

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

Monday, February 6, 2006

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

Absent: None

Presider: Chairman Reckhow

Citizen Comments

Chairman Reckhow recognized Ms. Victoria Peterson, P.O. Box 101, Durham, NC 27702, who requested time to speak about federal grants received by Durham County.

Ms. Peterson presented crime statistics. She asked that the Board encourage the Sheriff's Office to have the crime statistics available for citizens upon their requests. She also expressed concerns with crime in the African-American community.

Ms. Peterson suggested that board members for the local law enforcement block grants be more diverse. She voiced her opinion that the federal grants need to be used for technical or vocational programs.

Presentation on Change in Health Care Services by the North Carolina Association of County Commissioners

Jim Blackburn, General Counsel of the NCACC, introduced Kim Kilday, Director of Marketing, NCACC.

Ms. Kilday presented a PowerPoint presentation to update the Board on the benefits transition in the Group Benefits Pool. She stated that the Risk Management Pool reviewed the financial and service impact of the components in the event that the pool decided to re-define the service delivery model. In general, unbundling creates the opportunity to identify potential service partners with the best outcomes and programs.

Ms. Kilday stated that based on feedback from the selection team, eight elements were identified as critical. These elements included plan type, claims adjudication and payment, network access and discounts, health management resources, financial,

pharmacy, sales and service support, communications, and the NCACC branding ability. Subsequent to this extensive evaluation, the Group Benefits Pool made a decision to build a plan for counties that offers more flexibility in terms of products and services, and furthermore, allows counties to tailor programs better suited for their specific needs. The Group Benefits Pool chose CIGNA and Caremark.

Ms. Kilday informed the Board of the next benefits transition meeting would be held on March 3 in Orange County. Representatives from Caremark and Cigna would attend the meeting to discuss the available services.

Directive

1. Give Commissioners across the State an opportunity to have input on the benefits transition.

Repeal of Section 10.59F of Session Law 2005-276

Chairman Reckhow received requests from the North Carolina School Boards Association, the North Carolina Principals and Assistant Principals Association, and the North Carolina Association of School Administrators requesting that the Board of Commissioners support a repeal of Section 10.59F of Session Laws 2005-276. This new special provision in the state budget requires that every child entering kindergarten in public schools prove that he/she has had a comprehensive eye examination by a certified optometrist or ophthalmologist within six months of starting school.

Chairman Reckhow expressed concerns with the appropriateness of this provision. She stated that the eye examination would cost, on average, \$100 to \$120, which could likely cause financial hardship. She noted the lack of optometrist and ophthalmologist in various counties in North Carolina.

Chairman Reckhow stated that the lack of merits discussed in this issue could possibly affect a number of children.

Chairman Reckhow pointed out that nonprofits go into the schools to perform vision screenings for children and offer assistance to families with no health insurance.

Directives

1. Prepare a letter to the local delegation, copy Speaker Jim Black, expressing concerns about the process and outcome of vision screenings; include wording to inform the local delegation that the Board would like vision screening incorporated into the well child check-up.
2. Suggest that the well child check-up include hearing as well as vision screening.

Advertising of Tax Liens

Kenneth Joyner, Tax Administrator, asked the Board to give authorization to provide public notice and advertise the 2005 delinquent tax liens. N.C.G.S. 105-369 states that the advertisement of tax liens shall be made during the period March 1 through June 30. As required by statute, the county tax collector's report is due to the governing body by the first Monday in February.

<u>Levy</u>	<u>Fund</u>	<u>Outstanding</u>
\$ 138,616,160	County	\$ 17,720,122
\$ 18,331,271	Capital	\$ 2,344,068
\$ 946,282	Bethesda	\$ 35,934
\$ 609,771	Lebanon	\$ 56,810
\$ 1,001,425	Parkwood	\$ 150,572
\$ 499,348	Redwood	\$ 122,301
\$ 37,242	New Hope	\$ 3,436
\$ 13,742	Eno	\$ 580
\$ 454,695	Bahama	\$ 178,139
\$ 312,101	RTP Special	\$ 22,868
\$ 84,879,220	Durham City	\$ 10,285,040
\$ 1,282,119	Town of Chapel Hill	\$ 78,923
\$ 6,604	Butner	\$ 1,248
\$ 222,051	City of Raleigh	\$ 10,347
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\$ 247,212,031		\$ 31,016,257

Chairman Reckhow recommended a motion to be made to suspend the rules.

Commissioner Cheek moved, seconded by Commissioner Cousin, that the Board suspend the rules.

The motion carried unanimously.

Chairman Reckhow recommended a motion be made to approve the Tax Administrator's request to begin advertising the 2005 tax liens in the month of March.

Commissioner Cousin moved the motion, seconded by Vice-Chairman Heron.

The motion carried unanimously

Directive

1. Provide copies of the outstanding tax report to the Board for the end of each fiscal year showing the exact amount of taxes owed.

FY 2006-2007 Nonprofit Application Process Revisions and Scheduling of the Public Hearing for Nonprofit Funding

Heidi Duer, Assistant County Manager, stated that at the December 5, 2005 Worksession, staff suggested that the FY 2006-2007 Nonprofit Applications be presented to the Board of Commissioners in summary format to reduce the amount of materials reviewed by the Commissioners. Staff also proposed holding the public hearing for nonprofits after the County Manager's FY 2006-2007 Recommended Budget is presented to the Board, rather than in April as has been the practice (in advance of the recommended budget). Staff prepared a two-page nonprofit application summary for review by the Board to determine if this amount of information meets the Board's expectations.

Minora Sharpe, Budget and Management Services, highlighted ideas for improving the nonprofit hearings.

Directives

1. Keep the nonprofit hearings separate.
2. Discuss the nonprofit reviews at the May Worksession.
3. Outline the measurable outcomes for the current 2005-2006 budget year. Include the question, "**How are you doing in the first six months for the fiscal year in meeting these outcomes?**"
4. Require a six month mid-year report to describe the current outcomes.
5. Document when the nonprofit organizations fail to respond.
6. Nonprofits' budgets would be useful.
7. Discuss the work that is being done; find out whether there are opportunities for collaboration; invite public entities to attend the discussions.
8. Make conversations and collaborations with County agencies mandatory.
9. Staff to provide nonprofit assessments.

Request from City Council for Durham County to Process City Assessment Foreclosures

Ken Joyner, Tax Administrator, stated that at the January Joint City/County Committee meeting, a discussion was held as to the feasibility of the Durham County Tax Administration Office processing foreclosures of City Assessments. This issue was addressed in the past; a determination between Tax Administration and the County Attorney's Office was that, due to legal issues in the process of foreclosure, it would be best for the City of Durham to directly contract with legal counsel for these items. Tax foreclosures of properties in the City of Durham involve both City and County taxes. Once foreclosure occurs and the County takes possession, the properties are held on behalf of both entities. The County's foreclosure attorneys are required to include City assessments that are past due when a foreclosure action is filed.

With City assessments, Tax Administration would be processing through its office foreclosures for properties in which nothing is due to Durham County. This would increase staff time and energy and would mean additional staff to continue its work at the same level.

City Administration is not making this request; it has secured an attorney to process foreclosures and is waiting for the County's response to move forward with the contract.

Directive

1. Inform City Council and City Administration that they can move forward with the contract to process foreclosures.

Receive the Report and Direct Staff to Prepare Amendments to the Comprehensive Plan as Recommended in the Report

Laura D. Woods presented the Board with the first annual assessment of implementation of the Durham Comprehensive Plan. She stated that policy 1.1.4a of the Comprehensive Plan requires the Planning Department to submit an annual evaluation and assessment of Plan implementation to the Board of Commissioners and the City Council. The report included:

- I. An update of baseline information included in the Existing Conditions Report;
- II. Accomplishments in the reporting period, describing the degree to which goals, objectives, and policies have been successfully reached;
- III. Obstacles or problems in Plan implementation which have resulted in underachievement of the Plan's goals, objectives, and policies; and
- IV. Recommendations for new or modified goals, objectives, or policies needed to correct problems.

Ms. Woods stated that during August 2005, staff provided each department, board, and agency identified in the plan with lists of the policies and asked for status reports. She also stated that staff followed up the requests with telephone calls to each agency; the response rate for these inquiries was 96 percent.

Directive

1. Accept the recommended text changes.

Salary of Sheriff for Election Filing Period

Chairman Reckhow introduced this item, stating that the current salary of the incumbent sheriff is \$103,000. This amount is in recognition of his previous education, experience, performance, and eleven years of service with Durham County Government. The BOCC may set the salary of a newly-elected sheriff based upon his/her qualifications. The average minimum salary for a sheriff in our labor market is \$76,855.

Chairman Reckhow recognized Marqueta Welton, Director of Human Resources.

Ms. Welton recommended setting the filing salary at \$77,000 to be effective the first Monday in December 2006. She stated that this recommendation will have no impact on the incumbent Sheriff should he be re-elected. Ms. Welton also stated that the BOCC retains the option of setting the salary of a newly-elected sheriff at any level at or above the recommended minimum.

Chairman Reckhow recommended a motion be made to suspend the rules.

Vice-Chairman Heron moved the motion, seconded by Commissioner Page.

The motion carried unanimously.

Commissioner Page moved, seconded by Vice-Chairman Heron, to set the filing salary of the sheriff at \$77,000 to be effective the first Monday in December 2006.

The motion carries unanimously.

County Attorney Chuck Kitchen reiterated to the press that the change is not effective until December 2006.

Library Board—Removal of Mary Tenuta as a Board Member due to Poor Attendance

Chairman Reckhow stated that on October 24, 2004, the Board of County Commissioners appointed Mary S. Tenuta to serve a full term on the Durham County Library Board of Trustees. Based on information from Library Board President Lionell Parker and Clerk Vonda Sessoms, Ms. Tenuta has failed to comply with the Policy and Procedures for Appointments to the County Boards, Commissions, Committees, or Authorities set forth by the County Commissioners. Section 1.(F) of the Policy states, *“If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she is obligated to resign.”*

The Clerk to the Board’s office has attempted to contact Ms. Tenuta via telephone (six times), courier mail (two letters), and email (three emails; last email on December 30, 2005), requesting her resignation; no response has been received.

County Attorney Chuck Kitchen stated that the record should reflect that Ms. Tenuta was given the opportunity to be heard but failed to appear.

Chairman Reckhow recommended a motion be made to suspend the rules.

Commissioner Cheek moved the motion, seconded by Commissioner Page.

The motion carried unanimously.

Commissioner Page moved, seconded by Vice-Chairman Heron, to remove Ms. Tenuta from the Library Board of Trustees.

The motion carried unanimously.

Preliminary Resolution for Two-Thirds Bonds

Chairman Reckhow recognized Chuck Kitchen, County Attorney; Glen Whisler, County Engineer; and George Quick, Finance Director, to give background on this item.

County Attorney Chuck Kitchen stated that the Board of Commissioners is requested to review the list of bond projects in the Project Description. The projects have been combined in the Preliminary Bond Resolution as required by State law, and the issuance costs are divided among the projects.

In response to Vice-Chairman Heron and Commissioner Page's concerns about the County's commitment to the Holton Middle School project, the County Manager stated that the only commitment the County has made is \$4 million for repairs.

Directives

1. Need more information on what would be housed in Holton Middle School and who would run the school.
2. Find out how much funding Durham Public Schools would request from the County.
3. Look at the cost of renovations.
4. County Manager Ruffin and Mr. Whisler to prepare a memorandum informing the Board of the progress regarding Holton Middle School.
5. Keep the Board more informed on how monies are to be spent.
6. Place on the agenda for the March Joint City/County Committee meeting to discuss the issues of joint use of the facility; invite DPS Superintendent Ann Denlinger and Alan DeLisle, Director Office of Economic & Employment;
7. Place on the March 6, BOCC Worksession agenda to discuss ideas concerning Holton Middle School; invite DPS Superintendent Ann Denlinger and Patrick Baker, City Manager.
8. Consider Closed Caption for the new audio/video equipment for the Commissioners' Chambers.

Chairman Reckhow recommended that a motion be made to suspend the rules.

Vice-Chairman Heron moved the motion, seconded by Commissioner Cousin.

The motion carried unanimously.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Preliminary Resolution so the Finance Director may make application to the Local Government Commission for approval of the bond issue.

The motion carried unanimously.

The Preliminary Resolution follows:

RESOLUTION RELATING TO THE
AUTHORIZATION OF OPEN SPACE BONDS,
PUBLIC BUILDING BONDS, LIBRARY
FACILITIES BONDS AND SCHOOL BONDS OF
THE COUNTY OF DURHAM, NORTH
CAROLINA

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering authorizing the issuance of general obligation bonds of the County pursuant to Article 4 of Chapter 159 of the North Carolina General Statutes, as amended, for the purpose of providing funds, with any other available funds, for various purposes, as follows:

- (a) \$3,117,000 Open Space Bonds without voter approval for acquiring and improving land and interests in land for open space and other purposes of the County, including the provision of trails, greenways and other open spaces, the conservation of land and other natural resources for historic or scenic purposes, the preservation of farmland and the provision of park and recreational facilities,

- (b) \$2,933,000 Library Facilities Bonds without voter approval for providing additional library facilities in the County, including the expansion of the Southwest Branch Library and the provision of additional funds for the renovation and furnishing of the Stanford L. Warren Library,
- (c) \$2,158,000 Public Building Bonds without voter approval for acquiring, constructing and improving public buildings and facilities of the County, including the construction of an animal control office facility, the acquisition of land associated with the construction of the Human Services Complex, the reconstruction of other County governmental facilities and the acquisition of necessary furnishings and equipment therefor and the provision of additional funds for the construction and furnishing of the Durham Center for Senior Life and the Emergency Medical Services Station No. 2, and
- (d) \$4,022,000 School Bonds without voter approval for erecting, remodeling, enlarging and reconstructing school buildings and other school plant facilities and acquiring necessary land, rights of way, furnishings and equipment therefor, including the renovation of the Holton Middle School to provide a vocational training center for The Durham Public School System in conjunction with a City of Durham Community Center; and

WHEREAS, it is necessary to take certain related actions at this time;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds (collectively, the "Bonds") that (i) the proceeds of the Bonds will be used to finance a portion of the cost of the respective projects to meet urgent needs for facilities or provide desirable facilities to serve the residents of the County and, accordingly, the issuance of the Bonds is necessary or expedient for the County, (ii) the principal amounts of the Bonds are adequate and not excessive for the proposed respective purposes of the Bonds because they are based upon best estimates of the County of the costs of the respective projects and, if necessary, will be supplemented with other funds to be adequate for such purposes, (iii) the County's debt management procedures and policies are good and will be managed in strict compliance with law, (iv) the increase in taxes necessary to service the Bonds will not be excessive because it is expected that any increase in taxes will not exceed fifty-six hundredths cents (.56¢) per one hundred dollars (\$100) of the appraised value of property subject to taxation by the County and (v) the Bonds can be marketed at reasonable rates of interest.

Section 2. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina and authorized to take such other actions as may be advisable in connection with authorizing the issuance of the Bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. The law firm of Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, is hereby confirmed as bond counsel of the County in connection with the authorization and issuance of the Bonds.

Section 4. This resolution shall take effect immediately upon its passage.

Regulation of Solicitation on the Streets and Highways of Durham County

Commissioner Cheek previously requested that an ordinance regulating solicitation on the streets and highways of Durham County be developed. An ordinance has been drafted which would make begging, solicitation campaigns, and sales within the right-of-way unlawful. Additional materials were presented related to panhandling, which poses a safety hazard for both pedestrians and motorists on the streets of Durham.

Commissioner Cheek asked that the Commissioners consider the enactment of an ordinance in the County that would absolutely prohibit solicitation in the right-of-way of the roadways in the County. He was concerned with safety; individuals being given money provides less incentive for them to seek assistance to provide a permanent solution to their problems; people standing on the street corners actively soliciting money is what visitors see when they come into our community on the major highways.

Commissioner Cheek suggested that the Sheriff's Department issue citations along with a list of public/private entities in Durham that provide assistance for the hungry, homeless, sick, etc.

County Attorney reviewed the ordinance regulating solicitation on the streets and highways of Durham County.

Vice-Chairman Heron expressed concerns with passing the panhandling ordinance.

Commissioner Cheek stated that the only way to get the information regarding services to panhandlers is to provide it to them on the street so they can take advantage of the services.

Commissioner Cousin stated that the organizations listed must be capable of meeting the individual's needs.

In response to Chairman Reckhow's concerns about public organizations that assist homeless and indigent people, Sammy Haithcock stated that Social Services has a list of contact agencies that provide emergency services.

Commissioner Page spoke about the quandary of citizens who have been denied County services.

Terry Allebaugh, Executive Director, Housing for New Hope, noted a number of outreach programs that are willing to provide assistance. He also stated that there are necessities of service for those with a high rate of mental illness.

Directives

1. Prepare a list of all agencies that assist the homeless; list all available services that are provided both publicly and privately; Commissioner Cheek and Commissioner Page to work with Sammy Haithcock and other resource persons to look at the list and consider all information that should be provided.
2. Refer individuals to the Criminal Justice Resource Center.
3. Bring a status report of the progress to the next Joint City/County Committee meeting in March.
4. Recommend that the list of referrals be shared with other agencies.
5. Attempt a sample survey from the people on the street to determine their issues.
6. Help the community understand the types of services the panhandlers need.

Closed Session

Commissioner Page moved, seconded by Commissioner Cheek, to adjourn to closed session to instruct staff concerning the position to be taken in negotiating the material terms for the acquisition of two real properties pursuant to G.S. § 143-318.11(a)(5). The two properties are: 247 S. Mangum owned by AREC 3, LLC (U-Haul Real Estate Company) and 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home.

Vice-Chairman Heron announced that the Board gave direction to staff in closed session; no action was taken.

Adjournment

There being no further business, Vice-Chairman Heron adjourned the meeting at 1:05 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board