

February 7, 2000

**JOINT MEETING OF DURHAM CITY COUNCIL
AND
THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, February 7, 2000

5:30 P.M.

MINUTES

(These minutes reflect the comments and official actions of the County Commissioners.)

Place: City Council Chambers, second floor, City Hall, 101 City Hall Plaza, Durham, NC

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

Absent: None

Staff Present: County Manager David F. Thompson, Deputy County Manager Carolyn Titus, Deputy County Manager Wendell Davis, County Attorney Chuck Kitchen, County Policy Analyst Marcia Margotta, County Clerk Garry E. Umstead, and Public Information Officer Deborah Craig-Ray

Opening of Joint Session

Mayor Tennyson called the joint session to order.

Chairman Black reviewed the agenda. She said that the purpose of this meeting is to consider the process of selecting charter commission members and to discuss a plan of actions. The second item on the agenda is the composition of the charter commission. The City Council members have received literature from the Commissioners suggesting that the charter commission comprise 40 members.

Chairman Black requested a discussion relative to the number of people to be appointed to the charter commission.

Commissioner Bell said he could support a 40-member charter commission.

Composition of Charter Commission (Number of Appointments)

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to support 40 appointments to the charter commission.

Commissioner Heron supported 40 members. All appointees should realize they are making a serious time commitment.

Commissioner Bowser supported 20 to 25 members.

The motion carried with the following vote:

Ayes: Black, Reckhow, Bell, and Heron

Noes: Bowser

Absent: None

Chairman Black said the next item to be considered is how charter commission members will be selected.

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Chairman Black explained how the draft application was prepared. She also commented about equal representation, the 1990 Census Data, and the 1998 Population and Demographic Estimates for Durham.

Chairman Black commented about the 80-percent attendance requirement.

Commissioner Heron expressed concern about the public speaking at this session since this is a joint meeting for City Council and County Commissioners. This meeting is not a public hearing. She also said the elected officials should continue to consider the 80-percent attendance requirement in order for charter commission members to vote on the final merger documents.

Commissioner Heron commented that the original list did not show representation from "outside city." It is very important that we look at the demographics so this charter commission represents the entire community.

Commissioner Bowser stated he concurred with Commissioner Heron regarding 80-percent attendance. He supports the open process that will allow everyone in Durham County to submit an application. Commissioner Bowser did not support the original list of organizations. If the process is opened up, he will support the organizational list along with all the other applications. The member selection process should be carried out by a representative group of City Council and County Commissioners. In Commissioner Bowser's opinion, three members each from the City Council and the County Commissioners should select the charter members. The application form changes recommended by the City Council are good and I will support the recommendations. I hope we can move forward with what is on the table now.

Vice-Chairman Reckhow suggested that a cover letter (with instructions) be sent with the application. The instruction sheet would include items that have been mentioned such as the major time commitment, 80-percent attendance requirement, being a registered voter, and paid property tax. Vice-Chairman Reckhow said a system could be set up so the six members on the selection committee could garner the opinion of all 18 governing board members. The structure could include making copies of the applications and a cover sheet that would summarize if the applicant is current with property taxes, a registered voter, address (inside or outside city), and ethnicity.

Commissioner Bell supported the committee approach that was outlined. Vice-Chairman Reckhow's comments should be taken under advisement by the selection subcommittee.

Chairman Black suggested that the agenda items be discussed, and then if anyone wishes to speak, let him/her have 2 or 3 minutes to speak at the end of the meeting.

Chairman Black commented that she does not have a problem with having 5 City Council members on the selection subcommittee.

Commissioner Bell said he can support 5 City Council members sitting on the selection subcommittee.

Selection of Appointees

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to select a charter commission with the membership consistent with the demographics outlined in the 1998 Population & Demographic Estimates for Durham, NC; appoint a subcommittee of three from the County Commissioners and five from the City Council to put forward a 40-member charter commission, with all applications being reviewed by the City Council and County Commissioners for input to the subcommittee, along with a summary sheet; and include a cover letter with the application noting that this is a major time commitment

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(80-percent attendance will be required, interested applicants must be registered voters, and property taxes current).

The motion carried with the following vote:

Ayes: Bell, Black, Bowser, Heron, and Reckhow
Noes: None
Absent: None

Chairman Black called on Commissioner Bell to make remarks about utilization of alternates.

Commissioner Bell commented he wanted to find a way to get the alternate process to work as he outlined earlier. For each appointment, there will be an alternate. The alternate can serve when the primary appointee is not available. It does not preclude the alternates from attending the meetings. The meetings are public and anyone can attend them. It allows for continuity, allows for persons that can better utilize the attendance that is set at 80 percent, provides more diversity, and spreads the opportunity for people to serve on the charter commission. My recommendation is that we have alternate seats on all positions. The City Council and Commissioners would appoint the primary and alternate positions.

The Commissioners asked Commissioner Bell questions and made comments to which he responded.

Commissioner Heron stated she does not favor 40 alternates.

Vice-Chairman Reckhow was not eager to appoint alternates.

Utilization of Alternates

Commissioner Bell moved, seconded by Commissioner Bowser, to name 40 alternates to the charter commission.

The motion carried with the following vote:

Ayes: Bell, Black, and Bowser
Noes: Heron and Reckhow
Absent: None

The Commissioners took official action to excuse Commissioner Bell from the joint meeting at 6:55 p.m.

The motion carried unanimously.

Chairman Black said the Commissioners need to discuss the number of alternates to appoint since the City Council did not support 40 alternates.

Commissioner Bowser said he is going to support the original proposal of 40 alternate members to the charter commission approved by the Board of County Commissioners .

Chairman Black moved, seconded by Vice-Chairman Reckhow, to reconsider the vote on adding 40 alternates to the charter commission.

The motion carried with the following vote:

Ayes: Black, Heron, and Reckhow
Noes: Bowser
Absent: Bell (excused)

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Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to allow for 5 alternates who would be designated 1-5 to replace any members who don't meet their attendance requirement or drop out of the commission.

The motion carried with the following vote:

Ayes: Black, Heron, and Reckhow
Noes: Bowser
Absent: Bell (excused)

Chairman Black said we need to deal with the draft resolution dates and timeline to begin advertising.

Chairman Black asked for the following vote:

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to begin advertising immediately with a February 22 deadline for receiving applications, and set a special meeting of the City Council and County Commissioners during the week of February 28, 2000 to discuss the draft resolution for establishing a charter commission and future plan of action.

There was extensive discussion about the timeline.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell (excused)

An information sheet would be included with the application.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the draft application with revisions as outlined below.

Note on the application that this will require a great deal of time and one would need to attend 80 percent of the scheduled meetings.

State reasons why one would want to serve on the charter commission and expertise and educational background.

Add deadline for submitting application under heading.

Add more space in section regarding the reason one would want to serve on the charter commission.

Add the following: Is your residence (Within Durham County) Outside the City Limits

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

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Public Comments

Ms. Lavonia Allison, 1315 McLaurin Avenue, spoke about the fact that she was not permitted to speak before decisions and actions were made by the Commissioners and Council. This is a serious problem. The governing bodies are rushing to move forward.

Mr. David A. Smith, 3600 University Drive, told the Commission and Council members they did an excellent job at this joint meeting. You have developed a good plan. He thanked them for their efforts.

Adjournment

Chairman Black adjourned the meeting at approximately 7:40 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board