

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

Monday, February 6, 2006

9:00 A.M. Worksession

**AGENDA**

**1. Citizen Comments?Victoria Peterson**

5 min.

Ms. Peterson, P.O. Box 101, Durham, NC 27702, has requested to speak to the Commissioners about federal grants received by Durham County.

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

15 min.

Every three years, the North Carolina Association of County Commissioners Risk Management Pools bid out their major contracts. This year, the Group Benefits Pool was up for bid in anticipation that the contract for Blue Cross Blue Shield of North Carolina would be expiring in December of 2006. The Group Benefits Pools, working with its broker (*Mercer*)asked all vendors to submit bids that both bundled and unbundled the service components. The Risk Management Pool wanted to review 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.

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 offered 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. A representative from the NCACC Risk Management Pool will explain the changes and its implications for counties.

Resource Person(s): Wendell M. Davis, Deputy County Manager, and Susan Klakoff, Assistant Executive Director of Risk Benefit Services

County Manager?s Recommendation: The Manager?s recommendation is that the Board of Commissioners receive the presentation. Staff is presently working with members of the Group Benefits Pool to identify transitional issues associated with the change.

### **3. Advertising of Tax Liens**

10 min.

The Board is requested to authorize the Tax Administrator 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.

#### Levy Fund Outstanding

\$ 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

\$ 247,212,031 \$ 31,016,257

Resource Person(s): Kenneth Joyner, Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board **suspend the rules** and approve the Tax Administrator's request to begin advertising the 2005 tax liens in the month of March.

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

15 min.

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 has prepared a two-page nonprofit application summary for review by the Board to determine if this amount of information meets the Board's expectations. Staff will also discuss opportunities for nonprofits to provide comment on the recommended budget.

Resource Person(s): Heidi Duer, Assistant County Manager, and Minora Sharpe, Budget and Management Services

County Manager's Recommendation: The Manager recommends that the Commissioners review the proposed application summary documents for the County's Nonprofit Application Process and determine the date for the nonprofit public hearing.

### **5. Request from City Council for Durham County to Process City Assessment Foreclosures**

20 min.

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.

Resource Person(s): Kenneth Joyner, RES, Tax Administrator, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board receive comments from the Tax Administrator and County Attorney.

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

10 min.

The Board is requested to receive the report and direct staff to prepare amendments to the Comprehensive Plan as recommended in the report.

Resource Person(s): Laura D. Woods

County Manager's Recommendation: The Manager recommends that the Board receive the report and direct staff to prepare amendments to the Comprehensive Plan as recommended in the report.

7. **Salary of Sheriff for Election Filing Period**

5 min.

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. Human Resources recommends setting the filing salary at \$77,000 to be effective the first Monday in December 2006. This recommendation will have no impact on the incumbent Sheriff should he be re-elected. The BOCC retains the option of setting the salary of a newly-elected sheriff at any level at or above the recommended minimum.

Resource Person(s): Marqueta Welton, Director of Human Resources

County Manager's Recommendation: The Manager recommends that the salary be set during the filing period at \$77,000 and assess and set the salary of the sheriff when the new or incumbent sheriff takes office after the election.

8. **Library Board?Removal of Mary Tenuta as a Board Member due to Poor Attendance**

5 min.

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, 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.

Resource Person(s): Vonda Sessoms, Clerk to the Board

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD **SUSPEND THE RULES** AND REMOVE MS. TENUTA FROM THE LIBRARY BOARD OF TRUSTEES.

**9. Repeal of Section 10.59F of Session Law 2005-276**

15 min.

Chairman Reckhow has 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.

Resource Person(s): Ellen W. Reckhow, Chairman

County Manager's Recommendation: The Manager recommends that the Board review the request and advise staff if any additional information is required.

**10. Preliminary Resolution for Two-Thirds Bonds**

35 min.

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.

As shown by the Calendar, the Board will be requested at the February 13, 2006 meeting to set a public hearing on the issuance of the bonds.

Resource Person(s): Chuck Kitchen, County Attorney; Glen Whisler, County Engineer; and George Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD **SUSPEND THE RULES** AND APPROVE THE PRELIMINARY RESOLUTION SO THE FINANCE DIRECTOR MAY MAKE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE BOND ISSUE.

**11. Regulation of Solicitation on the Streets and Highways of Durham County**

45 min.

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. In addition to solicitation on the streets of Durham posing a safety hazard for both pedestrians and motorists, additional materials specifically related to panhandling is being presented.

A law review article from the Louisiana Law Review discusses the history of the regulation of begging and states that begging is part of the "Broken Windows" effect. In this case, "just as broken windows in buildings may signal that nobody cares and lead to additional vandalism and damage, so untended disorderly behavior may also communicate that nobody cares (or that nobody can or will do anything about disorder) and thus lead to increasingly aggressive criminal and dangerous predatory behavior".

The "Panhandling" document is part of the "Problem-Specific Guides Series" prepared and distributed by the U.S. Department of Justice. The series describes the problem of panhandling and some of the responses from states and cities. The publication notes that panhandlers develop a "sales pitch" to solicit money. Many times these sales pitches are fraudulent. Three pitches that are often used are that the panhandler pretends to be disabled, is a veteran, or uses a pet to evoke sympathy. The paper also indicates that much of the money given to panhandlers goes for the purchase of alcohol, drugs, and tobacco.

In addition to the ordinance, the Board may want to consider the preparation and distribution of public education materials. Page 25 of the paper illustrates one such flier produced by the City of Madison, Wisconsin. These educational materials typically offer three points of information to the public:

- 1) panhandlers usually use the money to buy alcohol and drugs, rather than goods and services that will improve their condition;
- 2) giving panhandlers small amounts of money is insufficient to address the underlying circumstances that cause them to panhandle; and
- 3) social services are available to meet panhandlers' food, clothing, shelter, health care, and employment needs.

Resource Person(s): Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD GIVE INPUT TO STAFF REGARDING THE ORDINANCE, AND IF APPROPRIATE, SET THE ORDINANCE ON THE AGENDA FOR FEBRUARY 13, ALONG WITH THE DIRECTION TO DEVELOP PUBLIC EDUCATION MATERIALS.

12. **Closed Session**

60 min.

The Board of Commissioners is requested 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.

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4 hrs.