

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

Monday, October 10, 2005

**AGENDA**

**?Public Charge?**

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

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7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.

2. **Agenda Adjustments** 5 min.

3. **Announcements** 5 min.

- Forum on the Ten-Year Plan to End Homelessness in Durham

*Buddy, Can You Spare a Job?*

October 20, 2005?Triangle Presbyterian Church?7:00 ? 9:00 p.m.

4. **Minutes** 5 min.

September 26, 2005 Regular Session

5. **Resolution Opposing Proposed Budget Cuts by DHHS**

5 min.

Carmen Hooker Odom, Secretary of the Department of Health and Human Services, has proposed the consolidation of local administrative duties into regional constructs to address a deficit in the Mental Health, Developmental Disabilities, and Substance Abuse (MH/DD/S) services budget. Ellen Holliman, Director of the Durham Center, made the Board of Commissioners aware of this situation on Monday, October 3. She noted that agencies are especially concerned about the lack of adequate funding for services, insufficient provider capacities in some areas and other issues that need to be addressed before management functions are arbitrarily combined. During the meeting, the Board discussed several strategies to address the issue and a resolution opposing the budget cuts was requested.

Resource Person(s): Ellen Holliman, Area Director, The Durham Center

County Manager's Recommendation: The Manager's recommendation is that the Board approve the resolution and send copies to the Durham Delegation of the N. C. General Assembly.

**6. Consent Agenda** 20 min.

- a. Public Health? Approve the Restructuring of User Fees in the Environmental Health Division and Immunization Clinic and Establishing a Fee for Vaccine in the Immunization Clinic and a Minimum Fee for Services in the Dental Health Clinic;
- b. Budget Amendment No. 06BCC000018a? Revenue Category Changes Due Implementation of New Enterprise Resource Planning (ERP) System (approve to realign revenue categories for the SAP software);
- c. Budget Ordinance Amendment No. 06BCC000019? Sheriff's Office? Homeland Security Grant (approve and authorize the County Manager to sign the Memorandum of Agreement; appropriation of funds will not exceed the amount of the grant award, \$64,235.00);
- d. Budget Ordinance Amendment No. 06BCC000020? The Durham Center (approve the budget increase by \$5,549,631 due to the Medicaid revenue increase and net increase in state revenue);
- e. Budget Ordinance Amendment No. 06BCC000021? -Criminal Justice Resource Center (approve to reduce ~~budget amendment~~ CJPP grant revenue by \$1,324; recognizing \$30,000 in revenue from the Durham Drug Treatment Court and creating a .4 FTE substance abuse counselor position [continued funding dependent on future grant availability]; and, recognizing \$9449.19 in grant revenue for the New Day program [a net change of \$38,125]);
- f. Budget Ordinance Amendment No. 06BCC000022? Recognize Reserved Funds for the Departments of Fire Marshall, Sheriff, Criminal Justice Resource Center, DSS, Public Health, Cooperative Extension, General Services, Risk Management and Tax (approve for \$1,395,760 [previously classified in prior years as deferred revenue]);
- g. Lease Agreement for 706 Rigsbee Avenue with Rainbow 66 Storehouse Inc. (approve to lease 706 Rigsbee Avenue for a thirty-one month term for \$1 per year and authorize the Manager to execute the lease agreement);
- h. Appointment? Criminal Justice Partnership Act Advisory Board (reappoint Antoinette Hilliard to the board as the Public Defender designee);
- i. Durham Public Schools? Surplus Property at Morris Street Facility (decline the offer for purchase of this property); and
- j. Durham Public Schools? Surplus Property at Shepard Middle School (decline the offer for purchase of this property).

**7. Public Hearing and Adoption? 2004-2005 Consolidated Annual Performance Evaluation Report**

20 min.

Durham County Board of County Commissioners is requested to hold the annual public hearing to receive citizen comments related to the Consolidated Annual Performance and Evaluation Report (CAPER). The purpose of this public hearing is to provide citizens with the opportunity to review and comment on the use of Durham HOME Consortium Investment Partnership (HOME) and American Dream Downpayment Assistance (ADDI) programs funds during the previous year to address housing and community development needs in Durham, as required by the U.S. Department of Housing and Urban Development (HUD).

The Durham Consortium, composed of the City and County of Durham, has been the recipient of HOME funds since 1992. HOME Consortium funds have been used for affordable housing activities

as required by HOME program regulations. These funds have been a primary funding source for city neighborhood revitalization activities. The FY 2004-2005 HUD entitlement allocation was \$1,387,850 in HOME and \$198,888 in ADDI funds. The FY 2004-2005 Consolidated Action Plan allocated these funds primarily for housing construction, housing rehabilitation and public service activities in Durham with focus in target neighborhoods.

Some of the accomplishments achieved during the July 1, 2004 ? June 30, 2005 program year include:

- ? approximately \$1,511,043 total HOME/ADDI expenditures (includes prior allocations)
- ? \$100,000 has been encumbered for The Durham Center, as a result of the County Initiative
- ? 29 households received first-time homebuyer assistance
- ? 16 minority families became homeowners through ADDI Project
- ? approximately \$2,264,395 total CDBG expenditures (includes prior allocations)
- ? \$1,236,317 expended on housing rehabilitation and weatherization
- ? \$436,357 expended on Barnes Avenue Redevelopment infrastructure
- ? \$235,155 expended on public services and facilities
- ? 220 households were served by community homebuyer education

Resource Person(s): Michael Barros, Director of City of Durham Department of Housing and Community Development (DHCD), and DHCD staff

County Manager's Recommendation: The Manager recommends that the Boardhold the FY 2004-2005 Consolidated Annual Performance Evaluation Report (CAPER) Public Hearing to receive citizen comments, and adopt the CAPER.

#### **8. Major Site Plan?Coley Road Substation (D05-219)**

20 min.

Davis-Martin-Powell & Associates, Inc., on behalf of Progress Energy, has 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 meeting and was continued to the October 10, 2005 regular meeting.

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 recommends approval.

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

County Manager's Recommendation: The County Manager recommends approval.

#### **9. Cablevision Ordinance**

15 min.

The Commissioners discussed a new Cable Communications Ordinance at the October 3, 2005 Worksession. Sec. 25-151 has been changed to reflect the requirement for two educational channels with the possibility to reduce it to one in the franchise should the need not develop. The Ordinance has previously been sent to the Cable Advisory Committee, and changes have been incorporated into the current draft. A copy of the proposed ordinance has also been sent to Time-Warner for comment. A meeting will be held on Friday, October 7 with Time-Warner.

The proposed structure of the ordinance would provide for the County Commissioners to adopt the Cablevision Ordinance which would provide the basic requirements for any cable provider providing

cable television services in the County. The details of the franchise would then be negotiated with the provider and approved by the Board of Commissioners. This would allow for multiple cable providers if there were an interest shown by other companies.

Resource Person(s): Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD APPROVE THE CABLE COMMUNICATIONS ORDINANCE WITH ANY CHANGES DESIRED BY THE BOARD.

10. **Personnel Ordinance Amendment**

10 min.

When the Durham County Personnel Ordinance was adopted, the intent of the ordinance was that no property rights would be conferred by the adoption of the Ordinance. However, the term "permanent employee" was used throughout. This term was the common term generally used at that time in typical personnel ordinances. Since the adoption of the ordinance, the courts have generally held that the adoption of a personnel ordinance grants property rights. This is especially true when terms such as permanent employee are used.

The proposed amendments would change the terminology used in the ordinance from "permanent employee" to "regular employee", and would specifically delineate that property rights are not being created by the ordinance. This change would bring Durham County into line with other local government jurisdictions, including the City of Durham.

This proposed change would not affect the employees covered by Chapter 126 of the General Statutes, e.g. Mental Health, DSS, Public Health, and Emergency Management. It also would not affect the departments that have elected department heads or employees of the Board of Elections.

Resource Person(s): Marqueta Welton, Human Resources Director, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board adopt the proposed changes to the Personnel Ordinance.

11. **Benefits Plans for 2006**

20 min.

The Human Resources Department is seeking approval to enter into contracts with the vendors named below for the 2006 Benefits year. All rates and plans would be effective January 1, 2006. The recommendations are: Health Insurance ? Wellpath and North Carolina Association of County Commissioners (NCACC) ? Blue Cross/Blue Shield (BC/BS); Dental Insurance ? NCACC/BCBS; Short Term Disability; The Standard Insurance Company (increase in rates only). Other Benefit Vendors have not changed from last year and do not require new contracts.

Resource Person(s): Debbi Davidson, Benefits Manager and Marqueta Welton, Human Resources Director

County Manager's Recommendation: Authorize the County Manager to enter into contracts with the vendors presented by Human Resources.

13. **Board and Commission Appointments**

5 min.

Vonda C. Sessoms, Clerk to the Board, will distribute ballots to make appointments to the following board and commissions:

- Adult Care Home Community Advisory Committee
  
- Criminal Justice Partnership Advisory Board

- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Triangle J Water Resources Committee

Resource Person(s): Vonda C. Sessoms

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

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**2¼ hrs.**