

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

Monday, April 2, 2007

9:00 A.M. Worksession

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 (arrived at 9:12 a.m.), Philip R. Cousin Jr. (arrived at 9:30 a.m.) and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Annual Review of the Jail Population Management Contract with the District Attorney and Public Defender

District Attorney Mike Nifong introduced this item stating that in 2005, the County entered into an agreement with the Administrative Office of the Courts (AOC) to fund one assistant district attorney (\$40,653) and one assistant public defender (\$45,402) for the ADA Bond Hearing Project (AOC Contract). He stated that the main purpose of the attorney positions is to handle bond reduction motions at first appearance hearings, early identification of cases eligible for expedited disposition, and the enhancement of jail population management reduction in Durham County. The attorneys work under the supervisor of the District Attorney and Public Defender.

District Attorney Nifong informed the Board that the current salaries for the positions make it difficult to keep the positions filled. He stated that the salaries are paid under the current contract and are barely above the salary allowed per state statute.

District Attorney Nifong concluded his presentation by asking the commissioners to enable him to retain the individuals already hired.

Vice-Chairman Heron recommended that the court system insist that the legislature fund the positions. She stated that the County could not continue to fund the positions in the future.

Chairman Reckhow informed the Board that Senator Atwater submitted a bill on behalf of the Commissioners to request additional criminal justice personnel.

Public Defender Lawrence Campbell commented the Board that the position being funded by the County has been a valuable asset to the public defender's office.

The Board held a discussion regarding the additional personnel.

Directives

1. District Attorney Michael Nifong to lobby the local delegation regarding the additional positions.
2. District Attorney Mike Nifong to confirm with Administrative Office of the Courts (AOC) about the positions being used when AOC calculated the need for additional positions; to indicate that the Board of County Commissioners did not view the funding as permanent; to indicate that the County would like to replace the county's funding with state funding; and to inform the County Manager Ruffin of the AOC's decision.

Review of Annual Contracts with Clerk of Court and District Attorney

Archie Smith, Clerk of Court, stated that the Board of County Commissioners approved contracts with the Clerk of Court in Fiscal Year 2006 for five deputy clerks of court and three assistant district attorneys to assist with the judicial process.

Mr. Smith enlightened the Board on how the additional positions have influenced the judicial process.

The Board received the report; no directives were given.

Review of Performance Measures for the Durham County Judicial System

Kathy Shuart, Trial Court Administrator, recapped that September 27, 2005, Durham County court officials agreed to develop a court performance measurement system. Specifically, six indicators were selected to assist with an assessment of the efficiency of the court system. Tracking of those indicators began in Fiscal Year 2006.

Ms. Shuart discussed the following two *CourTools* measures:

- Trial Date Certainty
- Effective Use of Jurors

The Board applauded Ms. Shuart's efforts regarding the court performance measures.

Commissioner Cheek commended the efforts of the Board regarding the willingness to step up and place funds on the line to make the court system work as well as possible.

Review of Annual Contract for Downtown Durham Inc.

Bill Kalkhof, President, Downtown Durham Inc., introduced this item stating that the Board of County Commissioners appropriated \$55,000 to Downtown Durham Inc. (DDI) in Fiscal Year 2007 pursuant to a contract that requires the organization to submit an annual report.

Mr. Kalkhof presented the following report on the revitalization of Downtown Durham:

- Downtown Durham
 - Captured Market 2006
 - Critical Mass Goals by 2009
 - 2006 Venue & Festival Attendance
 - Tax Base Growth and Property Tax Revenue Analysis

- Public & Private Investment in Downtown Durham
- Downtown Durham Residential & Employee Growth
- Downtown Safety Facts
- District Signage
- American Tobacco Project—Phase I, II, & III
- Center for the Performing Arts
- Diamond View II & III
- Durham Transportation Station
- City Center District
- Retail
- City Center District Development Projects
- Self-Help Credit Union
- John Warasila & Partners & Empire Alliance Projects
- Greenfire Development Projects
- Normal Properties
- Woolworth's Property
- Parish St. Project
- Public Investment in Success
 - Corcoran Street Realignment
 - City Center Plaza
 - Main Street & Chapel Hill Street Realignment
- Government Services District
- County Courthouse & Human Services Center
- Venable Center
- Mangum 506
- Central Park District
 - Durham Central Park
 - Durham Center for Senior Life
- The Renaissance at Durham Centre
- 401 Foster Street
- Biotechnology Center at DCP
- YMCA
- Downtown Police Station
- Historic Durham Athletic Park Request for Proposals
- Warehouse District
- West Village Phase 1 & 2
- Measurement Inc.
- City Place
- Trinity Lofts & Trinity Place
- Brightleaf District & Brightleaf Square
- Peabody Place
- McPherson Redevelopment Project
- Retail/Entertainment/Restaurants

Mr. Kalkhof responded to questions asked by the Board; no directives were given.

Review of Annual Contract for the Greater Durham Chamber of Commerce

Ted Conner, Vice President of Economic Development, Greater Durham Chamber of Commerce, stated that the Board of County Commissioners appropriated \$128,000 to the Greater Durham Chamber of Commerce in Fiscal Year 2007 pursuant to a contract that requires the organization to submit the following annual report:

- Mission Statement
- Future of Chamber Economic Development Focus
- Goals of Economic Development
- Chamber Economic Development Philosophy
- Current Approach to Economic Development Marketing
- Economic Development Partners are Helping Us Be More Successful
- Economic Development is Client Driven
- Economic Development Competition Today
- Competition
- Target Clusters
- Durham County's Workforce Growth 1990-2006
- Durham County's Labor Force and Number of People Working in Durham County
- Unemployment: 1990-2006
- What We are Seeing
- What is Being Done To Enhance and Upgrade Economic Development
- Next Steps to prepare for Clients
- Chamber Economic Development Performance-2006
 - Chamber Assisted Announcement 1993-2006
 - Job Announcements Since 1993
 - Economic Development—Announcements: Last Decade
 - Chamber Assisted and Total
- 2006 Economic Development Successes
 - Durham, NC Location Diversity
 - Investment By Cluster (2006)
 - Job Creation by Cluster (2006)
- Future Site Options
- Chamber Initiative: Aligning Workforce Development with Economic Development
- New Program Impacting the Bio/Pharma Industry
- Unprecedented Return on Investment for Durham County

Chairman Reckhow thanked the Chamber staff for the presentation.

The Board appreciated the Chamber's efforts in reaching out to public schools and the Durham community with the volunteer initiatives.

Update from The Durham Center on its Local Business Plan for 2007-2010

Ellen Holliman, Area Director, introduced this item, stating that over the past several months, The Durham Center has been developing its Local Business Plan for the period 2007-2010 as mandated by the NC Department of Health and Human Services. The Plan incorporates input from multiple community stakeholders and highlights the missions of The Durham

Center, its composition and operations, and its strategic planning and goals for the coming three years. She stated that approval of the Board of County Commissioners is required before submission of the Plan to DHHS.

Ms. Holliman provided the following detailed contents of the Local Business Plan:

- Governance and Administration
- Business Mgt and Information Mgt
- Provider Relations and Development
- Customer Service/Consumer Affairs
- Service and Quality Management

Ms. Holliman responded to questions asked by the Board.

Directive

Place Local Business Plan on April 9 consent agenda.

The Lease Agreement Between the Department of Social Services and Genesis Home

Sammy Haithcock, DSS Director, introduced this item stating that the space within the Department of Social Services for activities such as foster care visitation, parent education classes, foster and adoptive parent training, LINKS meetings (for teens in foster care), Child and Family Team meetings, Team Decision Making meetings, etc. is inadequate and institutional.

Mr. Haithcock provided examples regarding the Department of Social Services' visitation room which is approximately 90 square feet, about half of which is usable after accounting for the sofa, chairs, and table. Birth parents visiting their children in foster care frequently complain about the crowded, uncomfortable conditions and lack of privacy. Although free space is utilized in the community when it is available, the amount of space is still inadequate since over 260 youth are currently in foster care. Moreover, the existing DSS building has no space that promotes an environment where families feel comfortable in discussing the types of extremely sensitive issues that are the subject of Child and Family Team meetings and Team Decision Making meetings.

Mr. Haithcock stated that Genesis Home has approximately 4400 square feet of leasable space that formerly housed a child care center. This space is ideal for DSS' needs due to its location, kitchen, large rooms, playground space, and non-institutional environment. he informed the Board that DSS will pay a monthly lease amount of \$3750 and a prorated share of utilities and security costs. The proposed agreement clarifies each party's responsibility for structural, systemic, and routine maintenance. DSS would be responsible for separate telephone and computer lines. Total monthly cost is estimated at \$4500. Funding for the lease is budgeted for this year. The funds for next year will be included in the agency budget request with an anticipated state reimbursement of 40% of the cost.

Mr. Haithcock informed the Board that the meeting space is being utilized; however, various meeting rooms used for visitation are inappropriate as it takes away from individuals having lunch.

Vice-Chairman Heron expressed concern about space not being utilized at the Carmichael Building located on East Main Street.

The Board held a discussion regarding additional meeting space.

Directives

1. Have staff look at other options for available meeting space such as Cooperative Extension, First Presbyterian Church, St. Phillips Church, and the Childcare Resource Center.
2. Delay the lease agreement between the Department of Social Services and Genesis Home until additional information is brought to the Board regarding the cost for additional meeting space.

Eastern Durham Open Space Plan

Helen Youngblood, Senior Planner, gave a brief presentation about the Eastern Durham Open Space Plan. She stated that the plan is the third in a series of plans for the preservation of open spaces within the City and County. She added that the plan seeks to achieve multiple public objectives of providing recreation opportunities, preserving natural beauty, protecting wildlife habitat, preserving historic resources, and maintaining water quality.

Ms. Youngblood highlighted the following:

- The development of a new park by the City on Land owned by the Corps near Falls Lake off of Redwood Road;
- Greenway trails along streams and a rail trail along an abandoned rail right-of-way;
- Preservation of wildlife habitat areas and corridors along the major streams in the area;
- Preservation of historic structures in eastern Durham County
- A site stewardship programs for citizen involvement in monitoring open space conditions. The success of implementing this Plan will depend upon the voluntary actions of private landowners.

Ms. Youngblood requested that the Board conduct a public hearing at its regular meeting on April 9 and adopt the Eastern Durham Open Space Plan.

Chairman Reckhow thanked the Planning Director and staff on the presentation.

Directive

Place on the April 9 agenda for approval.

Medical First Responders Driving County Ambulances

County Attorney Chuck Kitchen provided legal background regarding the legal issues of City Firefighters driving County ambulances when they are acting in their role as Medical First Responders. The issue concerning liability arose when a City First Responder struck a car while driving a County Ambulance. He outlined the following issues involved in this matter:

- City wants the County to be liable for and provide defense of City Medical First Responders;

- In order to provide defense and pay for negligence, First Responders would have to be County employees;
- County would be assuming liability for City employees' regular job, unlike mutual aid agreement;
- Administrative difficulties with driving records, pay reports, applications, etc.;
- County would also be liable for workers compensation and unemployment insurance; and
- Would not prevent individuals from suing the City.

Vice-Chairman Heron asked, "If a city employee is driving a Durham County ambulance and has an accident, where does that put the county?"

County Attorney replied that the County has adopted a policy that allows the County to pay for the negligence of County employees. However, if a City employee is not covered (because statutory the county cannot cover a city employee) normally it is expected for the city policy due to a city employee doing there job.

Chairman Reckhow asked for the County Attorney's recommendation to remedy the situation.

The Board held a discussion about first responders driving County ambulances.

Directive

Proceed with the current issue of City Firefighters driving County ambulances.

Fiscal Year 2007-08 Tax Base

Kenneth L. Joyner, RES, Tax Administrator made the following presentation to the Board about the tax base for the upcoming budget year:

Tax Base Projections

Members of the Tax Base Estimation Workgroup

Kenneth L. Joyner, Tax Administrator

George K. Quick, Finance Officer

Pamela Meyer, Director of Budget & Management Services

Kimberly H. Simpson, Deputy Tax Administrator

Jay V. Miller, Deputy Assessor

What is the Tax Base?

All Taxable Real & Personal Property

All Taxable Registered Motor Vehicles

Public Services Valuations

Ways of Developing the Estimate

Growth Estimation

Historical Estimation

Reliance on both the Growth & Historical

Projections

Fiscal year	Real Property	Personal Property	Public Service Co.	Motor Vehicles	
2007-08	\$17,886,648,270	\$2,523,051,422	\$517,286,418	\$1,740,000,000	PROJECTED
2006-07	\$17,325,188,612	\$2,523,051,422	\$517,286,418	\$1,688,873,999	YEAR-END FINAL TOTALS
2006-07	\$17,350,763,943	\$2,517,748,113	\$515,456,602	\$1,525,000,000	PRIOR BUDGET ESTIMATE

Totals

Fiscal year		
2007-08	\$ 22,666,986,110	PROJECTED
2006-07	\$ 22,054,400,451	ACTUAL
2006-07	\$ 21,908,968,658	BUDGETED

How Does the Projection Compare With Our Historical Growth?

	Tax Base from an Historical Perspective					Total Assessed Values	
	Real Property	Personal Property	Public Service Companies	Registered Vehicles			
1992-93	\$6,230,331,197	\$2,164,779,714	\$372,517,432			\$8,767,628,343	
1993-94	\$6,192,396,873	\$1,912,873,686	\$482,598,299	\$879,258,899		\$9,467,127,757	Revaluation year
1994-95	\$7,950,827,706	\$2,137,887,701	\$482,598,298	\$823,568,478		\$11,394,882,183	
1995-96	\$7,888,623,319	\$2,299,807,119	\$489,737,817	\$795,019,831		\$11,473,188,086	
1996-97	\$8,403,453,568	\$1,809,720,184	\$493,043,394	\$933,385,010		\$11,639,602,156	
1997-98	\$8,679,036,560	\$1,954,330,979	\$431,651,479	\$1,189,613,743		\$12,254,632,761	
1998-99	\$8,888,974,990	\$1,974,820,493	\$481,500,851	\$1,203,734,077		\$12,549,030,411	
1999-00	\$9,557,053,142	\$1,961,623,899	\$514,804,670	\$1,231,665,105		\$13,265,146,816	
2000-01	\$10,009,832,306	\$2,039,578,482	\$460,389,522	\$1,416,085,275		\$13,925,885,585	
2001-02	\$14,691,794,947	\$2,335,651,127	\$605,245,298	\$1,456,774,687		\$19,089,466,059	Revaluation year
2002-03	\$15,040,338,854	\$2,381,310,934	\$555,146,419	\$1,497,626,784		\$19,474,422,991	
2003-04	\$15,689,420,685	\$2,363,385,156	\$536,047,683	\$1,484,745,571		\$20,073,599,095	
2004-05	\$16,292,200,126	\$2,325,387,420	\$523,810,967	\$1,483,258,810		\$20,624,657,323	
2005-06	\$16,774,399,216	\$2,469,472,228	\$515,456,602	\$1,542,363,476		\$21,301,691,522	
2006-07	\$17,325,188,612	\$2,523,051,422	\$517,286,418	\$1,688,873,999		\$22,054,400,451	

Real Property from an Historical Perspective	
Fiscal Years	Real Property
	\$ 14,691,794,947
2002-03	\$ 15,040,338,854
2003-04	\$ 15,695,954,506
2004-05	\$ 16,292,200,126
2005-06	\$ 16,774,399,216
2006-07	\$ 17,325,188,612
2007-08	\$ 17,894,063,242

Historical Growth Factor for Real Property

	Real Property
2001-02	1.467736371
2002-03	1.023723712
2003-04	1.032794016
2004-05	1.038419484
2005-06	1.029596929
2006-07	1.032835119
Mean Growth Factor	1.033216587
Smallest growth during period	0.992176363
Median growth factor	1.032835119

Comparison of Actual Versus Historical

Actual	\$17,866,648,270
Historical	\$17,894,063,243

What About the Other Tax Base Categories?

Personal Property

Continued positive growth for 2nd straight year

Public Service Companies

Valuation Based on Information from NCDOR

Registered Motor Vehicles

Continued positive growth for 2nd straight year

Mr. Joyner responded to questions asked by the Board; no directives were given.

Budget Presentations for Nonprofit Agencies Applying for FY 2006-07 Funding

Chairman Reckhow stated that the Board would hear presentations from nonprofit organizations regarding their request for funding in the 2007-08 Fiscal Year.

The following nonprofit representatives made their budget requests to the Commissioners:

<u>AGENCY</u>	<u>REPRESENTATIVE</u>	<u>AMOUNT REQUESTED</u>
Inter-Faith Food Shuttle	Jill Staton Bullard, David Ruse, and Tonya Post	\$ 15,000
Urban Ministries of Durham	Victor Hart, Lloyd Schmeidler and John Bowman	\$ 205,000
Senior Counseling and Employment	Cynthia Vail	\$ 5,000
Teen Court & Restitution Program	Sabrina Cates and Janiece Harris	\$ 35,000
Dominion Ministries Inc.	Earl Boone and Wanda Boone	\$ 26,418
Mrs. Jennie's Place Community Enrichment Center	Valeria H. Sumpter	\$ 5,000
Durham's Partnership for Children	Karine Stallings and Ted Whiteside	\$ 30,000

Victorious Community Development Corporation	Yvette Hawke and Wil Nichols	\$ 15,000
Genesis Home	Ryan Fehrman	\$ 24,000
Communities in Schools of Durham	Erroll Reese and Bud Reiter-Lavery	\$ 26,981
Volunteer Center of Durham	Stephen Raburn and Tasha Melvin	\$ 20,000
Alliance of AIDS Services-Carolina	Jacquelyn Clymore and Laini Jorroto-Echols	\$ 30,000
Planned Parenthood of Central North Carolina	Mitchell Price and Emma Seymoll	\$ 20,000
Child and Parent Support Services	Jan Williams	\$ 16,000
Meals on Wheels of Durham Inc.	Mark Prokop	\$ 12,000
Senior PHARMASSIST	Joe Daly	\$ 94,264
John Avery Boys and Girls Club	Floyd Laisure, Mark Goodwillie, and Exter Gilmore	\$ 60,000
El Centro Hispano	Alba Onofrio, Isabel Espinoza, and Nadeen Bir	\$ 40,000
Bushido Judo School	Dwight Bunce, Michelle Davis and Darian Stokes	\$ 5,000
Project Graduation Inc.	Delia Robinson, Brendan Hartigan, and Mary Holderness	\$ 5,700
Piedmont Wildlife Center	Gail Abrams	\$ 20,000
Durham Council for Children with Special Needs	Wendy Burnette and David Covington	\$ 13,000
Threshold	Susie Deter, Judy Ancrum, and Sue Estroff	\$ 5,000
Eno River Association	Robin Jacobs and Greg Bell	\$ 15,000
Child Advocacy Commission of Durham	Cynthia Green	\$ 50,000
Salvation Army	Sheriff Worth Hill	\$ 50,000
Child Care Services Association	Christy Smith	\$ 46,568
Triangle Radio Reading Services	Linda Ornt	\$ 7,000

Durham Literacy Center	Reginald Hodges	\$ 47,000
Durham Crisis Response Center	Cathy Bridge, Aurelia S. Belle, and Alma Davis	\$ 54,200
Learning Assistance Inc.	Christelle McKinney	\$ 96,957
Downtown Durham Athletic Association	Jennifer Carter and Margaret Reeves	\$ 21,000
Durham Companions Inc.	Kevin Thomas and Della Autry	\$ 15,000
Preservation Durham		\$ 15,000
Future for Kids Inc.	Susan Milliken	\$ 24,000
Operation Breakthrough Inc.	Walter Winbonne	\$100,000

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 3:15 p.m.

Respectfully Submitted,

Angela M. McIver
Staff Specialist
Clerk to the Board's office