

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

Monday, January 27, 2003

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman 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 Reckhow

Opening of Regular Session

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

Vice-Chairman Bowser added two items: issues involving the Youth Home and Mr. Dan Gernandt's auto shop across from South Pointe Mall.

Chairman Reckhow said these two items would be added to the agenda as item Nos. 9(a) and 9(b).

Chairman Reckhow wished to make a quick announcement after agenda item No. 3, "Minutes."

Minutes

Commissioner Heron expressed concern that the minutes are not up to date. Minutes must be written in a timely manner so the Board can follow up on directives given to staff.

Chairman Reckhow agreed with Commissioner Heron. In fact, she had spoken with County Manager Ruffin this morning, who will work with the Clerk to the Board to get the minutes current. Chairman Reckhow said that a Clerk's office employee had been on sick leave, which has contributed a great deal to the minutes being behind.

Chairman Reckhow asked that the Clerk's staff add directives to "Presentation—Report for the Durham County Justice Building Programming and Pre-Design Project No: DC066-30" in the October 7, 2002 Worksession Minutes. She suggested that the vote on these minutes be delayed until they are brought back to the Board.

Vice-Chairman Bowser asked if "Association for Children for Enforcement and Support" was the correct name for the association referred to in the October 7, 2002 Worksession Minutes.

Chairman Reckhow recognized Dan Hudgins, Social Services Director, and asked him if the name is correct.

Mr. Hudgins replied that he believes the name is correct but will make sure and inform Clerk Garry Umstead.

Vice-Chairman Bowser asked if the Board had received a full report on the ABC issue referenced in the October 7, 2002 Worksession Minutes.

Commissioner Heron said that Mr. Michaux has informed the Commissioners of actions the ABC Board has taken (that Chief Allen must attend an anger management course, etc.). She has heard nothing since this report.

Vice-Chairman Bowser wanted to know if the matter has been closed.

Chairman Reckhow asked for a follow-up on what had actually been done. Did the Board ask that an apology be made to Mr. McClain?

Chairman Reckhow stated that action would be deferred on the October 7, 2002 Worksession Minutes.

Commissioner Heron was concerned that her appointee on the Work First Planning Committee had not been receiving meeting notifications. In fact, the member arrived late at one meeting, was stopped at the door, and was not allowed to go upstairs to the meeting.

Mr. Hudgins responded that no recent meetings have been held, not since the plan was submitted and approved by the Board in late October 2002. The committee will meet to review plan progress subsequent to July 1, 2003, at which time the plan will become effective.

Commissioner Heron wanted to make sure that her appointee receives notice of this meeting.

Commissioner Heron suggested that if a Commissioner arrives late at a Board meeting, the minutes should reflect the time that the Commissioner arrived.

Chairman Reckhow agreed and added that the minutes should also reflect the time if a Commissioner must leave a meeting prior to adjournment.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the January 13, 2003 Closed Session Minutes of the Board as submitted.

The motion carried unanimously.

Announcement—Opening of the Hillside Literacy Center

Chairman Reckhow announced that yesterday she attended the opening of the Hillside Literacy Center. The Board of County Commissioners had provided special funding for the center in this year's budget. The center is lovely and has various areas (workstations, research center, writing center, project center, etc.). The Director is very energetic. In addition, a computer lab is adjacent to the center which will provide test preparation and computer skill courses. It is a very fine center. During her visit, Chairman Reckhow reminded the Director that the Board of Commissioners has requested a future evaluation and is anticipating positive results. Everyone is invited to visit the center during the school's regular hours of operation.

January Anchor Award Winner

Ms. Karlene Fyffe-Stewart, Bragtown Library Manager, was selected to receive the January Anchor Award. She was credited with substantially resuscitating circulation and programming at one of Durham's smaller library branches that had experienced a great deal of turnover and declining statistics.

She joined the branch in June 2001 and immediately began the task of rebuilding Bragtown. She launched a beginning Spanish class for tots (the first in the system) and started a morning storytime for local daycare centers. Ms. Fyffe-Stewart began a homework help program and an Internet help program for older students, involving parents and children in seeking suggestions and implementing these programs. She is described as "an enthusiastic person" with such a love for books and reading that she has spread her energy to the entire Bragtown community.

In one year, she has increased the circulation to 33.58 percent over FY 2000-2001 statistics and 40.48 percent over FY 2001-2002 statistics. No area in the entire system has seen such a dramatic increase in statistics and programming as

evidenced at the Bragtown Branch. According to her supervisors, “Karlene has not only evidenced a commitment to this library, but also to Durham County Government and the library profession.”

Resource Person(s): Phillip Cherry and Priscilla Lewis, Durham County Library

County Manager’s Recommendation: Present the January Anchor Award to Ms. Karlene Fyffe-Stewart, along with the sincere congratulations of the entire organization.

Ms. Lewis, Head of Branch Services, Durham County Library, praised Ms. Fyffe-Stewart for her hard work and credits her success with community involvement (working with such groups as Operation Breakthrough, Charter Schools, Glenn Elementary School, Chewing Middle School, and the Oxford Manor Daycare Center). The Bragtown Library Branch is now focused on children, learning, and computer training.

Ms. Fyffe-Stewart accepted the award with pride and appreciation. This award will encourage her to work even harder at Bragtown. She accepted the award for herself and for the entire Durham County Library system. She thanked the Police Department, the Department of Health, UNC TV, and other groups which have provided free programs.

Chairman Reckhow presented the \$200 check and the Anchor Award to Ms. Fyffe-Stewart and thanked her for her hard work.

Commissioner Jacobs wished to publicly and personally recognize and thank Deputy County Managers Wendell Davis and Carolyn Titus and Public Information Officer Deborah Craig-Ray for going beyond the call of duty during the December ice storm.

Consent Agenda

A motion was made by Vice-Chairman Bowser, seconded by Commissioner Heron, to approve the following consent agenda items:

- *(a) Budget Ordinance Amendment No. 03BCC000037—DSS—Family to Family Funding Through Social Services (approve this amendment in the amount of \$30,000);
- *(b) Amendments to Appointment Policy (approve the proposed change in the Board’s policy to allow for the directions given to the Clerk regarding publications);

- *(c) Fiscal Year 2003-2004 Budget Calendar (approve the FY 2003-2004 Budget Calendar as submitted);
- *(e) Property Tax Releases and Refunds for Fiscal Year 2002-2003—December (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report); and
- (f) Advertising of Tax Liens (approve the Tax Administrator's request to begin advertising the 2002 tax liens in the month of March).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(a). Budget Ordinance Amendment No. 03BCC000037—DSS—Family to Family Funding Through Social Services (approve this amendment in the amount of \$30,000).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000037

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,084,034	\$30,000	\$261,114,034

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$317,525,867	\$30,000	\$317,555,867

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

This the 27th day of January, 2003.

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

Consent Agenda 5(b). Amendments to Appointment Policy (approve the proposed change in the Board's policy to allow for the directions given to the Clerk regarding publications).

The resolution follows:

RESOLUTION FOR ESTABLISHMENT OF POLICY AND PROCEDURES FOR
APPOINTMENTS TO COUNTY BOARDS, COMMISSIONS,
COMMITTEES OR AUTHORITIES

WHEREAS, it is the statutory duty of the Durham County Board of Commissioners, as Governing Body of Durham County, to appoint persons to various boards, commissions, committees, or authorities, to assist in the operation of county government; and

WHEREAS, the Board of Commissioners is desirous of appointing qualified, knowledgeable, and dedicated people to serve on the aforesaid boards, commissions, committees, or authorities, and to that end solicits the interest and participation of the citizens of Durham County in providing information and recommendations to assist the Board of Commissioners in identifying qualified candidates for said appointments; and

WHEREAS, the Board of Commissioners recognizes the need for a policy and procedure to provide for increased public awareness of the appointments to be made from time to time by the Board, to solicit public participation in the submission of names of qualified candidates, to set forth the subsequent steps for the selections of the candidate(s) by the Board, and to insure attendance at meetings; and

WHEREAS, the Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serving on the boards, commissions, committees, and authorities; therefore, appointment applications will solicit necessary information to achieve a representative sample of the community:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that:

Section 1. The policy of Durham County governing appointments to the various boards, commissions, committees, or authorities made by the Board of County Commissioners is as follows:

- A) Words of the masculine gender mean and include correlative words of the feminine and neuter genders and words imparting the singular number mean and include the plural number and vice versa.
- B) Any citizen of Durham County who is eighteen (18) years of age or older is eligible to serve on the appointed boards, commissions, committees, or authorities of the County where such appointment is not prohibited by state statute.
- C) All appointments will be made according to the Appointments Statute or Ordinance that created that board, commission, committee, or authority.
- D) No citizen of Durham County may serve in more than two appointed positions of Durham County Government unless exempted by nature of the position or otherwise.

- E) Unless otherwise stated by statute, no citizen may serve more than three consecutive terms in any one position. This policy may be waived if the Board of Commissioners determines that the removal of a number of individuals made ineligible by the policy would be detrimental to the functioning of that board, commission, committee, or authority, unless such removal is prescribed by statute.
- F) 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.
- G) The Clerk to the Board will notify the member that he or she is obligated to resign. An unexcused absence is defined as an absence without prior notification to the chairman, secretary, or staff to the boards, commissions, committees, or authorities.
- H) Excused absences are defined as absences with proper prior notification indicating legitimate conflicts or other circumstances.
- I) For each appointee, the calendar year is counted beginning on the date of appointment.
- J) If a member's absence exceeds these percentages, the Clerk to the Board of County Commissioners should be notified immediately.
- K) The clerk to the boards, commissions, committees, or authorities shall be responsible for keeping an attendance record and notifying the Clerk to the

Board, who shall in turn notify the Board of County Commissioners when the limit of absences of any appointee has been reached.

- L) Property tax listing must be current. County and City taxes must not reflect any delinquencies before an application is submitted.
- M) If a member has more than 50% absences (excused or unexcused) or, if the member is delinquent in the listing and/or payment of taxes for which an appeal has not been filed, the Clerk to the Board will notify the Chairman of the Board of County Commissioners. Upon receipt of notification from the Clerk to the Board, the Chairman will notify the member that he or she may be removed from the board, commission, committee or authority. The Commissioners shall consider the board member's status at a regularly scheduled meeting of the Board of County Commissioners.

Each County Commissioner will have available to him or her a binder containing a list of all County appointments, with the following data provided:

1. The name of the board, commission, committee, or authority and the composition of the board according to the statute.
2. A brief description of its functions.
3. The statute or cause creating the board, commission, committee, or authority and the composition of the board according to the statute.
4. The total number of members and length of terms of office.

5. The names of current members, the number of terms each has served, and the date of his or her original appointment.
6. The regular meeting day, time and location, if determined.
7. The date(s) on which appointments should be made.

Section 2. The procedures of Durham County for filling vacancies for appointed positions should be as follows:

A) Notification of available appointments

1. A current list of upcoming appointments to County boards, commissions, or authorities shall be kept in the Office of the Clerk to the Board and shall be furnished to any person or group on request.
2. A list of available positions and the date by which names should be submitted will be published in the Herald Sun, The News & Observer, the Carolina Times, or any other newspaper having general circulation throughout the County that the Board may specify from time to time, once a week for two weeks beginning two weeks in advance of the deadline for submitting applications. The Clerk to the Board may alternate the publication of the available positions in different newspapers from week to week as the Board of Commissioners directs. The name, phone number, website, and address of the Clerk to the Board shall be provided in the advertisement to obtain more information.

3. A list of available positions stating terms of office, requirements for office, duties of positions, and the date by which names should be submitted will be placed on the Durham County Website beginning two weeks in advance of the deadline for submitting applications.
4. Twenty-five (25) days prior to the expiration of the terms, a notice will be mailed to each person who is eligible for reappointment requesting an indication of his or her interest in continuing to serve. If an individual is not eligible for reappointment, he or she will be notified and given the reason for being ineligible.
5. The Chairman of the Board of Commissioners or his designee will be responsible for carrying out the above notification procedures.
6. If, because of policy or otherwise, an individual is unable to be reappointed, that person will be sent a Letter of Appreciation by the Chairman of the Board of Commissioners at the expiration of his or her term, thanking the person for past services rendered.

B). Selection Process

1. At least twelve (12) days prior to the appointments by the Board of County Commissioners, all applications for a particular position must be in the hands of the Clerk to the Board. The Clerk will check each applicant for eligibility and recheck any prior applicants, if any.

2. A copy of the applications submitted together with the prior applications, if any, shall be sent to all Commissioners at least ten (10) days prior to the meeting at which action will be taken. Those candidates who are ineligible will be noted and the reasons for ineligibility given.
- 3 a. When the advertising or readvertising of positions for boards, commissions, committees, etc., does not produce within the time frame prescribed the necessary number of qualified persons to fill the vacancies indicated, the Board of County Commissioners on its own initiative will name the appointees.
- b. When vacancies and positions appointed pursuant to this policy occur prior to the expiration of the term of office, the Board of County Commissioners shall appoint a person to serve the remainder of the term in accordance with the procedures outlined herein.

C) Notification of Appointment

The Chairman of the Board of County Commissioners shall prepare a letter of notification of appointment or non-appointment to the applicants and a copy to the affected board, notifying each of the appointment or non-appointment.

D) Applications

All applications received shall be retained for at least one (1) year and considered if a vacancy occurs during that time period. Applications shall be kept on file for all active appointees. These will be treated as public records and made available upon request for the cost of copying.

Consent Agenda 5(c). Fiscal Year 2003-2004 Budget Calendar (approve the FY 2003-2004 Budget Calendar as submitted).

The calendar follows:

FY 2003-04 Budget Calendar

Monday	January 13	Distribution of nonprofit agency application materials
Tuesday and Wednesday	January 21 and 22	Newspaper advertisements—nonprofit agency application process
Monday	January 27	Advance budget hearing for public (BOCC meeting)
Friday	January 31	Budget distribution of budget materials/manual to departments (via County Intranet)—position information will be mailed
Friday	February 28	Nonprofit agency funding requests due to Budget office
Monday	March 10	Department Heads forward completed departmental budget requests to Budget office
Monday	March 10	Deadline for departmental budget requests to be entered into Budget system
Friday	March 21	Budget Director, Finance Director, Tax Administrator, Tax Assessor and Tax Collector develop revenue estimates for all funds, tax and fire districts
Wednesday Friday	March 26-April 11	Departmental budget presentations with County Manager or respective Deputy County Manager and Budget office
Friday	March 28	Nonprofit books distributed to Board of County Commissioners
Monday	April 7	Nonprofit agency presentations to Board of County Commissioners and Manager

Friday	April 11	Volunteer Fire Districts submit requests to Fire Marshal and Budget office
Friday	April 25	Durham Public Schools submit school board's request to County Manager
Monday	May 12	County Manager delivers recommended Budget to Board of County Commissioners and Notice of Public Hearing to be published
Tuesday Wednesday	May 20- June 18	BOCC Budget Worksessions (specific dates to be scheduled)
Monday	June 23	Board adoption of FY 2003-04 Operating Budget Ordinance

Consent Agenda 5(e). Property Tax Releases and Refunds for Fiscal Year 2002-2003—December (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of December 2002.

Releases & Refunds for 2002 Taxes:

Real	\$ 15,932.95
Personal	\$ 10,707.52
Registered Vehicles	\$ 25,252.42
Vehicle Fees	\$ 295.00
Solid Waste Fees	\$ 130.00
Total for 2002 Taxes and Fees	\$ 52,317.89

Prior Years (2000-2001) releases and refunds for December 2002 are in the amount of \$5,072.84.

Total Current Year and Prior Year Releases and Refunds \$57,390.73

(Recorded in Appendix A in the Permanent Supplement of the January 27, 2003 Regular Session Minutes of the Board.)

Consent Agenda Items Removed for Discussion

Consent Agenda 5(d). Property Tax Releases and Refunds for Fiscal Year 2002-2003—November (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Commissioner Heron pulled this item because she had noticed several tax corrections due to wrong district listings. Tax Administrator Kenneth Joyner gave her an explanation prior to tonight's meeting. She wished for him to share the explanation with the other Board members.

Mr. Joyner explained that the majority of wrong district listings are on motor vehicles. The confusion exists when City streets or private lanes end at a different point on each side of a street. Consequently, staff has a difficult time deciding exactly where the City limit starts and stops. To process the bills in a timely manner, staff is directed to place these bills with a City code. When citizens are billed incorrectly with the City, they inform the Tax Department. Each month, about 15,000 motor vehicle bills are mailed. Of the two reports tonight, approximately 41 were wrong district listings of approximately 30,000 bills, which is not a bad error rate.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve consent agenda item No. 5(d).

The motion carried unanimously.

The report follows:

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of November 2002.

Releases & Refunds for 2002 Taxes:

Real	\$ 124,483.27
Personal	\$ 54,438.67
Registered Vehicles	\$ 21,235.86
Vehicle Fees	\$ 190.00
Solid Waste Fees	\$ 195.00
Total for 2002 Taxes and Fees	200,542.80

Prior Years (1996-2001) releases and refunds for November 2002 are in the amount of \$10,189.54.

Total Current Year and Prior Year Releases and Refunds \$210,732.34

(Recorded in Appendix A in the Permanent Supplement of the January 27, 2003 Regular Session Minutes of the Board.)

Consent Agenda 5(g). Establishment of Official Depository for Dental Insurance Claims (approve the establishment of this account).

Vice-Chairman Bowser expressed his concern that tax dollars for this portion of our health package are going to New York instead of staying in Durham. He asked why this is happening and if it is totally necessary.

Debbi Davidson, Benefits Manager, Human Resources Department, stated that the account with The Chase Manhattan Bank is a flow-through account tied to CIGNA's claim process. The account actually belongs to CIGNA Health Insurance rather than Durham County Government. Since we are self-funded for this plan, we must pay the claims. This money is paid for claims; it is not a deposit for future claims. We could not use our Durham bank without an additional expense for programming.

Vice-Chairman Bowser made a motion, seconded by Commissioner Cousin, to approve consent agenda item No. 5(g).

The motion carried unanimously.

Public Hearing: Advance Public Comment on FY 2003-2004 Budget

The Board was requested to hold a public hearing on the FY 2003-2004 County budget to receive public comment and input. This hearing allowed citizens an opportunity to speak with the Board about any budget issues or concerns they would like to see addressed in the upcoming fiscal year budget.

Resource Person(s): Pam Meyer, Director, Budget and Management Services

County Manager's Recommendation: The County Manager recommended that the Board hold the previously scheduled public hearing to receive public comment on the FY 2003-2004 County budget.

Chairman Reckhow opened the public hearing that was properly advertised.

Ms. Victoria Peterson informed the County Commissioners that the last time she came before them, she requested a report on deaths at the County jail. To date, she has received nothing. She asked the County Commissioners to set aside \$2 to \$4 million dollars to help build a vocational training school for persons in our community who are dropping out of high school and into our jail. She shared statistical information about the high number of African Americans in the jail and wanted to know why the crime rate is so high among African Americans.

Mr. Larry Holt, 5110 Stardust Drive, Durham, 27712, addressed the following issues:
(1) The budget should continue to focus on decent, affordable, safe housing initiatives.
(2) School impact fees should be revisited to be based on a percentage of total project

cost (i.e., 1 or 2 percent) rather than a fixed dollar amount. (3) A two-story school should be funded on the Lowe's Grove property. The Durham Public Schools Board of Education should be required to consider all old school properties for school reuse and required to develop guidelines to protect existing school properties so they are not rendered obsolete over time. (4) Consider not giving our tax dollars to the Chamber of Commerce when the chamber engages in actions that are counter to the community. The Chamber represents the special, sole interests of developers and realtors. A separate organization that represents the interests of the communities, neighborhoods, and environmental groups should be funded with our tax dollars. (5) The lack of growth-management practices causes increased taxes and add an additional burden from bond referendums. (6) Neighborhood college or planning institutes should be funded so the community can learn more about the planning process. (7) Consider moving the Transportation Department under the Planning Department, reporting to Frank Duke, to tie transportation planning to land use planning.

Ms. Bessie M. Carrington, 1616 Pinecrest Road, Durham, 27705, told the Commissioners that the citizens understand the big task of balancing the needs with available funds. The Library adopted a future strategic plan last spring, which envisions improved facilities with increased access to library services. We want to place emphasis on preschool children, non-English speaking residents, and young adults. Unfortunately, current services and planning for expanded services is hampered by a shortage of personnel. At the end of FY 2002, the library had a total of 19 vacancies. The hiring freeze instituted in August has resulted in 30 vacancies. This represents almost 20 percent of the staff. Resignations have been throughout the ranks but the highest attrition occurs at the "Page" level. A big turnover is normal but the Pages cannot be replaced due to the hiring freeze. This affects the way the Library delivers daily services. It has also caused a serious diminution of enthusiasm and a decline in staff morale. We cannot plan for the future if we are always starting behind. We need a stable staff to ensure the continuation of library services to the full spectrum of our community. We need our staff back. Creative solutions benefit everyone.

Ms. Elsa Woods, 24 Glenmore Drive, Durham, 27707, represented the Library Board of Trustees and Friends of the Library. The purpose of the Friends of the Library is to raise funds to enhance Library programs. We need your help as you consider the budget for next year. Three areas that require budget consideration are staffing, security, and maintenance and upkeep. Our library must keep up with the rate at which information is exploding—equivalent to 250 books for every man, woman, and child. We want our Library to be a center of this community. Please remember the Library in the FY 2003-04 budget.

Ms. Lauren Singdahlsen, 310 Gresham Avenue, Durham, 27704, spoke about library security, particularly at the Main Library downtown. Largely as a result of a particular incident a few years ago, a Deputy Sheriff was placed on full-time duty at the library for about two years. Crime and panhandling decreased considerably during this time. The

Sheriff coverage was decreased to evenings due to budget cuts in July 2002. Now crime incidents have increased during the hours of no coverage by the Sheriff's Department. Essentially no problems exist when a deputy is on duty. Please consider the need to improve security at all library branches when drafting the FY 2003-2004 budget.

Dr. E. L. Allison referred to the April 1993 assessment of what needed to be done to all the schools. We should not move forward on decisions on how tax dollars are going to be spent when we have not addressed the commitment made to inner-city schools during the school merger. We need to equalize opportunities and education for children of color. Every school has been built for a segregated community. It is not right, fair, just, and elected officials take an oath to make a difference in the lives of children. I am very disappointed.

Chairman Reckhow said that she received a full copy of the report today. She will make it available to the other Commissioners. She encouraged them to read the report. The status of the projects identified in the report will be placed on the joint BOCC/Durham Public Schools Board of Education meeting agenda to discuss the budget.

Mr. Melvin Whitley, 2614 Harvard Avenue, Durham, 27703, represented The Durham Voter Coalition. He wanted to know what Durham County Government can do to fight crime and decrease drug and alcohol abuse. He expressed a need for an inpatient drug treatment program and more caseworkers. He referred to a handout regarding a need for funding to help citizens and jail inmates with substance abuse problems, preventative services, better coordination of local resources, and increased case management support for abusers who frequent crisis services on an ongoing basis. This matter must be addressed.

Chairman Reckhow said this matter would be discussed at the Commissioners' January 27 – 28, 2003 Annual Retreat.

Mr. Whitley was also representing the InterNeighborhood Council. He stressed the importance of input and leadership from strong neighborhoods to solve problems.

Mr. Bob Novak, 5500-89A Fortunes Ridge Drive, Durham, 27703, expressed that the Durham Public Schools Board of Education budget should be accomplished through its own taxing authority. He believes in no impact fees. Trailers at the schools should be eliminated. Durham citizens are constantly being bombarded with panhandlers. Please continue to support the Community Shelter for Hope.

Mr. Jack Steer, 9416 Dawn Trail, Durham, 27712, represented the Friends of Durham. He wants to see a change in the budget process so the Commissioners and the Management can see the difference between the goals set at the beginning of the budget year and the achievements at the end of the budget year. This would give the Managers an opportunity to take care of their own oversights, but also and more importantly, the

Commissioners and Senior Management would have the opportunity to determine how and where the budget can be cut. He urged the Commissioners to look at each program individually and cut the unsuccessful programs. The FY 2003-2004 Budget cannot stand a tax increase.

Mr. Preston Burgess, 1724 South Miami Boulevard, represented the Volunteer Fire Chiefs' Association from Durham County. He pleaded for the Commissioners to fully fund the EMS. The fire tax should not be used to assist in the funding.

Chairman Reckhow closed the public hearing and referred to the Commissioners for comment or consideration.

Commissioner Heron mentioned that citizens may also submit written comments to the Board.

Commissioner Cousin thanked the citizens who spoke. He felt the suggestions were very sound.

Commissioner Heron asked that the County Manager provide information to the Commissioners regarding County programs, associated costs, program goals, and whether the goals have been met.

Chairman Reckhow said that the Board has directed the County Manager to begin implementing performance based budgeting. Mr. Ruffin is committed to begin phasing it in this year, with completion next year.

Chairman Reckhow thanked everyone who made comments regarding this agenda item.

Durham Open Space Commission Matching Grants Recommendation

The Durham Open Space and Trails Commission (DOST) received four applications for Matching Grants Program funds to assist nonprofit community organizations with recreational and open space projects. The following financial summary shows the Commission's recommendation to the Board for funding the four applications for a total of \$94,428, using the \$95,000 of contractual funds requested and recommended under the General Fund, "Open Space Matching Grants" Organization of the County's FY 2002-2003 Budget. Special conditions noted in the recommendation will be included in the agreements for three of the projects. Funds available for matching grants during the current fiscal year are reduced by 5 percent due to reduced County revenue as budgeted.

Project/Application	Request	Cost	Grant
Eno River Association/Land Purchase	\$55,400	\$110,800	\$51,152
Forest Hills Neighborhood Assoc./Volleyball Court	5,700	11,340	5,270
Hillandale Elem. School PTA/ Playground and Trail	26,125	52,629	20,506
Trinity School/Nature Preserve and Playground	20,000	52,450	17,500

Resource Person(s): Guillo Rodriguez, DOST Chairman, and Bill Renfrow, Matching Grants Administrator

County Manager's Recommendation: Members of the Durham Open Space and Trails Commission evaluated and revised this year's applications for matching funds to assist nonprofits with providing recreational opportunities and preserving open space for the citizens of Durham County. This recommendation to allocate \$94,428.00 of grant funds represents a gain to the County of \$132,791.00 in matching funds as more than half the projects' proposed value of \$227,219.00. The County Manager recommended Board approval of funding four projects and the allocation of the \$94,428.00 of the budgeted Matching Grants funds.

Guillo Rodriguez, Durham Open Space and Trails Commission Chairman, spoke briefly about the Matching Grants recommendation.

Chairman Reckhow called on Dr. E. L. Allison who had signed to speak on this item.

Dr. Allison, representing the Durham Committee on the Affairs of Black People, had a problem with the Eno River Association/Land Purchase request and the Trinity School/Nature Preserve and Playground request. She asked about the source of the matching funds, the number of students at the Trinity School, and the criteria by which selections/recommendations are made. She had no problem with the Forest Hills Neighborhood Association/Volleyball Court or the Hillandale Elementary School PTA/Playground and Trail.

Chairman Reckhow answered several of Dr. Allison's questions. This money is set aside specifically for open space and recreation. The funding is phased—one-half this year and one-half next year, assuming approval from the Board. These four grants were the only ones received, and the committee reviewed them thoroughly and reduced the amount requested. Chairman Reckhow then asked Mr. Renfrow to speak to the match the Eno River Association is providing and the nature of the access to the New Hope Corridor at the school.

Mr. Renfrow answered that the Eno River Association will use \$11,400 in cash funds on hand and \$44,000 will be matched in land value that is a part of the existing lots.

Mr. Rodriguez addressed the issue of public access. A requirement for requesting funds is that any project must have a public access component.

Chairman Reckhow recommended that a motion include the conditions outlined in the December 13, 2002 Matching Grants Committee Minutes which specifically addressed the Trinity School and Eno River access issues.

Commissioner Heron spoke on behalf and in support of the Eno River Association.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve funding the four recommended projects and to include the conditions outlined in the December 13, 2002 Matching Grants Committee Meeting Minutes.

The motion carried unanimously.

Adoption of Legislative Goals

The Board was requested to approve the legislative goals to present to the Durham County Legislative Delegation for consideration during the upcoming session of the General Assembly. Following discussion of this item at the January 6, 2003 Board meeting, staff developed and organized the package with the Board's priority legislative items first, followed by support and seek items.

Resource Person(s): Deborah Craig-Ray, Public Information/Governmental Affairs Director, and Chuck Kitchen, County Attorney

County Manager's Recommendation: Approve the 2003 Legislative Goals Package and present to the Durham Delegation at a yet-to-be-scheduled breakfast meeting.

Chairman Reckhow called on the following citizens who had signed to speak on this item:

Ms. Victoria Peterson expressed strong disagreement with Priority Issue No. 1(a), "Juvenile Code Revisions—Photographs of Juveniles in Juvenile Detention Facilities."

Mr. Bob Novak, 5500-89A Fortunes Ridge Drive, Durham, 27703, was against impact fees, would like City and County Governments to merge, and desires a change in the election process for the Durham Public Schools Board of Education.

Ms. Craig-Ray and the Commissioners discussed possible dates for the Legislative breakfast meeting. The options were February 10, 2003 or February 17, 2003. Ms. Craig-Ray would poll the Legislators to determine the most convenient date.

At the request of Vice-Chairman Bowser, the Board decided to add Seek Item No. 9, "Reduce the Population Threshold for a Consolidated Human Services Board."

County Attorney Chuck Kitchen explained the following two "seek items:" (7) Seek Soil and Erosion Control Revisions; and (8) Change the Protest Petition Requirements of Durham County.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the 2003 Legislative Goals package with the addition of Seek Item No. 9, "Reduce the Population Threshold for a Consolidated Human Services Board."

The motion carried unanimously.

Approve Lease Amendment for Durham's Alliance for Child Care Access Office Space

The Department of Social Services (DSS) requested approval of a lease amendment for office space for Durham's Alliance for Child Care Access (DACCA). DACCA is a collaboration between DSS, Child Care Services Association (CCSA), Durham's Partnership for Children, and Operation Breakthrough to provide child care subsidies to Durham's working families. Located in the Mechanics and Farmers Corporate Center at 2634 Chapel Hill Boulevard, the current lease ends August 31, 2003. This lease amendment, between Mechanics and Farmers Bank and the County of Durham, extends the lease three years through July 31, 2006.

Child Care Services Association is purchasing property for a new office across the street from the Employment Security Commission where DACCA could be co-located for considerably less cost. CCSA is starting a capital campaign next year and hopes to have the building ready in about three years. As CCSA is developing plans for its new building, it is taking into account DACCA's space needs, including the need for more records storage. All costs for DACCA are paid for through the State Child Care Subsidy Program and Durham's Partnership for Children. There are no County funds in the administration of the program.

Resource Person(s): Dan Hudgins, DSS Director

County Manager's Recommendation: The County Manager recommended that the Board approve the lease amendment for the DACCA office on Chapel Hill Boulevard.

Mr. Hudgins presented this agenda item.

After a brief question and answer period, the following motion was made:

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to approve the lease amendment for the DACCA office on Chapel Hill Boulevard.

The motion carried unanimously.

Youth Home

Vice-Chairman Bowser added this agenda item to comment on the Youth Home on Broad Street that houses a maximum of 14 youth. In the past three to four years, eight youth have escaped from the home. His main concern is that this facility is located in a large neighborhood, and these youth can be very dangerous. Also, it has been difficult to locate the youth who have escaped. Several proposals are in the legislative agenda to address the current rules and regulations, but we must seriously consider what can be done in the immediate future. He asked his fellow Commissioners for feedback.

County Manager Ruffin stated that staff had been given several directives regarding the Youth Home. The evaluation relative to closing the Youth Home versus building a new facility should be completed in about 30 days. The property appraisal request has been completed and the accelerated site selection process is near completion. At that time, staff will also present to the Board a cost comparison of housing youth at the Youth Home versus sending them to a state facility.

Chairman Reckhow would like for this item to be placed on the March 3, 2003 Worksession agenda.

Deputy County Manager Titus answered Commissioner Heron's question about the \$70 cost per day to send our youth to an out-of-the-county facility. One factor that would increase this amount is the cost to provide transportation by a deputy sheriff. No dollar amounts have been determined at this point.

Chairman Reckhow asked questions regarding the cost comparison, state and county shared costs (payments), and utilization rates.

Deputy County Manager Titus answered Chairman Reckhow's questions.

Commissioner Heron wanted clarification on the cost per day for Durham County's Youth Home.

Deputy County Manager Titus stated that the cost is between \$150 to \$176 per day. We receive \$70 from the state and \$70 from the county; therefore, we are not recovering the entire amount.

Commissioner Cousin asked whether this is a mandated service.

Ms. Titus replied that this service is not mandatory for counties. The State Department of Juvenile Justice is responsible for youth detention. Durham County offers this youth facility out of choice because we wish to provide this service.

Chairman Reckhow directed staff to determine whether it is more cost efficient to generate the \$140-a-day revenue for bringing in a child to fill an empty bed versus not having that child since most of our costs are fixed.

Commissioner Bowser asked whether Durham County should support this facility. Also, he asked how many Durham County youth are housed annually in the Youth Home and whether it is cheaper to pay the \$70 a day out of county. It appears we would be better off without the facility.

Deputy County Manager Titus did not have the figures on hand.

Commissioner Heron wanted to know what services are provided in the Youth Home.

Deputy County Manager Titus answered that a teacher is provided by Durham Public Schools, but a teacher's assistant is paid through a contract with the schools. All of the requested data will be presented to the Commissioners in March.

Auto Shop

Early in January 2003, Vice-Chairman Bowser met with Mr. Dan Gernandt who has been operating a vehicle repair facility in a residential zone across from South Pointe Mall for approximately 20 years. He has been operating his business with the necessary permits from local governments. About one year ago, Mr. Gernandt was told that his business is in violation of the Zoning Ordinance. Vice-Chairman Bowser has attempted, through the County Manager and the Planning Director, to determine how to assist Mr. Gernandt in keeping his business operational until an investor purchases the property. Mr. Gernandt was unaware of the ordinance adopted by the Board of County Commissioners in 1987 requiring the operators of businesses in rural areas of Durham County to file for a non-conforming use permit.

County Manager Ruffin had spoken with Planning Director Frank Duke about this situation. No clear solution to Mr. Gernandt's problem has been determined.

The Commissioners, County Manager, and County Attorney discussed various options to allow Mr. Gernandt to remain in business.

Chairman Reckhow requested that the Planning Director write a memo providing background information on this issue, alternatives to address the situation, and report

back to the Board at the February 3, 2003 Worksession. At this time, the Commissioners do not have enough facts to explore the matter further.

Commissioner Jacobs suggested that Mr. Gernandt be present at the meeting.

Board and Commission Appointments

As of this month, two vacancies will exist on the Durham County Hospital Corporation (DCHC) Board of Trustees. Steve J. Schwab, M.D., one of the Duke University Health System representatives, has left Duke and Durham to accept a new position in Georgia. Joyce C. Nichols, representative from Lincoln Community Health Center (LCHC), is retiring from the LCHC Board as of January 22, 2003 and therefore, in her current capacity, will no longer be eligible to serve on the Board.

In accordance with the action taken by the DCHC Board of Trustees at its meeting on January 8, 2003, the Board recommends to the Commissioners the following candidates for membership on the DCHC Board of Trustees:

MaryAnn E. Black—appoint to fill the unexpired term of Steve J. Schwab, M.D., as a Duke University Health System representative on the DCHC Board of Trustees for a period to begin with date of appointment through August 31, 2004; and

Evelyn D. Schmidt, M.D.—appoint to fill the unexpired term of Joyce C. Nichols as the Lincoln Community Health System representative on the DCHC Board of Trustees for a period to begin with date of appointment through August 31, 2005.

The DCHC Board of Trustees received two applications from Duke University Health System and two from Lincoln Community Health Center. The DCHC Board of Trustees asked that the Board of Durham County Commissioners look favorably upon the above recommendations and make the appointments to fill these DCHC vacancies.

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make two appointments to the DCHC Board of Trustees.

Resource Person(s): Garry E. Umstead, CMC, Clerk to the Board

Chairman Reckhow called on Dr. E. L. Allison who had signed to speak on this item.

Dr. Allison asked the Commissioners to reconsider the process by which appointments are made to boards and commissions, specifically consider average citizens from the community rather than staff persons.

Vice-Chairman Bowser agreed with Dr. Allison; however, he clarified that LCHC Chairman Joyce Nichols made the staff recommendation of Dr. Evelyn Schmidt for the Durham County Hospital Corporation Board of Trustees.

Chairman Reckhow recognized George Quick, Finance Director, for a brief comment.

Mr. Quick stated that he had served as a past chairman of the LCHC and wrote the basis by which the recommendation is made to the DCHC Board of Trustees. The intent and the process, until this point, has been to recommend the LCHC Chairman to the DCHC Board of Trustees.

County Attorney Kitchen clarified that the Board of County Commissioners' appointment is dictated by our contract with the Duke University Health System and Durham Regional Hospital Corporation, which provides that two LCHC nominees will be provided. The Commissioners have the option of selecting someone other than the LCHC Chairman.

Chairman Reckhow recommended that the vote be taken subject to the County Attorney verifying that the appointments to the DCHC Board of Trustees are appropriate.

Votes were cast and the following appointments were made (asterisks indicate appointees):

Durham County Hospital Corporation Board of Trustees

Two unexpired terms (expire August 31, 2004 and August 31, 2005)

*MaryAnn E. Black—Cousin, Heron, Jacobs, and Reckhow

Cedric M. Bright, M.D.—Bowser

Carl E. Ravin—no votes

*Evelyn D. Schmidt, M.D.—Bowser, Cousin, Heron, Jacobs, and Reckhow

Chairman Reckhow reiterated that the County Attorney be absolutely certain that the Board's agreement relating to the hospital appointment be followed.

Durham Crime Cabinet Report of Legislative Initiatives

Chairman Reckhow called the Board's attention to the handout relative to Durham Crime Cabinet's report of legislative initiatives to strengthen current laws and make our community safer. These were presented this morning at the meeting with the BOCC and the Durham Delegation and much interest was taken in the initiatives. After reading the handout, the Board can go on record as endorsing these initiatives.

Closed Session

The Board was requested to adjourn to closed session to give directions to the staff concerning the price and other material terms of a proposed contract for the acquisition of real property pursuant to G.S. § 143-318.11(a)(5). The property being considered is a) property owned by St. Joseph's Historic Foundation, Inc., located at 615 Fayetteville St. and b) property owned by Triangle Area YMCA, located at 218 Seminary Street.

Commissioner Heron moved, seconded by Commissioner Jacobs, to adjourn to closed session.

The motion carried unanimously.

Chairman Reckhow reconvened the Regular Session. She reported that staff was given direction, but no action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 10:40 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board