

January 12, 1998

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

Monday, January 12, 1998

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 MaryAnn E. Black and Commissioners William V. Bell, Joe W.
Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

County Attorney Chuck Kitchen asked that the Board adjourn into Closed Session following the conclusion of other business.

Commissioner Bowser asked that an item be added concerning General Telephone and Electronics Inc. closing the downtown payment office.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the December 2, 1997 Worksession Minutes of the Board as corrected.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the December 8, 1997 Hospital Merger Minutes of the Board as submitted.

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The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the December 15, 1997 Regular Session Minutes of the Board as corrected.

The motion carried unanimously.

Recognition of Durham County Community Fitness Award Winner

The Durham County Council on Physical Fitness and Sports presented the Durham County Community Fitness Award to Blondola P. Lucas for her outstanding work with wellness/fitness promotion at White Rock Baptist Church. The award was presented by County Commissioner Chairman MaryAnn Black and Kevin Kirk, Chairman of the Council.

Ellen Reckhow, advisory member to the Durham County Council on Physical Fitness and Sports, had discussed this agenda item with Chairman Black.

Mr. Kirk said in 1997 the Fitness Council initiated this quarterly award for an individual who promotes community wellness/fitness. This is the first-time award.

Mr. Kirk introduced council members in attendance. Participants from White Rock Baptist Church were recognized and asked to stand.

The plaque read as follows:

The Durham County Community Fitness Council
presents to
Blondola P. Lucas
for her outstanding work in promoting
the positive benefits of physical fitness
within Durham County on January 12, 1998.

Presented by
MaryAnn E. Black, Chairman, Board of County Commissioners and
Kevin Kirk, Chairman, Council on Physical Fitness and Sports

Vice-Chairman Reckhow made remarks about the award and the wellness/fitness program.

Ms. Lucas accepted the award with words of appreciation.

Consent Agenda

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Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items:

- (a) Set the date for the 1998-99 Consolidated Plan Needs public hearing for January 26, 1998 to fulfill requirements of the adopted Citizen Participation Plan for use with the HUD Consolidated Plan;
- * (b) Adopt resolution to release economic development funds (\$2,526.51) to Triangle J Council of Governments;
- * (c) Street annexation petition--adopt a resolution to approve the addition of Aman Court and Montibillo Parkway (Fairfield subdivision) to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the North Carolina Department of Transportation);
- * (d) Mental Health—State Rollovers (\$56,000) and Area Mental Health Board Supportive Housing Amendment (\$34,600) (approve Budget Ordinance Amendment No. 98BCC000020 in the amount of \$90,600);
- * (e) Mental Health—reconciliation of FY 1997-98 estimated budget with state allocation (approve Budget Ordinance Amendment No. 98BCC000021 in the amount of \$297,991);
- (f) Approval of standard utility contracts for extension of County sewer (authorize execution of the two utility contracts); and
- (g) School generation rates (approve the use of the revised data, "School Children Generated Per Dwelling by Housing Type and Cost," for planning purposes).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 5(b). Adopt resolution to release economic development funds (\$2,526.51) to Triangle J Council of Governments.

RESOLUTION 97/98
BY DURHAM COUNTY

WHEREAS, in North Carolina, the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with cities and counties across the state; and

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WHEREAS, the General Assembly continued to recognize this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members' dues or assessments to Lead Regional Organizations or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the State's General Funds; and

WHEREAS, in Region J, funds in the amount of \$48,015 will be used to carry out the economic development plan approved by the COG Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to, and consequently, the benefits of the Research Triangle Park:

NOW, THEREFORE, BE IT RESOLVED that Durham County requests the release of its \$2526.51 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of section 16.5 of Senate Bill 352, the 1997 ratified budget bill. Adopted this 12th day of January 1998, at 7:15 p.m. by

_____(signature)

Chief Elected Official

SEAL

_____(signature)

Witness

Consent Agenda 5(c). Street annexation petition--adopt a resolution to approve the addition of Aman Court and Montibillo Parkway (Fairfield subdivision) to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the North Carolina 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: Aman Court (Fairfield Subdivision)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners 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

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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 Durham Board of County Commissioners 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 Durham Board of County Commissioners at a meeting on the 12th day of January, 1998.

Witness my hand and official seal this the 13th day of January, 1998.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

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

North Carolina
County of Durham
Road Description: Montibillo Parkway (Fairfield Subdivision)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners 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 Durham Board of County Commissioners 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.

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CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 12th day of January, 1998.

Witness my hand and official seal this the 13th day of January, 1998.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

Consent Agenda 5(d). Mental Health—State Rollovers (\$56,000) and Area Mental Health Board Supportive Housing Amendment (\$34,600) (approve Budget Ordinance Amendment No. 98BCC000020 in the amount of \$90,600).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Mental Health.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Revenues</u>				
Intergovernmental	\$173,012,279	\$90,600		\$173,102,879
<u>Expenditures</u>				
Human Services	\$205,252,089	\$90,600		\$205,342,689

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

This the 12th day of January, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

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Consent Agenda 5(e). Mental Health—reconciliation of FY 1997-98 estimated budget with state allocation (approve Budget Ordinance Amendment No. 98BCC000021 in the amount of \$297,991).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000021

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Mental Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$173,102,879	\$297,991		\$173,400,870
<u>Expenditures</u>				
Human Services	\$205,342,689	\$297,991		\$205,640,680

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

This the 12th day of January, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Public Hearing to Approve Durham County’s Work First Plan

A public hearing was held to receive public comment on the Work First Plan for Durham County.

In accordance to North Carolina law, the County is required to prepare a biennial Work First Plan that proposes the goals and requirements for the Work First Program. The plan describes the outcomes and goals for the County and how the County will achieve and measure these outcomes and goals. The plan also describes the organization of the Department of Social Services (“DSS”) in regard to delivering services and responding to the needs of the population to be served and describes the funding requirements necessary to deliver services.

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After preparing a draft of the plan, each county must allow for public comment. The law does not specify how to receive public comment and allows each county to determine its own process. The Work First Planning Committee, which was appointed by the Board on October 13, 1997, invited to this meeting Work First participants and various religious, civic, and nonprofit organizations to discuss the most pressing needs of the population to be served and to review and assist DSS in developing a plan to respond to those needs. In addition, the Durham Housing Authority has held community forums to discuss needs and to review the plan. The DSS Board held a public hearing on December 18, 1997 to receive public comment on the plan.

Micheline Malson, Chair of the Work First Planning Committee, and David Powell, County Manager's Office, will provide a short overview of the plan. DSS staff members were available to answer questions.

Chairman Black stated the Commissioners must vote on the current plan since it is due in Raleigh on January 15, 1998. Any new or different ideas from the public hearing must be considered at a later time by the Commissioners. Any approved additions or changes would be added to the plan by an addendum.

Mr. Powell talked about the process that was used to develop the Work First Plan. The process was determined mostly by the state, although in part by Durham County. The first step was to select "standard" or "electing" program designation. The County Commissioners decided to select "standard" program designation during their October 27, 1997 Regular Session. The difference in "standard" and "electing" was explained. The final step in the process is to allow for public comment. State law does not specify how to receive public comment and allows each county to determine its own process. The BOCC and planning committee agreed that a public hearing would be an effective way to receive public comment. The planning committee and Social Services Board have approved the plan.

Mr. Powell briefly discussed various items that were distributed to the Commissioners including a facsimile from the Southerners for Economic Justice and Project Jubilee of the North Carolina Council of Churches suggesting additions and revisions to the Work First Plan. Project Jubilee requested that the County provide funding for a Department of Social Services staff person to coordinate the Faith Community Partnership for families losing benefits. The Faith Community Partnership Coordinator could be added in Section 10 under "innovative County strategies;" the planning committee could evaluate the request. Suggestions beyond page four should be referred to the committee for review and recommendation.

The Commissioners asked staff several questions about the plan to which staff responded. Daniel C. Hudgins, Social Services Director, responded to the majority of the questions.

Dr. Malson presented remarks on Work First program content. Welfare reform is a stated Durham County priority and the County has created an opportunity through the Work

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First Planning Committee to make real change. Based on the committee's experience and the requests made by committee and community members, she asked that the committee continue operating for the two-year time frame for which the Work First Plan is designed. During this period, the committee and subcommittees could provide community input, help develop an implementation plan for the Work First program, and monitor the impact and outcomes of Work First participants. This request is based on the progress made to date in at least three areas: committee process, knowledge of the conditions affecting Work First outcomes in Durham County, and service innovation.

In conclusion, Dr. Malson said most public policy students learn that plans and models account for very little of the effectiveness and outcomes of programs and action projects--most of the effect is based on what is actually done, how the program is implemented. We have a plan. This is only a start. We need to follow up and follow through with what we say we are going to do.

Chairman Black opened the public hearing that was properly advertised.

The following citizens spoke at the Work First public hearing:

Boleyn H. Davis, 1806 Palmer Street, said she was a Work First participant and a full-time student with a job. She saw nothing in the plan about schooling beyond high school. Her second point of concern was the daycare and after school policy states that only facilities licensed for daycare are eligible for Department of Social Services subsidies.

Cynthia D. Brown, 1920 Ward Street, emphasized three issues that were discussed: special child care needs, job training and education, and transportation. Domestic violence is an important matter and was not mentioned in the plan as it relates to work requirements.

Ralph McKinney, 500 Fairfield Road, discussed the welfare program and how it should be changed.

Keith Ernst, 2404 Green Street, discussed the following four points:

1. Help families achieve self-sufficiency and secure child well-being by developing a county-level longitudinal study.
2. The plan should contain a contingency plan to assist families that exceed their two-year time limit for receiving state assistance.
3. The plan must ensure that programs are not undermining efforts to build a hiring wage.
4. The plan must ensure that victims of domestic violence are not unduly burdened with work requirements.

Jayreza J. Jarvis, 2-G Sima Avenue, said daycare is important to everyone on public assistance. It is important for the community to be involved with the Work First Planning Committee in establishing rules and guidelines.

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Mab Segrest, 811 Onslow Street, was impressed by the committee's work to help as many people as possible obtain a wage to meet living expenses.

Marie R. Hill-Faison, 45-A Lawson Street, talked about her experience with Social Services to help obtain child care. Her children could not go the YMCA because it was not under contract with Social Services. Ms. Faison also discussed transportation concerns for the elderly. Various services already in place should be fixed or improved before new programs for Work First recipients are begun.

Sharon Muhammad, 17-C Moore Place, made comments about providing assistance to Work First clients after the two-year time period has passed. Financial help is needed for food and medical services. All basic necessities are not covered by the Work First Plan.

Ann Sink, 2724 Old Sugar Road, representing People's Alliance--Labor/Economic Issues Study Group, commented she was impressed with how the Commissioners have approached Work First and how hard the planning committee has worked. The appropriate questions have been asked tonight. The committee must continue with its work after the Board makes its decision tonight. The hiring wage discussion needs to continue.

Tom Stern, 1705 Wallace Street, President of People's Alliance, commended the work of the planning committee and the Durham Welfare Action Coalition. He endorsed the planning committee to continue its work. The committee should inform state and federal officials of problems they are placing on counties. He asked the Commissioners to request that staff generate cost figures to determine what gaps are in child care, training, and transportation on the local level. Money should be placed in next year's budget to address those needs.

Chairman Black closed the public hearing and referred the matter to the Commissioners for further discussion.

The Commissioners asked additional questions and made comments about Work First to which Mr. Hudgins responded.

After a general discussion, the following motions were made:

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Commissioners endorse in concept the idea of allowing the Work First Planning Committee to continue to operate and ask the committee to bring back to the Board the mission and how it will continue that function.

The motion carried unanimously.

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Commissioner Heron requested that the chair of the Work First Planning Committee poll committee members on their willingness to continue serving.

Commissioner Bell moved, seconded by Commissioner Heron, that the Commissioners approve the Work First County Plan Model for 1998-2000 (without comments heard tonight, both public and written).

The motion carried unanimously.

The plan would be delivered to Raleigh on Thursday, January 15, 1998, with a cover letter indicating that two public hearings were held (Social Services Board and County Commissioners) and that the Commissioners expect to amend this plan based on tonight's comments.

Discussion Regarding Dangerous Dogs in Durham County

County Commissioner Joe Bowser requested a discussion of the issue of dangerous dogs in Durham County. Based on this request, and the knowledge that the Animal Control Advisory Board has been working diligently on this and other issues, the County Manager has taken the liberty of asking appropriate staff to brief the Commission on this matter. General Services Director Mike Turner, Animal Control Administrator Stan Bragg, and Assistant County Attorney Simone Alston were present to address the Commission. The Advisory Board has been working diligently on reviewing and revising the Animal Control Ordinance. It finished a draft as of January 5, 1998, and is confident that the final draft will be available by April 30, 1998.

Commissioner Bowser requested this issue be discussed because he and other citizens have had several unpleasant experiences with dogs. The existing ordinance is not adequate to protect citizens today. A stronger measure is needed for citizens who allow their animals to roam free in this community. These citizens should be shown that the Commissioners will not tolerate that kind of activity. This issue should be revisited and more stringent ordinances should be adopted to protect the community.

Commissioner Bowser wanted a report from the Animal Control Department concerning what is being done to address this issue.

Mr. Turner updated the Commissioners on the progress of proposed revisions to the Durham County Animal Control Ordinance.

On July 31, 1997, an Ordinance Review Committee (ORC) was appointed by the Manager and charged with identifying all issues with the existing ordinance, additions or deletions needed, and with drafting proposed revisions for Board consideration.

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The first meeting of the ORC was held on August 12, 1997. Since that time, the ORC has met on 13 separate occasions to address all issues and/or concerns from every agency represented. With the exception of several issues currently being finalized, the rough draft is nearing completion.

At the next regularly scheduled meeting of the Animal Control Advisory Committee on Tuesday, January 27, 1998, Mr. Turner will request a February work session to review the ORC's proposed changes, answer questions, and receive comments from that committee.

Subject to final adjustments by the ORC, a final draft would be presented to the Manager by April 30, 1998, in accordance with the department's FY 1997-98 Work Plan.

Mr. Bragg discussed the issue of dangerous dogs in Durham County. His comments included:

- definition of dangerous dogs
- NC state law
- the current process used by Animal Control to declare dogs dangerous.

The Commissioners asked questions and made comments to which Mr. Bragg responded.

Commissioner Heron said an educational program would be needed to explain the revised Animal Control Ordinance.

Vice-Chairman Reckhow concurred with Commissioner Heron.

No official action was taken on this agenda item.

Approval of CIP Pay-As-You-Go Funding and Purchase of Computer Hardware and Software to Support Year 2000 Project and Durham County's Technology Plan

The budget amendment provides funds for the following pay-as-you-go projects. Funds are available in the current unallocated pay-as-you-go fund balance.

1. Purchase AS400 computer and operating system upgrades from IBM to provide the compatibility, vendor support, responsiveness, and capacity for proper computer support for Durham County departments.
2. \$682,784 for the AS400 computer and operating system upgrades includes enhanced computer speed and disk capacity, software operating system upgrade, operator education, and maintenance through the end of the fiscal year. The AS400 computer is a strategic system for support of mission critical applications (e.g. the Tax Collections System) and for applications converted from the Data General to meet Year 2000 requirements.
3. \$450,000 (\$150,000—FY98; \$300,000—FY99) to replace Data General terminals and printers connected to the Data General computer system with personal computers. This will provide compatibility with the County's strategic direction of network-based

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workstations and make a significant step toward elimination of the Data General computer with savings of \$125,000 per year.

Perry Dixon, Director of Information Services, recommended approval of these items and was in attendance to answer any questions. Item one was reviewed by Chuck Kitchen, Durham County Attorney, who recommended that it be brought before the Board of County Commissioners for approval.

County Manager's Recommendation: Authorize project budgets to be established in accordance with PAYG Capital Improvements Plan (98CPA000005). The Budget Director has reviewed the request for funding and has verified that sufficient unappropriated CIP funds are available.

Mr. Dixon answered questions from the Commissioners.

County Attorney Kitchen requested the minutes reflect that item one requests Board approval for purchase directly from IBM to provide compatibility as opposed to using the bidding process.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, that the Commissioners approve the Capital Improvement Plan PAYG funding for the technology and authorize project budgets to be established in accordance with PAYG Capital Improvements Plan (98CPA000005).

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Capital Projects Budget Ordinance
Amendment No. 98CPA0000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Capital Projects Budget Ordinance is hereby amended to appropriate funds for the following PAYG projects.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Projects</u>				
IS—AS-400 Computer Systems Upgrade	\$ 0	\$682,784		\$682,784
IS—Data General Equip. Replacement	\$ 0	\$450,000		\$450,000

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

This the 12th day of January, 1998.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

General Telephone and Electronics (GTE)—Downtown Office Closing

Commissioner Bowser said GTE closed its downtown payment center several months ago. This move concerned him greatly because he used the facility monthly. General Telephone officials met with Commissioner Bowser, the County Manager, and David Powell. Commissioner Bowser feels that utility companies should be represented in the downtown area. He was of the opinion that a letter was written to GTE voicing Commissioner displeasure about the payment office closing. He was unsure of the status of the letter; he had not received a copy. He asked that the letter be written. Commissioner Bowser was also going to request that City Council write a similar letter.

County Manager David F. Thompson said a letter would be drafted to GTE.

Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions:

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- Adult Care Home Community Advisory Committee
- Area Mental Health Board
- Youth Services Advisory Board

Votes were cast to make appointments. Asterisks designate the appointees.

Adult Care Home Community Advisory Committee

Six terms advertised (terms expire September 1998).

*Sher R. Teer—Bell, Black, Bowser, Heron, and Reckhow

Area Mental Health Board

Three positions were advertised--one for an individual with experience in finance and the ability to understand and interpret audits and other financial reports; one attorney position; and one at-large position.

Five applications were received for the one at-large position (term expires July 2002).

*Harold Batiste Sr.—Bell, Bowser, Heron, and Reckhow

Anne C. Burton—no votes

Vickie L. Ellis—Black

Stephen P. Puckett—no votes

Sher R. Teer—no votes

Youth Services Advisory Board

One expired term (expires September 2000) and one unexpired term (expires September 1998).

Sher R. Teer—no votes

Closed Session

Commissioner Bell moved, seconded by Commissioner Heron, to adjourn into Closed Session in order to preserve the attorney-client privilege, and to discuss the case of Currin Brothers v. Durham County, 97 CVS 891 pursuant to G.S. 143-318.11(a)(3).

The motion carried unanimously.

Reconvene Into Open Session

No action was required as a result of the Closed Session.

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Adjournment

Chairman Black adjourned the meeting.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS