

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

Monday, August 27, 2007

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

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**—Pledge of Allegiance

**Agenda Adjustments**

Per a request by the County Manager, Chairman Reckhow amended the County Manager's recommendation for Consent Agenda Item No. 7i to add "subject to County Attorney's approval".

**Announcements**

Chairman Reckhow reported on the Ribbon Cutting Ceremony and press conference at the Durham County Stadium on August 16 to proclaim the Stadium as the new home for Shaw University's football team. Chairman Reckhow, on behalf of the County Commissioners, was presented with a commemorative football. She thanked the Stadium Authority for its diligent work and leadership.

**Minutes**

Commissioner Cheek moved, seconded by Commissioner Page, to approve as submitted the July 23, 2007 Regular Session, August 6, 2007 Worksession, and August 13, 2007 Regular Session Minutes of the Board.

The motion carried unanimously.

**Recognition of Vivian Harris for her Lifetime Career Leadership Award**

Chairman Reckhow acknowledged Vivian Harris of The Durham Center for recently receiving the prestigious NC Council of Community Programs 2007 Lifetime Career

Leadership Award to honor her long career of commitment to those in need of mental health, developmental disabilities, and substance abuse services.

Ellen Holliman, Area Director of The Durham Center, stated that Ms. Harris has been with The Durham Center for 24 years and has served in many roles such as Medicaid Specialist, Housing Specialist, Accreditation Coordinator, Emergency Services Unit Coordinator, and Director of Standards and Medical Records. From 2002–2004, she played a huge role in assisting the area director with divesting all services. In 2004, Vivian served as the project manager, in addition to her other duties as compliance officer for implementation of the new management information system. Recently, Ms. Harris' work has focused on creating a new local business plan. This was a huge undertaking which required coordination and feedback from internal staff, area board members, CFAC members, and the County Commissioners.

Ms. Harris thanked Ms. Holliman for her comments and coworkers for the nomination.

Chairman Reckhow thanked Ms. Harris for her dedicated service and congratulated her for winning the award.

**Proclamation of September as Alcohol and Drug Addiction Recovery Month in Durham County**

Chairman Reckhow read the following proclamation into the record to proclaim the month of September 2000 as “National Alcohol and Drug Addiction Recovery Month” in Durham County:

PROCLAMATION

WHEREAS, 22.2 million people in the United States have faced a substance use disorder in the past year, and all deserve to experience the many benefits of recovery; and

WHEREAS, treatment reduces reported job problems, including incomplete work and absenteeism, by an average of 75 percent; and

WHEREAS, treatment is cost effective, with some measurements showing a benefit-to-cost ratio of up to 7:1, with substance use disorder treatment costing \$1,583 per person on average and having a monetary benefit to society of nearly \$11,487 for each person treated; and

WHEREAS, we must recognize the financial savings associated with treatment services and ensure that such services are readily available to those who need assistance; and

WHEREAS, cost and insurance barriers present obstacles to those who need access to treatment facilities and want to re-establish their place in the community; and

WHEREAS, it is critical that we educate our community members and local businesses that substance use disorders are a treatable yet serious health care problem, and by taking steps to address it, as well as provide support for the families and children of those with these disorders, we can save both lives and dollars; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, The Durham Center, and the Partnership for a Healthy Durham invite all residents of Durham County to participate in Alcohol and Drug Addiction Recovery Month:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of September 2007 as

ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in Durham County. I call upon the people of Durham County to participate in a Recovery Celebration Block Party in downtown Durham on September 28 and in other programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Saving Lives, Saving Dollars."

This the 27<sup>th</sup> day of August, 2007.

/s/ Ellen W. Reckhow, Chairman

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Earl Phillips, Area Mental Health Board Vice Chair, expressed appreciation to Ms. Harris for her outstanding work. He thanked the Commissioners and the County Manager for the proclamation. Mr. Phillips recited statistics from a 2007 baseline report pertaining to substance abuse in Durham County.

Ellen Holliman, Area Director, The Durham Center, discussed various activities, including the Recovery Celebration Block Party, to occur during Alcohol and Drug Addiction Recovery Month.

Chairman Reckhow presented the proclamation to Mr. Phillips.

Commissioner Cheek commended The Durham Center and the Area Mental Health Board for their accomplishments and efforts to treat substance abuse.

**Consent Agenda**

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for July 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Approve the Revisions to the Bylaws of the Durham County Library Board of Trustees;

- c. Sheriff's Office—Approve Establishment of a \$5 Fee Charge for a DVD/CD COPY (approve the establishment of a \$5 fee charge to cover the cost of DVD/CD per incident at the Detention Center);
- d. Memorandum of Understanding with Orange County and Triangle Off-Road Cyclists Chapter of the Southern Off-Road Bicycle Association for Little River Regional Park (approve for the maintenance of bicycling trails at the Little River Regional Park);
- e. Approve the Sale of County Surplus Property (approve the sale of 4014 Cheek Road to LuAnn Young for \$7,190, 509 Mallard Avenue to Adey Medhin for \$2,000, and 237 Rippling Stream Road to Ieschecia G. Allen of E & E Investment Properties for \$850);
- f. Federal Farm and Ranchlands Protection Grant Agreement ([a] approve the Amendment to the 2005 Cooperative Agreement between Durham County and the United States by and through the Commodity Credit Corporation to substitute the Poole Farm conservation easement for the Arthur Tilley farm property and authorize the Manager to execute said amendment; [b] authorize the County Manager to execute a contract to purchase with Poole Farm Holdings LLC for conservation easements on approximately 45.3 acres at a purchase price of \$208,500; and [c] approve the acceptance of a permanent conservation easement on 6.5 acres on common open space associated with the Poole Farm Holdings LLC conservation subdivision) *Chairman Reckhow commended staff on its creative work*;
- g. Triangle Wastewater Treatment Plant—Residuals Removal and Disposal—RFP-08-001 (authorize the Manager to enter into a service contract with Bio-Nomic Services Inc. for the removal and disposal of sludge in an amount not to exceed \$605,760 and authorize the Manager to execute annual renewals of this contract as funding becomes available);
- \*h. Budget Ordinance Amendment No. 08BCC000006 Public Health—Recognize \$43,119 Returned by Correct Care Solutions Inc. in the Jail Health Budget; and
- j. Adopt the Amendment to Audit Oversight Committee By-Laws.

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for July 2007 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 July 2007.

Releases & Refunds for 2007 Taxes:

Real Estate	\$ 56,860.16
Personal	\$ 4,448.39
Registered Vehicles	\$ 23,419.57
Vehicle Fees	\$ 865.00
Solid Waste	\$ 170.00
Total for 2007 Taxes and Fees	\$ 85,763.12

Prior years' (2001-2006) releases and refunds for July 2007 are in the amount of \$15,743.57. The total current year and prior years' releases and refunds amount to \$101,506.69.

(Recorded in Appendix A in the Permanent Supplement of the August 27, 2007 Minutes of the Board.)

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Consent Agenda Item No. h. Budget Ordinance Amendment No. 08BCC000006 Public Health—Recognize \$43,119 Returned by Correct Care Solutions Inc. in the Jail Health Budget.

DURHAM COUNTY, NORTH CAROLINA  
 FY 2007-08 Budget Ordinance  
 Amendment No. 08BCC000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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 Revenues	\$743,900	\$43,119	\$787,019

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$414,917,246	\$43,119	\$414,960,365

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

This the 27<sup>th</sup> day of August, 2007.

**Consent Agenda Item Removed for Discussion**

Consent Agenda Item No. i. Execution of Consulting Services Agreement with ECS Carolinas LLP for the Additional Geotechnical Testing for the Proposed Durham County Justice Center. Project No.: DC066 (authorize the execution of a consulting services agreement in the amount \$46,740, subject to County Attorney's approval).

Vice-Chairman Heron asked if ECS Carolinas LLP is the same engineer that performed prior construction at the jail.

County Engineer Glen Whisler responded in the negative.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Consent Agenda Item No. i.

The motion carried unanimously.

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Consent Agenda Item No. j. Adopt the Amendment to Audit Oversight Committee By-Laws.

Chairman Reckhow called signed speaker Allan Lang, 601 Flagstone Way, Durham 27712, forward for comments.

Mr. Lang raised concerns regarding 1) lack of a subcommittee provision; 2) allowed number of meetings per year; 3) attendance policy; and 4) definition of "year".

Chairman Reckhow communicated to Mr. Lang that his issues would be presented to the Audit Committee. If the Committee opts to amend the bylaws, then the amendments would be brought back to the Board for approval.

County Attorney Chuck Kitchen addressed No. 2 of Mr. Lang's concerns. He stated that the Committee may meet as often as it deems necessary.

Chairman Reckhow informed Mr. Lang that the Commissioners have the discretion regarding attendance on County boards and commissions, as indicated in the "Resolution for Establishment of Policy and Procedures for Appointments to County Boards, Commissions, Committees, or Authorities".

**Sales Tax and Land Transfer Tax**

Chairman Reckhow briefly introduced this item. She recapped that the North Carolina General Assembly has granted counties the authority to impose either a ¼-cent sales tax or a .4 (of 1%) land transfer tax; imposition of either tax would require voter approval. A public hearing was held at the August 13 Regular Session; twenty-eight citizens commented on the taxes. Chairman Reckhow recognized County Manager Mike Ruffin to give his recommendation for this item.

County Manager Ruffin stated as follows:

“Thank you, Madame Chairman. First let me say how much I appreciate the research our staff has put together in a very short time. I hope it has helped you in your study of this important decision. Their work combined with the polling results certainly has helped me to shape my recommendation.

I do not believe we should place either tax question on the November ballot. Rather, I recommend we wait for a number of reasons.

- First and foremost, I would not want to take any action that might jeopardize any of the three ballot questions for the bonds. Without either tax, support for the two of the three bond issues has declined since May. Support for the school bonds, for example, declined from 49.9% to 45.4%. Two of these questions, Durham Tech and the Museum of Life and Science would see a substantial reduction in support if a referendum on the tax questions is also placed on the ballot. For example, since May, support for the Durham Tech bond dropped almost 10% in light of the tax questions, from 66% to 56.2%. Support for the Museum of Life and Science dropped 9.6%, from 66.7% to 57.1%. In either case, I am not comfortable with a polling margin of only 6% to 7%, respectively. Organized opposition over either tax could quickly erode majority support the bonds as well.
- In regards to organized opposition, I do expect the placement of either tax on the ballot to generate spirited opposition. I would not be surprised to see the People’s Alliance (PA) and the Durham Committee on the Affairs of Black People (Committee) oppose the imposition of a sales tax. The PA has already stated its opposition. While the Committee has not yet expressed a point of view, I do not see this group supporting a sales tax due to its regressive nature. Meanwhile, the NC Association of Realtors and the Durham Board of Realtors will definitely oppose the imposition of a land transfer tax. Like it or not, the “*It’s a Bad Idea*” campaign has been extremely effective in responsible for the very low voter support for the land transfer tax in Durham County, 22.6%. Also, local realtor Wendell Bullard is the president-elect of the NC Association of Realtors. This group will not sit quietly by; rather it vigorously support a local “*It’s a Bad Idea*” campaign to defeat the imposition of the land transfer tax in its president-elect’s backyard.
- I also believe the addition of tax question(s) on the ballot with the three bond questions will likely confuse voters. The citizen committee working to secure voter approval of the bonds will have to incorporate a strategy to differentiate itself from the tax questions, and explain the impact of either tax question on the future payoff of the bonds. Otherwise, voters could think that taxes will go up regardless of their support for either tax option. This will strain resources, cloud citizen understanding, and greatly complicate the effort to secure voter approval of the three bond questions.

- Finally, I do not believe we have had enough community debate on either tax question. Durham citizens expect a process of community debate to play out before a decision is reached. One public hearing has not accomplished this aim. The process will give citizens an opportunity to learn more about both taxes and the Board an opportunity to determine if there is any groundswell of support for either tax question. As with the bonds, organized support will be necessary for either tax to win voter approval.

For these reasons, the wise and prudent decision is to wait and place these questions on a future ballot. The delay completely eliminates the chances of either tax question jeopardizing voter support for needed bonds and gives our community a greater voice in whatever final decision is reached.

We are prepared to answer your questions and look forward to working with you to support any decision you reach tonight or in the future.”

Commissioner Cheek thanked legislators for creating a potential alternative revenue source for counties; however, he opposed placing either of the taxes on this year’s November ballot. He opined that placing too many important issues (i.e. the three bond referendums, sales tax, land transfer tax) on the same ballot would not be beneficial. The taxes should be considered at a later time.

Vice-Chairman Heron stated that the realtors voiced opposition to the land transfer tax and will continue to do so. She suggested that the public be educated regarding the two additional revenue sources and that they be placed on the November 2007 ballot. She commented that citizens would be more inclined to support additional revenue sources so their property taxes would not increase. Vice-Chairman Heron opposed the sales tax since it is a regressive tax and would have a greater impact on the low-income population.

Commissioner Cousin thanked the citizens for their input on this issue. He supported the County Manager’s recommendation to postpone placing either of the taxes on this year’s November ballot due to the current decline in the real estate market. The Durham Public Schools’ needs are a priority and must be addressed this year.

Chairman Reckhow empathized with Vice-Chairman Heron regarding a need for an additional revenue source; however, she concurred with Commissioner Cousin that the timing is wrong, considering the real estate market. She expressed support for the County Manager’s recommendation.

Commissioner Page agreed that the timing is critical. He expressed desire in finding an amicable solution that would benefit the citizens as well as the realtors.

Commissioner Cousin suggested that the Board continue to lobby for additional revenue sources (i.e. impact fees).

Chairman Reckhow supported holding a community discussion about the taxes and reaching out to the realtors in the county. She agreed to work with the County Manager to create an



initial approach with the community to decide if a citizens' committee should be created, to hold various outreach forums across the county, to collaborate with several groups that spoke at the public hearing, etc. A report would be brought back to the Board at a future worksession.

Chairman Reckhow spoke to the County's economic strength, stating that such growth permits the County time to hold discussions with the community.

Vice-Chairman Heron commented on Medicaid relief. She also requested a response from realtors as to why they are opposed to the land transfer tax.

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Commissioner Cousin thanked Deborah Craig-Ray, Assistant County Manager, for lobbying for an additional revenue source and other County legislative agenda items.

Chairman Reckhow echoed Commissioner Cousin's comments, expressing appreciation for Ms. Craig-Ray's efforts with the General Assembly.

Vice-Chairman Heron suggested that the County meet with the five legislators simultaneously to discuss alternative revenue sources.

### **Board and Commission Appointments**

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

The following appointments were made:

#### Nursing Home Community Advisory Committee

Cathy Hynes (Recommended by the NHCAC)

Virginia Martin (Recommended by the NHCAC)

#### Planning Commission

Linda Huff (Mangum Township)

#### Workforce Development Board

Gerald Spence (Recommended by the WDB)

### **Closed Session**

Commissioner Cheek moved, seconded by Commissioner Page, to adjourn to Closed Session to consult with an attorney, to preserve the attorney-client privilege and discuss County of Durham v. Daye 03 CVS 457 pursuant to G.S. § 143-318.11(a)(3).

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow announced that the Board met in closed session; no action was taken; directives were given to staff.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 8:27 p.m.

Respectfully Submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board