

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

Monday, August 4, 2003

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 Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Ellen W. Reckhow

Call to Order

Chairman Reckhow convened the meeting and welcomed everyone to the worksession.

Agenda Adjustments

Chairman Reckhow said that there were several changes to the agenda. She recognized County Manager Michael Ruffin to make the agenda adjustments. Agenda item No. 12, "Information Technology Computer Replacements," was added to the agenda.

Commissioner Heron made an agenda adjustment. She asked for a report to be added concerning the Animal Control Advisory Committee and a request of the County Commissioners. This became agenda item No. 13.

Chairman Reckhow added a request from the Planning Commission that the Commissioners ask for a report from the Environmental Affairs Board on the environmental effects of cement plants. The report would be requested before the Development Review Board takes action on the cement plant. This request became Agenda Item No. 14.

Chairman Reckhow stated that Chief District Court Judge Elaine O'Neal was present to make remarks. She recognized Judge O'Neal for her remarks first, as the Judge had an appointment to meet.

Remarks--Chief District Court Judge Elaine O'Neal

Chairman Reckhow recognized Judge O'Neal for her remarks.

Judge O'Neal said that she was appointed Chief District Court Judge last September. Since her anniversary was approaching, she thought the appropriate thing to do would be to report to the Board of County Commissioners about the activities and plans for the District Court system.

Judge O'Neal wanted to update the County Commissioners on a couple of ongoing activities in the District Court System. She thanked the Commissioners for their visit to the Judicial Building to learn about the space needs that exist in the building. She stated that a new court facility is badly needed. She also thanked the Commissioners for the new court annex that will be in use starting in September. Twelve staff members will be located in the building. Juvenile and Domestic Courts will be held in the three courtrooms. All of the offices will be occupied from the first day. The Sheriff and the Board of County Commissioners have addressed the security concerns that would make everyone located in the building safe. The school system will provide the artwork to decorate the annex building. With the opening of the annex, two-thirds of the second floor of the Judicial Building will be vacant. Judge O'Neal stated she hoped the space would be used for a Community Resource Center. The center would provide space for the court system's community partner organizations.

The Judge also said that plans are being made to have a Traffic Administrative Court to begin operating September 26, 2003. The court will operate every Friday from 8:30 a.m. to 1:00 p.m. The court system is in the process of adopting a continuance policy that would require the judges' adherence. This policy would address the concerns the public has had about "a revolving door."

Judge O'Neal said that on August 21, 2003, a magistrate retreat would be held to focus on operating procedures, customer service, and teamwork. This will be the first time a retreat of this type has been held.

District Court Judge O'Neal said that the court system needs more resources so it can handle the type of cases typical to Durham County. Needed are more district attorneys, clerk staff, and judges.

The last item that the Judge addressed was the Juvenile Detention Center and the need to examine the resources allocated for juveniles. She stated that a Juvenile Resource Center is needed in Durham County.

Chairman Reckhow said that the Commissioners want to work with Judge O'Neal and wish to keep the dialogue open. She said the Board applauds Judge O'Neal's leadership.

Citizen Comments—Domestic Partner Benefits

The following citizens have requested time on the agenda to speak to the County Commissioners about extending full benefits to domestic partners of Durham County employees:

Ms. Sara Terry
Ms. Doris Taylor
Ms. Dabney Hopkins
Mr. Steven Matherly
Ms. Stacey Poston
Ms. Cleo Von Bizzell
Ms. Sandra A. Covin
Mr. Kenneth Levine
Father Scott Benhase
Reverend Dr. Margarita Suarez
Ms. Diane Wright

Each citizen will be allowed three minutes to speak.

Chairman Reckhow said that Ms. Doris Taylor would not be present, and Ms. Dabney Hopkins was out of town due to a family medical situation. Ms. Hopkins' prepared comments would be read by Nicole Rowan. Each citizen would be allowed three minutes to speak.

Chairman Reckhow recognized the following citizens to speak on the domestic partner benefits:

Ms. Sara Terry—Spoke on behalf of People's Alliance
Ms. Nicole Rowan—Spoke on behalf of Dabney Hopkins
Mr. Steven Matherly—Spoke on behalf of People's Alliance and himself
Ms. Stacy Poston
Ms. Cleo Von Bizzell
Ms. Sandra A. Covin
Mr. Kenneth Levine
Farther Scott Benhase
Reverend Dr. Margarita Suarez
Ms. Diane Wright

All of the citizens that spoke were in support of domestic partner benefits.

Citizen Comments—Julius T. Bartell

Mr. Julius T. Bartell had requested time on the agenda to speak to the County Commissioners regarding a waste spill.

Mr. Bartell provided a videotape for the Board to view. He said the videotape was made 24 hours after the waste spill. He stated he notified Emergency Management, the fire department, and the Environmental Protection Agency and that they did nothing about it. He stated that the subdivision across the street had filed for additional property approval. Mr. Bartell stated that Durham County will require him to drill another well on his property at a cost of \$8,000-\$9,000 due to contamination of the first two wells. This contamination is coming from the new subdivision on Hebron Road.

Mr. Bartell made summary remarks about the waste spill for the Commissioners' information.

Deputy County Manager Carolyn Titus has been leading a staff response on this waste spill. Ms. Titus said the Emergency Management, Engineering Department, Sedimentation and Erosion Control, and the Public Health Department have visited the property and performed an assessment.

Fire Marshal Jeffrey Batten and a representative from Sedimentation and Erosion Control made a report to the County Commissioners. The report from the Sedimentation and Erosion Control Department showed that the site was out of compliance. The contractor was scheduled to have the site in compliance by August 4, 2003.

Chairman Reckhow requested that a report be given to the Commissioners at their next meeting and to be sure the site is in compliance by Monday.

The Chairman stated that if the site was not in compliance by Monday, this Board should not approve the subdivision expansion request on August 11, 2003.

Chairman Reckhow said she wanted the staff to put together a written report where each agency describes its investigation on this matter. On the Sedimentation and Erosion Control report she wanted a time sequence of the permit and the inspections and what happened each time so that it could be read and followed. She asked for all the facts and a memorandum for the Board to read. Having more information, the Board can ask better questions. She asked staff to include photographs of the site for the report.

Offer from the Durham County Bar Association to Fund Electronic Law Library

George H. Lawrence, representing the 14th District Judicial Bar Association, has formally proposed an offer to fund a fully-equipped, electronic law library in the new judicial building. A Bar Association representative will be present to make the offer in person and discuss its possibilities.

Resource Person(s): George H. Lawrence, Consultant; Julia Borbely-Brown, Director of the 14th District Judicial Bar Association; and Patrick Baker, Elected Board President

County Manager's Recommendation: The County Manager recommends that the Board receive the offer.

Chairman Reckhow recognized Patrick Baker, Elected Board President, to make the presentation to the Commissioners.

Mr. Baker stated that the membership of the 14th District Judicial Bar Association voted at its last meeting to fund an electronic law library for the new judicial building at a cost of approximately \$40,000. He asked that the Board of County Commissioners accept this offer from the association.

Mr. Baker said that the Durham County Bar Association had allocated \$13,712 for equipment to be used in the new annex. The Durham County Bar Association, beginning in the fall of 2003, will provide coffee service for the jurors. The Bar Association will set aside \$5,000 in 2003 to provide legal services for people in need.

Chairman Reckhow thanked the Durham County Bar Association on behalf of the Board of County Commissioners for the gift of the electronic law library. The equipment will be well utilized. The County is moving forward on the courthouse facility.

Chairman Reckhow authorized the staff to place the purchase of the land for the new courthouse on the August 11, 2003 consent agenda.

Chairman Reckhow said that George Lawrence called her. He suggested that the Board of County Commissioners should meet within the next few months with the key stakeholders involved with the judicial building to discuss design features and programming for the building.

Chairman Reckhow asked the County Manager to work with the architect and the stakeholders to set up a meeting for discussion purposes.

County Manager Ruffin stated that he would put the gift of the electronic law library on the consent agenda for Board approval. A letter of appreciation will be written to the Bar Association.

Report on “Healing Place” Visit

The Board of County Commissioners received a presentation at the May 3, 2003 Worksession by a group of concerned leaders from the faith community regarding the lack of adequate residential and detoxification services for individuals with substance abuse problems in Durham. The leaders had come together with a proposal to provide residential substance abuse services at the Oakleigh facility, located adjacent to Durham Regional Hospital. The County Commissioners were very responsive to their concerns and pledged their support by encouraging collaborative efforts with Duke University Medical Center, The Durham Center, and other significant stakeholders in the community.

Subsequently, a small group of the community leaders and officials from The Durham Center organized a visit to The Healing Place—a residential program designed to address the problems of substance abuse and homelessness in Wake County. The Healing Place

is viewed as an excellent example of what is possible when an entire community rallies to address a significant community need. On July 8, 2003, Commissioner Philip Cousin led over 30 individuals from the faith community, law enforcement, Duke University Medical Center, Durham Regional Hospital, Health Partners, local homeless shelters, as well as County department heads and Durham Center board members and staff on a site visit to The Healing Place.

Resource Person(s): Rev. Philip R. Cousin Jr., County Commissioner

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners receive the report.

Rev. Philip R. Cousin, Jr., County Commissioner, made a presentation to the Board of County Commissioners about the trip to Wake County to visit the "The Healing Place".

"The Healing Place of Wake County" is a nonprofit 501-C (3) public private partnership. The program engages in rescue, recovery, and rehabilitation of homeless men with alcohol and substance abuse problems. The building was opened January 15, 2001 in a \$4-million facility. Through December 31, 2002, "The Healing Place" provided over 93,000 beds of shelter for over 2,400 homeless men over 18 years of age. The average is 39 years of age. The facility is staffed by 23 full-time employees and 6 part-time employees. They provide services for an average of 152 men a day, seven days a week. The men in the facility do all of the jobs required to keep the facility operational. The program is very successful, as 116 men have completed the recovery program and entered into a transitional program known as "Silver-Chip". The cost per client per night is \$23.47. This is a substantial saving to the County to provide this service. Their budget is raised a year in advance. The budget is \$1,400,000 per year. They are also constructing a facility for homeless women.

Carolyn Titus, Deputy County Manager, who participated in the tour, made remarks about the program and the facility.

Commissioner Cousin commented he planned to meet with the group that went to Raleigh within the next four weeks to organize their efforts.

Commissioner Cousin said that Wake County Government allocates \$250,000 per year for the operational budget.

Commissioner Heron wanted to know what type of services is provided at the homeless shelter.

The Board of County Commissioners had a general discussion about the facilities and the alcohol and substance abuse services in Durham and Raleigh.

Chairman Reckhow wanted to know if Commissioner Cousin had developed some kind of schedule as to how he would proceed and when he would bring a recommendation to the Board of Commissioners.

Commissioner Cousin said he hoped to have a follow-up meeting with the entire group in about four weeks. Shortly after that time the group should be able to sit down with the various concerned parties to see how these services are being provided and determine what can be done to improve the level of service delivery in Durham.

Commissioner Cousin said that he would not preclude any consideration of what could be done in Durham. He said that if Durham would consider utilizing "The Healing Place" model, the Board has the assurances from Wake County that they would do everything necessary to assist in putting it in place.

Chairman Reckhow said that the Board is on parallel tracks. One is its desire for a crisis intervention center, and the other is this process involving Commissioner Cousin.

Chairman Reckhow recognized Ellen Holliman, Area Mental Health Director, for comments.

Ms. Holliman said that "The Healing Place" is a model that does fit into the continuance services. The community group that came to the Board was asking specifically for the Oakleigh facility. At this time, it should be determined what the program needs to look like and then what the facility would need to be to accommodate the substance abuse program. Oakleigh may or may not be considered as the facility to house the program. On the second track the County is in the process, through the area program, of putting out a Request for Information (RFI). The final part of the RFI will be a request for a proposal for a crisis emergency system for Durham County. Duke Medical Center has responded to the RFI. In its response, it has stated an interest in using Oakleigh as a crisis center.

Chairman Reckhow asked Commissioner Cousin to keep the Commissioners informed of the progress of this effort.

Update on the Durham Cultural Master Plan

The Durham Cultural Master Plan is a countywide, community-wide, plan to:

- Document Durham's cultural strengths and assets and identify needs;
- Identify Durham's vision for cultural resources that reflect and serve the diverse and vibrant population of the county;
- Establish the framework for the long-term coordination of public and private sectors to realize that vision; and
- Create a logical plan and implementation strategies for stabilization and sustainability of existing cultural institutions and resources and for future cultural development.

The Durham Arts Council is administering the cultural planning process for the County, lead by a 62-member Cultural Master Plan Steering Committee appointed by the Board of County Commissioners. In February 2003, the Board of County Commissioners awarded the contract to conduct the process of creating the Cultural Master Plan to Wolf, Keens & Company consultants.

This report and presentation will bring the Board up to date on the current status and progress of the Cultural Master Plan.

Resource Person(s): Sherry DeVries, Executive Director, Durham Arts Council; and Peter Anlyan, MaryAnn Black, and Sylvia Kerckhoff, Co-Chairs of the Cultural Master Plan Steering Committee

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation.

Chairman Reckhow recognized Sherry DeVries, Executive Director, Durham Arts Council, for a presentation on the Durham Cultural Master Plan.

Ms. DeVries said the Durham Arts Council is working on a one-year planning process to design and conduct a comprehensive community-wide cultural planning process.

Peter Anlyan, with Capital Broadcasting Company (CBC) and co-chair of this effort, told the Commissioners about the community meeting that was held and the work with the news media.

Mr. Anlyan said that the project is on schedule and on budget. Extra money was raised by CBC to help pay for the administration of this effort by the Durham Arts Council. The public moneys are being safeguarded, and everything is on schedule. The Durham Arts Council is doing a great job on the project. The consultants have worked all over the country and are very impressed with the organizational efforts in Durham County. The first public meeting, attended by 112 people, was held at the Hayti Heritage Center on June 17, 2003.

Discussion topics for the first public meeting were derived from the Steering Committee members. The Steering Committee members facilitated small groups.

Mr. Anlyan commented that the consultants and co-chairs met with the Editorial Board of the Herald-Sun newspaper. The newspaper will help with this effort by notifying the public when meetings and events are to be held. The newspaper has agreed to place a small survey in the newspaper for readers to answer and return.

Margaret DeMott, Director of Artist Services for the Durham Arts Council, is the Project Manager. She spoke to the Commissioners about the next steps in the process.

Ms. DeMott said that the process is in the fact-finding phase. There have been several community meetings. This summer, a facility survey, a cultural organization program, and budget inventory have been put out. The on-site meetings will be held in September and October. The Website will be going live this week. Instructions will be placed on the Website as to how you can hold your meetings. There need to be as many people involved in the process as possible.

Chairman Reckhow asked Ms. DeMott to keep the Commissioners informed as to when the meetings will be held. A draft report will be finalized in January or February.

CAARE Incorporated

The Board is requested to receive a presentation from Ms. Patricia Ameachi, Executive Director, CAARE Incorporated, about the services she provides to the HIV-AIDS population in Durham County.

Resource Person(s): Commission Vice-Chairman Joe W. Bowser

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation.

Vice-Chairman Bowser recognized Patricia Ameachi, Executive Director, CAARE Incorporated, and Gloria Turner, Deputy Director for CAARE Incorporated. He stated he wanted to give the Commissioners an opportunity to learn about and discuss the services the organization provides to the HIV-Aids population in Durham County.

The two presenters used a PowerPoint presentation to explain the organization and program.

Ms. Ameachi and Ms. Turner stated that CAARE Incorporated was established in 1995 and incorporated in 1996. It began with Medicaid case management and then progressed to prevention and education. That was one of the greatest needs in Durham at that time. The community was unaware of HIV and its epidemic in Durham. The representatives discussed the seven programs that their organization handles for the HIV-AIDS population and the community. A general discussion was held about the HIV-AIDS cases and the problems that exist in the community.

The Commissioners asked questions and made remarks about CAARE Incorporated and the programs the organization provides the community.

Chairman Reckhow thanked the speakers for their presentation.

Settlement of 2002 Property Taxes, Charge of 2003 Property Taxes to the Tax Collector, and Presentation of Settlement

As required by N.C.G.S. § 105-373, the Tax Administrator is herewith submitting the settlement report of 2002 property taxes.

N.C.G.S. § 105-373(h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that are not instituted within ten years of said taxes becoming due.

Furthermore, pursuant to N.C.G.S. § 105-321(b), the Board of County Commissioners charges the Tax Collector with the 2003 property tax receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitation of ten years and those vehicles that are more than two years past due. This request is consistent with last year's settlement, which was authorized by the Board.

Resource Person(s): Kenneth L. Joyner, Tax Administrator

County Manager's Recommendation: The County Manager recommends that the Board suspend the rules, receive and approve the 2002 property tax settlement report, charge the Tax Collector with 2003 property taxes, and authorize the relieving of taxes that are more than ten years past due and motor vehicles taxes that are more than two years past due.

Chairman Reckhow recognized Kenneth L. Joyner, Tax Administrator, to present the Settlement of 2002 Property Taxes, Charge of 2003 Property Taxes to the Tax Collector, and the Presentation of settlement.

Chairman Reckhow said that this settlement report was the most thorough report the Board has ever received. The tax collection rate this year has been the highest in the last four years for both the County and City despite the economic downturn. On behalf of the Board, she thanked the Sheriff's Deputies for their work to get the collection rate higher this year.

County Manager Mike Ruffin noted that there were several Tax Collection Department officials present today at this meeting. He noted that this has been a team effort with the help of the Tax Department and the Department of the Sheriff.

Kenneth Joyner praised the employees that made the goal a reality.

Mr. Joyner made a report on the 2002 Property Tax Settlement, which included the following information:

- Introduction
- 2002 County of Durham (Final collection percentage rate was 97.68%)
- Five-Year Comparison County-Only Collection Rate
- Five-Year Comparison of Collection Rate
- Five-Year Comparison of Prior Year Taxes
- Collection Rate Excluding Bankruptcies
- Uncollected Taxes for All Years by Category (County Only)
- Comparison of Uncollected for FY 02-03 to 01-02
- Comparison of Uncollected for FY 02-03 to 01-02 (All Districts)
- All Years Charged for Collection in FY 02-03 Percentage of Collection for the FY Year and Collection Percentage of Original Levy

- How did we get to the collection percentage
- Accounts Paid on Time
- Four-Year Comparison of Enforcement Measures (All Districts)
- 2002 Tax Bills Coded After 1/6/03 versus 2001 Tax Bills Coded 1/6/02 (County Only)
- How We Compare with Other Counties
- How We Rank in the Top Ten Counties
- Collection Growth Rate
- Tax Department Accomplishments
- Preparing for FY 03-04 “We’ll Do More In 2004”

The County Commissioners asked several questions and made comments about the figures on the PowerPoint presentation.

Tax Administrator Kenneth Joyner responded to the questions and comments.

Commissioner Heron moved, seconded by Commissioner Jacobs, to suspend the rules so that action could be taken on Agenda Item Number 8.

The motion carried unanimously.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the 2002 Property Tax Settlement report.

The motion carried unanimously

County Attorney Chuck Kitchen asked the Board to make a slight amendment to the Order to authorize the tax collector to call upon the Sheriff to levy on property to collect taxes.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to charge the Tax Collector with 2003 property taxes, and authorize the relieving of taxes that are more than ten years past due and motor vehicles taxes that are more than two years past due, and to authorize the Tax Collector to call upon the Sheriff to levy on property to help collect the taxes.

The motion carried unanimously.

Mr. Joyner said the tax bills to be mailed the first of next week would have a new design.

Chairman Reckhow said the Tax Department is doing something new this year to save money. They have consolidated multiple accounts on one bill.

Chairman Reckhow suggested that a press release be issued when the tax bills are mailed in order to explain the tax bill consolidation.

Authorize County Manager to Execute Purchase Contract for the YMCA

On January 27, 2003, the Board of Commissioners held a closed session discussion regarding the potential acquisition of the childcare center located at 218 Seminary Street adjacent to the Downtown YMCA. The purpose of acquiring the center is to relocate the Head Start population from Whitted School. During that discussion, the Board requested that staff conduct research on several questions. On April 14, 2003, the Board held a subsequent discussion, and responses were presented to the questions posed. At the conclusion of the April 14 discussion, the Board inquired about parking requirements for the facility. The Planning Director provided feedback indicating that there were no parking spaces specifically designated for the childcare center since the area is zoned CBD. However, the YMCA—in moving forward with the transaction—indicated that it was willing to designate approximately five parking spaces directly adjacent to the front entrance.

At the conclusion of the April 14, 2003 discussion, staff was instructed to allocate funding, in the 2003-2004 budget, to acquire the YMCA childcare center for \$750,000 over a four-year period. Included in the 2003-04 budget is \$187,500 for the initial installment. Three additional payments in that amount are scheduled over the next three fiscal years in the County's CIP. Staff is requesting that the Board authorize the County Manager to execute a purchase contract for the acquisition of the YMCA Childcare Center located at 218 Seminary Street and instruct the County Attorney to prepare the documents for financing.

Resource Person(s): Wendell M. Davis, Deputy County Manager; George Quick, Finance Director; Glen Whisler, County Engineer; and Charles Chapman, CEO Operation Breakthrough

County Manager's Recommendation: The Manager's recommendation is that the Board Authorize the Manager to execute a contract for the purchase of the YMCA Childcare Center in the amount of \$750,000 to be paid over four years with the first installment of \$187,500 being made from the 2003-04 budget. The Manager further recommends that the Board authorize the County Attorney to execute the necessary documents for the financing of the center. The facility is located at 218 Seminary Street, and is being acquired for the purposes of relocating the Head Start Population from Whitted School.

Chairman Reckhow recognized Deputy County Manager Wendell Davis to make a presentation to the County Commissioners about the YMCA Childcare Facility. This item was held up a week in order for the Commissioners to obtain an architectural review. The Commissioners did receive the review.

County Manager Michael Ruffin said that he had a reservation last week about moving forward, absent the completion of the evaluation. He stated he was now satisfied that the County could move forward. He expressed his concern that he had an early indication that the architectural estimate may involve a considerable repair cost. He advised that the cost of the facility plus the repair cost should not exceed the appraised value of \$900,000. The facility repair cost is somewhere between \$50,000 and \$60,000. The cost to upfit and renovate the facility would cost approximately \$250,000. The renovation cost would be taken out of the County's Fund Balance account. The County Manager said it still concerned him that the County would have to pay between \$50,000 and \$60,000 in repair cost. The YMCA did two things that helped to reduce the County's cost in the project. First, interest free financing over the four years was secured. The County purchased the property for \$750,000. The down payment was \$187,500. The remaining balance of \$562,500 would be paid over a three-year period, interest free. Since the renovation cost was so high, the YMCA reduced the original cost by \$25,000 to \$725,000. The interest-free loan will save the County about \$28,000. The reduction in the purchase price and the savings on the interest-free loan would cover more than the cost of the repairs.

County Manager Ruffin said one more thing needs to be taken care of in the transaction. Most of the playground is on the right-of-way that the City leased to the YMCA. There is no formal agreement on the playground. An informal agreement does exist concerning the playground. County Attorney Chuck Kitchen advised that the County should get title to the property in order to close the transaction.

Deputy County Manager Wendell Davis said the strip is very small. It is an encroachment issue. Mr. Davis said he has talked to the City Manager about the strip and it does not appear to be a problem for the City.

County Attorney Kitchen said that if staff is authorized to move forward, the County must hold a public hearing on the financing of the project once the finance documents are complete.

Commissioner Heron commented that the City and County gave the land to the YMCA where it now stands. The County would appreciate any help the YMCA could give the County on this project.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to suspend the rules so that a vote could be taken on this agenda item.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to authorize the County Manager to execute a contract for the purchase of the YMCA Childcare Center in the amount of \$725,000 to be paid over three years with the

first installment of \$181,250 being made from the 2003-04 Budget, subject to obtaining the property in fee from the City, and subject to the financing being approved at a public hearing. The Manager further recommends that the Board authorize the County Attorney to execute the necessary documents for the financing of the center.

The motion carried unanimously.

Review of Bragtown Library Branch Expansion Proposal

At the June 23, 2003 Board meeting, Vice-Chairman Joe Bowser requested that the staff bring forward the proposal for an expansion of the Bragtown Library Branch, which was not included in the County's adopted Capital Improvement Program (CIP). Upon review, the following was determined:

1. In the fall of 1999, the Library Board and Director submitted a proposal from its Master Facility Plan for an expansion of the Bragtown Library Branch. The proposal was included in the Manager's Recommended CIP in the spring of 2000; however, it was removed by the Board prior to adoption in June of 2000. Concerns raised by the Board included the close proximity to the Main and North Libraries as well as the cost involved given the number of Bragtown Library patrons.
2. In the fall of 2002, the new library director resubmitted the proposal for the expansion of the Bragtown Library Branch. The proposal was brought forward for the Board's consideration on March 3, 2003, but was not included in the CIP approved by the Board on June 23, 2003.

The original Bragtown Branch proposal consisted of constructing a new 10,000-square-foot library on a new tract of land at a cost of \$2,736,065.

Resource Person(s): Carolyn P. Titus, Deputy County Manager, and Philip Cherry III, Library Director

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and provide direction to staff.

Carolyn P. Titus, Deputy County Manager, was recognized by Chairman Reckhow to make a presentation to the Commissioners about the Bragtown Branch expansion proposal.

Ms. Titus gave a brief history of events about the Bragtown Library Branch proposal that began in the fall of 1999. She updated the Commissioners about the proposal and the events that occurred since that time.

Chairman Reckhow distributed a map dated May 30, 2000 that was made by the Durham City/County Planning Department concerning the Library Site Study. A lengthy

discussion was held by the County Commissioners and staff members about the travel distance between the Main Library and the North Durham Library and between the Bragtown Library Branch and the proposed library at Carrington Middle School. A lengthy discussion was held by the Commissioners and the staff concerning the travel distance and travel times between the Branch Libraries and the Main Library.

Following the presentation, Deputy County Manager Titus recognized Philip Cherry III, Library Director, and Priscilla Lewis, Extension Services Manager, for additional information about the library expansion at the Bragtown Library Branch.

Mr. Cherry said the mileage information provided to the Commissioners by the Deputy County Manager was obtained from Priscilla Lewis, Extension Services Manager, who actually drove to each location and recorded the travel distance between the locations as she made each stop.

Mr. Cherry said he would like to add additional information and comments that may prove useful when this matter is considered. In 1999 and 2000, staff prepared and submitted a \$2,736,065 Capital Improvement Program (CIP) request for the Bragtown Library Branch. The proposal was based on a number of things that Mr. Cherry described for the Commissioners. He provided information and statistics about the Bragtown Branch.

County Manager Ruffin requested figures concerning operational costs for a 10,000 and 25,000 square-foot building.

Chairman Reckhow requested additional information about circulation figures at all the branch libraries.

Library Director Cherry said that, in the future, more detailed information would be provided the Commissioners in advance of their meetings.

The library director discussed the CIP program in detail for the Commissioners' information.

Vice-Chairman Bowser said that he was the one that was advocating for the Bragtown Library Branch.

The Commissioners had a lengthy discussion about the library CIP information.

Vice-Chairman Bowser suggested combining the North Durham Branch Library and Bragtown Library Branch facilities and locating the combined library somewhere between the two communities. He said this would be fair to all the citizens in this community. The Northern Regional Branch Library should be moved closer to Durham.

The Commissioners asked questions and made comments about the library program. Philip Cherry and Priscilla Lewis responded to the questions and comments.

Chairman Reckhow suggested that staff seek architectural support and research the feasibility of an expansion to base a separate children's program in the main section of the building. The American Disabilities Act (ADA) should be studied for accessibility issues. The staff should determine whether the branch could be upgraded to better accommodate the needs of that area. The Commissioners also need to consider the operational cost of the branch libraries since the County is enlarging and building new facilities. The Board needs to know the direction this is taking and what the library costs will be three to five years in the future.

Mr. Cherry discussed the operational costs for new and expanding facilities.

Vice-Chairman Bowser said he wanted to see the cost of new construction at the "Bragtown" library site. New construction might cost less than the upgrading cost.

Commissioner Jacobs requested a cost estimate to expand the existing Bragtown Branch Library to its maximum capacity.

Vice-Chairman Bowser said he wants the library staff to track the number of individuals from other communities who use the Bragtown Library Branch and the possible usage once a larger facility would be placed in the Bragtown Community. That information would be very important. The library staff needs to check with the school administration and faculty at Lakeview School to determine if they would use the facility if it were large enough to meet their needs.

Chairman Reckhow suggested the library staff contact Wake County about the school libraries being designed for community use.

Vice-Chairman Bowser said that Library Director Cherry should look at the individual study rooms to use in our new and renovated libraries.

Chairman Reckhow requested that Mr. Cherry prepare a brochure or informational flyer to distribute before the bond referendum is voted on. Citizens need to know that a new Northern Regional Branch Library would be built.

County Manager Michael Ruffin said that this library information will be on the October or November Worksession agenda.

No official action was taken on this agenda item.

Adequate Public School Facilities Policy

The Board of County Commissioners has expressed a desire that the City and County implement a policy tying rezonings with a residential component to the availability of classroom space in public schools. The proposed policy establishes a level of service for public schools of each type and provides a methodology for employing the policy during the rezoning process.

The Planning Committee reviewed the current version of the policy on June 11, 2003 and recommended approval with a vote of 3-2. A copy of the minutes of the Planning Committee was provided the Commissioners.

The Planning Department recommends that the Board provide further direction regarding the adoption of an Adequate Public School Facilities Policy.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board provide direction regarding any changes to the proposed Adequate Public School Facilities Policy and direct that the policy be placed on the August 11, 2003 consent agenda for adoption.

Chairman Reckhow recognized Frank Duke, AICP, City-County Planning Director, to make a presentation to the Commissioners concerning the Adequate Public School Facilities Policy.

Mr. Duke said that this is the same policy that the Commissioners saw in March of 2003 when the County Attorney had prepared it as an ordinance. At the March Worksession, the Commissioners directed staff to revise this as a policy and proceed with the development of that policy consistent with the methodology laid out. Text of the policy has been supplied the Board to indicate how it would look. The policy has been taken to the Planning Committee of the Durham City-County Planning Commission. The Planning Committee reviewed the policy and, by a vote of 3-2, recommended approval of the policy with two changes. The recommendation was to utilize a level of service of 110% of building capacity rather than the 120% previously recommended by the school system. The Board of Education should consider modifying its transfer policy so that the Adequate Public School Facilities Policy could be applied on a School District basis. This presentation was brought to the Board as information only. Mr. Duke advised that the attendance information from all the schools was being updated to give the Commissioners, prior to taking action, better information as to where Durham is with regard to the level of service.

The Commissioners asked questions to which Mr. Duke responded. County Attorney Chuck Kitchen also assisted with the responses.

Chairman Reckhow asked Mr. Duke, City-County Planning Director, to revisit this document and try to come back with a flexible approach that recognizes the development that takes time to build, particularly the large ones.

Mr. Duke said that he would try to get it back to the Board in 60 days, but no more than 90 days.

School Impact Fee Ordinance [TCO3-101]

The Board of County Commissioners expressed a desire to establish impact fees on residential property to recover better the costs development imposes on the public to provide public school facilities. The proposed ordinance language establishes a recommended impact fee for schools at \$2,000 for single-family residences and \$1,000 for multi-family residences (a \$500 reduction from the recommendation presented in December of 2001).

The rationale for moving forward with the adoption of an impact fee ordinance has been discussed during several meetings.

1. The County has been seeking legislative authority for ten years. While numerous local bills have been presented by Durham County's legislative delegation, none has passed due to intensive lobbying by real estate and home building interests.
2. The City of Durham has imposed impact fees for years for streets, parks, open space, water, and sewer. Clearly, public school facilities are equally important.
3. The recommended school impact fees are less than the aggregate of City impact fees.
4. Impact fees will provide Durham County with another financing tool to keep pace with infrastructure needs without putting too great of a burden on the property tax rate.
5. The reduction of the burden on property taxes for public school improvements will make Durham County more competitive for economic development. (Tax rates are often a critical issue for industries considering a Durham County plant location.) In addition, a companion method of financing public school improvements will help the residents with low or fixed incomes to stay in their homes by buffering them from tax increases.
6. The ordinance under consideration offers a fair approach that shares the cost of new school facilities between impact fees and property taxes.
7. There are several large residential projects, either in the pipeline or soon-to-be-announced, that will create significant school capacity needs.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, Durham County Attorney; and Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board schedule a public hearing to consider the proposed ordinance. In addition, the Manager requests authorization to update the School Impact Fee Study in accordance with data recently released in regards to the 2000 Census.

Chairman Reckhow recognized County Manager Michael Ruffin to introduce the agenda item. In addition, the Manager requested authorization to update the School Impact Fee Study in accordance with data recently released in regard to the 2000 Census.

County Manager Michael Ruffin said that the Impact Fee Study prepared by the consultant should be updated to make sure that Durham County's ordinance is still consistent with information in the earlier study. He indicated he thought this was still the case.

The County Manager stated that, to his knowledge, all of the requested meetings with various groups regarding the Impact Fee Ordinance have been completed. He stated that the County Attorney would share feedback from each of those meetings. Some of the meetings brought forth suggestions, which have led to minor modifications to the recommended ordinance. County Manager Ruffin advised that, if the Commissioners were satisfied with the language of the ordinance, the next step would be to set a public hearing date. The consultant should update the study to ensure that the ordinance is consistent if and when it is adopted.

County Attorney Chuck Kitchen reviewed the feedback and shared the recommended minor modifications with the Commissioners.

Chairman Reckhow asked the Commissioners if there were specific questions about the ordinance. She then made several minor adjustments to the ordinance. The Chairman asked County Attorney Kitchen to write some language that would cover voluntary contributions that have been paid to the City or County.

The Commissioners asked several questions and made remarks about the ordinance.

County Attorney Chuck Kitchen responded to the questions and comments.

Commissioner Cousin moved, seconded by Commissioner Heron, to suspend the rules so that official action could be taken on this agenda item.

The motion carried unanimously.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to set a public hearing for September 8, 2003 to receive public input concerning the Manager's proposal on school impact fees at \$2,000 for single-family residential units and \$1,000 for multi-family residential units.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Cousin, to authorize the County Manager to update the School Impact Fee Study in accordance with data recently released in regard to the 2000 Census.

The motion carried unanimously.

Information Technology Computer Replacements

The Finance Department recommends that the Finance Director be authorized to negotiate a rate with Wachovia Bank, NA to provide financing for the purchasing of replacement computers and related software. The rate shall not exceed 2.60% for \$3,100,000 for 36 months. This process has become necessary because of the movement of rates and conditions set by the Bank. This rate is well below the pro-foma rate of 5.5% used in budget and CIP projections. This project has been budgeted for the current year and is included in the CIP for FY 2004. We believe that this rate will be extremely competitive.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The Manager recommends that the BOCC accept the recommendation and authorize the Manager to execute the necessary documents to complete the transaction.

Chairman Reckhow recognized George K. Quick, Finance Director, to make the presentation about the interest rate that shall not exceed 2.60% for 36 months for replacement computers and related hardware. Wachovia, NA will make the loan to Durham County.

Mr. Quick requested permission from the County Commissioners to negotiate a rate not to exceed 2.60 % for 36 months. This rate represents a \$1,700 per quarter increase in the payment that we would have at the 2.2% rate. Action must be taken in order to take advantage of the rate.

Commissioner Cousin moved, seconded by Vice-Chairman Bowser, to suspend the rules in order to take action on this agenda item.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to accept the recommendation.

The motion carried unanimously.

Recommendation for the Animal Control Advisory Committee

The Durham County Animal Control Advisory Committee wanted the Board of County Commissioners to request the Department of Agriculture to uphold the decision to stop the selling of pets at the state flea market in Raleigh because of the impact it has on local animal shelters.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to suspend the rules in order to vote on this agenda item.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, for the Board of County Commissioners to write a letter to the Department Agriculture to uphold the decision to stop the selling of pets at the state flea market.

The motion carried unanimously.

It was noted that the letter is time sensitive.

Environmental Affairs Board—Environmental Effects of Cement Plants

Chairman Reckhow said that a temporary cement plant was proposed for the Denfield Road Area. Concern had been expressed about the environmental impact from dust. She noted that this agenda item was “tracking” for Friday’s Development Review Board (DRB) meeting. She suggested that the Board of County Commissioners send a letter to ask if the cement plant in this location might be reviewed by the Environmental Affairs Board before the (DRB) takes action, since it is a holding area for the city water.

Chairman Reckhow asked City-County Planning Director Frank Duke to speak to the issue at hand.

Mr. Duke said that he would be against writing a letter since the letter would be to himself from himself. The property in question is zoned I-3 and is for a batch cement plant. The environmental issue is dust. It is an air-quality issue as opposed to a water-quality issue. That is already happening onsite. The plant will mix raw material with water to make concrete so that it can go into the trucks to haul to the job site.

Commissioner Heron said that there should have been a reclamation plan for the Teer rock quarry site.

Planning Director Duke said he would assume that a reclamation plan would be required.

Commissioner Heron wanted to know what the reclamation plan was for this site before the DRB takes action on this plant. There was an agreement between the City and Teer Company that it would be used as a holding tank for future water supply when the quarry was abandoned. If the concrete plant were installed, it would impact water quality.

Mr. Duke said that this is the type of plant that could go on the right-of-way.

Commissioner Heron said the Board needs to know what the reclamation plan is. If the reclamation plan is being violated, the Board needs to do something about it.

Chairman Reckhow suggested that a letter be written to ask the DRB to defer action on this matter for two weeks. The Environmental Affairs Board should be allowed to comment on this matter and to examine the reclamation plan issue raised by Commissioner Heron. The plan was to have an emergency water supply at the site.

Chairman Reckhow directed the County Manager to write the letter. The DRB should review the situation before a final decision is made so that conditions could be put on the application that would help control the dust.

Mr. Duke advised that the DRB could only look at the technical standards laid out in the ordinance. It cannot consider air quality under the ordinance.

A discussion followed about the ordinance.

Adjournment

Chairman Reckhow adjourned the meeting at 1:43 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board