

REVISED

[Consent agenda item Nos. 6(g) and (u)].

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

Monday, June 23, 2003

AGENDA

4:30 P.M.

Closed Session-Personnel Matters

The Board of County Commissioners will go into Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

4:30 p.m. to 5:00 p.m.	Tax Administrator Kenneth Joyner
5:00 p.m. to 5:30 p.m.	Register of Deeds Willie Covington
5:30 p.m. to 6:00 p.m.	County Attorney Chuck Kitchen

7:00 P.M. Regular Session

1. **Opening of Regular Session**-Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**

March 24, 2003 Regular Session Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the March 24, 2003 Regular Session Minutes, with a one-word correction.

The motion carried unanimously.

4. 4. (left blank intentionally)

Chairman Reckhow announced the results of the evaluation of personnel during the Closed Session. The following salary increases were proposed:

- ***Tax Administrator Kenneth Joyner*** ***\$ 82,500***
- ***Register of Deeds Willie Covington*** ***\$ 86,000***
- ***County Attorney Chuck Kitchen*** ***\$131,000***
- ***Sheriff Worth Hill*** ***\$ 91,500***

Commissioner Heron moved, seconded by Chairman Reckhow, to approve the salary increases.

The vote carried with the following 4-1 vote:

Ayes: Commissioners Cousin, Heron, Jacobs, and Reckhow

Noes: Vice-Chairman Bowser

5. **FY 2003-2004 Budget Ordinance Adoption**

The Durham County Manager will formally present the FY 2003-04 annual budget to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director, Budget & Management Services

County Manager's Recommendation: The County Manager recommends that the Board approve the FY 2003-2004 Budget Ordinance.

Chairman Reckhow recognized two persons signed to speak on this agenda item:

Delores S. Eaton, 126 Masondale Avenue

Jack Steer, 2416 Dawn Trail

The County Commissioners held a lengthy discussion on the proposed budget.

***Commissioner Cousin moved, seconded by Commissioner Jacobs,
to adopt the FY 2003-2004 Budget Ordinance.***

The motion carried unanimously.

6. **6. Consent Agenda**

- a. a. Property Tax Releases and Refunds for Fiscal Year 02-03 (May 2003) (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. b. Budget Ordinance Amendment No. 03BCC000070-Social Services-Accept Additional Revenue (approve the budget ordinance amendment to recognize additional energy administration funding in the amount of \$188,889);
- c. c. Budget Ordinance Amendment No. 03BCC00071-Social Services-Workforce Investment Act (WIA) Grant (approve the budget ordinance amendment to recognize \$100,000 for the Workforce Investment Act grant);
- d. d. Budget Amendment No. 03BCC000072-Social Services-Recognizing Additional Subsidy Child Care Revenue (approve budget ordinance amendment to recognize additional intergovernmental revenue in the amount of \$415,692 for child care subsidy funds);
- e. e. Budget Ordinance Amendment No. 03BCC000073-Mental Health (approve the budget ordinance amendment to appropriate funds in the amount of \$37,692 to support costs associated with conversion to IPRS and local activities for the new State MHDDSAS Plan implementation);
- f. f. Budget Ordinance Amendment No. 03BCC000074-Social Services-To Recognize Additional Smart Start Revenue (approve the budget ordinance amendment to recognize additional intergovernmental revenue in the amount of \$500,000 for Smart Start funds);
- g. g. Budget Ordinance Amendment No. 03BCC000075-Sheriff's Office and Emergency Medical Services (to move unspent appropriations of \$614,000 from the nondepartmental function as follows: \$286,000 to the cost center for the Sheriff's Detention Center; \$98,000 to the Sheriff's Law Enforcement budget; and \$230,000 to the Emergency **Medical** Services department. These funds are for anticipated personnel services coverage for current Fiscal Year 2002-2003);
- h. h. Capital Project Ordinance Amendment No. 04CPA000002-County Computer Replacement Project (approve the capital project amendment to establish a new County computer replacement project with a total budget of \$3,100,000);
- i. i. Appointment-2003 NACo Annual Conference Voting Delegate (appoint County Attorney Chuck Kitchen as the voting delegate for the conference);
- j. j. Adoption of Fiscal Years 2004-2013 Capital Improvement Plan (approve the 2004-2013 Durham County Capital Improvement Plan);

- k. k. Service Contract for the Operation of the Animal Shelter (approve the execution of a one-year service contract with the Animal Protection Society of Durham Inc. for the operation of the Durham County Animal Shelter, not to exceed \$365,998.00);
- l. l. Tax Interlocal Agreement with City of Durham (approve the renewal of the Tax Interlocal Agreement);
- m. m. Multi-Jurisdiction Cooperation Resolution (adopt the resolution to include Morrisville and Cary);
- n. n. Lease Modification Agreement-2000 Chapel Hill Road, Shoppes at Lakewood (Welcome Baby) (approve the lease amendment and authorize the County Manager to execute the lease amendment);
- o. o. Lease Amendment-706 Rigsbee Avenue (Lifespan) (approve the amendments to the lease agreement and authorize the County Manager to execute the lease amendment);
- p. p. (left blank intentionally);
- q. q. Approval of Federal Aviation Administration (FAA) Grant Offer to the Raleigh-Durham International Airport (accept the grant offer);
- r. r. Final Offer to Purchase County Property (2001 Brocton Place) (accept the purchase offer of \$160,000.00 for 2001 Brocton Place);
- s. s. Cancellation of the Board of Commissioner meetings (cancel the July 7 Worksession and July 14 Regular Session);
- t. t. Approval of Construction Contract for the Renovation of the Agriculture Building on Foster Street. Project No: DC068-48; Bid No: IFB 03-009 (authorize execution of a contract with Zehia Corporation of North Carolina in the amount of \$350,000.00 for phase-one renovations and execution of any change orders or related contracts, if necessary, not to exceed a project cost of \$368,195.00); and
- u. u. Appointments to the Downtown Durham Inc. Board of Directors and Carolina Theatre Board (appoint Commissioner **Jacobs** to Downtown Durham Inc. Board of Directors and Commissioner **Cousin** to the Carolina Theatre Board).

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve Consent Agenda items 6(b), (c), (d), (e), (f), (h), (i), (k), (l), (m), (n), (o), (r), and (u).

The motion carried unanimously.

The Consent Agenda items pulled were discussed by the Commissioners and involved staff.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda items 6(a), (g), (q), (s), and (t).

The motion carried unanimously.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to instruct the County Manager to revisit the original plans for Bragtown Branch Library adopted for capital needs (in 2001-) to include expansion and to bring the information back to the Board by August.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Bowser, to approve Consent Agenda item 6(j).

The motion carried unanimously.

7. **Public Hearing-Proposed Secondary Road Construction Program for Durham County (2003-2004)**

Mr. Battle Whitley, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2003-2004). Assistant District Engineer Mike Harris, Division Engineer Jon Nance, Deputy Division Engineer Wally Bowman, Division Maintenance Engineer Ricky E. Greene Jr., and County Maintenance Engineer Steve Winstead will accompany Mr. Whitley.

Resource Person(s): Battle Whitley, P.E., North Carolina Department of Transportation, Division of Highways, Division Five

County Manager's Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Construction Program and hold the public hearing. For the Board's convenience, a copy of the statutes has been attached which outlines the Board's responsibility and authority for the Secondary Road Program. Note that any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the Proposed Secondary Road Program.

The motion carried unanimously.

8. **Public Hearing-Proposed Financing Agreement for American Tobacco**

The Board is requested to hold a public hearing on the proposed financing agreement with Bank of America in an amount not to exceed \$15,000,000 with a 15-year fixed rate of 4.415% for the construction of the South Deck of the American Tobacco Project. The public hearing is not on the issue of whether to do the project, as the County has already approved and entered into a contract with ACL to build the project, but on the financing itself. A copy of the proposed proceedings together with a resolution approving the financing is attached.

Resource Person(s): Chuck Kitchen, County Attorney, and George Quick, Finance Officer

County Manager's Recommendation: The County Manager's recommendation is that the Board hold the public hearing and approve the financing, if appropriate, after hearing all comments.

Chairman Reckhow introduced the persons signed to speak on this agenda item:

Anne Peele, Vice-President of Government Relations, Greater Durham Chamber of Commerce?spoke to support the financing. This project will provide new jobs and increase the tax base in Durham.

Victoria Peterson, citizen?spoke against the financing proposed. She questioned approval of the project before financing was approved. She felt that minority participation was not adequate.

Dr. E. Lavonia Allison, Durham Committee on the Affairs of Black People--asked questions regarding the interest rate secured.

Chuck White, economic associate, Greater Durham Chamber of Commerce?commented that this would be a solid investment in the future growth of Durham. It will increase the tax base, provide jobs, and revitalize downtown.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the financing agreement.

The motion carried unanimously.

9. **Capital Project Ordinance Amendment No. 04CPA000001?Approve Appropriation for American Tobacco Project?South Garage**

The public hearing for the financing for the American Tobacco Complex Redevelopment Project is being held at 7:00 p.m. on June 23, 2003 in the Durham County Commissioners' Meeting Room in the Durham County Government Administrative Complex. Following this public hearing, it will be necessary to set up the Capital Project appropriation for the South Garage portion of the American Tobacco Project. In accordance with the Development Agreement between the County of Durham, American Campus, LLC, and Capital Broadcasting Company Inc., the County shall pay a maximum amount not to exceed \$14,435,514 for the capital cost of the South Parking Garage, which amount includes sales taxes, land acquisition, architectural and engineering fees, utility relocation costs other than for electric, and necessary testing, including geo-technical investigations (but not including the County's independent project inspection, if any).

The installment financing agreement for funding this project will provide funds in an amount not to exceed \$15,000,000.

Resource Person(s): George Quick, Finance Director, and Pam Meyer, Director Budget & Management Services

County Manager's Recommendation: The County Manager recommends approval of Capital Project Amendment No. 04CPA000001 for the American Tobacco Project?South Garage?in the amount of \$15,000,000.

Chairman Reckhow recognized Ms. Victoria Peterson, who had signed to speak: Victoria Peterson, voiced her concern over the amount of money to be involved by the County in the project and whether it would involve adequate minority participation in construction.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve Capital Project Amendment No. 04CPA000001 for the American Tobacco Project?South Garage?in the amount of \$15,000,000.

The motion carried unanimously.

10. **Request to Approve Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services**

The Home and Community Care Block Care Grant (HCCBG), as authorized in G.S. 143B-181.1 (a)(11), is designed to improve the planning and coordination of in-home and community-based services provided to North Carolina's older adults. It is also intended to promote the visibility of aging programs at the local level by giving counties increased flexibility with respect to funding aging services available through the Block Grant. The majority of funding comprising the HCCBG is authorized by the federal Older Americans Act. Federal mandates and priorities are established by the Older Americans Act; however, the legislation provides for state and local discretion in the funding of particular services and programs.

The Durham County Department of Social Services and the Council for Senior Citizens are co-lead agencies for receiving the funds and administering the programs. The goal of services provided under this grant is to enable recipients to stay at home longer, receiving the care and services they need in their own homes, thus reducing the necessity for out-of-home placement. Services provided are Adult Day Care Services, Congregate Meals, Senior Center Operations, Information and Case Assistance, Transportation, Home Delivered Meals, and In-Home Aide Services.

Durham's total grant for FY 2004 is \$955,154. The Council for Senior Citizens' grant is \$551,645. Social Services' grant is \$403,509 with a County match of \$40,350. The funding has been incorporated into the FY 2003-2004 budget.

Resource Person(s): Diane Wright, Chairperson, Durham County Keeping in Step Committee; Joan Pelletier, Executive Director, Durham Council for Senior Citizens; and Sarah Fields, Home Centered Care Unit Supervisor, Adult Services for Durham DSS

County Manager's Recommendation: The County Manager recommends approval of the Home and Community Care Block Grant Funding Plan as presented. Funding for the plan has been incorporated into the Manager's proposed FY 2003-2004 Budget.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the Home and Community Care Block Grant Funding Plan as presented.

The motion carried unanimously.

11. **Little River Regional Park and Natural Area Site Plan Presentation and Capital Project Ordinance Amendment No. 03CPA000011**

The 391-acre Little River Regional Park and Natural Area is jointly owned by Orange and Durham Counties and will be managed by both Orange and Durham Counties. Both County Boards of Commissioners reviewed the preliminary park concept and allowed uses for the park development. The elements approved included the entrance road and parking area, picnic shelters, restroom facilities, children's play area, restricted group camping, and a trail system to include walking/hiking, mountain biking, and equestrian trails. Staff, the Little River Advisory Board, and the design team have been working through the fall and winter to incorporate the approved uses, public comments, and environmental constraints into the final site plan. In January 2003, the Board reviewed the preliminary site plan, which depicted the approved design elements, and directed staff to work with the design team and proceed with further plan refinements.

The anticipated budget for the site construction is estimated at \$625,000 to be funded by a combination of grants and additional funds to be approved by each county. Since the elements involved in this portion of the park are all in Orange County, Durham's approval of this site plan will allow the formal process to be initiated through Orange County's planning and site review processes. Durham County's portion of anticipated site construction costs will be funded using a combination of previously approved "pay as you go" funds and existing park and recreation bonds (this amendment) moved from the Open Space Acquisition Project.

Resource Person(s): Frank M. Duke, AICP, Planning Director, and Mike Giles, Open Space Land Manager

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Little River Park and Natural Area site plan and Capital Project Ordinance Amendment No. 03CPA000011 to increase the Little River Regional Park capital project from \$632,012 to \$711,376.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the site plan and amendment.

The motion carried unanimously.

12. **Little River Regional Park Interlocal Agreement with Orange County**

The Little River Regional Park and Natural Area is a 391-acre park jointly owned by Durham and

Orange Counties (Durham County owns 255 acres and Orange County owns 136 acres). The park will be managed by Orange County in conjunction with Durham County. An Interlocal Agreement is needed between the two counties to address budgetary issues, management decisions, and day-to-day park operations.

The term of the Interlocal Agreement is four years with the intent that the parties will continue the agreement annually thereafter. The parties will share expenses and revenues equally.

Resource Person(s): Jane Korest, Senior Planner, and Carol W. Hammett, Assistant County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Draft Interlocal Agreement.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the Draft Interlocal Agreement.

The motion carried unanimously.

13. **Introduction of Bond Orders for Proposed School Bonds, Community College Bonds, Museum Bonds, Library Facilities Bonds, and Setting a Public Hearing Thereon**

The Board is requested to have introduced the Bond Orders on the proposed School Bonds, Community College Bonds, Museum Bonds, and Library Facilities Bonds. The Board is then requested to receive the Sworn Statement of Debt of the County from the Finance Officer, and finally to approve on first reading the Bond Orders. The public hearing on the bonds is proposed for July 28, 2003. The bonds will not become authorized for issuance until after the public hearing, a second approval by the Board of Commissioners, approval by the Local Government Commission, and approval by the voters. A copy of the proposed proceedings is attached.

Resource Person(s): George Quick, Finance Officer, and Chuck Kitchen, County Attorney

County Manager's Recommendation: Introduce the Bond Orders, receive the Sworn Statement of Debt, and approve on first reading the Bond Orders.

Chairman Reckhow recognized Dr. E. Lavonia Allison, who had signed to speak on this agenda item.

Dr. Allison, representing the Committee on the Affairs of Black People, spoke regarding funding for inner-city schools.

Commissioner Heron moved, seconded by Commissioner Jacobs, to introduce the Bond Orders, receive the Sworn Statement of Debt, approve the first reading of the Bond Orders, and set a Public Hearing for July 28, 2003.

The motion carried unanimously.

Agenda Item Added?Property Insurance Renewal

County Attorney Chuck Kitchen presented the item and proposed that the County insure with Alliance Insurance.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve insuring with Alliance.

The motion carried unanimously.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 9:53 P.M.



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