

August 3, 1998

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

Monday, August 3, 1998

9:00 A.M. Worksession

MINUTES

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

Present: Chairman MaryAnn E. Black and Commissioners William V. Bell, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Citizen Comment—George Roberson

Mr. George Roberson, 1110 Raynor Street, requested time on the agenda to address the high dropout rate in Durham Public Schools and the issue of racism in our local and state governments.

Mr. Roberson did not attend the worksession to make his comments.

Agenda Adjustments

Chairman Black commented that County Manager David F. Thompson requested time to discuss the City-County Tax Collection Agreement. The discussion would be the final item on the agenda.

Chairman Black stated the Commissioners must schedule a time to interview Alcoholic Beverage Control Board applicants.

Presentation of Durham County Community Child Protection & Child Fatality Prevention Team's Annual Report to the County Commissioners

The Durham County CCPT/CFPT requested that the Board of County Commissioners receive its annual report including recommendations.

Topics presented: 1) description of the statutory, public policy role of the team and identification of its current membership; 2) the race, gender, number, parental ages, and fatality classifications of the fatalities reviewed; 3) findings and recommendations by the CCPT/CFPT regarding the need to increase the number of social workers serving within Durham County schools; 4) raising awareness of the Board of County Commissioners regarding the dangers of having unsecured firearms in the home accessible to children; 5) an overview of additional recommendations which have been reported to the North Carolina Child Fatality Prevention Task Force and the North Carolina Department of Health and Human Services, Division of Women's and Children's Health, as outcome of its reviews of Durham child fatalities; and 6) an update on the team's current fire safety initiative (the team's purchase of 200+ smoke detectors for distribution through the Durham Fire Department to needy city/county families).

Ms. Beverly Stubbee, Chairman, Durham County Community Child Protection & Child Fatality Prevention Team, presented remarks about the team's work during the past year.

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She also discussed the purpose, activities, and recommendations for the safety and protection of all children.

Arnold Dennis, Assistant Director for Economic Services, Social Services Department, spoke about the current status of social work in the schools.

The team, in the interests of protecting and enriching the lives of Durham's children, recommended that the Durham County Commissioners:

1. Support funding of a full-time trained social worker in every public school in Durham County; and
2. Support and initiate actions to prevent the deaths of children by guns.

The Commissioners were given the opportunity to ask questions and make comments.

Commissioner Heron requested the annual report be sent to the Governor's Crime Commission so it could consider the recommendations.

Chairman Black stated the recommendations would be sent to the Crime Reduction Task Force and the City-County Violence Prevention Committee.

Chairman Black asked the cost of placing a social worker in each school.

Commissioner Bell requested statistics on the impact of school social workers.

Arnold Dennis responded to Commissioner questions.

Angelique Witherspoon, Coordinator for Dropout Prevention and Social Work, Durham Public Schools, and Daniel C. Hudgins, Director of Social Services, also answered questions.

Vice-Chairman Reckhow said a plan should be developed to examine all issues related to school social workers.

Chairman Black requested that a copy of Ms. Stubbee's report be sent to Anita Daniels, Youth Services Coordinator in Durham County.

No official action was taken on this agenda item.

Falls Lake Normal Pool Survey on Ellerbee Creek

Watershed protection zoning restrictions are applied to land in the City and County based on the location of the normal pool. The Gorman Community Association has pointed out and the US Army Corps of Engineers has confirmed that a different methodology was used to establish the normal pool location on Ellerbee Creek than was used on other Falls Lake tributaries. A more accurate location of the normal pool could result in future actions by the Board to adjust the Watershed Protection Critical and Protected Areas. If the survey suggests a larger lake and therefore larger watershed protection areas, and the Board later chooses to apply those, then water quality protection could be enhanced. If the survey suggests a smaller lake and therefore smaller water quality protection areas, and the Board later chooses to apply those, then the reduced restrictions would allow somewhat greater development potential in the Gorman area while still exceeding State standards and objectives for watershed protection.

David Thompson, Keith Luck, and Paul Norby had met with the Gorman Community Association and the Corps on this issue and were available at the meeting to answer questions.

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County Manager's Recommendation: The recommendation is for the County Commissioners to instruct Planning staff to enter into an agreement with the Army Corps of Engineers to retain a surveyor to determine the normal pool location on Ellerbee Creek. The County should fund this in partnership with the Gorman Community Association. The funding agreement would be 50/50 based on the final costs of the survey. This is logical since the utilization of the survey serves a public purpose. The Gorman Community Association should not pay the full cost since there is a public purpose, and the survey should be done under the direction of Planning staff since it may form the basis for other deliberations by the County Commissioners. A \$2,500 appropriation was requested from the County's contingency which now stands at \$500,000.

Keith Luck, City-County Planning Department, presented the staff report which included background information.

County Manager Thompson made remarks about the proposal.

The Commissioners asked questions and made comments to which Mr. Luck and Mr. Thompson responded.

Vice-Chairman Reckhow asked if the survey would be consistent with the methodology used to examine the other tributaries. She was concerned about consistency.

Mr. Luck responded that the methodology will be absolutely consistent.

Vice-Chairman Reckhow stated she was disappointed that the Commissioners were not aware that a different methodology was used on the sub-basin of Falls Lake. She would support the survey so the studies will be uniform.

Commissioner Heron said the Board did extensive studies on Falls Lake, Little River, and Lake Mickie. Camp Dresser and McKee performed a \$250,000 study. The state funded a \$150,000 study. When the question of the landfill arose, it was discovered that seven miles of the lake was cut off.

Commissioner Heron called attention to the fact that the County paid \$30,000 for a study by KCI Associates of North Carolina under the direction of the Corps of Army Engineers. The study revealed that Redmill Road, Ellerbee Creek, and Eno River tributaries were part of the lake. Commissioner Heron read a portion of the report that explained the findings of the study.

Vice-Chairman Reckhow said questions were raised about the KCI survey when the project was completed. Corps maps were used instead of KCI maps.

Commissioner Heron suggested that the Board refer the available survey maps to the Environmental Affairs Board for evaluation. Then the Environmental Affairs Board could advise the Commissioners whether to use the current survey or take another survey. If another survey is warranted, she would consider it.

Commissioner Bowser concurred with Commissioner Heron's suggestion.

Chairman Black said the same methodology must be used to establish the normal pool location on Ellerbee Creek. The County should pay for the study.

Commissioner Bell concurred with Chairman Black and also shared the concerns expressed by Commissioner Heron. Why can't we get the survey done at the County's expense and let the Environmental Affairs Board review all the survey maps? The surveys should be consistent. We need an accurate study.

Vice-Chairman Reckhow supported Commissioner Bell's recommendation.

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Paul Norby, Planning Director, answered questions for the Commissioners.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to proceed as directed by staff; the County should fund the total project cost.

Commissioner Heron said if the Commissioners are going to survey Ellerbee Creek, we must examine the other tributaries to make sure all the findings are consistent. A Corps of Engineers representative should attend the Board's next meeting to inform us of the errors.

Commissioner Bowser said he would support the motion.

Commissioner Heron requested to add the following amendment to Vice-Chairman Reckhow's motion--that the U.S. Army Corps of Engineers send Mr. Linwood Rogers, Hydraulic Engineer with the Corps, to the Monday, August 10, 1998 Board meeting to answer questions before official action is taken.

Chairman Black said the amended motion has been seconded.

Chairman Black called for the question on the amended motion.

After some discussion, Commissioner Heron withdrew her amendment to the motion.

Chairman Black called for the vote on the original motion.

The original motion carried unanimously.

Commissioner Heron asked the County Manager to request that Mr. Rogers come to the Board's September Worksession to tell the Commissioners what must be done and if there are problems with other tributaries to the lake. If there are no additional problems, we will proceed with a survey of Ellerbee Creek. If there are other problems, we must consider them.

Vice-Chairman Reckhow said if the Corps cannot certify with this survey that every part of the lake would be treated the same, then they should not proceed. Mr. Rogers should come to the September Worksession and tell the Commissioners what the problems are.

Ms. Jackie Brown asked if this survey would be a final decision on Ellerbee Creek.

Vice-Chairman Reckhow and Commissioner Bowser said they would support the final decision based on the survey.

Southeast Durham Plan

Southeast Durham is one of fifteen small areas that comprise Durham County. The planning area is approximately 29 square miles and is located between NC 147, NC 98, the Durham-Wake County line, and T. W. Alexander Parkway. Southeast Durham is a mix of rural, suburban, and urban neighborhoods, with a growing industrial base on the edge of the Research Triangle Park.

The Southeast Durham Plan is a detailed guide for future land use and development in the area based on the adopted *Durham 2020 Comprehensive Plan*. Outside of the Urban Growth Area, the plan recommends rural land uses. Inside the Urban Growth Area, the plan calls for new suburban housing areas, new commercial centers along major roads, and new employment centers near the Research Triangle Park. Future public sewer services in

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the Lick Creek basin will likely stimulate demand for new housing and commercial development. The Southeast Durham Plan seeks to accommodate new development while protecting the integrity of existing neighborhoods.

Mr. Keith Luck was the principal planner for the small area plan and presented this item to the Board.

County Manager's Recommendation: Receive a presentation on the Southeast Durham Plan and schedule a public presentation on the plan for the Board's August 24, 1998 meeting.

Mr. Luck's overview included an orientation to the area, citizen participation in plan development, plan highlights, Planning Commission action regarding the plan, and Planning Department recommendations.

The Commissioners asked questions and made comments about the plan to which Mr. Luck responded.

Planning Director Paul Norby also assisted with the questions and comments.

The public hearing on the Southeast Durham Plan was scheduled for the Board's regular meeting on August 24, 1998.

No official action was taken on this agenda item.

Public Access to County Government Information Development Plan

One of the adopted goals of the County Commissioners is to develop an information technology system for citizen access. As the Board will recall, a committee was formed within County government to develop a strategic plan to carry out this goal. The project team was cochaired by Public Information Officer Deborah Craig-Ray and Library Director Dale Gaddis. The project team was composed of IS Director Perry Dixon, County Attorney Chuck Kitchen, Register of Deeds Willie Covington, GIS Director Michiyo Wagner, and Tax Administrator Charles Clark. The committee was charged to:

- define a vision for public access to County information;
- identify and prioritize information to be prepared for on-line access;
- determine type/extent of access to be prepared; and
- establish a phased plan for completing the project.

This committee did an excellent job in bringing forth a strategic plan to implement the Board of Commissioners' adopted goal.

County Manager's Recommendation: Receive the report from the committee and comment on any appropriate revisions. This should be brought forward to the Board's next consent agenda for approval so the outlined time frames can be met. It is appropriate for the Board to commend this committee on its diligent work on this issue.

Ms. Gaddis made the presentation for the County Commissioners. She provided an overview on the process and the committee recommendations.

Ms. Craig-Ray spoke in detail about plans for web site development.

The Commissioners asked questions and made comments about the report to which Ms. Craig-Ray and Ms. Gaddis responded.

This agenda item was placed on the consent agenda for the August 10, 1998 Regular Session.

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Interlocal Agreement for the Countywide Geographic Information Systems Administration and City-County Tax Collection Agreement

The GIS project was planned, organized, and implemented through the combined efforts of Durham City and County. The four-year project was funded equally by both organizations. The goal of the GIS project was to build accurate digital maps and geographic databases, develop an integrated GIS system that enables both organizations to access and share countywide geographic information, and provide spatial analysis and modeling capability for better decision making.

The countywide GIS system is now operational, and the GIS data will be accessible from GIS workstations in 14 City and County departments.

The GIS project and the system have been managed by the City's GIS Department which has included two County Information Service employees. The current arrangement was made by both City and County Managers in December 1995. This arrangement only addresses the staffing issue and was intended only for the initial project implementation phase. The long-term organizational structure to support the core operations necessary to maintain the countywide Geographic Information System was to be addressed at a later time.

An interlocal agreement will establish a service agreement to serve as the basis for managing the countywide Geographic Information Systems.

Resource Person: Michiyo Wagner

County Manager's Recommendation: County Attorney Chuck Kitchen, City Manager Ewell, and City Attorney Blinder will be meeting on Wednesday, July 29, 1998 to make final revisions.

Durham County has provided Tax Collection services for the City since FY 1988-89. The agreement expired June 30, 1996. During the spring of 1997, City and County officials began negotiation of a new contract that simplifies the relationship between the City and County in this area and reflects a better level of compensation for the improved services that the County currently provides.

Under the proposed agreement, the County would retain 1 percent of the current and delinquent property and motor vehicle taxes collected on the City's behalf. In our current budget, this amount is estimated to be \$542,746. There is also a provision under which the County retains an additional 1/6 of collections made above 97 percent of the City property tax levy. During the FY 1996-97 Budget, this would have resulted in an additional payment to the County of \$90,000. Under this agreement, we would have to make a similar commitment after these thresholds have been met for County collections. This portion of the agreement will encourage us to continue to make appropriate investments in equipment and new technology to improve collections for both the City and County.

During FY 1997, the County received \$476,746 under the old contract. In comparison, we have budgeted \$542,746 for the upcoming Fiscal Year, and if we had budgeted conservatively for the incentive funds that would have been collected in FY 1996-97, we would budget another \$90,000. Thus, the difference in the contractual payments would have been \$156,000.

The renegotiating of this agreement has been a team effort by the City and County Managers, Attorneys, Finance Directors, and the Tax Collector. We all concur that this is a fair agreement between the City and County that serves both entities effectively for tax collections.

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County Manager's Recommendation: Recommendation is for the Commission to review this document with staff and to calendar for the first consent agenda in August.

County Manager Thompson reviewed both agreements simultaneously since they were similar contracts. He wished to place both items on the August 10, 1998 Regular Session consent agenda.

The Commissioners asked several questions about the agreements to which County Manager Thompson responded.

Commissioner Heron reminded the County Manager that all interlocal agreements with the City must be reviewed.

Vice-Chairman Reckhow said the GIS Interlocal Agreement should include an annual work plan review to occur with the annual budget review.

Chairman Black said the two interlocal agreements would be moved forward to the August 10, 1998 Regular Session consent agenda.

No official action was taken on these two agenda items.

Alcoholic Beverage Control Board Applicant Interviews

The Commissioners agreed to schedule the interviews for the Wednesday, September 9, 1998 Worksession beginning at 1:30 p.m.

Change of September Worksession

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to hold the September Worksession on Wednesday, September 9, 1998 at 1:30 p.m.

The motion carried unanimously.

The Commissioners asked that lunch be served at 12:30 p.m. prior to the Worksession.

Year 2000 Computer Update

Commissioner Heron requested an update at the September Worksession on the Year 2000 computer problem.

Adjournment

Chairman Black adjourned the worksession at 12:00 noon.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS