Raleigh two weeks ago. She accepted the award on behalf of the Mental Health Board and Durham County staff. The Mental Health program in Durham County has been restructured faster and better than any in other county in the state, while serving many more clients. Through the System of Care for Children, Durham County is serving Durham's children

better, serving them within the County, and saving over \$1 million annually. Chairman Reckhow stated she looks forward to undertaking the Adult System of Care and its positive benefits for the community. She thanked everyone for the recognition.

### **Consent Agenda**

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for May 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Appointment of Deputy Tax Collector for EMS (appoint Michael W. Smith, current ALS Coordinator and soon-to-be Interim EMS Director, as Deputy Tax Collector effective July 1, until the Permanent EMS Director is named);
- c. Raleigh-Durham Airport Authority Grant Offer (accept the \$3,934,574 grant offer from the Federal Aviation Administration);
- d. Appointment—NCACC Annual Conference Voting Delegate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate and County Manager Michael Ruffin as the alternate);
- \*e. Policy on Conveying Real Property to Nonprofit Entities for the Development of Affordable Housing (approve the resolution establishing a policy to become effective July 1, 2005);
- \*f. Adoption of Resolution to Set Public Hearing for August 29, 2005 for Consideration of the Durham Unified Development Ordinance (UDO) (adopt the resolution setting August 29, 2005 at 7:00 p.m. as the public hearing date—a joint meeting with City Council to be held in Council's Chambers);
- g. Standard Nonreimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the contract for the addition of Wood Chapel Subdivision);
- \*h. Service Contract Renewal and Lease Extension for the Animal Protection Society of Durham Inc. (APS) (authorize the County Manager to execute a one-year contract with APS not to exceed \$486,350 and extend the term of the lease agreement for one year);

- i. Award Contract for Remediation of Petroleum Leak at the Sheriff's Department North Durham Satellite (accept the bid of \$25,011 from Shamrock Environmental Corporation for the initial remediation of the petroleum gas leak and authorize the County Manager to sign the contract);
- j. Execution of Architectural Design Service Agreement with The Freelon Group P.A. for the Proposed Durham County South Regional Library (authorize the execution of an architectural design contract for \$359,700 plus additional services and reimbursable expenses estimated at \$121,500, thus totaling \$481,200);
- k. Amendment to Wastewater Treatment Service Agreement with Cary (authorize the County Manager to execute Amendment No. 1 between Durham County and the Town of Cary);
- \*l. Lease Amendment—200 East Main Street—Courthouse Canteen (approve for CBK1 Inc. for one year, ending June 30, 2006, with the option of the Tenant to terminate on September 30, 2005 upon 60 days prior written notice to the County, and authorize the Manager to execute the amendment);
- m. Approval of the 800 MHz Radio Upgrade Interlocal Agreement (approve and authorize the County Manager to execute the agreement and make any non-substantive changes that may be deemed necessary and which do not affect the terms of the agreement);
- \*n. Budget Ordinance Amendment No. 05BCC000067—Department of Social Services—Medicaid Adjustment for Pass-Through Dollars;
- o. Agreement of Release Regarding Work Performed by Zehia Corp. on the Agriculture Building (approve and authorize the County Manager to execute the document);
- \*p. Capital Project Amendment No. 05CPA000015—Agriculture Building Renovation Project DC068 (approve in the amount of \$21,545; this amendment will result in a total capital project amount of \$823,551 for the Agriculture Building renovation project);
- q. Amend Definition of Continuous Service for Purposes of Determining Eligibility for Health Care Benefits upon Retirement (permit an employee to retain eligibility for the benefit as long as there has been no more than one separation of employment and that separation has been for a period of no more than 90 consecutive days; the change

will be effective for all employees retiring on or after July 1, 2005);

- \*r. Budget Ordinance Amendment No. 05BCC000068—Social Services—Recognizing Additional Crisis Intervention Prevention Revenue (approve the increase of \$46,569);
- \*s. Contract Amendment with Correct Care Solutions LLC for Medical Services Provided at the Durham County Detention Facility and the Youth Home (approve and authorize the County Manager to execute); and
- \*t. Budget Ordinance Amendment No. 05BCC000069—The Durham Center (approve the Medicaid budget increase for FY 2004-05 from \$21,500,000 to \$22,300,000, a difference of \$800,000).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

During Chairman Reckhow's reading of the consent agenda, Commissioner Page announced that he would be unable to attend the meeting referenced in item No. f.

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for May 2005 as presented and authorize the Tax Assessor 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 report details releases and refunds for the month of May 2005.

Releases & Refunds for 2005 Taxes:

Personal	\$	60,164.36
Registered Vehicles	\$	12,544.28
Vehicle Fees	\$	<u>170.00</u>
Total for 2005 Taxes and Fees	\$	72,878.64

Releases & Refunds for 2004 Taxes:

Real Estate	\$	14,132.02
Personal	\$	2,054.54
Registered Vehicles	\$	28,455.22
Vehicle Fees	\$	<u>560.00</u>





of Durham as a matter of law if the Grantee fails to construct Single-Family Affordable Owner-Occupied Housing pursuant to this Policy on the property within the first three years after delivery of the Deed to Grantee, with construction beginning within two years.

2. The following procedure shall be used for conveying real property, acquired by the County through foreclosure, to an eligible non-profit:

- A. The County Manager shall determine which foreclosure property is available to eligible non-profits under this Policy taking into consideration marketability and property value. The County will make a list of such property available to the City of Durham and any interested party.
- B. A written request for a certain parcel of County real property(ies) shall be submitted to the County's Real Estate Manager on an application provided by the County. The application will set forth the eligibility requirements and list the necessary information needed to make a determination such as proof of nonprofit status, history of affordable housing projects developed by the nonprofit, and anticipated plans for development of the property.
- C. The County will evaluate the application to ensure that the organization meets the required criteria and that the intended use of the property is consistent with this Policy.
- D. The proposed conveyance shall be brought before the Board for consideration and approval. It is in the Board's sole discretion to approve or reject the recommended conveyance.
- E. Once the conveyance is approved by the Board, the organization and the County will enter into a contract to purchase which will provide the closing instructions, require the organization to maintain the property and any structures thereon in a manner consistent with City of Durham minimum housing code, including but not limited to mowing the grass, and keeping the property free of debris until the date of sale to the home buyer, and require that the organization provide the County with copies of building permits, Certificate of Completion and financial information of the potential home buyer.
- F. The County will sell the property to the approved organization via Non-Warranty Deed with the above described reverter clause included therein for the purchase price of \$10.00.

This policy shall be effective on and after July 1, 2005.

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Consent Agenda Item No. f. Adoption of Resolution to Set Public Hearing for August 29, 2005 for Consideration of the Durham Unified Development Ordinance (UDO) (adopt the resolution setting August 29, 2005 at 7:00 p.m. as the public hearing date—a joint meeting with City Council to be held in Council’s Chambers).

Resolution Setting Public Hearing to Consider  
the Adoption of  
The Durham City County Unified Development Ordinance

WHEREAS, the Durham City Council and the Durham County Board of Commissioners desire to improve Durham’s development regulations; and

WHEREAS, the Governing Bodies of the City and County directed the Planning Staff to prepare a Unified Development Ordinance; and

WHEREAS, a draft Unified Development Ordinance has been prepared that updates Durham’s development regulations, eliminates inconsistencies in the current regulations, and incorporates most of the regulations into a single ordinance; and

WHEREAS, the Durham Planning Commission held a public hearing and recommended adoption of the Ordinance; and

WHEREAS, a public hearing by the City Council and the Board of Commissioners must be held before this Ordinance can be adopted; and

WHEREAS, the Joint City County Planning Committee recommends that the draft Unified Development Ordinance be considered at a joint public hearing before the City Council and County Board of Commissioners.

NOW, THEREFORE, the Board of Commissioners of the County of Durham sets August 29, 2005, at 7:00 p.m. in City Council Chambers as the time and place for a public hearing to consider the Unified Development Ordinance, and directs the Planning staff to advertise such a hearing in accordance with the law.

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Consent Agenda Item No. h. Service Contract Renewal and Lease Extension for the Animal Protection Society of Durham Inc. (APS) (authorize the County Manager to execute a one-year contract with APS not to exceed \$486,350 and extend the term of the lease agreement for one year).

LEASE EXTENSION—ANIMAL SHELTER

THIS LEASE EXTENSION is made as of the 1<sup>st</sup> day of July 2005, between Durham County, (“Lessor”) and Animal Protection Society of Durham, Inc. (“Lessee”).

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a lease agreement dated July 1, 2004, for approximately 22,000 sq. ft. one story building and surgical facility, located at 2117 E. Club Blvd., known as the Animal Shelter (“Lease”); and

WHEREAS, Lessor and Lessee wish to extend the Term Lease upon the terms and conditions stated in the Lease.

NOW, THEREFORE, for and in consideration of the promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. Pursuant to paragraph 3 of the Lease, the parties hereby extend the Term of the Lease for 1 year beginning July 1, 2005 through June 30, 2006.
2. The terms and conditions of the Lease shall remain in full force and effect for the extended Term.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the dates set forth below.

Landlord: COUNTY OF DURHAM

Tenant: ANIMAL PROTECTION SOCIETY  
OF DURHAM, INC.

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Consent Agenda Item No. 1. Lease Amendment—200 East Main Street—Courthouse Canteen (approve for CBK1 Inc. for one year, ending June 30, 2006, with the option of the Tenant to terminate on September 30, 2005 upon 60 days prior written notice to the County, and authorize the Manager to execute the amendment).

NORTH CAROLINA  
COUNTY OF DURHAM COUNTY

LEASE AMENDMENT  
200 East Main Street—Canteen

THIS LEASE AMENDMENT is made as of the 30<sup>th</sup> day of June 2005, by and between the **COUNTY OF DURHAM**, a political subdivision of the State of North Carolina hereinafter referred to as “Landlord,” and the **CBK 1, INC.**, a North Carolina corporation, hereinafter referred to as “Tenant.”

WITNESSETH:

WHEREAS, Tenant entered into that certain lease agreement dated July 1, 2004, between the County of Durham and CBK 1, INC. for space in the building located at 200 East Main Street (“Lease”) which Lease term expires June 30, 2005; and

WHEREAS, Landlord and Tenant wish to amend the Lease to extend its duration upon the terms and conditions stated in this Lease Amendment.

NOW, THEREFORE, for and in consideration of the mutual obligations set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree to amend the Lease as follows:

1. The Term of the Lease is hereby amended to expire at 11:59 pm on June 30, 2006, unless sooner terminated in accordance with the Lease or this Lease Amendment.
2. Section 13, entitled "Termination" is hereby amended to provide the Tenant the option to terminate the Lease on September 30, 2005, provided that Tenant gives Landlord written notice by or before August 30, 2005 of Tenant's intent to terminate the Lease effective September 30, 2005. In the event Tenant does not give Landlord timely written notice of Tenant's intent to terminate early pursuant to this Amendment, then the Lease shall expire June 30, 2006.
3. The terms and conditions of the Lease shall remain in full force and effect for the remainder of the Term unless otherwise changed by this Lease Amendment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the dates set forth above.

Landlord: County of Durham

Tenant: CBK, 1, INC.

Consent Agenda Item No. n. Budget Ordinance Amendment No. 05BCC000067—  
Department of Social Services—Medicaid Adjustment for Pass-Through Dollars.

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000067

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$263,829,198	\$19,000,000	\$282,829,198

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> Human Services	\$325,033,313	\$19,000,000	\$344,033,313

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

This the 27<sup>th</sup> day of June, 2005.

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Consent Agenda Item No. p. Capital Project Amendment No. 05CPA000015—Agriculture Building Renovation Project DC068 (approve for \$21,545; this amendment will result in a total capital project amount of \$823,551 for the Agriculture Building renovation project).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Capital Project Ordinance  
Amendment No. 05CPA000015

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Capital Project Ordinance is hereby amended to reflect budget adjustments.

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Agriculture Building Renovation Project	\$802,006	\$21,545	\$823,551

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

This the 27<sup>th</sup> day of June, 2005.

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Consent Agenda Item No. r. Budget Ordinance Amendment No. 05BCC000068—Social Services—Recognizing Additional Crisis Intervention Prevention Revenue (approve the increase of \$46,569).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000068

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$282,829,198	\$46,569	\$282,875,767

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$344,033,313	\$46,569	\$344,079,882

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

This the 27<sup>th</sup> day of June, 2005.

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Consent Agenda Item No. 5. Contract Amendment with Correct Care Solutions LLC for Medical Services Provided at the Durham County Detention Facility and the Youth Home (approve and authorize the County Manager to execute).

CONTRACT AMENDMENT  
Correct Care Solutions, LLC

North Carolina  
Durham County

THIS CONTRACT is made, and entered into this the 1st day of July, 2005, by and between the COUNTY OF DURHAM, a political subdivision of the State of North Carolina, (hereinafter referred to as "COUNTY"), party of the first part and Correct Care Solutions, LLC, (hereinafter referred to as "CONTRACTOR"), party of the second part.

WHEREAS, CONTRACTOR and COUNTY have previously entered into an agreement dated 1st day of September, 2004 for provision of health care services for the Durham County Detention Center and The Durham County Youth Home ("Original Agreement"); and

WHEREAS, CONTRACTOR and COUNTY desire to amend the Original Agreement by this written Contract Amendment to modify the scope of services as described in "Attachment 1", increase the compensation paid to CONTRACTOR and extend the term of the Original Agreement, as modified herein, through June 30, 2007.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements made herein, the parties agree as follows:

1. CONTRACTOR shall receive from COUNTY an annual amount not to exceed Two Million Two Hundred Eighty Nine Thousand Four Hundred Seventy Nine (\$2,289,479) as full compensation for the provision of Services as set forth herein. COUNTY agrees to pay CONTRACTOR equal monthly payments of One Hundred Eighty Two Thousand Four Hundred Fifty Six Dollars and Fifty-Eight Cents (182,456.58) (the "Base Charge), for Services performed to the satisfaction of the COUNTY, in accordance with this Contract Amendment, and Attachment 1, incorporated herein. The parties shall cooperate to reconcile the payments at the end of each month to determine the actual ADP per diem and Aggregate Cap of the previous month as set forth in Attachment 1 (the "Per Diem"). Upon request, CONTRACTOR shall submit an itemized invoice to COUNTY by the end of the month during which Services are performed for the Base Charge and Per Diem. Payment will be processed within thirty (30) days upon receipt and approval of the invoice by COUNTY.

2. The term of the agreement shall be extended to June 30, 2007.

3. CONTRACTOR shall provide the Services set forth in Attachment 1, attached hereto and incorporated herein, for the extended term.

4. Except for the changes made herein, the Original Agreement shall remain in full force and effect to the extent not inconsistent with this Amendment. In the event that there is a conflict between the Original Agreement and this Amendment, this Amendment shall control.

The parties have expressed their agreement to these terms by causing this Contract Amendment to be executed by their duly authorized officer or agent. This agreement shall be effective as of the date herein.

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Consent Agenda Item No. t. Budget Ordinance Amendment No. 05BCC000069—The Durham Center (approve the Medicaid budget increase for FY 2004-05 from \$21,500,000 to \$22,300,000, a difference of \$800,000).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000069

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Services Charges	\$ 33,676,145	\$800,000	\$34,476,145

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$344,079,882	\$800,000	\$344,879,882

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

This the 27<sup>th</sup> day of June, 2005.

**Application for Ambulance Franchise—Tri Star Medical Transport Inc.**

J. M. Tezai, EMS Director, stated that any provider of ambulance service wishing to provide service from point to point within Durham County must apply for and be issued an ambulance franchise. Tri-Star Medical Transport Inc. submitted an application for consideration in January 2005. In accordance with the current Ambulance Franchise Ordinance, Tri-Star submitted a written application to the Durham County EMS Director,

who then conducted a background investigation to review service delivery history, professionalism/competency of the applicant's personnel, and the financial stability of the applicant. These findings were then presented to the Durham County EMS Council, whose comments were included in Mr. Tezai's report to the Board. After gathering additional information related to the application and completing a background investigation, the application and background information were presented to the EMS Council on May 19, 2005. After discussion regarding the need for additional service and clarification of procedural issues, the Council approved the submission of the franchise application to the Board of County Commissioners without recommendation. The approval was contingent upon receipt of additional information from Tri-Star.

Chairman Reckhow called the following signed speakers forward:

Jeff Bartels, 3119 Guess Road, Durham 27705, owner of AAA Transport Inc. (one of the two ambulance franchises in Durham County). Mr. Bartels beseeched the Board to deny an ambulance franchise to Tri-Star as Durham County has insufficient call volume to support a third ambulance franchise.

Robert Soucy, 1512 Kirkwood Drive, Durham, 27705, Training Director and Senior Manager for Tri-Star Medical Transport, stated that Tri-Star would be an asset to Durham County.

Dr. David Marcozzi, Director of Disaster Preparedness and Emergency Medicine Attending Physician at Duke University Medical Center, expressed his opinion that Tri-Star Medical Transport would integrate with the current, ongoing practices and augment the County's resources.

Laura Kuhr, 3104 Starmount Drive, Raleigh, gave an overview of Tri-Star Medical Transport and requested that the Commissioners approve the franchise.

Jason Crowell, 640 West Club Boulevard, Durham 27701, Director of Business Development, Johnston Ambulance Service, expressed his opinion that the two ambulance services meet the current needs of Durham County citizens. The addition of another provider would over saturate the system and prevent the current providers from maintaining financial stability. He asked the Board to vote against another ambulance franchise.

Chairman Reckhow asked Mr. Tezai if the current providers have always met the demand for ambulance service.

Mr. Tezai responded that he believes the public need and convenience are being met.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to defer the item to allow staff to consider the franchise request and bring back a recommendation to the Board at the July 25, 2005 Regular Session.



County Attorney Chuck Kitchen advised that if the Commissioners approve the franchise on July 25, the matter must come back to the Board in August for a second approval.

Commissioner Page voiced appreciation for the comments of Mr. Bartels, stating that they help the Commissioners understand the importance of working class citizens in Durham County.

Chairman Reckhow directed Mr. Tezai to assemble data relative to this issue (number of ambulances, etc.).

Ms. Tezai remarked that the data would comprise two key elements—the current call volume and response times.

Commissioner Page asked that the request for services be included in the data.

Chairman Reckhow expressed appreciation for the comments of the two current ambulance providers, stating that the Board will seriously consider this matter so that their businesses will not be jeopardized.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

### **Retirement of J. M. Tezai, EMS Director**

Chairman Reckhow mentioned that this is the last official meeting of EMS Director Tezai due to his retirement on July 1. She thanked him for his tremendous service to Durham County.

Mr. Tezai stated that on March 1 he completed 40 years in public safety, 30 of which were with this system (one of the best in the state). The experience has been tremendous and very rewarding. He voiced appreciation to the County Commissioners for their support over the years.

### **Adoption of FY 2005-2006 Budget Ordinance**

Chairman Reckhow restated that the meeting on Thursday night to adopt the budget would begin at 7:30 p.m. She apologized for any inconvenience to citizens interested in the budget.

County Manager Ruffin stated that if the Board approves the FY 2005-06 Budget Ordinance as proposed, the tax rate increase would be 1.9 cents. The final Budget Ordinance is a culmination of many, many meetings. The changes that the Commissioners have made are reflected therein.

Chairman Reckhow clarified that the \$2 million being transferred from the Health Trust Fund will be used for health related activity for Durham County's Emergency Medical Services.

Chairman Reckhow called the citizens forward who had signed to speak on the FY 2005-06 budget.

The following citizens appealed to the County Commissioners to fund fully the additional resources requested by the court system:

Barker French, 1005 Monmouth Avenue, Durham 27701

Brad Brinegar, 3307 Devon Road, Durham 27707

Judge Elaine Bushfan, 201 W. Main Street, Durham 27703

Caleb Southern, 604 W. Morgan Street, Durham 27701

Pat Amaeichi, 205 Broadway Street, Durham 27701, Executive Director, Healing with CAARE, asked the Commissioners to approve funding for the nonprofit organization.

Chairman Reckhow expressed appreciation for the work of the Durham Roundtable. The County covered the \$620,000 funding amount proposed by the Durham Roundtable a few months ago. The State was assigned \$560,500. The County is actively lobbying for funding the court positions assigned to the State. General Assembly members from Durham have made this item a high priority. The Commissioners are working for as many state-funded court positions in Durham as possible. It is important to carry through with the initiative. Chairman Reckhow was amenable to appropriating additional funds to the courts in the upcoming year once the General Assembly makes its decision.

Commissioner Cheek asked about the prospects of the General Assembly reaching a decision by Thursday, June 30.

County Attorney Chuck Kitchen replied that he has heard nothing other than what was communicated to the Board.

Commissioner Cheek restated his position on the court system request. He was willing to wait on the General Assembly's decision until the Commissioners are called upon to enact the budget. He will continue to support the entire package. Commissioner Cheek expressed that the citizens are willing to support the small tax increase to fund the court system's request to make the Durham community safe.

Commissioner Page concurred with Commissioner Cheek. He had received no calls from citizens opposing the tax increase for the courts. The community should not be placed in jeopardy by the lack of court staff.

Vice-Chairman Heron stated that she has faith that the General Assembly will provide the needed funding. If the legislature chooses not to provide the adequate positions, the County can then take a step to meet the funding need.

Commissioner Page asked whether Healing With CAARE would be given funding.

Chairman Reckhow stated that the consensus of the Board at the June 20 meeting was to deny funding due to the deficiencies in the application.

Vice-Chairman Heron added that staff and the Commissioners have completed the nonprofit process. At the June 20, 2005 Budget Worksession, the Board considered the rationale of staff's recommendation and could justify no funding for Healing With CAARE.

Commissioner Page expressed his support for the funding proposal and expressed disappointment that the Board as a body could not support CAARE's proposal. HIV testing is a growing need in the community. Commissioner Page suggested that staff maintain attendance logs regarding nonprofit participation in pertinent County meetings.

### **Board and Commission Appointments**

Vonda Sessoms, Clerk to the Board, distributed ballots to make appointments to boards and commissions. The following appointments were made:

#### Adult Care Home Community Advisory Committee

Patricia E. Blodgett  
Fredericka Ann Carver

#### Alcoholic Beverage Control Board

Kimberly D. Shaw

#### Animal Control Advisory Board

Michael B. Nifong (District Attorney)

#### Bicycle and Pedestrian Advisory Committee

Phillip T. Barron (Senior Advocacy)  
Chris Mankoff (Business/Economic Development)  
Philip D. McHugh (Health/Physical Fitness)

#### Citizens Advisory Committee

Manuel L. Rojas

#### Durham Technical Community College Board of Trustees

Ted Conner  
Louise W. McCutcheon

Environmental Affairs Board

Sharon D. Beard (Public Health)

Library Board

Marian Dillahunt-Andrews

Hugh Giblin

Mohammad S. Rashdi

Ednace Roberts

Nursing Home Community Advisory Committee

Donna Y. McNeil

Social Services Board

Pamela S. Glean

Transportation Advisory Board

Linda Wallace

Women's Commission

Andrea Dwyer

Yolanda Mangum-Gordon

Paula Perez

Dr. Angela O. Terry

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Chairman Reckhow directed Clerk Vonda Sessoms to underline incumbents on future ballots.

**Motion from Closed Session**

Chairman Reckhow announced that an additional motion was required by the Board as a result of the 4:00 p.m. closed session.

Commissioner Cheek moved, seconded Vice-Chairman Heron, to approve an amendment to County Attorney Chuck Kitchen's contract giving credit for prior service.

The motion carried unanimously.

**Motion to Recess the Meeting until June 30, 2005**

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to recess the meeting until Thursday, June 30, 2005 at 7:30 p.m.

The motion carried unanimously.

Respectfully submitted,

Vonda C. Sessoms  
Clerk to the Board