

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

Monday, May 5, 2008

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 Michael D. Page, and Commissioners Lewis A. Cheek, and Becky M. Heron

Absent: Commissioner Philip R. Cousin Jr.

Presider: Chairman Reckhow

Annual Review of the Jail Population Management Contract with the District Attorney and Public Defender

District Attorney David Saacks introduced this item stating that in 2005, the County entered into an agreement with the Administrative Office of the Courts to fund one assistant district attorney and one assistant public defender for the ADA Bond Hearing Project (AOC Contract). The purpose of the attorney positions is to handle bond reduction motions at first appearance hearings, early identification of cases eligible for expedited disposition, and the enhancement of jail population management reduction in Durham County. The attorneys work under the supervision of the District Attorney and Public Defender.

D.A. Saacks discussed the following:

- History
- Status
- Feasibility
- Future Funding

Public Defender Lawrence Campbell discussed the performance under the agreements. He made the following comments:

“In 1992, the Board of County Commissioners instituted a program aimed at the reduction of the jail population. At that time, according to a County funded study, the average inmate stayed in the Durham County Jail for seventeen days. This was contributing to severe overcrowding, which in turn lead to violence in the jail, which led to increased medical expenses and ultimately multiple lawsuits against the County and the Board of Commissioners. In addition to building a new jail, the Board decided to fund two positions an assistant public defender and an assistant district attorney. These attorneys' job would be to perform an initial evaluation of the bond status of an inmate at the first appearance, which is the first time the defendant appeared before the Court after being arrested. In

misdemeanor and minor felony cases, the Assistant Public Defender would temporarily appoint himself to the case and represent the defendant on the sole issue of bond. In other minor misdemeanor cases, the Assistant Public Defender would represent the defendant for the purpose of working out a guilty plea, quite often resulting in a sentence that allowed the immediate release of the inmate. Instead of waiting for an attorney to be appointed and that attorney contacting the District Attorney's office (often times weeks after the first appearance), this program allowed the issue to be addressed immediately at the first appearance.

The Public Defender's office is without sufficient staff to conduct these daily court appearances without the County's assistance. Additionally, within the last year or two, the Public Defender, the District Attorney, Pre-Trial Services, and the Chief District Court Judge decided to institute an additional weekly meeting with the specific purpose of identifying inmates incarcerated for a month or more, with a low bond and minor charges, still being held in jail. Initially, this additional weekly meeting proved to be fruitful and some of these inmates were being released, resulting in reduced per day cost to the County. At some point in the process, there was no judicial presence at this additional weekly "hearing" and fewer and fewer inmates were released. In my opinion, there needs to be a neutral and detached judicial official present to resolve disputed positions and assure fairness in the process. While Pre-Trial Services has been helpful in supplying information to the Court, the services rendered can cut both ways, resulting in longer incarceration for more inmates and the attendant increased per day costs for the County. The electronic monitoring program has been increased by the County and certainly gives another option for the release of inmates posing questionable risk factors.

This Board is aware that recent events in Durham County and statewide have caused greater scrutiny in the pre-trial release and the probationary status of various defendants. Responding to the concerns of citizens, elected officials and judicial officials, the Bond Policy for Durham County was reviewed and significant increases were initiated, particularly for higher level felonies and offenses involving the possession of a firearm during the alleged commission of the crime. In my opinion, these increases and the increased pressure on the elected officials to proceed cautiously will increase the jail population to dangerous levels and pose the same concerns the Board moved to address in 1992."

Mr. Campbell presented figures for the jail population from the past two weeks.

District Attorney Saacks provided clarification regarding Commissioner Heron's concerns with the usage of the District and Superior Courts on Fridays.

The Board appreciated the efforts of the D.A. and the Public Defender.

Chairman Reckhow followed up with Commissioner Heron's concerns regarding the amount of time an individual spends in confinement before trial. She raised the following issues:

- The large percentage of inmates who are in Durham County Jail for misdemeanants;
and
- Ways to expedite the more serious trials.

Chairman Reckhow stated that it is less expensive to monitor individuals wearing the bracelet; therefore, the Board would allocate additional funds to maintain the needs of the ankle bracelet program if necessary.

District Attorney Saacks enlightened the Board on the following factors that would cause individuals to be incarcerated longer because of a delayed trial:

- Lab results
- Fiber
- DNA
- Gang Issues (Witness Intimidation)

District Attorney Saacks responded to Commissioner Heron's question regarding the efforts to contact the legislators about funding the requested positions. He stated that the State will be funding a number of of the positions as of July 1.

The Board briefly discussed about managing the jail population.

Directive

1. Inform the Board about whether AOC will provide additional funding for the witness protection program and technical services.
2. Review the possibility by means of the ankle bracelet program.
3. Place on the November Worksession agenda.

Greenfire Development—Phase II Downtown Development Project

Michael Lemanski, Founding Partner, Greenfire Development stated that Greenfire Development is a local community development company, whose mission is to improve the overall quality of life in Durham by creating opportunities for people to live, work, play, and invest in a vibrant downtown area. Greenfire's specific interest is the revitalization of underutilized and historic properties using its green building expertise to build sustainable, mixed-use projects.

Mr. Lemanski discussed the following relating to the revitalization of Durham's City Center:

- Return of the City Center
- Phase I
 - Acquisition and Initial Development
- Acquisition
 - 31 properties total [21 in the City Center]
 - Over 875,000 square feet of space
 - Over \$60 million in real estate owned
- "Greening" Phase I
- Phase II: City Center Revitalization
 - Impact Area
 - Focus
 - Active Streetscapes
 - Walkable, 24-hour downtown

- Disbursed Urban Residential
- Revitalized Parrish Street
- Class A office in the City Center
- Diverse Community
- Sustainable Design
- Proposed Development (Chart)
 - Greenfire's total estimated Phase II investment: \$284 million
- Estimated New Jobs Created by Phase II

Carl Webb, Partner, Greenfire Development, continued the presentation by discussing the following:

What Makes Parrish Street Special?

The Story of Black Wall Street

- Mechanics & Farmers Bank
- NC Mutual Life Insurance Company
- Mutual Community Savings Bank

The Capital of the Black Middle Class

- Double-loaded retail corridor with office above
- Museum without walls
- Ties to Cultural Heritage Plan
- Potential for public art

Rogers Alley

- Ground floor retail and restaurants
- Outdoor courtyard
- Historically renovated office
- Four apartments for rent
- Currently pre-leasing

Boutique Hotel & Spa

- \$43 Million historic renovation
- Retail includes bank and restaurant
- Increased hotels rooms to serve Convention Center

Parrish Street Office Tower

- New signature building in Durham's skyline
- 200,000 square feet Class A office and retail space
- Museum celebrating Durham and Black Wall Street

Orange and East Parrish Street Mixed Use

- Ground floor retail, residential above, wrapping a parking deck
- Replacement of all public parking (completely controlled by City)
- Activates Orange Street as a pedestrian corridor

- Draws activity towards East end of Parrish Street
- City has flexibility to add public parking 12 months prior to construction at E. Parrish

Ramseur Residential

- Ground floor retail
- Residential tower with green roof and/or courtyard
- City has flexibility to replace public parking 12 months prior to construction
- Draws activity from American Tobacco and the DPAC into City Center

Existing Low Rise Buildings

- Existing properties to be historically renovated
 - One on Parrish Street
 - Two on Main Street
 - One on Church Street
- Ground floor retail and restaurants with office above

Commissioner Heron inquired about downtown housing being geared towards the younger population. She inquired about the plans to encourage the older population to visit downtown to utilize the restaurants.

Vice-Chairman Page commended Mr. Lemanski and Mr. Webb on the development plan. He expected that more focus is placed on African-American pioneers and the Civil-Rights Movement.

Mr. Lemanski announced that the project will be completed in seven years.

Directives

1. Consider ways to provide housing to the diverse population; consider affordability that may attract the elderly and empty nesters.
2. Focus on African-American pioneers and the Civil-Rights Movement.
3. Promote marketing relating to express buses to RTP, Raleigh, and Chapel Hill.

Fiscal Year 2008-09 Tax Base

Kimberly Simpson, Tax Administrator, introduced this item. She stated that the Board requested to receive a presentation from the Tax Administrator and the Tax Valuation Work Group concerning projections on the 2008-09 tax base for the upcoming fiscal year.

Ms. Simpson presented the following:

Members of the Tax Base Estimation Workgroup

- Kimberly H. Simpson, Tax Administrator
- George K. Quick, Finance Officer
- Pamela Meyer, Director of Budget & Management Services
- Jay V. Miller, ASA, Deputy Assessor

What is Tax Base?

- All Taxable Real & Personal Property
- All Taxable Registered Motor Vehicles
- Public Services Companies

Ways of Developing the Estimate

- Growth Estimation
- Historical Estimation
- Reliance on both the Growth & Historical
- Average Natural Growth since 2001 Revaluation for Real Property 3.0041%
- 2008 Real Property Value after 2008 (revaluation) schedule of values applied \$23,629,002,277
 - Percentage of change in real property 30.72%

2007-2008 Budgeted Tax Base		2008-2009 Estimated Tax Base	
Class	Estimate	Class	Estimate
Real Property	\$17,969,063,243	Real Property	\$23,629,002,277
Personal Property	\$2,575,083,917	Personal Property	\$2,575,083,917
Public Service	\$517,286,418	Public Service	\$517,286,418
Registered Motor Vehicles	\$1,736,234,819	Registered Motor Vehicles	\$1,736,234,819
Total Tax Base	\$22,797,668,397	Total Tax Base	\$28,457,607,431

In response to Commissioner Cheek question, Ms. Simpson explained the growth in personal property relating to the registered motor vehicles in 2007. She informed the Board that an adjustment is made in the fourth or seventh year relating to public service.

Ms Simpson responded to Chairman Reckhow’s question regarding personal property in terms of what would be expected as an investment. She stated that the State has developed a schedule for Merck’s Manufacturing Facility; however, there was no schedule for the personal property that dealt with high-tech equipment used in the facility. Until Merck’s listing forms are reviewed, there is no way to determine how much personal property will be given to the County.

Pam Meyer, Budget Director, continued the presentation discussing the following:

- Final Approved FY2008
- FY09 Revenue Neutral Calculation
- FY2009 Revised Estimates
- Variance FY08 to FY09

Ms. Simpson responded to several questions asked by the Board regarding the 2008-09 tax base.

Directive

Replace Average Natural Growth with Annual Natural Growth for better clarification.

Briefing on Proposal for Durham County to Host Urban Libraries Council Partners for Success Conference

Hampton “Skip” Auld, Library Director, introduced this item informing the Board that on Tuesday, May 13, Urban Libraries Council staff will make a site visit to Durham to meet with a local planning team for the December 2009 conference “Partners for Success: Regional Solutions for Local Vitality.” Durham County Library is the lead partner with Wake County Libraries in its proposal to host this conference at the Washington Duke Inn & Golf Club for 250 people including the key elected officials, library trustees, and library directors.

Mr. Auld briefed the Board about the purpose of the Urban Libraries Council. He stated that ULC strengthens the public library as an urban asset.

Mr. Auld stated that Durham County Library has not yet been selected but is considered to be a strong finalist.

No directives were given.

Closed Session

Commissioner Cheek moved, seconded by Vice-Chairman Page, to adjourn to closed session to consult with an attorney regarding claims and to preserve the attorney client privilege pursuant to N.C. Gen. Stat. § 143-318.11(a) (3) and to adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the material terms for the acquisition of real properties pursuant to G.S. § 143-318.11(a) (5).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page and Reckhow
Noes: None
Absent: Cousin

Reconvene to Open Session

Chairman Reckhow announced that the Board met in closed session; direction was given to staff; no action was taken.

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 11:15 a.m.

Respectfully submitted,

Angela McIver
Staff Specialist
Clerk to the Board's office