

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

Monday, July 10, 2000

5:00 P.M. Closed Session

MINUTES

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

Presider: Chairman Black

Closed Session—Personnel Matters

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to go into Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

5:00 p.m. to 5:30 p.m. Register of Deeds Willie Covington
5:30 p.m. to 6:00 p.m. Tax Administrator Steve Crysel
6:00 p.m. to 6:30 p.m. Sheriff Worth Hill
9:30 p.m. County Attorney Chuck Kitchen

The motion carried unanimously.

7:00 P.M. Regular Session

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Black added consent agenda item No. 5(f), "Contract Renewal for the Animal Protection Society (APS) of Durham."

She also added agenda item No. 12½, “Budget for TDM Planner through Triangle Transit Authority.”

Chairman Black removed consent agenda item No. 5(d), “Lease Agreement for 508 Gordon Street.”

Minutes

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the May 22, 2000 Worksession Minutes as corrected and the May 24, 2000 Budget Worksession Minutes as submitted.

The motion carried unanimously.

Recognition of Lt. Col. George R. Naylor Sr., Director of Detention Services

The Board of County Commissioners recognized and congratulated Lt. Col. George R. Naylor Sr. who received the national designation of Certified Jail Manager through the Jail Manager Certification Commission by authority of the American Jail Association. Lt. Col. Naylor is one of 202 jail professionals nationwide who have achieved this recognition and one of only three within the state of North Carolina.

County Manager's Recommendation: Congratulate Lt. Col. Naylor on receiving this national honor and present him with his certificate.

Chairman Black called on Sheriff Worth Hill to introduce Lt. Col. Naylor to the County Commissioners.

Lt. Col. Naylor made remarks of acceptance and appreciation for the certificate and recognition.

Chairman Black read the certificate and presented it to Lt. Col. Naylor.

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- (a) Four Ambulance Remounts—Emergency Medical Services (authorize the County Manager to enter into a contract with TransMed Inc. for \$174,000 for the

purchase of four ambulance remounts [including chassis trade-in] under the piggyback provisions of North Carolina General Statute 143-129);

- (b) Purchase of Manual External Defibrillators for Emergency Medical Services (authorize the County Manager to enter into a contract with Zoll Medical Corporation in the amount of \$72,360 for the purchase of four manual external defibrillators under the piggyback provisions of North Carolina General Statute 143-129);
- *(c) Medical Supplies—Public Health Department and Detention Center (authorize the County Manager to enter a contract with Bergen Brunswick Medical not to exceed \$115,589.10 to provide medical supplies to the Public Health Department and Detention Center);
- *(e) Authorizing Establishment of an Ordinance Levying Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Motor Vehicles (approve the second reading and authorize the establishment of the Ordinance Levying Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Motor Vehicles); and
- (f) Contract Renewal for the Animal Protection Society (APS) of Durham (approve contract).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(c). Medical Supplies—Public Health Department and Detention Center (authorize the County Manager to enter a contract with Bergen Brunswick Medical not to exceed \$115,589.10 to provide medical supplies to the Public Health Department and Detention Center).

The bid follows:

<u>BIDDER</u>	ADDENDUM #1	5% BID DEPOSIT	M/WBE FORM	TOTAL BID AMOUNT
AMERICAN HEALTHCARE SUPPLY	✓	✓	✓	\$63,918.47 Reflects bid on 24% of total bid items
BERGEN BRUNSWIG MEDICAL	✓	✓	✓	\$115,589.10
NEIL MEDICAL CORPORATION	✓			\$124,448.90

Consent Agenda 5(e). Authorizing Establishment of an Ordinance Levying Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Motor Vehicles (approve the second reading and authorize the establishment of the Ordinance Levying Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Motor Vehicles).

DURHAM COUNTY BOARD OF COMMISSIONERS
RESOLUTION ADOPTING AN ORDINANCE LEVYING A TAX ON GROSS
RECEIPTS DERIVED FROM RETAIL SHORT-TERM LEASE OR RENTAL OF
MOTOR VEHICLES

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1076, signed into law as Session Law 2000-2 (S.L. 2000-2) and effective for taxable years beginning on or after July 1, 2000; and

WHEREAS, this act repealed the property tax on certain vehicles leased or rented under retail short-term leases or rentals and authorized counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals affecting certain vehicles; now, therefore, be it

RESOLVED by the Durham Board of Commissioners that the following Ordinance is enacted:

ORDINANCE LEVYING A TAX ON GROSS RECEIPTS DERIVED FROM RETAIL
SHORT-TERM LEASE OR RENTAL OF MOTOR VEHICLES

SECTION 1. Definitions. The following definitions shall apply to this Ordinance:

“Customer” shall mean any person that leases or rents a vehicle on a short-term lease or rental basis.

“General Statutes” shall refer to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.

“Gross receipts” shall mean the total lease or rental price charged to a customer for the short-term lease or rental at retail of vehicles, excluding sales taxes and excluding the taxes imposed by this Ordinance.

“Lease or rental” shall mean a transfer, for consideration, of the use but not the ownership of a vehicle to another for a period of time.

“Person” shall mean any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.

“Retail” shall mean the lease or rental of vehicles for any use or purpose other than for re-leasing or subleasing by the customer.

“Short-term lease or rental” shall mean any vehicle lease or rental, whether written or verbal, which is made to the same person for a period of less than 365 continuous days.

“Tax Administrator” shall mean the Durham County Tax Administrator.

“Taxpayer” shall mean any person liable to Durham County for the collection, reporting and payment of the taxes imposed by this Ordinance.

“Vehicle” shall mean any of the following:

- a. A motor vehicle of the private passenger type, including a passenger van, mini-van, or sport utility vehicle;
- b. A motor vehicle of the cargo type, including cargo van, pickup truck, or truck with a gross vehicle weight of 26,000 pounds or less used predominately in the transportation of property for other than commercial freight and that does not require the operator to possess a commercial drivers license; and
- c. A trailer or semi trailer with a gross vehicle weight of 6,000 pounds or less.

SECTION 2. Levy of Tax. A tax is hereby imposed and levied in an amount equal to one and one-half percent (1.5%) of the gross receipts as defined in Section 1.

SECTION 3. Administration. The Tax Administrator shall administer and collect the taxes levied herein from every person engaged in the business of short term leasing or rental of vehicles, and the Tax Administrator may promulgate additional rules and regulations necessary for implementation of the taxes. In addition to the provisions herein, the levy and collection of the taxes herein imposed shall be administered in the same manner as the sales and use tax as provided in Articles 5 and 9, Subchapter 1 of Chapter 105 of the General Statutes.

SECTION 4. Collection. Every person engaged in the business of the short-term lease or rental of vehicles at retail to customers shall collect at the time of the lease or rental the tax herein levied, place the tax so collected in a segregated account, and thereafter remit such tax to the Tax Administrator in accordance with the provisions of this Ordinance. The taxpayer shall include a provision in each retail short-term lease or rental agreement stating that one and one-half percent (1.5%) of the total lease or

rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental amount and shall be shown separately on the taxpayer's records. The customer shall pay the tax to the taxpayer as trustee for and on account of Durham County. The taxpayer shall be liable for the collection thereof and for its payment to the Tax Administrator, and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability. The taxes collected under this Ordinance are not subject to sales tax. The taxes collected under this Ordinance belong to Durham County and are not subject to creditor liens against the taxpayer.

SECTION 5. Report and Payment of Tax. The taxes levied hereby are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the Tax Administrator on the form prescribed by the Tax Administrator. The taxpayer or the taxpayer's agent must sign the return. Returns of taxpayers are due to the Tax Administrator each month on or before the fifteenth (15th) day of the month following the month in which the tax accrues. A return filed for this purpose is not a public record as defined by Section 132-1 of the General Statutes and information contained in a return may not be disclosed except as required by law.

The return may be filed by personal delivery to the Tax Administrator or by United States mail. Returns submitted by mail shall be deemed to be filed as of the date shown on the postmark affixed by the United States Postal Service. If no date is shown on the postmark, or if the postmark is not affixed by the United States Postal Service, the return shall be deemed to be filed when received in the office of the Tax Administrator. The burden of proof shall be on the taxpayer to show that the return was timely filed.

SECTION 6. Taxpayer to Keep Records. The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provisions of this Ordinance. It shall be the duty of the taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books, and accounts herein described shall be for examination at all reasonable hours during the day by the Tax Administrator or his duly authorized agent.

SECTION 7. Tax Administrator to Provide Forms. The Tax Administrator shall design, prepare, print and make available to all taxpayers operating within Durham County forms and instructions for filing returns to insure a full collection of and an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided.

SECTION 8. Situs. The transaction giving rise to the tax herein levied shall be deemed to have occurred at the location of the person from whom the customer takes delivery of the vehicle.

SECTION 9. Assessment Procedure. If the Tax Administrator discovers that any return or tax is due from a taxpayer, the taxpayer shall be notified in writing of the failure to file and of the proposed assessment, if known by the Tax Administrator. The assessment may be made on the best information of the Tax Administrator. A proposed assessment is presumed to be correct. The notice shall be delivered either in person or by United States mail sent to the taxpayer's last known address. The notice is presumed to have been received by the taxpayer unless the taxpayer makes an affidavit to the contrary within 90 days after the notice was mailed. If the taxpayer makes this affidavit, the time limitations for a request for hearing as hereafter provided apply as if the notice had been delivered on the date the taxpayer makes the affidavit.

A taxpayer who objects to the proposed assessment or to the requirement to file a return is entitled to a hearing upon written request within 30 days after the date the notice was mailed, or within 30 days after the date of personal delivery. If no request for a hearing is timely made, the proposed assessment becomes final without further notice.

If a taxpayer files a timely request for hearing, the Tax Administrator shall set a hearing date within 90 days, and notify the taxpayer at least 10 days prior to the hearing date. Within 90 days after the hearing, the Tax Administrator shall notify the taxpayer of the final decision. The taxpayer may then appeal the decision as set forth in Section 11 of this Ordinance. The Tax Administrator shall have no authority to waive or compromise any interest or penalty imposed by this Ordinance.

SECTION 10. Penalties, Interest and Remedies. The provisions with respect to penalties, interest and remedies applicable to Subchapter VIII (Local Government Sales and Use Tax) of Chapter 105 of the General Statutes, as contained in Article 5 and Article 9, Subchapter 1, Chapter 105 thereof, and the provisions applicable to remedies provided by the Machinery Act (Chapter 105, Subchapter II of the General Statutes), shall be applicable in like manner to the tax levied and collected under this Ordinance, to the extent that the same are not inconsistent with the provisions hereof.

Without limiting the foregoing, and subject to any changes in the General Statutes with respect to penalties, interest and remedies, the following shall be applicable with respect to the levy and collection of the taxes imposed herein:

- a. Any taxpayer who fails to file a return on the date it is due, determined with regard to any extension of time for filing, shall pay a penalty equal to five percent (5%) of the amount of the tax if the failure to file is for not more than one month, with an additional five percent (5%) for each additional month, or fraction thereof, during which the failure continues, not exceeding twenty-five percent (25%) in the aggregate, or \$5.00, whichever is greater.

- b. Any taxpayer who fails to pay the tax levied herein when due, without intent to evade the tax, shall pay a penalty equal to ten percent (10%) of the tax, except that the penalty shall in no event be less than \$5.00.
- c. Taxes shall be payable at par or face amount if paid on or before the filing date as set forth in Section 5. Taxes paid after the filing date will be delinquent and shall be subject to interest charges. Interest shall accrue at the rate of three-fourths of one per cent ($3/4\%$) a month or fraction thereof until the principal amount of the taxes, the accrued interest, and any penalties are paid.
- d. When the bank upon which any uncertified check tendered to the Tax Administrator in payment of taxes, penalties or interest returns the check because of insufficient funds or the nonexistence of an account of the drawer, the Tax Administrator shall assess a penalty equal to ten per cent (10%) of the check, subject to a minimum of one dollar (\$1.00) and a maximum of one thousand dollars (\$1,000.00).
- e. Any taxpayer who willfully attempts, or any person who aids or abets any taxpayer to attempt in any manner to evade or defeat a tax imposed herein or its payment, shall, in addition to other penalties provided by law, be guilty of a Class H felony.
- f. Any taxpayer required to collect, withhold, account for, and pay over any tax who willfully fails to collect or truthfully account for and pay over the tax shall, in addition to other penalties provided by law, be guilty of a Class 1 misdemeanor.
- g. Any taxpayer required to pay any tax, to make a return, to keep any records, or to supply any information, who willfully fails to pay the tax, make the return, keep the records, or supply the information, at the time or times as required by law, or rules issued pursuant thereto, shall, in addition to other penalties provided by law, be guilty of a Class 1 misdemeanor.
- h. If a corporation or a limited liability company fails to file any return or pay the tax required for 90 days after it is due, the Tax Administrator shall inform the Secretary of State of this failure pursuant to the provisions of Section 230 of Chapter 105 of the General Statutes.
- i. The Tax Administrator shall have the rights of attachment and garnishment as set forth in Sections 242 or 368 of Chapter 105 of the General Statutes in enforcing the collection of taxes imposed herein, and any other remedies authorized by law.

transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First and general public employment transportation needs for Durham County residents.

The application proposes \$78,188 of governmental revenue be allocated to support transportation for Durham County elderly and disabled residents through the Elderly and Disabled Transportation Assistance Program (EDTAP) and \$21,093 to support transportation for Work First /Transitional Employment. These funds require no local match while supporting the transportation needs of citizens through county and nonprofit human service agencies. Funding will be used to assist with transportation services from July 1, 2000 through June 30, 2001.

The NCDOT annually allocates funds for EDTAP and Work First. Durham County will receive a total of \$99,281 for FY 2000-2001.

Funds shall be used to provide services for the noted agencies:

Council of Senior Citizens
Dept. of Social Services (Adult)
Durham Exchange Club Industries (DECI)
North East Central Durham (NECD)
Retired and Senior Volunteer Program (RSVP)
Services for the Blind

The Transportation Advisory Board made recommendations for the allocation of EDTAP funds.

Resource Person(s): Cheryl Lloyd, County Cooperative Extension Director and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: Conduct a public hearing on the Department of Transportation Rural Operating Assistance Program (ROAP) application for Coordinated Transportation Services to the elderly and disabled and Work First/Transitional Employment program, and if indicated, approve the ROAP application for submittal to NCDOT.

Mr. Ford gave the Commissioners an overview on the Coordinated Transportation: FY 2000-2001 Rural Operating Assistance Program (ROAP) grant. He urged approval of the grant.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the ROAP application for submittal to the North Carolina Department of Transportation.

The motion carried unanimously.

Authorization to Hire Investment Managers for Community Health Trust Funds

This item was presented to the Board for consideration at the June 26, 2000 meeting. The Board was given an overview of the Request for Proposal to hire an Investment Manager for the Community Health Trust Funds. After considerable debate about the process used to evaluate the money managers for the trust funds, staff was asked to re-evaluate the initial set of recommendations for Fixed Income Managers. The Board was satisfied with the Equity Manager recommendations.

Since those discussions, staff has reviewed the Fixed Income Manager proposals and requested additional information from several of the potential managers. Given that additional information, a second interview was conducted via telephone with Wachovia Asset Management. Also, a review was conducted of all Fixed Income Manager proposals and an additional candidate that met all requirements, U.S. Trust Company of North Carolina, was identified and subsequently interviewed for possible consideration. This evaluation process provided greater consideration for AIMR compliance status and performance rates.

The original staff request was that the Board authorize the Interim County Manager to enter into a General Services Contract with each firm recommended providing investment services. The firms and amounts were as follows:

<u>Fixed Income Managers:</u>	<u>Amount</u>
MDL Capital Management	\$3 million
Brown Brothers Harriman	\$10 Million*
<u>Equity Managers:</u>	<u>Amount</u>
Wedge Capital Management	\$6 million*
Sovereign Asset Management	\$4 million

**Indicates minimum investment*

The process has lead to a revised staff recommendation; therefore staff requested that the Board authorize the Interim County Manager to enter in to a General Services Contract with each firm recommended below to provide investment services in the amounts indicated. The firms are as follows:

<u>Fixed Income Managers</u>	<u>Amount</u>
MDL Capital Management	\$5 Million
U.S. Trust Company of NC	\$8 Million

<u>Equity Managers</u>	<u>Amount</u>
Wedge Capital Management	\$6 Million*
Sovereign Asset Management	\$4 Million

**Indicates minimum investment*

Resource Persons: Susan Fox-Kirk, Interim Finance Director
Jessica Linton, Investment Manager

County Manager's Recommendation: The Manager recommends that the Board approve the staff recommendation and authorize the County Manager to execute General Services Contracts with MDL Capital Management in the amount of \$5 million, U.S. Trust Company of NC in the amount of \$8 million, Wedge Capital Management in the amount of \$6 million, and Sovereign Asset Management in the amount of \$4 million.

Interim County Manager Titus presented the Commissioners an overview of the proposal to hire investment managers for the Community Health Trust Funds. She explained in detail the additional work that was done and the new recommendations that have been finalized since the June 26, 2000 Regular Session.

Susan Fox-Kirk, Interim Finance Director, and Jessica Linton, Investment Manager, made remarks about the investment proposal relative to reporting to the Commissioners on a quarterly basis and the AIMR compliance, requirement, management fees, and revenue generation figures.

The Commissioners asked questions and made remarks about the proposal to which the Interim County Manager and finance staff responded.

Interim County Manager Titus introduced Mark D. Lay and Dennis McCaskill, Fixed Income Managers, from MDL Capital Management to make remarks about their investment program.

Ms. Titus introduced John Rich representing US Trust of NC to make remarks about his proposal.

Commissioner Bell moved, seconded by Commissioner Bowser, to authorize the County Manager to execute General Services Contracts with MDL Capital Management to manage the initial amount of \$5 million, U.S. Trust

Company of NC to manage the initial amount of \$8 million, Wedge Capital Management to manage the initial amount of \$6 million, and Sovereign Asset Management to manage the initial amount of \$4 million.

The motion carried unanimously.

D00-112--Major Site Plan--Triad Marine

The John R. McAdams Company Inc., on the behalf of Triad Marine, submitted a site plan for a 39,000-square-foot commercial building on a 5.516-acre tract. Triad Marine proposed to construct a retail marine facility on the site for the sale of marine equipment and related repair. The applicant proposed 65 parking spaces which include 4 handicap spaces.

The Plan meets the requirements of all of the technical ordinances and addresses the environmental concerns as a result of the applicant acquiring a 404 permit. This permit provides buffering by way of grading and re-vegetation. The Development Review Board recommended approval of this plan (with technical corrections) at the March 24, 2000 meeting.

This item came before the Board at the June 22, 2000 meeting. The Board requested that staff have the developer evaluate an alternative plan which increased the on-site buffer. Staff was also asked to work with the developer to determine the impact of the operation on adjacent residential properties as well as the handling of oil and other contaminants. Staff, along with the developer, was present to address these concerns with the Board.

Resource Person(s): Clay Shepherd, Senior Planner, and Steve Medlin, Senior Planner, presented the item.

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation of this site plan and approve, if appropriate, based upon the follow-up comments from staff and the developer. An alternative plan has been drafted with a larger buffer to minimize the impact on adjacent properties. Furthermore, the Plan meets all of the necessary technical requirements for approval.

Mr. Medlin said that on June 22, this item was on the agenda for Commissioner consideration. At that time, the Board asked the applicant to consider several revisions to the site plan. One revision was increasing the perimeter buffer on one side adjacent to the multi-family project from 30 to 80 feet.

The Commissioners asked questions and made comments about the major site plan to which Ray Watson of the John R. McAdams Co. Inc. and John Pope, owner, applicant, responded.

Vice-Chairman Reckhow requested that a note be put on the site plan stating that all work shall be done within the building area or under the open canopy area.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the amended site plan to show an 80-foot buffer for the lot line that abuts the multi-family property and the general notes specify an additional condition that all repair work be performed either within the building area or under the open canopy area and that within this 80-foot buffer that appropriate landscaping be installed consistent with the other buffer areas around the property.

The motion carried unanimously.

(Tax Map number; recorded in Ordinance Book _____, page _____.)

County Manager Search

The Board of County Commissioners discussed the search for a permanent County Manager and outlined the next steps and time frames to continue the process. Applications have been received through the closing date of June 30, 2000.

Jackye Knight, Director of Human Resources, said that tonight the focus is on the process to use for the selection of a County Manager. At the conclusion of the meeting, the Commissioners would be given copies of all the 28 applications received. Not all of the applicants meet the preferred or minimum criteria.

Ms. Knight reviewed the revised timeline for the search for County Manager as follows:

REVISED TIMELINE FOR COUNTY MANAGER SEARCH JULY 10, 2000

April	Job Analysis by BOCC—Determine desired attributes and competencies.
May 7	Advertise position. Closing date June 30.
July 10	All applications referred to Commissioners sorted by “exceed criteria,” “meets criteria,” and “does not meet criteria.”
August 7	Commissioners select top five individually. Commissioners select top 10 by consensus.
August 14	Telephone interviews. Narrow to 3 – 5 candidates.
August 21	Criminal background and news file search results.
August 28	Interview top three to five candidates.
September 1	Results of reference checks by Commissioners of top two candidates.

September 7 Assessment center (in-basket and writing exercise, situational analysis, department head staff meeting, public forum)
September 11 Board decision.
September 12 Offer and negotiation of contract through September 15.
September 25 Board appointment.
October 30 Start date for new county manager.

The Commissioners concurred with the schedule discussed. The Commissioners took no official action on the schedule.

County Manager's Update

The Board was requested to note the list of accomplishments and milestones achieved for the last six months of the 1999-00 Fiscal Year.

In addition, an updated Board of County Commissioners' Directives was included for the Board's review. Staff had been instructed to continue to bring this list forward at the first regular meeting of the Board each month.

Resource Person(s): Carolyn P. Titus, Interim County Manager

County Manager's Recommendation: Receive the reports for informational purposes.

Ms. Titus highlighted the accomplishments and milestones from January through June 2000. In addition, the updated Board of County Commissioners' directives were included for the Commissioners to review.

Staff was available to answer any questions of the Commissioners.

Budget for TDM Planner through Triangle Transit Authority

During the May 22, 2000 Board of County Commissioners' meeting, the Board approved an interlocal agreement with Research Triangle Regional Public Transportation Authority (TTA) to serve as the Lead Agency pursuant to the Commute Trip Reduction Ordinance (Chapter 24, Article V of the Durham County Code of Ordinances).

The total contribution from Durham County Government is \$59,075 to be shared equally with the City of Durham. Therefore, the total up-front cost to Durham County is \$29,537. This expense and revenues were budgeted in the contingency fund during the budget process.

The Board of County Commissioners was requested to approve the budget for the funding of the TDM Planner through the Lead Agency, TTA, pursuant to the Commute Trip Reduction Ordinance.

Resource Person(s): Carolyn P. Titus, Interim County Manager, and S. C. Kitchen, County Attorney

County Manager's Recommendation: Approve the budget amendment transferring \$59,075 from contingency to the County Manager's budget to pay for the contract with Triangle Transit Authority (01BCC0000001). The \$29,537 revenue from the City of Durham is in the FY 2000-01 budget.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the budget amendment transferring \$59,075 from contingency to the County Manager's budget to pay for the contract with Triangle Transit Authority (01BCC0000001).

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 00BCC000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the County Manager's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$18,965,987	\$59,075		\$19,025,062
Nondepartmental	\$17,503,156		\$59,075	\$17,444,081

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

This the 10th day of July, 2000.

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

Charter Commission Extension

When the Board of Commissioners and the City Council created the Charter Commission, the work of the Commission was to be completed by July 15. After this time, the Charter Commission would go out of existence. The County Attorney has prepared a resolution which would extend the life of the Charter Commission until August 15, 2000. By that time, it is anticipated that a decision would have been made by the Board of Commissioners and the City Council on whether to give the Charter Commission the authority to call for a referendum on merger. If the two bodies elect to do so, they would then extend the life of the Charter Commission to allow for the calling of the referendum and any other matter deemed appropriate.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: If desired by the Board following discussion, adopt the resolution extending the Charter Commission's life.

Chairman Black said the Charter Commission has requested that the Commissioners and the City Council extend the life of the Charter Commission by one month to August 15, 2000. An amendment to the resolution was drafted for consideration.

Chairman Black said Mr. Kitchen sent the Commissioners the legal issues pertaining to the charter.

Mr. Kitchen addressed several questions raised by the County Commissioners about the Charter Commission related to its legal authority and life extension. If the life of the Charter Commission is not extended, staff cannot be paid and the Commission cannot expend any money. Essentially, the Charter Commission will cease to exist at that point. The problem is if the two governing bodies desire to call for an election and do anything else along with the election, they would have to again go into a start-up mode to find staff. That is why the commission has asked for the one-month extension.

Commissioner Bowser requested a copy of the minutes establishing the Charter Commission. The Charter Commission was not going to be given the authority to call the referendum. The elected bodies would call the referendum.

Commissioner Bell said he thought the issue tonight was whether the Commissioners wish to extend the time of the Charter Commission by one month to August 15, 2000.

A lengthy discussion followed with the County Commissioners.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to extend the life of the Charter Commission to August 15 as requested.

The motion carried with the following vote:

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

The amendment to the resolution follows:

AMENDMENT TO RESOLUTION REGARDING
THE CONSOLIDATION CHARTER COMMISSION

Whereas, on February 29, 2000, the Durham City Council (“Council”) and Durham County Board of County Commissioners (“Commissioners”) each adopted a Resolution (“Resolution”) to establish a Consolidation Charter Commission (“Commission”); and

Whereas, Section 7 of the Resolution provides for the Commission to complete its work by July 15, 2000; and

Whereas, it appears that additional time will be necessary for the Commission to complete its work:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM AND BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM:

1. Section 7 of the Resolution is amended to extend the date for the Commission to complete its work from July 15 until August 15, 2000.
2. This Amendment to Resolution shall be effective upon adoption by the City Council and Board of County Commissioners.

This the 10th day of July, 2000.

Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the following boards:

- Durham Board of Adjustment
- Durham County Hospital Corporation Board of Trustees
- Durham Workforce Development Board

Commissioner Bowser told the Commissioners that he wished to be removed from the Durham County Hospital Corporation Board of Trustees. He requested another Commissioner be appointed to the board as the County Commission liaison. He felt that a Commissioner on the Durham County Hospital Corporation Board of Trustees is ineffective because of the way the board operates.

Commissioner Heron requested that the Commissioners delay the appointment to the Board of Trustees until the August 14, 2000 Regular Session.

Commissioner Bell concurred with Commissioner Heron's request.

Chairman Black commented that the Board of Trustees appointment would not be made tonight.

Vice-Chairman Reckhow said if the Commissioners wish to appoint someone other than a Commissioner, the applicants should be interviewed by the Commissioners.

Commissioner Heron said the Commissioners should see if it is appropriate to put another Commissioner on the Board of Trustees to work with Commissioner Bowser. She prefers that Commissioner Bowser not resign from the Board of Trustees.

The following votes were cast to make appointments to the following boards and commissions. Asterisks indicate appointments.

Board of Adjustment

One expired regular position. Term expires June 30, 2003.

*William J. Brian Jr.--Black, Heron, and Reckhow
Furney E. Brown Jr., Ed.D.—no votes
Brenda Howerton—no votes
Kenneth N. Ivory—no votes

Durham County Hospital Corporation

One term will expire at the end of August 2000. The new term will begin on September 1, 2000, and expire at the end of August 2003.

The Commissioners made a decision to delay a vote on the Durham County Hospital Corporation Board of Trustees until the August 14, 2000 Regular Session.

Workforce Development Board

Unexpired term for Private Sector Representative. Term expires April 30, 2001.

*James A. "Jim" Stewart—Bell, Black, Heron, and Reckhow
J. E. Bowman Smith—Bowser

Reconvene Into Closed Session

The Commissioners went back into Closed Session to complete the evaluations that began at 5:00 p.m.

Reconvene Into Public Session

Extension of Meeting

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to extend the meeting by ten minutes until 11:15 p.m.

The motion carried unanimously.

Chairman Black stated that the Commissioners evaluated the following:

Willie Covington
Tax Administrator Steve Crysel
Sheriff Worth Hill
County Attorney Chuck Kitchen

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the following salaries:

Willie Covington	\$ 75,000
Worth Hill	\$ 80,483
Chuck Kitchen	\$110,000

The increases were retroactive to July 10, 2000.

The motion carried unanimously.

NOTE: The Tax Administrator, Steve Crysel, was not given a salary increase because he was a relatively new employee (hired May 1, 2000).

Adjournment

Chairman Black adjourned the meeting at 11:15 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board