

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

Monday, February 5, 2001

9:00 A.M. Worksession

Minutes

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC 27701

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

Citizen Comment

Commissioner Bowser commented that a few weeks ago several people contacted him about making comments at this meeting. He told them to contact the Clerk to the Board to be placed on the agenda. One person called him back to let him know that the Clerk said a letter must be written requesting time to speak. Commissioner Bowser asked if the standing policy is to require a letter from a citizen to speak before the Commissioners at a worksession.

Chairman Black answered in the affirmative. The letter must be submitted to the Clerk two weeks prior to the worksession, which has been a policy for some time.

County Attorney Chuck Kitchen said the policy was approved January 27, 1997 with adoption of the new rules and regulations.

Chairman Black said items pulled from the consent agenda for discussion or items added to the agenda are placed at the end of the agenda. The citizen wishing to speak may speak at the end of the today's agenda. This policy is in the Board of County Commissioners' Rules of Procedure.

Commissioner Bowser said he likes to hear from the citizens.

Citizen Comment—Ralph McKinney

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

Mr. McKinney said he appreciated the speaking procedure established by the Commissioners. He wished to update the Commissioners on racism, hate, and violence that exist in Durham. He spoke for five minutes.

Lincoln Community Health Center—Presentation on Impact of Recent Trends on LCHC

Lincoln Community Health Center provided a brief presentation regarding the status of LCHC, specific trends and changes LCHC is experiencing, and how the trends and changes are affecting LCHC.

Resource Person(s): Dr. Evelyn Schmidt, Executive Director, Lincoln Community Health Center

County Manager's Recommendation: The Manager recommended that the Board of County Commissioners receive the presentation, ask questions, and provide any feedback to LCHC as it may deem appropriate.

Dr. Schmidt presented the update.

The Commissioners asked questions and made comments about the presentation to which Dr. Schmidt and County Attorney Chuck Kitchen responded. Public Health Director Brian Letourneau participated in the discussion.

The Commissioners had a general discussion about the operation of Lincoln Community Health Center and the contract with Duke Health System. The Commissioners raised a variety of questions and comments.

Chairman Black asked County Attorney Kitchen to meet with Lincoln Community Health Center's attorney to review the contract between the Center and Duke Health System. Attorney Kitchen was asked to discuss the breach of the contract.

Chairman Black said a letter should be written to begin discussions about indigent care.

No official actions or votes were taken during this presentation and discussion.

Durham Health Partners Inc.—Presentation on Durham County Health Needs Assessment

Durham Health Partners Inc. introduced its organization to the Board of County Commissioners and included a brief history of Durham Health Partners, along with its mission and rationale for conducting a study of Durham County's health needs. Results of the needs assessment were presented, as well as an outline of the steps planned to address the top five issue areas.

Resource Person(s): Ruth Mary Meyer, Chair, Board of Directors; James Russell, Executive Director; and Janna Harton, Director of Planning, Durham Health Partners

County Manager's Recommendation: The Manager recommended that the Board of County Commissioners receive the presentation and provide feedback on the approach outlined to address Durham County's health needs.

Ms. Meyer made opening remarks.

Ms. Harton presented the following:

- Introduction of Durham Health Partners, brief history
- Mission of Durham Health Partners
- Rationale for studying Durham County's health needs

Also, Ms. Harton presented results of the health needs assessment to the County Commissioners. The presentation consisted of the following:

- Report purpose
- General report finds
- Prioritized health needs areas
- Next steps

The Commissioners asked questions and made comments about the report to which Ms. Harton responded.

In her closing remarks, Ms. Meyer said that the purpose of this presentation was to give an overview of how Durham Health Partners is developing a comprehensive long-range health plan for Durham County. We will not make any specific requests to the Commissioners at this time, except to ask that you endorse the plan incorporating the suggestions made this morning. We will be back with a more specific request during the budget process.

Chairman Black asked the County Manager to move this item forward to another meeting to look at the report in terms of endorsement.

No official actions or votes were taken on this agenda item.

Triangle Transit Authority (TTA)—Motor Vehicle Registration Tax

The Triangle Transit Authority (TTA) made a presentation regarding the existing Motor Vehicle Registration Tax and TTA's plan to seek legislation to increase the tax in the

2001 Legislative Session. Increased tax revenues would go towards funding an expansion of TTA's current bus service and planned regional rail project in Year 2007.

Resource Person(s): William V. Bell, TTA member, and James Ritchie, TTA Executive Director

County Manager's Recommendation: The Manager recommended that the Board of County Commissioners receive the presentation and provide TTA representatives with feedback regarding their plan to move forward to increase the tax in the General Assembly.

Mr. Bell and Mr. Ritchie wanted to inform the Commissioners about two actions of the Triangle Transit Authority at its last meeting relative to legislation the board wishes to get inactivated in the General Assembly. One is the "Quick Take" provision and the other pertains to an additional vehicle registration tax. We ask for feedback from the Commissioners this morning or at a later time.

Mr. Ritchie made the presentation to the Commissioners. TTA's legislative issues for the FY 2001 state budget follow:

- Maintain State Contribution to Public Transit Maintenance
- State Contribution for TTA's Regional Rail Project
- Quick Take Condemnation Authority
- Authorization for up to a \$4 Regional Vehicle Registration Fee
- Increase Effective January 2004 (if necessary)

The issues and challenges are:

- Bus Service Growth
- Ridesharing/Transportation Demand Management
- Phase 1 Implementation
- Phase 2 Studies
 - Airport Connection
 - 15/501 Major Investment Study

Additional fee implementation follows:

- During 2003, TTA will request implementation only if necessary
- Actual collections of rental vehicle tax in FY 02-03 may reduce or eliminate need for additional registration fee
- Wake, Durham, and Orange Counties must approve fee increase
- Special Tax Board must approve fee increase

Phase I implementation issues/challenges follow:

- Conclude environmental studies
- Finalize railroad agreements
- Procure rail vehicles
- Finalize financial plan
- Obtain state match

Mr. Ritchie said the Regional Rail Project would cost \$754,671,000.

The Board of County Commissioners asked questions and made comments about the agenda item to which Mr. Ritchie responded.

No official actions or votes were taken on this agenda item.

Treatment Plant Project Update and Discussion of Environmental Building Design

This item was an update on the status of the Triangle Wastewater Treatment Plant (TWWTP) Improvement Project. The Board was requested to provide direction regarding the use of sustainable building design for the new office and laboratory building.

Upgrade and expansion of the Triangle Wastewater Treatment Plant will reduce the potential for flooding by replacing outdated facilities, improve the treatment by providing for nitrogen removal, and increase available capacity for additional customers and future economic development. Phase I of the project includes replacement of the influent pump station and construction of an effluent pump station, including post aeration and ultraviolet disinfection facilities. Phase II of the project includes the five-stage biological treatment process, clarifiers, filters, sludge handling and an office, laboratory, and maintenance building.

Three of the major issues discussed with the Board are summarized below:

The Board previously requested that staff evaluate the feasibility of pumping some or all of the flow at the Triangle Plant to the City's south Durham facility. A report was completed and presented to the BOCC, which demonstrated that the upgrade and expansion of the TWWTP was the most economical alternative. Subsequently, the Board requested that Triangle J COG facilitate discussions to determine if the City is amenable to negotiating the costs associated with pumping flow to the City's plant.

Forces requiring project completion are the pending nutrient removal requirements and the need for additional capacity to continue to serve the Research Triangle Park and surrounding areas. House Bill 515 adopted in 1997 includes nitrogen limits that are expected to impact the County on March 1, 2001, when the current discharge permit is

renewed. In addition, flow to the plant is expected to reach the current permitted capacity of 6 MGD in 2003. Based on the current project schedule, the construction completion date is 2003.

Durham County is co-sponsoring the “Triangle J Region Guideline for Sustainable Public Facility Design and Development” project which is nearing completion. These guidelines are expected to be similar to the U. S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Rating System. This program promotes the use of sustainable building design and construction practices. The major benefits of this approach are energy efficiency, improved indoor environment, pollution prevention and recycling, and improved operations. Staff requested direction from the Board regarding the use of this approach in the design of the new office and laboratory building. Additional design costs for this approach are estimated to be \$25,000. This includes additional architectural and engineering costs and third party certification required for a rating by the Green Building Council.

Resource Person(s): Wendell Davis, Deputy County Manager; Glen Whisler, County Engineer; Chuck Hill, Utility Division Manager; and Tim Baldwin and Bryan Blake, McKim and Creed

County Manager's Recommendation: The Manager recommended that the Board receive the project update and provide direction as appropriate regarding the LEED program.

Durham County Manager Mike Ruffin made opening remarks. He said the team assigned to this project would revisit Phases 1 and 2. Discussion would be held to talk about key dates to move this project forward. The County is under permit limitations. The permit expires March 1, 2001. We must update our treatment process, as well as expand the plant to facilitate capacity upgrades (projected to reach capacity in 2003).

County Manager Ruffin called on Mr. Davis to begin the presentation.

Mr. Davis gave the Commissioners an overview of the treatment plant project since its inception. The Commissioners approved Phase One and Phase Two expansions of the treatment plant approximately one year ago with one condition. The Commissioners requested that staff go back to the City and have discussions as to whether the City was willing to negotiate the option of pumping our flow to the Farrington Road plant. After looking at several options, we are taking the most adventurous alternative. We are dealing with two issues relating to the plant—a regulatory issue and a capacity issue which we will be facing in the year 2003.

Deputy Manager Davis asked Mr. Whisler to introduce the other members of the panel. Discussion would be held regarding what must be achieved today. We would like direction from the Commissioners regarding the Leadership in Energy and Environmental Design program.

Mr. Whisler introduced the panel members who included Mr. Hill, Mr. Baldwin, and Mr. Blake. After the introductions, Mr. Whisler spoke about the project history. In reference to the County pumping flow to the Farrington Road plant, the City informed us that the cost of pumping some of the flow to the plant would not be reduced from the original cost. The City was not interested in pumping all of the flow to the south Durham plant. However, the City did suggest one additional option that involved pumping flow from areas that were annexed into the City to the south Durham plant. Durham County has not received enough data from the City to determine if the option the City suggested would be feasible and economical. We are expecting to get the data from the City so we can evaluate the material.

Mr. Hill presented the Commissioners an overview of Phases One and Two of the project.

Mr. Blake presented the Commissioners a status report on Phases One and Two.

Mr. Baldwin gave the Commissioners a report on the “propriety” equipment. The total aggregate cost of all the “propriety” equipment for the project is approximately \$4.2 to \$5.0 million.

The Board of County Commissioners asked questions and made comments about the project to which staff and consultants responded.

Mr. Whistler made a presentation on the design of the office and laboratory building in Phase Two. This project is a very good opportunity to incorporate the sustainable building guidelines.

County Manager Mike Ruffin said we plan to move forward to comply with the new limitations and acquire the permit, especially with Phase One. We are talking with the City about Option 5.

Commissioner Reckhow requested more information regarding the rate structure to be charged to homeowners and businesses.

Commissioner Bowser wished to know how much revenue the County receives from the water and sewer program.

County Manager Ruffin said there would be an extended study for water and sewer rates and the capital facilities fee. The report would be put on a future agenda for Board information and consideration.

There were no official actions or votes taken on this agenda item.

Discussion of Proposed Board of County Commissioner Goals

On January 16, 2001, the Durham Board of County Commissioners and senior management staff held a planning retreat. At that time, the Board reviewed the County's mission statement, suggested some changes to its previous vision statement, and formulated four proposed goals.

Resource Person(s): Chairman MaryAnn E. Black

County Manager's Recommendation: Discuss the details of the four proposed goals and direct staff.

The proposed Commissioner goals from the retreat are:

1. To invest in our community and our citizens by the successful implementation of the Capital Improvement Program.
2. To enhance community livability.
3. To help prepare our citizens for the jobs of the future by working with the school system, Durham Technical Community College, and other related agencies.
4. To provide more efficient and effective county services, including the restructuring of human services.

County Manager Mike Ruffin said that after the Board acts today, staff is prepared to add additional steps to what is already shown in the material provided in the Commissioners' packets. He recommended the fourth goal be revised to read, "To provide more efficient and effective county services." "Restructuring of human services" would go under some possible actions.

Commissioner Reckhow recommended the second bullet under some possible actions, goal four, be rewritten to say "To set performance indicators for measuring outcomes on people's lives."

Discussion of Proposed Items for the 2001 Durham County Legislative Agenda

At the January worksession, staff presented the first draft of proposed legislative items. After an extensive discussion period, staff was directed to make some modifications to the proposed items, bring forward some additional items, and bring the item back for a second round of discussion. The overall objective is to produce a final succinct package that can be aggressively pursued in the long session of the General Assembly.

Staff has attempted to further categorize the proposed items using a priority system similar to one that has been utilized by the Board in the past. In addition, several items approved as part of the North Carolina Association's Legislative Goals package have been included.

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

County Manager's Recommendation: Discuss the items and direct staff to place the adoption of the 2001 Legislative Agenda on the Board's February 12, 2001 agenda.

SUMMARY OF PROPOSED LEGISLATIVE ITEMS FOR 2001
SECOND DRAFT

Priority Items:

1. Legislation seeking four-year terms of office for Durham Board of County Commissioners.
2. Legislation to provide for an additional local option sales tax, subject to a local referendum, with county proceeds to be used for school construction or retirement of school construction debt. If it is determined that school construction debt service needs have been met, proceeds could be used to meet other capital infrastructure needs. (NCACC adopted goal)
3. Legislation enacting an Impact Tax or Impact Fee in Durham County.

Seek Items:

4. Legislation to make the reckless discharge of a firearm into occupied property a crime.
5. Legislation clarifying that the Office of Juvenile Justice, and 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 authorizing the Legislative Research Commission to create a study committee to study privatization of liquor sales in North Carolina.
7. Legislation to prohibit the taking of deer with dogs in Durham County.
8. Legislation to make miscellaneous changes in Durham County's Zoning Authority.
9. Legislation to decriminalize needle exchange programs to reduce the incidence of HIV transmission caused by the sharing of contaminated needles.

Support Items:

10. Legislation amending GS 7AA-311(a)(1) to increase the fees for service of process to \$25. (NCACC adopted goal)
11. Legislation to decriminalize the placement of an infant less than 15 days old with a law enforcement officer, a Department of Social Services worker, a Health Care provider at a hospital, or a Public Health Department. (Expected to be introduced in the Senate, DSS)
12. 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.

Support Budget Items:

13. Legislation to appropriate state funds to add school health personnel in all counties so that over a 3-year period the state reaches a nurse/student ratio of 1:750. (NCACC adopted goal, Public Health Department)
14. Legislation to provide additional funding to support state-funded Intensive Home Visiting Projects.
15. Legislation to have the Division of Medical Assistance reimburse 80% of UCR amounts to dentists statewide who are treating Medicaid eligible children.
16. 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.
17. Legislation providing additional income for low-income working parents as an incentive to work and to reduce the number of working families still living below the poverty level.
18. 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.
19. Legislation establishing full special assistance benefits eligibility to disabled adults living at home or independently, equal to the benefits eligibility for disabled adults living in a licensed facility.

Other Issues:

Inclusionary Housing Programs

Establish a human relations commission for the county to investigate employment discrimination.

Chairman Black drew the Commissioners' attention to a letter from Michelle Cotton dated January 29, 2001 concerning several legislative agenda items. Chairman Black asked County Attorney Kitchen to speak to the items at the appropriate time during the discussion. Ms. Cotton was asking for help for children in the juvenile justice system and the mental health system. She wants the state to help with court-ordered care. She also spoke about the Department of Social Services investigating allegations by juveniles while in the Youth Home.

Ms. Craig-Ray led the Commissioners in the second visitation of the legislative goals for 2001. Attorney Chuck Kitchen assisted with legal aspects of the agenda items.

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

Following the advice of Attorney Kitchen, Commissioner Cousin recommended that the Commissioners ask the legislators for an impact tax for schools.

Chairman Black conveyed to the Commissioners that the human service directors and their chairs are meeting monthly to talk about human service needs in the community, how they are going to work together, and how they are going to improve the working relationship among the three boards and agencies. The human service directors will give the Commissioners guidance in terms of what is needed to address human service needs in the community. They will set goals to help the Commissioners with funding.

Commissioner Heron wanted to add a statement to the goals to provide more communication with the City relative to its aggressive annexation and the resulting impact on county facilities.

Chairman Black stated the Commissioners must talk to City Council about the distribution of sales taxes. We need to re-negotiate that agreement. It needs to be done now to meet the deadline.

Vice-Chairman Reckhow suggested that it be placed under goal No. 2 as an additional bullet.

Commissioner Heron suggested having a special City-County Committee meeting to discuss the tax distribution before it is too late.

Chairman Black asked that staff place the tax distribution as a top priority and develop a plan for sales tax distribution. Chairman Black said to move this item forward to the consent agenda for February 12, 2001 with the changes that were noted. Only the goals and bullets should be put on the consent agenda for the February 12 meeting.

Chuck Kitchen said we should add the following: "Legislation enacting an impact tax on new development in Durham to be used for school capital financing." Attorney Kitchen said if impact taxes are not enacted, impact fees should be added to the legislation.

Commissioner Bowser said we should use "education" in lieu of "school capital needs."

Commissioner Bowser talked about the sales tax legislation.

The Commissioners and the County Attorney held a lengthy discussion.

Attorney Kitchen explained the legislation that would permit miscellaneous changes in Durham County's Zoning Authority. The legislation was rewritten since the previous draft.

Commissioner Bowser stated that he was against the legislation prohibiting the taking of deer with dogs in Durham County.

Chairman Black asked Attorney Kitchen to get additional information about the taking of deer in Durham County as it relates to what adjoining counties can do concerning hunting deer with dogs. He was asked to respond in writing to the Commissioners.

Chairman Black said she could support the legislation to decriminalize the placement of an infant provided the wording is changed to say "placement "in lieu of "abandonment."

Chairman Black said she wanted the Commissioners to support the legislation to change the 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.

Chairman Black and Commissioner Reckhow wanted the Commissioners to support the legislation dealing with the inclusionary housing programs. Attorney Kitchen would assist in writing the legislation.

The Board of County Commissioners had a lengthy discussion about the establishment of a human relations commission for the County to investigate employment discrimination.

Chairman Black said she was having a hard time supporting the proposal at this time.

Commissioner Cousin suggested that this agenda item be delayed to get clarification concerning cost figures.

Ms. Craig-Ray said that she would add back the menu of revenue options from the Association's adopted goals. We will reformat it and put it on the agenda for the February 12 or the February 26 Regular Session agenda for the Board's consideration. The legislative agenda items that do not have consensus will be structured on the agenda so each item can be voted on separately. The agenda items that the Commissioners are in agreement on could be put under one heading for voting purposes.

Ms. Craig-Ray reminded the Commissioners that after approval of the legislative agenda, a meeting with the Durham Delegation must be scheduled to present the agenda to them.

Commissioner Heron wished to add one other item to the legislative package—an ordinance prohibiting the display of wild and exotic animals. I will give Mr. Kitchen a copy of the Orange County Ordinance.

North Carolina Small Cities Community Development Block Grant

The Board was requested to consider development of an application for funding of water and/or sewer improvements in the Ellison Heights community through the North Carolina Small Cities Community Development Block Grant (CDBG) Infrastructure Category program.

During discussion of land use issues in the Kentington Heights area, several citizens requested that consideration be given to installation of water and/or sewer lines in the Ellison Heights area and suggested that the County apply for CDBG funding. The North Carolina Department of Commerce, Division of Community Assistance, has indicated that funding for these types of projects is competitive due to the number of water and sewer needs across the state.

In considering this request, the Board was reminded that the CIP includes several water and sewer projects in other areas that have been identified as having significant problems. Ellison Heights has not been included as a project area.

Should the Board wish to pursue CDBG funding for water and sewer projects, it is recommended that a consultant familiar with the CDBG application process assist the County in requesting funding. It is also recommended that the other projects currently identified in the CIP be considered for CDBG funding along with Ellison Heights.

Resource Person(s): Wendell Davis, Deputy County Manager
Glen Whisler, County Engineer
Marcia Margotta, Policy Analyst

County Manager's Recommendation: The County Manager recommended that the Board provide direction to staff regarding development of a request for CDBG funding and hiring a consultant to assist with the process.

Mr. Davis presented the Commissioners an overview of the agenda item. The residents of the Kentington Heights are on record that they do not want water and sewer installed in the area.

Chairman Black asked County Manager Ruffin and Deputy County Manager Davis to do additional work on this. She stated that she would meet with them to share some of her thoughts on the subject.

Citizen Comment—Dr. Lavonia Allison

Chairman Black said since Dr. Lavonia Allison, 1315 McLaurin Avenue, did not submit a letter two weeks prior to today's meeting to speak, the rules must be suspended to permit her to address the Commissioners.

Commissioner Cousin moved, seconded by Commissioner Heron, that the Board suspend the rules and allow Dr. Allison to speak for five minutes.

The motion carried unanimously.

Dr. Allison said she thought it was important to speak to the Commissioners to communicate various problems that we are going to be facing. Today is the first day the administration at Hillside High School has returned; that administration will be removed at the end of the school year, which will create another serious uproar. I want to share with you some information that will be very crucial in terms of the bond referendum. The bond referendum will speak to the needs that all of us will agree to. However, most of us understand that when a bond referendum comes before the community, the atmosphere and cooperation must exist to ensure approval. Communication and responsiveness of the present administration of the school system and what has happened at Hillside has raised the level of dissatisfaction. We still have a disproportionate number of African American children being suspended and retained. We have eight months, between now and November 7, 2001, to make a difference. We need to be proactive to bring the forces together to decide how we are going to change some things that have happened at Hillside High School.

The Commissioners made brief remarks about Dr. Allison's comments.

Adjournment

Chairman Black adjourned the meeting at 1:55 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board