

**DURHAM COUNTY BOARD OF COMMISSIONERS  
DURHAM COUNTY LEGISLATIVE DELEGATION  
AND THE DURHAM CENTER AREA BOARD**

Thursday, March 14, 2002

8:00 A.M. Special Breakfast Meeting

**MINUTES**

Place: Durham Public Schools Staff Development Center, 2107 Hillandale Road, Room M-8

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Legislators: Senators Wib Gulley and Jeanne Lucas, and Representatives Paul Luebke, H. M. Michaux, Jr., and Paul Miller

Mental Health: Harold Batiste Sr., Karen Crumbliss, Phillip T. Golden, Coleen H. Kilheimer, Terrance T. McCabe, James A. Russell, Doug Wright, and Hugh K. Wright, Jr.

Staff: County Manager Mike Ruffin, Deputy County Manager Carolyn Titus, Deputy County Manager Wendell Davis, Mental Health Director Steve Ashby, Substance Abuse Program Director Evester Bailey, Public Information and Governmental Affairs Director Deborah Craig-Ray, Assistant to the County Manager Heidi Duer, Social Services Director Daniel Hudgins, Budget Director Pam Meyer, Finance Director Dwight Murray, Criminal Justice Resource Center Director Gudrun Parmer, Assistant County Attorney Carol Wolff, and Clerk to the Board Garry Umstead

Presider: Chairman Black (Liaison to The Durham Center Area Board)

Chairman MaryAnn E. Black said this meeting was a grand opportunity for the Board of County Commissioners, The Durham Center Area Board, and the Durham Legislative Delegation to meet to talk about the economy and what is happening in Raleigh to return state funding to the counties.

Chairman Black asked everyone to introduce themselves.

**Discussion of Mental Health Reform**

Chairman Black distributed The Durham Center's Position Statement for the Local Legislative Delegation. It regards mental health and the mental health plan presently on

the floor of the legislature. She said The Durham Center Area Board has been discussing the emerging issues related to mental health—not just the changes in the state plan that will occur—but how those changes might possibly impact the system and the citizens needing services.

Chairman Black said the purpose of the meeting was to talk about the state plan and to discuss the talking points that were distributed for discussion.

Senator Lucas asked whether “reflects local control” means it is wanted in the state plan or in your business plan. She asked what is meant by local control and what bullets there are for local control that you feel should be included in the state plan. She told the Commissioners they need to tell the state specifically what is meant so it will be clear to the state. When the state plan is developed and it is almost there, we have directed the state to be comprehensive in what it does because things have been so fragmented. When the state submits the plan to you, your responsibility would be to say what you want in your local plan. Senator Lucas said that was, in her opinion, when local control occurs. The Committee requested the state develop a plan first so that the local units would know what the components are.

Senator Lucas told Chairman Black the local units would have to write a business plan in a way the County would like to see its Mental Health Department operated. The plan would be sent to the state, and the state would make a decision about the County’s business plan.

The Board of County Commissioners wants control over how the local mental health department will be operated.

There was a lengthy discussion on the state plan and The Durham Center’s position statement concerning mental health reform.

Senator Lucas said a small group should sit down and really look at the components of this total deal for Durham. At some point, we need to really read this law to see where it impacts the state and local government and where we could make some changes. As of now we have to follow the law, but the law can be changed.

Senator Lucas said that services would become more community-based than state-based and some of our state facilities would be closed. If the funds don’t follow the services, Durham County will be negatively impacted since we use the state services.

No official action was taken on this agenda item.

### **Discussion of the 1/2-Cent Sales Tax and the County’s Budget Deficit**

Chairman Black made introductory remarks about the ½-cent sales tax. She told the Legislative Delegation that the Board supported the “Resolution Requesting the State to

Pay the Reimbursements Owed to the Counties or Advance the Date of the New ½-Cent Sales Tax” which was dated March 11, 2002. The Board wants all the sales tax refunded.

Vice-Chairman Reckhow made comments about the resolution. She said the only right thing to do is to advance the ½-cent sales tax payment so we will get it effective July 1, 2002.

Senator Lucas wanted to know why all the departments have to cut 5% since the priorities have not been established

The Commissioners responded to Senator Lucas’ question.

The Board of County Commissioners and the Durham Legislative Delegation held a lengthy discussion about the ½-cent sales tax. Various questions were asked to which the Commissioners responded. Comments, suggestions, and recommendations were discussed with the legislators.

County Manager Ruffin discussed the sales tax situation with the Commissioners and the Legislators.

Chairman Black directed the County Manager to contact Ron Aycock, Executive Director, North Carolina Association of County Commissioners, to determine the Association position on this sales tax issue and then to relay the position to all of our legislators.

Vice-Chairman Reckhow applauded Representative Michaux for his support to increase the cigarette tax. Representative Michaux said the finance bill is still alive. He said the tax in the bill is 5 cents. He said he might amend the bill to increase the tax to 25 cents.

Representative Michaux discussed the various money streams that enter into the state’s treasury such as the Tobacco Trust Fund. He also discussed closing tax loopholes, incentives for businesses to relocate to the state, the “walking-around money”, “overhead receipts”, Machinery Act tax, bank tax credits, tobacco tax, and “boats, planes, and trains tax”.

### **Discussion of Menu of Local Option Taxes (HB99)**

Representative Michaux said that Durham County needs the Menu of Local Option Taxes. It should not be necessary to come to the legislature to get permission to raise money. Durham County needs the opportunity to do it itself, with a vote of the people.

County Manager Ruffin said the Board supported HB99 last March. This will be reinforced again in the resolution that the County will be sending the delegation.

**Health Trust Fund**

Chairman Black told the Durham Delegation that, as a Health Trust Fund Commission member, she was asked to tell the Durham Delegation to leave the money in the fund. A resolution will be sent to the delegation concerning the Health Trust Fund.

Chairman Black discussed what programs the Health Trust Fund money would fund. The Governor received a lot of the money for prescription drugs.

**Durham County's Fund Balance**

Chairman Black asked the legislators if there were any questions about the County's fund balance.

A brief discussion was held concerning the fund balance.

Senators Lucas and Gulley were of the opinion that the funds being held by the Governor should be returned to the counties and cities if the state funding could be found.

**Discussion on Impact Fee/Tax Authority**

Vice-Chairman Reckhow talked about the impact fee/tax authority. She urged the Legislators to help get Durham County the authority to have impact fees/tax.

Representative Miller said the Commissioners should contact the lobbyist for the building industry.

**Adjournment**

Chairman Black adjourned the meeting at 9:30 a.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board