

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

Monday, January 2, 2001

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, Vice-Chairman Ellen W. Reckhow, and
Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Agenda Adjustments

Chairman Black moved agenda item No. 5, "Review of Reports from Durham County ABC Board," to follow item No. 3, "Status Report on the Draft 2002-2008 Transportation Improvement Program."

Vice-Chairman Reckhow wished to add two agenda items.

Chairman Black said the two items would be considered after the legislative agenda.

Citizen Comment—Ralph McKinney

Mr. McKinney requested time on the agenda to make comments to the Commissioners.

Mr. McKinney addressed, in his opinion, the failure of elected officials to protect the economic constitutional rights of citizens in Durham County. If the democratic elected leaders have failed the citizens, it is time for them to apologize and correct the injustice. If the citizens are not protected, the Federal Government should withhold federal funds. We should not have hate, violence, and feel unsafe in our community. We must find a solution.

Citizen Comment—Jack Steer

Mr. Steer, 2416 Dawn Trail, representing the Friends of Durham, requested time on the agenda to make comments to the Commissioners.

A summary of Mr. Steer's remarks follow:

The Friends of Durham are concerned with issues such as taxes, revaluation, school funding, and the handling of grants. During the year, he will lead a small team to consider issues that affect all citizens of Durham County through actions of the Board of County Commissioners. Smaller functions (i.e. County Administration, Legal Services, Fire Marshal, and Engineering) will most likely be excluded.

A quick review of several major functions led us to the conclusion that a need exists for a functional/performance audit of key County organizations. The audit approach will concentrate on functional objectives and performance measurements. The following three issues provide examples of how we came to the conclusion for performance reviews: 1) Teen Outreach Program (TOP); 2) M/WBE ordinance; and 3) local tax discussions.

Functions that are started through receipt of state or federal grants and generate "provisional positions" will be given close examination.

In summary, the above three examples give an indication of the type of functional audit and performance evaluation we will be undertaking on many operations, including public education funding, for which the Board of Commissioners is responsible.

Vice-Chairman Reckhow said she hopes the administration will consider the potential to merge the Affirmative Action function with the City of Durham.

Vice-Chairman Reckhow said each item on the CIP would be dealt with individually so the voters will understand the referendum ballot as to each project and its cost.

Commissioner Heron said the Board appreciates any input the citizens give the County. Each referendum item will be voted on individually. The project and cost will be on the ballot. We want the citizens to understand the bond referendums.

Commissioner Bowser wondered if the taxation proposal was the reason for the conclusion that the City Council and BOCC are in a dysfunctional mode. I also wonder if you think the City Council and Board of Commissioners are dysfunctional because we did not support the merger put forward by the Charter Commission. That is a concern of mine when I see something like this come forward.

Durham Community Assessment

Triangle United Way would like to partner with Durham County government to conduct a Durham Community Assessment. The assessment would identify individual, family, and community assets and needs. It would also highlight gaps and opportunities to assist and guide funders and other organizations in the application of community information, people, and resources.

The last Durham assessment was completed in 1993. Many changes have occurred in Durham County over the past several years. A comprehensive assessment will enable us to document the changes in health and human services needs and to understand how the system works from a consumer perspective. It would expand upon any recent needs assessments conducted locally to profile data on current and projected needs.

The cost of the community assessment will range from \$80,000 to \$120,000 depending on the scope and methodology. The Durham County United Way Board of Trustees has authorized an expenditure of up to \$50,000 provided that local partners are secured to sponsor the project. The funding request to Durham County is for up to \$40,000. Other potential funding partners include Duke University and Durham Public Schools.

A county-based management team comprising 15 to 18 people will provide direction and oversight to the assessment, including selection of a consultant group. The team is cochaired by Dr. Inderdeep Chatrath, of Duke University and a Durham United Way Board member, and Ms. Anita Daniels-Kenney, Executive Director, Youth Coordinating Board.

Community assessments were completed in 1999 in Wake and Orange Counties.

The goal is to complete the Durham Community Assessment by September 2001. The report will be made widely available to the project partners, other funders, agencies, and residents of Durham County. By identifying the county's assets and strengths, resources, trends, and gaps, we believe we can work together in partnership to increase our capacity to better serve people.

William Thomas (Tom) Dugard, President of the Triangle United Way, presented the Commissioners an overview of the Durham Community Assessment project.

The County Commissioners asked questions and made comments about the assessment to which Mr. Dugard and Vice-Chairman Reckhow responded.

Vice-Chairman Reckhow said she was on the 1993 steering committee and had some good and bad memories of that process. The time involved was stretched to a long period of time. The final report was never presented to our Board because the leadership felt that some of the issues were too controversial. The funding process should be handled in a way so that the last payment would not be made until the final report is brought to our Board. I am not opposed to this, but we need some checks and balances in the process.

Commissioner Bowser said he would be very reluctant to vote to spend this amount of money considering the needs we have in Durham County.

Chairman Black said the Information and Referral Service was a product of the 1993 Durham assessment. The service is now in the Triangle United Way office. I want to see a study on how we can coordinate some of the human services in the Triangle area. The portal of entry for services was another concept that came from the 1993 Durham assessment.

Chairman Black said the United Way is funding its services in a very different method. The organization is considering community needs and then funding to those needs. The United Way, County, and State would provide funding. The needs assessment will highlight Durham County's needs. The other part is the evaluation component to be sure the money is well spent.

Commissioner Heron said she was totally disappointed in the 1993 Durham assessment. She would not support this kind of funding in mid-year. It should be included in the budget request. I have a lot of questions about this request.

Chairman Black said we must determine what type of assessment report is available in the community. We need to determine if other partners will join in this project and what is being done in the assessment area now. The request needs to be put in the forthcoming budget request.

Vice-Chairman Reckhow clarified her position by saying she is not opposed to the project. I am not saying that nothing came from the 1993 assessment, but it was not as effective as it could have been. The report should be done in a way that it would be useful for County government.

Mr. Dugard said this report is an investment in order to bid for grants.

A lengthy discussion about the 2001 assessment was carried on throughout the presentation.

Commissioner Bowser said it would be difficult to convince him to approve this project.

Commissioner Cousin requested a copy of the 1993 assessment summary with the number of grants we have received based on the assessment and how many grants were denied. Also, he asked for the results of the 1993 assessment.

Commissioner Bowser wished to know how the grant money was used that resulted from the 1993 assessment. How much went to human needs?

Chairman Black said this request would be included in the 2001-2002 budget request.

County Manager Ruffin said he would distribute copies of Wake and Orange Counties studies.

Status Report on the Draft 2002-2008 Transportation Improvement Program (TIP)

The NC Department of Transportation [NCDOT] and the Durham-Chapel Hill-Carrboro [DCHC] Metropolitan Planning Organization [MPO] mutually adopt a seven-year Transportation Improvement Program [TIP]. As part of the biannual update, the City Transportation staff provides an overview of the Draft TIP, the project schedule for proposed improvements, and the status of ongoing projects in Durham.

Resource Person(s): Wesley Parham, Senior Transportation Engineer, City Public Works Department, and Bonnie Estes, Assistant Director, Durham City/County Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and direct staff to place the resolution endorsing the draft TIP on the agenda for adoption at the ensuing regularly scheduled Board meeting.

Mr. Parham said the City of Durham is the lead planning agency for the Metropolitan Planning Organization for our urban area. The purpose of the presentation is to give the Board a review of the TIP development process. The second purpose is to give the Commissioners an overview of the Transportation Improvement Program projects that are fully funded, partially funded, or simply listed with no funding. The Board will have an opportunity to provide comments on the draft TIP before it is subsequently approved by the Transportation Advisory Committee and the NC Board of Transportation.

Mr. Parham took several minutes to present the Transportation Improvement Program Status Report and FY 2002-2008 Draft TIP.

The Commissioners asked questions and made comments about various road construction projects to which Mr. Parham responded.

The Commissioners made recommendations and changes to the proposed resolution.

The updated resolution will come back to the Commissioners for final approval at the January 8, 2001 Regular Session.

No official action was taken on this agenda item.

Review of Reports from Durham County ABC Board

The ABC Board has filed several reports to assist the Board of County Commissioners with questions that have surfaced about the status of its operations. Specifically, reports have been filed regarding a Six-Year Summary of Budgeted Income and Cash Flow; a Six-Year Summary of Budgeted Income and Cash Flow (% of Sales Dollar Analysis); the

Consolidated Operating Budget for FY 2000-2001; the Operating Budget by Department; the Budgeted Sales by Store for FY 2000-2001; the Personnel Budget Worksheet for FY 2000-2001; the Budgeted Acquisition of Fixed Assets for FY 2000-2001; the November 30, 2000 Balance Sheet; a Comparative Sales Report for November 2000; a Comparative Income Statement for November 2000 and for FY 2000-2001; and a report relative to the status of the Guess Road Store and attorney fees paid to George Miller through November 30, 2000.

Resource Person(s): Durham County ABC Board and Randy Mills, General Manager

Resource Person(s): The Manager recommends that the Board review the report with the ABC Board and address any concerns that may be generated by the information contained therein.

Chairman Black thanked ABC Board Chairman Ellen Williams, Board member John Horton, and Attorney George Miller for attending the meeting.

Ms. Williams presented the report to the Commissioners. The first phase of the report dealt with store operations, which are in excellent condition. The new computer installation has been completed. Ms. Williams reviewed the November 2000 financial statement. Sales increased by \$516,418 in November 2000 with a net income increase of \$78,000. After the cost, State Excise Tax, North Carolina Mixed Beverage Tax, and Alcoholic Rehabilitation Tax must be paid. After those payments, we have approximately 23 cents on the dollar to operate and make distributions to the City, County, and Durham County Council on Alcoholism. Profit distribution as of November was \$204,206. The loan balance is now \$178,000. When the balance is paid off in 13 months, distribution to the three agencies will be larger. The bills are paid on a timely basis and the system has a strong cash flow. The ABC Board will purchase one rental property.

Ms. Williams reported on staff morale. The staff has been very tense for the last few months. The ABC Board approved counseling. The counseling was not effective because all the parties involved were not committed to making it work.

Ms. Williams said we have a store manager and assistant store manager that began working on the inventory process today. The employees are learning the inventory process.

The Board of County Commissioners asked questions and made comments about all phases of the ABC operations to which Ms. Williams responded.

Vice-Chairman Reckhow requested a written report on the Guess Road Store and the Requirements of the Durham City/County Planning Department relative to stormwater control measures on an adjoining property.

Much discussion involved the working relationship of the three ABC Board members.

Chairman Black said she was uncomfortable talking about ABC Board member James Randall since he was not in attendance. Much of the material and many allegations have been directed toward Mr. Randall.

Chairman Black had asked County Attorney Chuck Kitchen about a closed session comprising the ABC Board and County Commissioners. Mr. Kitchen told her that the County Commissioners and the ABC Board may not hold a closed session to discuss personnel issues since ABC personnel do not answer to the Commissioners. She asked Mr. Miller, ABC Attorney, if the two Boards could hold a private discussion.

Attorney Miller agreed with County Attorney Kitchen about a joint closed session not being permitted under General Statutes.

ABC Board Chairman Williams said the use of a facilitator was discussed in an ABC Board meeting. She could not recall if Mr. Randall was present at that meeting.

Chairman Black stated that since Mr. Randall is not present, what Mr. Randall has said or what the Board members have said should not be discussed. She would like for the ABC Board to utilize mediation to talk through the issues that have been presented.

Commissioner Heron said the Commissioners and the ABC Board should have a joint meeting.

Commissioner Bowser said the County Commissioners should deal with the ABC Board problems once and for all.

Chairman Black asked the Clerk to the Board to obtain attendance records for all the ABC Board members.

Chairman Black asked the County Manager to look into the cost of mediation sessions with the Institute of Government and the time it would involve.

Chairman Black does not feel the Commissioners should intervene further at this time. However, if we must, we will.

Chairman Williams and Mr. Horton said they would support and attend mediation sessions.

Chairman Black said she would write a letter to Chairman Williams outlining today's discussions and ABC Board directives. Copies would be sent to Attorney Miller, Mr. Randall, and Mr. Horton.

County Manager Ruffin said the ABC General Manager, Attorney Miller, and the three Board members should attend the mediation sessions.

No official action was taken on this agenda item.

Discussion of Proposed Items for the 2001 Durham County Legislative Agenda

The General Assembly will convene at noon on January 24, 2001. The Board was asked to discuss and contribute legislative items that may be included in the 2001 Durham County Legislative Agenda. Deborah Craig-Ray, Governmental Affairs Director, shared with the Board the proposed legislative items that have been submitted by departments to date. Following this meeting, staff would work on drafting and/or researching additional legislative items that are contributed by the Board; those items would be finalized and brought back for review at a subsequent meeting.

Once items have gone through an additional discussion period, a final list will be prepared for Board approval and subsequent submission to the Durham delegation. The Board was also asked to give staff direction relative to scheduling a future meeting with the Durham delegation to present the approved package. Until the General Assembly convenes and sets its rules, staff is unable to share with the Board relevant deadlines for bill submission. Once those dates are set, staff will inform the Board.

Resource Person(s): Deborah Craig-Ray and Chuck Kitchen

County Manager's Recommendation: Discuss legislative items, direct staff, and schedule meeting with Durham delegation.

Ms. Craig-Ray presented the proposed 2001 legislative agenda to the Board. She said ideas for the legislative agenda are solicited from department heads and the County Commissioners. The items have not been prioritized, simply listed. Additional items will be added to the list. When the package has been finalized, the Commissioners will meet with the Durham delegation to promote the package and ask for its support.

Ms. Craig-Ray called on County Attorney Chuck Kitchen to make a presentation on impact fees and impact taxes.

The Commissioners asked questions and made comments to which the County Attorney responded.

Ms. Craig-Ray reviewed the following proposed legislation:

Summary of Proposed Legislative Items for 2001
First Draft
January 2, 2001

1. Legislation seeking four-year terms of office for Durham County Board of Commissioners.
2. Legislation authorizing Durham County to enact an additional 1-cent local option sales tax, subject to a vote of county residents, with food purchased for home consumption exempted from the tax.
3. Legislation enacting an Impact Tax or Impact Fee in Durham County.
4. Legislation to make the reckless discharge of a firearm into occupied property a crime.
5. Legislation clarifying that the Office of Juvenile Justice, not the Director of Social Services, shall investigate allegations of abuse, neglect, and dependency alleged by juveniles while incarcerated in the Youth Home.
6. Legislation to establish a human relations commission for the county to investigate employment discrimination.
7. Legislation to provide ongoing state support for new school nurse positions to reduce average nurse-to-student ratio from 1:2200 to 1:750 by 2010. Health Department
8. Legislation to provide additional funding to support state-funded Intensive Home Visiting Projects. Public Health
9. Legislation to have the Division of Medical Assistance reimburse 80 percent of UCR amounts to those dentists statewide who are treating Medicaid eligible children. Public Health
10. Legislation to provide state appropriation to finance health care delivery for immigrant residents who are not sponsored, and/or who are not insured regardless of nationality and citizenship. Public Health
11. Legislation to decriminalize needle exchange programs to reduce the incidence of HIV transmission caused by the sharing of contaminated needles. Public Health
12. Legislation establishing full, special assistance benefits eligibility to disabled adults living at home or independently, equal to the benefit eligibilities for disabled adults living in a licensed facility. The Durham Center

13. Legislation to decriminalize child abandonment when a parent abandons an infant less than 15 days old to a law enforcement officer, a Department of Social Services worker, a Health Care provider, or a Public Health Department worker. DSS
14. Legislation providing additional income for low-income working parents as an incentive to work and to reduce the number of families who are working and are still living below the poverty level. DSS
15. Legislation providing funding adequate to assure that all children in North Carolina who apply and are eligible for NC Health Choice will be served. Adequate federal and/or state funds should be sought to provide full funding for all eligible children. DSS
16. Legislation to change NC Juvenile Code to require the state, not the county, to pay for unreimbursed court-ordered mental health, developmental disabilities, and/or substance abuse care for children. The Durham Center

Chairman Black said if the state adds the one-cent sales tax, No. 2 would be deleted.

The Commissioners requested that additional research be done for several of the legislative agenda items.

The Commissioners had a general discussion on the legislative agenda items.

Commissioner Heron wanted to add one item to the 2001 proposed legislative list—to ask the legislature to give local governments more flexibility in the allocation of Highway Trust Fund monies.

The legislation to control the hunting of deer with dogs will be added to the proposed legislative items.

County Attorney Chuck Kitchen discussed proposed legislation from the state association by the Tort Immunity Study Committee. Due to cost concerns, Attorney Kitchen said he hopes the Board will oppose such legislation.

County Attorney Chuck Kitchen recommended that the Commissioners support legislation to allow a menu of options.

Chairman Black said this legislation would be included in Durham County's legislative goals.

Vice-Chairman Reckhow said we are supporting the increase in the civil process fee from \$5.00. This item should be added to the list of goals.

Chairman Black wanted Ms. Craig-Ray to look at the goals of the past two years. If prior years' goals were not passed, we should go on record to support them this year if they are submitted.

The legislative package will be brought back to the Commissioners at the February 5, 2001 Worksession. The items will be prioritized at that time. The state and local legislation will be designated.

No official action was taken on this agenda item.

Excuse Vice-Chairman Reckhow

Commissioner Heron moved, seconded by Commissioner Cousin, to excuse Vice-Chairman Reckhow from the January 8, 2001 Regular Session.

The motion carried unanimously.

Adjournment

Chairman Black adjourned the meeting at 1:15 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board