

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

Monday, October 24, 2005

7:00 P.M. Regular Session

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, Commissioner Philip R. Cousin Jr., and
Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow acknowledged that Item 8, Preliminary Plat—Quail Ridge Subdivision (D04-644), had been removed from the agenda. At the request of Commissioner Page, Chairman Reckhow added Operation Breakthrough Incident Update to follow up on directives given during the October 10 meeting.

Motion to Excuse Commissioner Page

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to excuse Commissioner Page from the November 14, 2005 Regular Session.

The motion carried unanimously.

Introduction of the Chamber of Commerce President

Chairman Reckhow introduced Libby Barnes as the new Greater Durham Chamber of Commerce President/CEO. She welcomed Ms. Barnes to Durham and invited her to make remarks.

Ms. Barnes thanked the Board for its past, present, and future leadership. She assured the Commissioners that the Chamber of Commerce will continue to work with them to improve economics within the county.

Announcements

Chairman Reckhow invited citizens to attend and participate in the following events:

- Forum on the Ten-Year Plan to End Homelessness in Durham
Handle With Care: How Can We Improve the Chronic Mental & Physical Health of the Homeless?
Thursday, November 3, 2005—Museum of Life and Science—7:00 – 9:00 p.m.
- Walk to Cure Diabetes
Saturday, October 29, 2005—Nortel Network Campus—Check-In Time: 9:00 a.m.; Start: 10:00 a.m.

Chairman Reckhow briefly reported on the grand opening of the Central Park School Playground on October 20, 2005. The playground was partly financed by Durham Open Space and Trails Commission's Matching Grants Program.

Commissioner Page highlighted the closure of the "Durham Reads Together" program. He commended Library Director Philip Cherry and staff for orchestrating program events.

Chairman Reckhow echoed Commissioner Page's comments.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve as submitted the October 3, 2005 Worksession Minutes of the Board.

The motion carried unanimously.

October Anchor Award Winner—Keith Luck

Planning Director Frank M. Duke reviewed the accomplishments of Senior Planner Keith Luck, which resulted in his receipt of the October Anchor Award. Mr. Luck was instrumental in the completion of the Durham City-County Comprehensive Plan, investing significant time with members of an advisory committee consisting of neighborhood representatives, developers, and government interests. Mr. Luck prepared an educational program to introduce the Plan at public hearings before the Planning Commission, the Board of Commissioners, and the City Council. His leadership in the formulation and adoption of the Plan allowed Durham's citizens to describe and set goals for their desired future.

Mr. Luck thanked the Board for the award and commented on his work with the Comprehensive Plan.

Chairman Reckhow presented the award to Mr. Luck and congratulated him on his many successes.

Consent Agenda

In relation to Consent Agenda Item No. d, Commissioner Cheek briefly commended staff for the work well done.

Chairman Reckhow elaborated on Consent Agenda Item No. c.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds for Fiscal Year 2005-06 (accept the property tax release and refund report for September 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Capital Project Amendment No. 06CPA000004— Proposed Animal Control Office Building Project (transfer \$85,000 from the unused two-thirds bond funding available in the completed Animal Shelter Renovations project for the design and associated services for the proposed Durham County Animal Control Office Building);
- c. Execution of Architectural Design Service Agreement with The Freelon Group Inc. for the Proposed Durham County Human Services Complex—Project No: DC070-48 (authorize the execution of an architectural design contract for \$3,375,000, plus additional services and reimbursable expenses estimated at \$580,000, thus totaling \$3,955,000);
- *d. Resolution Designating the National Incident Management System (NIMS) as the Basis for All Incident Management in the County of Durham (adopt as Durham County's Standard for Incident Management);
- e. Approval of a Clean Water Management Trust Fund Grant Agreement for Conveyance of Conservation Easements on 50 Acres on the South Fork of the Little River (approve the grant agreement in the amount of \$170,000, authorize the County Manager to execute the agreement, and approve the conveyance of a conservation easement to the State of North Carolina);
- *f. Budget Ordinance Amendment No. 06BCC000023— Cooperative Extension—Juvenile Crime Prevention Council (authorize the appropriation of fund balance in the amount of \$22,273 for reimbursement to the North

Deleted:

- Carolina Department of Juvenile Justice and Delinquency Prevention);
- g. Brame Office Solutions—Tax Administration (authorize the Manager to execute the contract in the amount of \$55,000 to address facility issues regarding the business listing department); and
 - *h. Street Annexation Petition—Eno Woods Trail (Eno Woods Subdivision) (adopt the resolution to approve the addition of Eno Woods Trail to the state’s road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2005-06 (accept the property tax release and refund report for September 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 September 2005.

Releases & Refunds for 2005 Taxes:

Real Estate	\$	2,920.97
Personal	\$	15,634.25
Registered Vehicles	\$	32,072.50
Vehicle Fees	\$	740.00
Solid Waste	\$	<u>400.00</u>
Total for 2005 Taxes and Fees	\$	51,767.72

Prior years’ (1995-2004) releases and refunds for September 2005 are in the amount of \$12,064.74; the total current year and prior years’ releases and refunds amount to \$63,832.46.

Consent Agenda Item No. b. Capital Project Amendment No. 06CPA000004—Proposed Animal Control Office Building Project (transfer \$85,000 from the unused two-thirds bond funding available in the completed Animal Shelter Renovations project for the design and associated services for the proposed Durham County Animal Control Office Building).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Capital Project Ordinance
Amendment No. 06CPA000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Animal Control Office Building Project	\$0	\$85,000	\$85,000
Animal Shelter Renovation Project	\$1,573,271	(\$85,000)	\$1,488,271

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

This the 24th day of October, 2005.

Consent Agenda Item No. d. Resolution Designating the National Incident Management System (NIMS) as the Basis for All Incident Management in the County of Durham (adopt as Durham County's Standard for Incident Management).

RESOLUTION DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE COUNTY OF DURHAM

WHEREAS, the President of the United States in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

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WHEREAS, NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the County's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the County, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

WHEREAS, the Board of Commissioners has the authority to direct and coordinate emergency management plans and programs pursuant to N.C.G.S. § 166A-7:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DO TH RESOLVE:

1. The National Incident Management System (NIMS) is designated as the County standard for incident management.
2. This Resolution shall be effective upon its passage.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 06BCC000023—
Cooperative Extension—Juvenile Crime Prevention Council (authorize the appropriation of fund balance in the amount of \$22,273 for reimbursement to the North Carolina Department of Juvenile Justice and Delinquency Prevention).

Deleted:

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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> Other Financing Sources	\$21,816,390	\$22,273	\$21,838,663

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> Economic & Physical Development	\$2,842,223	\$22,273	\$2,864,496

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

This the 24th day of October, 2005.

Consent Agenda Item No. h. Street Annexation Petition—Eno Woods Trail (Eno Woods Subdivision) (adopt the resolution to approve the addition of Eno Woods Trail to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina
County of Durham

Road Description: Eno Woods Trail (Eno Woods Subdivision)—.075 miles west of the intersection of SR 1401 and SR 1449. Length of road—.46 mile (2420 feet).

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Durham requesting that the above-described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above-described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that the Division of Highways is hereby requested to review the above-described road and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Durham at a meeting on the day of October 24, 2005.

Witness my hand and official seal this the day of October 25, 2005.

/s/ Vonda C. Sessoms
Clerk, Board of Commissioners
County of Durham

Major Site Plan—Coley Road Substation (D05-219)

Planning Director Frank Duke stated that Davis-Martin-Powell & Associates Inc., on behalf of Progress Energy, submitted a major site plan for a public utility facility on an 89.84-acre site, zoned RD and F/J-B.

This case was originally heard at the September 12, 2005 Regular Session and was continued to the October 10, 2005 Regular Session, at which time the item was continued to the October 24, 2005 Regular Session.

(The property is located at 3014 Coley Road, on the west side of Coley Road between Kemp and Carpenter Pond Roads. PIN 0870-03-41-4757)

Planning staff recommended approval.

County Manager Mike Ruffin referenced a letter to the Commissioners from Progress Energy, highlighting commitments that Progress Energy made to neighbors affected by the Coley Road substation. The commitments resulted from a meeting between Progress Energy Carolinas Inc. (PEC) and property owners directly impacted by PEC's proposed new Durham – Falls 230 kilovolt transmission line. (The meeting was requested by the Commissioners during their review of Progress Energy's major site plan request at the October 10, 2005 Regular Session.)

Chairman Reckhow recognized the following signed speakers to comment:

Mr. Marty Clayton, Community Relations Manager, Progress Energy, 3000 Spring Forest Road, Raleigh 27616

Mr. Steve Wilson, Project Manager, Progress Energy, 412 S. Wilmington Street, Raleigh 27610

Commissioner Page thanked Mr. Wilson and Progress Energy for following up on the Board's request.

Commissioner Cheek expressed appreciation to Progress Energy for making efforts to address problems raised by property owners.

Chairman Reckhow recognized Mr. Robert S. Fife, 3301 Coley Road, Durham 27703, for comments.

Mr. Fife thanked the Board for initiating negotiations between Progress Energy and the property owners.

Vice-Chairman Heron praised Progress Energy for involving the community in its project development.

Chairman Reckhow recognized Tax Administrator Ken Joyner to address assessment adjustments that may be available for the property owners due to the utility easement going through their property.

Mr. Joyner responded that an appraisal is done by examining: 1) how the property is affected by the easement; 2) how much land is affected; and 3) the highest and best use of the property. An adjustment would be determined by how the easement may affect property values. Appraisals are done at the end of March.

County Manager Ruffin clarified that the Use Value Designation, which applies to farming and forestry, must be done in January.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Major Site Plan—Coley Road Substation (D05-219).

The motion carried unanimously.

An Overview of Emergency Response

At Vice-Chairman Heron's request, Jeffrey Batten, Durham County Fire Marshal/Emergency Management Director, made a PowerPoint presentation on the Planning Process for Emergency Response in Durham County, addressing the basic City-County Emergency Operation Plan.

Questions

1. Who has the authority in a state of emergency: Fire Marshal's Office, County Manager's Office, or EMS? Fire Marshal Batten has the authority, but assistance would be sought from the City and County Managers' offices.
2. Are there designated schools to use for shelter? All Durham Public Schools can be used, although a specific school has been secured to ensure that special-needs patients receive adequate care and uninterrupted power in case of a power outage.
 - a. Are the shelter schools equipped with generators? Yes, portable generators.
3. What kind of system exists for residents who live alone and/or have no transportation? Law Enforcement, EMS, and Fire Marshal provide transportation.

Chrystal Thomas, Special Needs Registry Management, Fire Marshal, discussed assistance for people with special needs and where they reside.

Vice-Chairman Heron expressed concern to the County Manager about understaffing at the 9-1-1 Communications Center.

County Manager Ruffin informed Vice-Chairman Heron that the Management Team, Public Safety representatives, and Jim Soukup, 9-1-1 Director, will meet at 9:30 a.m. tomorrow about the understaffing issue.

Mr. Batten gave an overview of the Community Emergency Response Team (CERT), led by Betty Moore, Emergency Management Coordinator. CERT provides quality disaster preparedness training for members of the community and provides additional trained emergency workers to assist community members during a disaster.

Chairman Reckhow praised CERT for offering training to citizens to become better prepared to help themselves and others in the community. She encouraged citizens who are interested in the training to contact the Emergency Management Department at 560-0660.

Mr. Batten briefly commented on the County Animal Response Team.

Chairman Reckhow thanked Mr. Batten for his presentation. She thanked to Vice-Chairman Heron for placing the item on the agenda.

Commissioner Cheek inquired about staffing issues at 9-1-1.

County Attorney Chuck Kitchen elaborated on who has the authority during a state of emergency. The source of authority lies with various entities, including: the Commissioners to govern; the Sheriff to restore order and keep the peace; and the Public Health Director in case of biological emergencies (i.e. quarantines and necessities to stop epidemics). Coordination is provided by the Fire Marshal's Office.

Vice-Chairman Heron opined that 9-1-1 should be a subdivision of Emergency Management.

Chairman Reckhow thanked staff for their assistance in aiding Hurricane Katrina victims who have relocated to Durham.

County Manager Ruffin reported that a former New Orleans' paramedic was recently hired as a Durham County EMS paramedic.

Vice-Chairman Heron suggested that Mr. Batten make the Emergency Response presentation to the City Council.

Operation Breakthrough Incident Update

At the October 10 Regular Session, Commissioner Heron requested an update on an incident that occurred regarding a child left behind on a school bus operated by Head Start.

Commissioner Page supplied the update to the Commissioners on behalf of Operation Breakthrough. He reported that each Head Start bus now carries two monitors besides the driver; no more than 25 children ride on a bus at any time; and the Head Start transportation manager conducts 'spot checks' to ensure drivers/monitors are not completing forms in advance.

Commissioner Page reported that the child left unattended is safe and his parents took him to the Head Start program, as usual, the morning following the incident.

Chairman Reckhow thanked Commissioner Page for following up in a timely manner.

Commissioner Page offered to relay Commissioner Cheek's concern to Operation Breakthrough about reducing the number of children per bus.

Board and Commission Appointments

Vonda Sessoms, Clerk to the Board, distributed ballots to make appointments to boards and commissions.

The Board of County Commissioners made the following appointments:

Adult Care Home Community Advisory Committee

La-Tasha L. Best-Gaddy
Donna Y. McNeil
Dyana Morgan

Animal Control Review Board

George Webb

Board of Adjustment

George Kolasa (Alternate)

Criminal Justice Partnership Act Advisory Board

Joseph E. Anthony (Criminal Defense Attorney)
Kevin Hutchinson (At-large)

Durham Convention & Visitors Bureau/Tourism Development Authority

James Heyward (Retail/Transportation)
Thomas M. Niemann (Citizen At-large/Neighborhood Associations)

Emergency Medical Services Council

Donna M. Kovalick (VA Medical Center Representative)

Juvenile Crime Prevention Council

Sandra Hall (Juvenile Defense Attorney)

Nursing Home Community Advisory Committee

Eulah Cole
Beulah C. Hollowell
Victor W. L. Pace II

Open Space and Trails Commission

Jack Gibson (Mangum Township)

Transportation Advisory Board

David Keaveney
Dan G. Smith

Workforce Development Board

Sammy R. Haithcock (Public Sector—Public Assistant)

Closed Session

Commissioner Page moved, seconded by Vice-Chairman Heron, to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow announced that the Board met in Closed Session and directives were given to staff; no action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Yvonne R. Gordon
Deputy Clerk to the Board