

**DURHAM COUNTY BOARD OF COMMISSIONERS  
SPECIAL BREAKFAST MEETING WITH  
DURHAM COUNTY LEGISLATIVE DELEGATION**

Friday, February 4, 2005

8:00 A.M.

**MINUTES**

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek and Philip R. Cousin Jr.

Absent: Commissioner Michael D. Page

Presider: Chairman Reckhow

Staff Present: County Manager Michael M. Ruffin, Deputy County Manager Carolyn P. Titus, County Attorney Chuck Kitchen, Public Information/Governmental Affairs Director Deborah Craig-Ray, and Clerk to the Board Garry E. Umstead

**Call to Order and Welcome**

Chairman Reckhow requested a motion to excuse Commissioner Page from the meeting.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to excuse Commissioner Page from the meeting due to a family matter.

The motion carried unanimously.

**Presentation**

Chairman Reckhow recognized County Attorney Chuck Kitchen and Governmental Affairs Director Deborah Craig-Ray for their presentation.

Ms. Craig-Ray began the presentation by discussing court facilitator needs. She said that the Durham Delegation met two times with the court officials. The Commissioners are very supportive of the court needs. We want to go on record that we are looking for help on the needs of the court system. The needs are listed in the handout.

Vice-Chairman Heron said that the court situation is a big problem.

Items the North Carolina Association of County Commissioners approved as its goals included the following priority items submitted by Durham County:

- (a) Medicaid Relief
- (b) Revenue Options
- (c) School Construction Bonds

Chairman Reckhow noted the seven items listed are the goals Durham County submitted to the Association which were approved. We need sponsors for the seven bills listed. The Association is backing all seven bills.

Chairman Reckhow asked that the seven bills be reviewed for the legislators and provide as much information as possible.

The seven bills are as follows:

1. Support legislation that will give counties the option of applying an impact tax to support capital improvements for county government infrastructure responsibility, such as the needs of education, the construction of jails, or any other county facility currently authorized under existing state law.
2. Support legislation to eliminate the Second Primary.
3. Support legislation that would authorize medical care providers to charge counties now more than the rates set in the workers' compensation schedule of charges for county inmate medical care.
4. Seek legislation to allow all counties to enact any or all of several revenue options from among those that have already been authorized for any other county.
5. Support an increase in alcohol taxes to fund mental health services for target population who are not Medicaid-eligible.
6. Support legislation to allow the county to enter into public-private partnerships in the development of land and sale properties owned by the county.
7. Support legislation to amend G.S. 115C-140.1 to provide for reporting by local school administrative units of the number of children with special needs that are placed in or assigned to group or foster homes, and the related costs, to better enforce the requirement that local school administrative units in which such children are domiciled transfer appropriate funds to the local school administrative units in which the group or foster homes are located.

County Attorney Kitchen reviewed bill number 1 that concerns giving counties the option of applying an impact tax to support capital needs. He prepared the following schedule about which counties are interested in Impact Fees/Taxes:

Counties imposing Impact Fees:

1. Durham (in litigation)
2. Orange (local act)
3. Chatham (local act)
4. Cabarrus (adequate public facilities fee)
5. Stanley (adequate public facilities fee)

Counties which have shown an interest in Impact Fees/Taxes:

6. Mecklenburg
7. Union
8. Pender
9. Pasquotank

A lengthy discussion followed about the impact taxes or fees.

Representative Paul Luebke said the homebuilders lobby and the realtors lobby in Raleigh are about the strongest there are. They have indicated “no” to local or statewide legislation concerning impact taxes or fees. To get someone’s attention is to have a moratorium on subdivisions.

Senator Lucas said that we are losing support for impact fees/taxes.

Representative Michaux said the homebuilders and realtors lobby hold the reigns of power in Raleigh.

Chairman Reckhow requested that Representative Michaux introduce his bill about impact taxes/fees again. The State Association will be present to support the bill 100 percent because it is a priority goal.

Chairman Reckhow asked Deborah Craig-Ray, Public Information Director, to keep the Commissioners informed about impact taxes or fees discussion or action.

County Attorney Chuck Kitchen discussed an increase in alcohol taxes to fund mental health services for the Medicaid-ineligible population.

Representative Paul Luebke said the alcohol bills would be introduced.

Chairman Reckhow said a substance plan was reviewed by the Mental Health Board, which will be coming to the Board’s next worksession for consideration. This is a wonderful plan to establish a continuum of care for mental health services for substance abuse treatment. The money will be local funds because there is no state support for substance abuse. The local funds will amount to \$1.5 million in a new initiative.

A lengthy discussion followed about the substance abuse money from local and state funding. The Federal Government should fund substance programs because there is no extra money in Raleigh for substance abuse.

Vice-Chairman Heron recommended that the State of North Carolina give the counties local options.

Chairman Reckhow suggested moving forward to the next bill about supporting legislation to allow the County to enter into public-private partnership in the development of land and sale of properties owned by the County.

The Commissioners asked questions and made comments about the public-private partnership concept of development.

Representative Mickey Michaux said we could do a local piece on the Lowes Grove property and go statewide at a later date.

County Attorney Kitchen discussed with the Commissioners his desire for the Commissioners to support legislation to amend G.S. 115C-140.1 to provide reporting by local school administrative units the number of children with special needs.

### **Request for Local Bill on Impact Tax**

The County requested a local Impact Fee bill as a backup to the statewide Impact Tax legislation should that legislation fail to be enacted.

County Attorney Chuck Kitchen discussed legislative issues from the City of Durham:

1. Extend for one year the deadlines under the one-percent room occupancy tax, such that the date for approval of a plan for financing the Performing Arts Theatre and commencement of construction is extended from August 31, 2005 until August 31, 2006. Increase the cap on the amount of the initial proceeds of the tax that may be spent on design and engineering from \$248,000 to \$3,000,000. Also, if the deadlines are not met and the tax is repealed, allow a portion of the unexpended funds previously collected to be used to implement the Cultural Arts Master Plan.
2. Modify and clarify the City's authority to adopt ordinances and guidelines regarding protest petitions, including allowing property owners that are "catty-corner" from a proposed rezoning to file a protest petition. The goal is to make sure that the City and County operate with the same guidelines.
3. Require residential property to be inspected for lead as part of a pre-sale housing inspection, with the results of the inspection furnished to the buyer and seller. Consider tax credits for lead abatement costs.

The Commissioners and County Attorney Kitchen discussed the City's legislative items.

### **The Durham Crime Cabinet Legislative Issues**

Chairman Reckhow discussed the six priority issues:

1. To advocate that the N.C. General Assembly, through our local delegation, allocate appropriate funding to the 14<sup>th</sup> Judicial District Court System to insure orderly, timely and fair case resolutions for the perpetrators and victims of crime.
2. To advocate that the N.C. General Assembly, through our local delegation, allocate appropriate funding to the N.C. State Bureau of Investigation to incur the orderly and timely processing and reporting of all types of forensic analysis for the entire range of criminal cases charged in North Carolina.
3. To advocate that the N.C. General Assembly, through our local delegation, allocate appropriate funding to complete the Criminal Justice Information Network (CJIN) projects in a timely manner.
4. Advocate for changes to the Magistrate Appointment, Supervision and Retention Law (N.C. G.S. 7A-171 et seq.)
5. Strengthen law regarding the Use of Firearms Penalties for Convicted Felon (N.C.G.S. 14-22)
6. Enact legislation to create punishment for Gang Status Offenses.

Representative Michaux discussed House-Bill 50 to create punishment for Gang Status Offenses. He introduced the Bill.

Representative Michaux said that the Criminal Justice Information Network (CJIN) is in the "works".

### **Support Triangle J Council of Governments Legislative Agenda**

#### **Emphasis Issues:**

- Provide Revenue Options for Local Government
- Medicaid Relief
- Mental Health
- School Funding Needs

Chairman Reckhow discussed the Triangle J Council of Governments legislative agenda.

Emphasis was put on the following high priority:

School Funding Needs: Triangle J supports legislation that establishes adequate and reliable funding of public schools in North Carolina that matches needs, resources, and mandates. The local governments of Region J note the ongoing trend of insufficient operation and capital funding for public schools, and will seek to reverse this trend.

Chairman Reckhow thanked everyone for coming to the meeting. We will follow up and send additional information on the items requested. We want you to keep us apprised of any way we can help by going to the General Assembly. If additional information is needed, please call Chuck Kitchen or Deborah Craig-Ray.

**Citizen Comment**

Ms. Victoria Peterson was allotted two minutes to talk with the Commissioners and the Durham Delegation about the need to have money in the two local governments' budgets for rehabilitation of young people released from the detention center.

**Adjournment**

Chairman Reckhow adjourned the meeting at approximately 9:20 a.m.

Respectfully Submitted,

Garry E. Umstead, CMC  
Clerk to the Board