

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

Monday, September 1, 1999

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 (present for a portion of the meeting), and Commissioners Joe W. Bowser and Becky M. Heron

Absent: Commissioner William V. Bell

Presider: Chairman Black

Citizen Comment—Howard Clement III

Mr. Howard Clement III, Mayor Pro Tempore, has requested time on the agenda to discuss matters relative to gun litigation.

Chairman Black called on Council member Clement for his remarks.

Council member Howard Clement, 2505 Weaver Street, came before the Commissioners to request the assistance of the County in efforts to bring a suite against the gun manufacturing industry. Twenty-six jurisdictions across the United States are in the process of initiating litigation against the gun industry. Along with most jurisdictions, private entities and individuals are also bringing litigation against the gun industry, including the NAACP. There is a need for this effort to inform the gun manufacturing industry there should be no more killing of innocent children and adults.

Council member Clement asked the Commissioners and staff to review the packet of information that was compiled and to give careful consideration in joining the City of Durham in the litigation. He requested that the two governing boards in Durham County hold a joint meeting to discuss the issue. The facts warrant this approach and I hope you will share that consensus.

Excused From Meeting

Commissioner Heron moved, seconded by Commissioner Bowser, to excuse Commissioner Bell from the

worksession and Vice-Chairman Reckhow from a portion of the worksession.

The motion carried unanimously.

Cultural Planning for Durham City/County

Executive Director E'Vonne Coleman, Durham Arts Council, Inc., and Mr. W. Barker French have requested time during this worksession to discuss the need for cultural planning for Durham City/County. They discussed the position paper with the hope of communicating the need for this type of planning and the support of the elected officials as they move forward on this initiative.

Chairman Black welcomed Ms. Coleman and Mr. French of the Carolina Theater Board.

Mr. French talked about the background of the cultural planning process and the need. Ms. Coleman talked about the planning process and how she hopes the County Commissioners can help.

Ms. Coleman explained to the Commissioners what is expected of them. There are four major points:

1. We want you to be informed about this planning process, to be informed of the citizen-driven effort, and to endorse it in your own way.
2. We are asking you to support the request that the Durham Arts Council has made on behalf of the citizens of Durham to the North Carolina Department of Cultural Resources. The Durham Delegation would have tremendous input as to where those resources would go in Durham County. The Department of Cultural Resources has \$8 million for arts and historic projects. This is a very important effort we wish to be engaged in. We have requested \$200,000 for the planning and the first phase of implementation.
3. We are asking your consideration for financial support if we get the full funding from the state. This could be a minimal investment on the County's part.
4. We hope that County Government will participate in the process. This is a citizen-driven process and we hope you will be involved in a way you think will be appropriate.

The need for this plan has been very clear to the Arts Council for a long time. The timing is right. Durham is in a planning mode. On behalf of the Board of Directors of the Durham Arts Council, I want to make it clear that this is not a plan for the council, but a plan for Durham County.

Chairman Black asked Ms. Coleman what level of financial support would be expected from Durham County.

In response, Ms. Coleman said we would first like to see how much we will get from the state government. The requested level of support could be in the range of \$5,000 to \$10,000. The consultant for this process could be \$125,000. We hope to hear from the state about its funding level by the end of September.

Chairman Black said the resolution would be prepared for the next Commissioners' meeting. A letter of support should be sent with the resolution to the Department of Cultural Resources.

Ms. Coleman said the Durham Delegation would be considering this funding request after the Labor Day Holiday. The letter and/or phone calls should be sent to the Durham Delegation this week.

Chairman Black said the letter would be sent this week to the Durham Delegation.

Status Report on I-85 Construction Projects in Durham County

Eric Michaux, North Carolina Department of Transportation Board Member, and John Nance, Division Engineer, North Carolina Department of Transportation, made a presentation on the status of I-85 construction projects in Durham County. The Board asked for this progress report following the June 28th meeting, where concerns were raised regarding the length of time it takes to complete highway projects in Durham County.

Mr. Michaux made introductory remarks and reviewed the map. The highway construction project is divided into three sections. The "D" portion of the project will begin in October at a cost of \$40 million. The "B" section of the project includes the Duke Street Interchange around to Hillandale Road and will cost \$130,000,000. The aim of the project is to increase the two lanes to eight and ten lanes in that corridor. There will be an interchange at the Duke Street exit. That is the current design for the project. The "D" portion of the project will begin October 1, 1999. The construction will be done primarily at night to interfere with less traffic. On the Highway 70 portion, Geer Street will go under Highway 70. That intersection will be removed because of site distance problems. The cloverleaf will be moved down to Cheek Road in order to get on Highway 70. Flyovers will bring traffic from Interstate 85 to Highway 70. The completion date for this project is 2003.

The Commissioners asked questions and made comments about the highway construction project.

Mr. Michaux and Mr. Nance responded to the questions and comments. The majority of the questions dealt with safety issues.

Information on Triangle Waste Future Search

The purpose of this presentation was to inform the Board of County Commissioners of a Triangle Solid Waste Future Search scheduled for February 23-25, 2000. The presentation covered background on why this event is being held and what this event will involve. The BOCC will be requested to pass a resolution committing two of its members and two relevant staff, including the Manager or his representative, to participate in this event.

Ms. Judy Kincaid, Solid Waste Planning Director for Triangle J Council of Governments, made the presentation. Mr. Turner introduced Ms. Kincaid.

Resource Person: Michael Turner, General Services Director
Marc Powell, Waste Reduction Supervisor

County Manager's Recommendation: Receive the informational presentation and pass a resolution committing the County staff and elected officials to participate in the regional "Future Search" on solid waste management.

At the conclusion of her comments, Ms. Kincaid asked the Commissioners to adopt the resolution endorsing the use of the Future Search process to initiate regional solid waste planning and to commit Durham County staff and two elected officials to participate. The Commissioners asked Ms. Kincaid questions to which she responded relative to "Future Search."

Chairman Black said she wanted County Manager Thompson to attend the February meeting; she will also attend the meeting. The Commissioners will have a second representative present.

Chairman Black said the Commissioners would be in contact with Ms. Kincaid.

Report on the GIS Internet Application/Decision on Name Search Capabilities

To receive a report concerning public access to GIS data on the Internet and to make a decision as to the County's position on the system's name search capabilities.

The Spatial Data Explorer, a GIS Internet program, has been on line and available to the public since July 1, 1999. The purpose of the program was to provide the public an easier way to find information about a piece of property.

After receiving concerns from the law enforcement offices, Police Department, and Sheriff's Office, and further evaluation of general public safety issues, a recommendation was made to the City and County Managers to withhold the name search capability until a policy addressing the way the City and County publish GIS data on the Internet could be put in place.

The issue has been discussed by the City Council during the Council meeting on August 2nd. The City Council directed the City Manager to identify a process and develop a draft GIS Policy which allows citizens, upon written request, to have their names removed from the name search function. All information will still be viewed using address or parcel ID search functions.

Resource Person: Michiyo Wagner

County Manager's Recommendation: As per the Board's request, the County Attorney has rendered an opinion on this issue that you will find as the first attachment. Additional attachments are provided by GIS, the Register of Deeds, and Tax Assessors' Office as to the status of the overall system and specifically the plans to provide information on-line. My recommendation is to utilize the name search capability in the Departments that are under County control. I will be prepared to explain my reasoning for this recommendation in full at the Board's worksession if the Board so desires.

Chairman Black called on County Manager David F. Thompson to present the report on name search capabilities on the GIS Internet application.

County Manager Thompson said his concerns about access are not just of a legal nature. If it weren't illegal to utilize the name search in accessing these records, I would still recommend the same. I would allow the name search for several reasons. He elaborated about the reasons he would allow the name search. The reasons are as follows:

1. The Board has stated as a policy that you want public records to be as accessible as possible to as many people as possible in this community.
2. I have an overall concern that when county government attempts to examine peoples' motivations for using information, it starts creating barriers to that information based on subjective judgment of elected officials or the administration on what people are going to do with that information. I don't think that is appropriate as a matter of policy.
3. I think we have done a disservice to our law enforcement officers or people who run for office to make this a highlighted issue. I regret that. I wish that had not happened.
4. We are given, in my opinion, a false sense of security. Address information is accessible from various points through the online services that exist now, but also directly from our City and County departments. We have to give out information if requested.

County Manager Thompson said the recommendation is to allow name search on the systems the County controls if name search makes the information more accessible and easier to use.

County Manager Thompson recommended the Board take no action at this point in time.

appropriate to provide input to Mr. Abernathy on the preliminary information that he is bringing forward on the City's downtown master plan.

Chairman Black asked County Manager David F. Thompson to begin the presentation. He reminded the Board of the objectives of the plan. He recognized Mr. Abernathy who is administratively responsible for the City's master plan.

Mr. Thompson said the presentation today is an update on the facility space assessment needs portion of the study. This is a working draft and neither the department heads nor the County Manager has signed it off. This presentation does not have information about building locations or construction plans. We have pushed back the final plan date to receive the actual capital plan and building plan because the City is undertaking a master plan for downtown Durham. The Commissioners feel we need to work in conjunction with the City so our space needs would be defined and our building plan would come on line after we see the master plan. We want to do things to help downtown, not to hurt it in our construction plan.

Mr. Thompson said the staff would meet again with the Commissioners at a later date to review and go into more detail about the Space Needs Analysis and Facility Master Plan.

The Commissioners asked Mr. Abernathy several questions about the City's master plan. Comments were also made.

The Commissioners asked several questions about the plan to which Mr. Thompson and the consultants responded.

Adjournment

Chairman Black adjourned the meeting at approximately 11:50 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board