

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

Monday, May 5, 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. (arrived 9:13 a.m.), Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Call to Order

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

Citizen Comments—Community Project Proposal (Use of Oakley Center)

Citizens requested time on the agenda to speak to the County Commissioners regarding the community project being proposed (use of Oakley Center) by the partnership of the community development organization from Greater St. Paul Baptist Church and the Durham Community Home of Recovery. Chairman Reckhow designated three minutes for each of the following persons to speak:

Police Chief Steven Chalmers
Roland Staton
Carrissa Dixon
Thomas B. Bass Jr.
Regina George-Bowden
Sharon Lovette
Peter Baker

Dr. William Hazel Height
Melvin Whitley
Reginald Stephens
James W. Smith
Howard Clement III
Laura Dixon

(Dr. Lavonia Allison had requested to speak; however, she was not present at the meeting.)

Each citizen expressed support of the community project proposal.

Chairman Reckhow stated that Commissioner Cousin had agreed to work as the Board's representative on this community project.

Reverend Bass stated that an informal meeting was held with Duke University officials and citizens concerning the Oakley Center. The officials did not have oversight of the building. He heard that Duke University is conducting a feasibility study to determine the best use of the building. He also heard that Duke plans to reopen the Oakley Center.

Chairman Reckhow conveyed that at the Board's January retreat, the Commissioners made substance abuse treatment a priority. The Mental Health Department is moving forward to create such a resource. Chairman Reckhow encouraged the citizens to work with Commissioner Cousin and Mental Health Interim Director Ellen Holliman on this project. The Mental Health Department will be issuing a "Request for Information" for groups interested in creating this type of facility.

Ms. MaryAnn Black, Director of Community Affairs, Duke University Health System, reported that Duke is considering the reuse of Oakley Center as a crisis center.

The Board of County Commissioners had a lengthy discussion about the reopening of the Oakley Center.

The Commissioners supported the community project proposal and thanked everyone for coming.

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

The motion carried unanimously.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, that the Board of County Commissioners send a letter to Duke University and Durham Regional Hospital supporting the Oakley Center community project proposal.

The motion carried unanimously.

Citizen Comments—Domestic Partner Benefits

The following citizens requested time on the agenda to speak to the County Commissioners in support of domestic partner benefits:

Mandy Carter, 714 Shepherd Street #B, Durham 27701-3135

Reverend Mary E. Grigolia, Eno River Unitarian Universalist Fellowship, 4907 Garrett Road, Durham 27707

Cynthia D. Brown, The Sojourner Group, 1920 Ward Street, Durham 27707

(Attorney Matt Stiegler had requested to speak in support of domestic partner benefits but was unable to attend the meeting.)

Chairman Reckhow informed the citizens that domestic partner benefits are currently under study by the Board. She thanked the speakers for their input.

No official action was taken on this agenda item.

Agenda Adjustments

Chairman Reckhow requested that Senate Bill 160 (Delegations of Authority) and Senate Bill 783 (Raise Compulsory School Attendance) be added to the end of the agenda for discussion and consideration.

Report from El Centro Hispano on the Community-Wide Human Resources Forum to Address the Health and Wellbeing of the Latino Population

The Latino population in Durham has grown by 300 percent in the last ten years. This is one of the largest growths in the country. Durham County is faced with the challenge to provide bilingual services to its consumers. El Centro Hispano has been working with a group of representatives from various health and human service agencies (public and private) to increase the access and utilization of healthcare services by the Latino community in Durham.

On April 3, 2003, a forum was held at the Durham County Library to look at increasing the health of Durham County residents. Invited to the forum were: County Commissioners, members of the health and human service agencies, professors and representatives from various universities and technical schools, and community members. Small group discussions were held to look at strategies and ideas for increasing the capacity of these agencies to serve the Latino community.

The forum focused on three main priorities: how can agencies work with their current employees to increase their abilities to serve the Latino/Spanish speaking population; how can agencies alter the way they solicit for open positions and encourage more bilingual people to apply for positions within these agencies; and where are the future and potential employees of these agencies and how do we work with them.

Resource Person(s): Leslie deRosset, Program Coordinator, El Centro Hispano; Ivan Parra, Executive Director for the Latino Community Development Center; and Angelina Schiavone, Executive Director for El Centro Hispano

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

Ms. deRosset presented an overview of the community-wide Human Resources Forum that was held on April 3, 2003 at the Durham County Public Library. The purpose of her presentation was to:

- summarize the forum;
- summarize any changes that have taken place to date;
- summarize the future plans for these actions of the group that worked to put together the forum; and
- ask for support from the County Commissioners on working together to achieve these objectives for the community.

The Board of County Commissioners asked questions and made comments.

Ms. deRosset responded to the questions and comments.

Chairman Reckhow communicated that the Board appreciates this effort. Bilingual support is critical. The Commissioners identified this important issue at the retreat in January.

No official action was taken on this agenda item.

Renewal of Workforce Investment Act Interlocal Agreement

The U.S. Congress enacted the Workforce Investment Act (WIA) of 1998 to help citizens access tools to manage their careers through information and high quality services and to help companies find skilled workers. The Act requires the establishment of a designated local workforce investment area and a local board to administer the workforce development funds from the Department of Labor.

The County and the City of Durham agree to serve as a designated local workforce investment area for Durham County. This workforce development initiative is driven by the Durham Workforce Development Board. The board comprises 20 members representing a cross section of public and private interests. It provides the framework and alignment which connects and leverages all of the area's resources and initiatives to facilitate a strong and competitive labor force to meet the needs of our local area. The board oversees programs under the Workforce Investment Act, expenditure of Welfare-to-Work grant funds, North Carolina Employment and Training grants, and other programs that may be referred to the Board for implementation by the City and County.

In partnership with national, state, and local government, the Durham Workforce Development Board is the local policy board responsible for the planning, oversight, and coordination of workforce development initiatives in the City and County of Durham. These initiatives include the JOBLINK System, WIA contracts (to include the Adult, Dislocated, and Youth), employer services, etc. This board also plays a vital role in economic development. The combination of talented, diligent City and County professionals produces a valuable service delivery capability for our citizens and our new

and expanding industries. Historically, the City of Durham and Durham County have jointly appointed members of this board, and the City has been responsible for overseeing the administration of funding.

The County Commissioners and Durham City Council have found that the labor market area consists primarily of the City and the County and that the area constitutes an economically integrated geographical area within which workers may readily change jobs without changing their place of residence. The City and County, therefore, should form a consortium for the purpose of operating an employment and training program in the area defined by the boundaries of Durham County. Consortium agreements are governing documents required by State and Federal law between municipalities that agree to partner on workforce development activities.

The City of Durham and Durham County have drafted an updated interlocal agreement to serve as a designated local workforce investment area, to establish a local workforce investment board, and to administer the Workforce Investment Act of 1998.

County Attorney, County Manager, and DSS staffs have reviewed this interlocal agreement.

Durham City Council approved this agreement at its April 21, 2003 meeting.

Resource Person(s): Alan DeLisle, Director of the City of Durham's Office of Economic and Employment Development; Steve Smith, Chair of the Greater Durham Workforce Development Board; and Dan Hudgins, Director of the Department of Social Services

County Manager's Recommendation: Review the interlocal agreement and provide direction to staff. Place this item on the May 12, 2003 Regular Session consent agenda for approval.

Mr. DeLisle, Director of the City of Durham's Office of Economic and Employment Development, presented this agenda item. He also serves as Director of the Workforce Development Board, as the City of Durham is the administrative entity and the Office of Economic and Employment Development serves as staff to the board.

Mr. Smith spoke about the purpose of the organization and the visions of the Board of Directors.

Several members of the Greater Durham Chamber of Commerce were present in support of the agenda item.

The County Commissioners asked questions and made comments about the Workforce Investment Act Interlocal Agreement.

Mr. DeLisle responded to the questions and comments.

Chairman Reckhow expressed the crucial need to focus on key objectives of the Workforce Development Board and track them from year to year. Accountability and progress is imperative. She suggested an article be added to the agreement to ensure that a formal report on the previous year's activities is provided to the governing bodies at the beginning of each calendar year. The report would track progress and provide measurable outcomes of activities undertaken by the Workforce Development Board.

Commissioner Heron requested that a report be presented every six months.

Chairman Reckhow stated that an informal, interim report would be provided to the governing bodies six months after the beginning of each calendar year.

No official action was taken on this agenda item.

Chairman Reckhow directed that the amendment be added to the interlocal agreement and that it be placed on the May 12, 2003 Regular Session agenda.

Farmland Protection Advisory Board Revised Ordinance and Update

The Board of County Commissioners created the Durham County Farmland Protection Advisory Board in May 1996. The board oversees farmland protection efforts in Durham County. The revisions to the Durham County Farmland Protection Program Ordinance offer several changes to the existing ordinance intended to improve the operations of the program and the effectiveness of the board. The revisions have been prepared over the past year in a joint effort between Farmland board members, the County Attorney's office, and Open Space program staff.

Resource Person(s): Wayne Cash, Chair, Durham County Farmland Protection Board, and Lowell Siler, Deputy County Attorney

County Manager's Recommendation: The County Manager recommended that the Board consider the proposed changes and place the item on the Board of Commissioners' May 27, 2003 Regular Session consent agenda.

Mr. Cash gave the presentation regarding the ordinance revisions.

The County Commissioners asked several questions about the revised ordinance.

County Attorney Kitchen and the County Commissioners recommended several changes.

Chairman Reckhow advised that the proposed changes be made and that the ordinance be placed on the May 27, 2003 Regular Session agenda.

No official action was taken on this agenda item.

City-County Planning Commission Annual Report

The City-County Planning Commission is required to submit an annual report to the elected leaders. The 2002 Annual Report fulfills that requirement. The Planning Commission and the Joint City-County Planning Committee have reviewed the report.

The Planning Department recommended that the Board receive the report and hear a brief presentation by a commission representative.

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department

County Manager's Recommendation: The Manager recommended that the Board receive the report and provide the commission with any feedback deemed appropriate.

Mr. T. E. Austin, Planning Commission representative, presented the annual report to the Board of County Commissioners.

Commissioner Heron asked a question about the maps.

Mr. Austin responded to the question.

No official action was taken on this agenda item.

The County Commissioners thanked the Planning Department, the Planning Commission, and the Planning and Zoning Committees for their good work.

Substantial Equivalency

On March 3, 2003, Human Resources presented preliminary information to the Board of County Commissioners regarding the application for Substantial Equivalency in the area of Employee Relations (Discipline, Dismissal, Grievances, and Appeals).

Additional information has been provided from further research and conversations with the Office of State Personnel.

Resource Person(s): Jackye Knight, Human Resources Director, and Elaine Hyman, Human Resources Manager

County Manager's Recommendation: The County Manager recommended that the Board discuss this item and provide Human Resources with further instructions.

Vice-Chairman Bowser referenced his conversation with Ms. Knight regarding a State Personnel Office employee who advised that Durham County would not be allowed to mirror Guilford County's policies. Commissioner Bowser had asked Ms. Knight to solicit a letter documenting this position. Commissioner Bowser had also requested any written information from the state on this subject. He wanted to know the status of his requests.

Ms. Knight responded that the letter has not been received.

Vice-Chairman Bowser wanted to know why the letter has not been received. This has been an item of discussion since March. He asked how the Board could move forward with nothing more than oral statements concerning this issue. This is a formal process, and the Board must have concrete information and references.

Commissioner Heron suggested that the Board should consider using the Guilford County model if the cost is not too great.

County Attorney Chuck Kitchen commented that he has not looked at the Guilford County plan.

Vice-Chairman Bowser stressed his interest in a Durham County plan.

Commissioner Heron expressed no interest in substantial equivalency provided an alternative is available with less cost.

Commissioner Cousin commented that he places a high value on people rather than money. He asked Ms. Knight about the cost.

Ms. Knight and Attorney Kitchen responded to Commissioner Cousin's question.

The Board of County Commissioners had a lengthy discussion about substantial equivalency.

Chairman Reckhow recommended that the Board direct the County Manager to write a letter to the state seeking authorization to move forward with substantial equivalency using the Guilford County model.

Ms. Knight informed the County Commissioners that a vote must be taken prior to requesting substantial equivalency.

Commissioner Bowser moved, seconded by Commissioner Cousin, to suspend the rules to vote on substantial equivalency.

The motion carried unanimously.

Commissioner Bowser made a motion (inaudible).

Commissioner Heron stated that she could not support Vice-Chairman Bowser's motion but could support Chairman Reckhow's recommendation.

Vice-Chairman Bowser made the following motion using Chairman Reckhow's wording:

Commissioner Bowser moved, seconded by Commissioner Cousin, that the County Manager write a letter to the state seeking authorization to move forward with substantial equivalency using the Guilford County model.

The motion carried unanimously.

Vice-Chairman Bowser advised that the County Manager provide the Board with copies of all written correspondence (formal letters—not e-mails) between the County of Durham and the State of North Carolina on this particular issue.

Application of the Discovery Penalty on Real Property

North Carolina General Statute 105-303(b) establishes the opportunity for a county to be a permanent listing county. Durham County is a permanent listing county and thereby the assessor is "responsible for listing all real property on the abstracts and tax records each year in the name of the owner of record as of the day as of which property is to be listed" [NCGS 105-303(b)(1)]. This is a huge responsibility and takes many control measures to ensure that all work is done correctly. Section (b)(2) of the statute states "persons shall furnish the assessor with the information concerning improvements on and separate rights in real property." Thus, citizens are required to inform this office of new home construction, remodeling, additions, or other changes to their real property but do not typically "knock down the doors" to notify the Tax office. Therefore, inevitably some changes will go undetected and an improvement may not be listed until a year later and, in some cases, multiple years may go by. For the most part, the Tax Office relies on the Building Inspections Department permits to identify new construction, remodels, and additions for both residential and commercial properties.

Historically, the Tax Administrator has not penalized real property. The Tax Administrator has taken the stance that the citizen notified the Tax office by applying for the required permit and has not charged the penalty. Currently, the only time an individual or business is penalized is when the permit is lost between the Tax and Inspections Departments.

The Tax Administrator asked to discuss this matter with the Board of County Commissioners to determine how these matters are to be handled in Durham County.

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

County Manager's Recommendation: The Manager recommended that the Board receive the report from the Tax Administrator.

The Board of County Commissioners asked questions and made comments on this agenda item.

Mr. Joyner responded to the questions and comments.

Chairman Reckhow requested information as to whether other counties use the discovery penalty.

Mr. Joyner offered to contact ten counties of comparable size for this information.

(Vice-Chairman Joe W. Bowser left the meeting at noon due to another obligation.)

Review of Budget Calendar

The County Manager had organized the calendar for budget hearings consistent with the dates and times approved by the Board. The hearing dates were May 20 (1:00 p.m. - 3:30 p.m.), May 21 (1:00 p.m. - 5:00 p.m.), May 22 (9:00 a.m. - 12:00 noon), May 29 (9:00 a.m. - 3:00 p.m.), and June 12 (9:00 a.m. - 12:00 noon). The Board also approved hearings for June 3, the afternoon of June 12, and June 18, if these dates would be needed to accommodate additional appointments.

The budget public hearing was scheduled for June 9; however, since much of the Board's review would be concluded by that date, the Manager suggested an earlier date for the public hearing. Rescheduling the public hearing for the May 27, 2003 Board meeting would provide sufficient time to appropriately notify the public regarding the change.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The County Manager requested that the Board review the calendar of hearing dates and appointments and advise him if additional hearings with any other departments or agencies are desired. Change the date for the budget public hearing from June 9 to May 27, 2003.

Commissioner Heron moved, seconded by Commissioner Cousin, to suspend the rules to vote on changing the date of the budget public hearing.

The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Heron, to change the date of the budget public hearing from June 9, 2003 to May 27, 2003.

The motion carried unanimously.

Chairman Reckhow advised that a press release be prepared on the above action and that it be placed on the County's website.

Chairman Reckhow requested that Durham Public Schools be scheduled from 1:00 to 2:00 p.m. on May 29, 2003. Nonprofit requests would be heard from 2:00 p.m. to 3:00 p.m.; any outstanding issues would follow. She asked that June 3 and June 12 be reserved for additional hearings, if necessary.

Senate Bill 160—Delegations of Authority and Senate Bill 783—Raise Compulsory School Attendance Age to Seventeen

Chairman Reckhow called for a motion to suspend the rules.

Commissioner Jacobs moved, seconded by Commissioner Heron, to suspend the rules.

The motion carried as follows:

Ayes: Cousin, Jacobs, Heron, and Reckhow
Noes: None
Absent: Bowser (left at noon)

Commissioner Heron moved, seconded by Commissioner Jacobs, to endorse Senate Bill 160 and to suggest that additional language be added to clarify that cities and counties have legislative powers in light of the recent court decision.

The motion carried with the following vote.

Ayes: Cousin, Jacobs, Heron, and Reckhow
Noes: None
Absent: Vice-Chairman Bowser (left at noon)

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve Senate Bill 783 that raises the

compulsory school attendance age to 17 and to
communicate this support with the legislators.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow

Noes: None

Absent: Bowser (left at noon)

Adjournment

Chairman Reckhow adjourned the worksession at 12:20 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board