

REVISED
(Item No. 10 added)

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

Monday, March 4, 2002

9:00 A.M. Worksession

AGENDA

1. **Citizen Comments?Mr. Jack Steer and Dr. Anita Keith-Foust**

Mr. Steer has requested time on the agenda to discuss the FY 2002-2003 budget planning now in progress.

Dr. Keith-Foust will speak about the M/WBE program and procurement policies.

2. **Request from Register of Deeds**

The office of the Register of Deeds is requesting actions that will:

1. 1. Restore already trained temps for the remainder of the fiscal year,
2. 2. Allow us to continue work on automation project which is already funded and which is about 60% complete,
3. 3. Permit us to increase staff by 2 FTEs in the upcoming budget year. The two (2) Head Count will replace the two temps we currently have.

The above request is made necessary by the huge increase in volume over the past two years. While other areas of the economy have suffered, the ROD office volume has increased greatly. Our revenues have gone from 1,500,000 in FY 96/97 to a projected 2.4 to 2.5 million in FY 2001/2002. Our Head Count in that same period has gone from 12 FTEs to 15 FTEs.

The requested 2 Head Count is to get us in compliance with state statute and to get us to where we are in line with the Triangle Area average time of two (2) weeks for returning documents.

We in the office of Register of Deeds provide a service to the citizens for which they pay. We should be allowed to provide the level of service they deserve and desire, and which reflects well on us as a county.

Resource Person: Hon. Willie Covington, Register of Deeds

County Manager?s Recommendation: The manager recommends that the board review the request and advise the staff if any additional action is necessary.

3. **Annual Report: Durham Open Space and Trails Commission**

The Durham Open Space and Trails (DOST) Commission was created in 1994. The twenty-two (22) member commission meets on a monthly basis in an effort to advise elected officials on matters relating to open space preservation and trail development, as well as the implementation of approved activities. The DOST operates under the authority of an Interlocal Agreement, which requires the provision of an annual report.

Resource Person(s): Annette Montgomery, Chairman

County Manager's Recommendation: Receive the report and advise the staff if any additional action is necessary.

4. **Report to the Commissioners from the Durham County Library Board of Trustees and Recommended By-Law Changes**

The Durham County Library Board of Trustees will present its annual report to the Commissioners as required by its bylaws and G.S. § 153A-266(8).

In addition, the Library Board requests Commissioner consideration and action on proposed changes to the bylaws of the Board of Trustees. The purpose of the proposed changes is to clarify the authority and responsibilities of the Trustees and to bring the language of the delegated duties in line with the language in G.S. § 153A-266. The proposed changes were developed in consultation with Deputy County Manager Carolyn P. Titus.

Resource Person(s): Bessie M. Carrington, Chair, Durham County Library Board of Trustees; Dale Gaddis, Library Director; and Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Board receive the Library Board of Trustees' annual report and consider and approve the recommended changes to the bylaws of the Library Board.

5. **Land Use Plan Amendments Calendar Year 2001**

According to adopted procedures, coordination of land use plan amendments is required on an annual basis. The procedures require a public meeting before each governing body for the purpose of rectifying any differences between the adopted land use plans of the City and County. During calendar year 2001, the City Council approved three plan amendments for areas within the City's zoning jurisdiction while the Board of County Commissioners approved two plan amendments within the County's zoning jurisdiction. As a result of these actions, coordination of the affected plans is necessary. The NC 54/I-40 Corridor Study Area is presently the subject of pending litigation. A plan amendment for this area will be brought to the Board at a future date.

Attached are the staff reports and resolutions amending the future land use maps of the East Central Durham and the Southwest Durham Plans. The resolutions were adopted by City Council on September 17, 2001 (13-0) and December 17, 2001 (6-0), respectively. Plan amendment procedures do not require the Board to adopt resolutions for an amendment; however, an affirmative vote by the Board to rectify differences between amended versions and adopted versions of the East Central Durham Plan and the Southwest Durham Plan is required.

Resource Person(s): Dick Hails, Interim Planning Director and Dwight Yarborough, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board discuss these amendments and direct staff on the desired changes of the future land use maps of the East Central Durham Plan and Southwest Durham Plan. After the discussion and plan modifications, staff is requesting that the Board place these amendments on the March 11, 2002 agenda for action.

6. **Discussion of Additional ½-Cent Sales Tax**

The North Carolina Association of County Commissioners has sent a form resolution implementing the new ½-cent sales tax. This new sales tax was passed by the General Assembly to take the place of reimbursements for repealed inventory and other taxes. This tax would not be effective until July 1, 2003. The Board would be required to hold a public hearing prior to adoption of the sales tax.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, County Attorney

County Manager's Recommendation: Receive the information regarding the loss of reimbursements from the State and the sales tax which replaces the reimbursements. Give direction to the staff as to setting the public hearing on the sales tax.

7. **Insurance Renewals for the Upcoming Fiscal Year**

The County's insurance broker, Marsh, has given the County estimates of insurance premiums for the ensuing fiscal year. While the exact amount of premium can only be estimated until actual renewal, these amounts are based on renewal of policies taking place currently. The insurance market has caused these significant increases in renewals, and the increases do not reflect claims on the part of Durham County.

Resource Person(s): Chuck Kitchen, County Attorney; Cathy Whisenhunt, Risk Manager

County Manager's Recommendation: Receive the presentation by the Attorney's Office regarding insurance and give direction to the staff regarding any possible reductions in coverages.

8. **Respond to Questions Surrounding the Joint City/County Utility Audit**

During the February 25, 2002 Board meeting, Commissioner Bowser requested that this item be added to the worksession agenda for the purpose of responding to questions he had regarding the Joint City/County Utility Audit.

Resource Person(s): Wendell M. Davis, Deputy County Manager; George Quick, Finance Director; and Susan Fox-Kirk, Assistant Finance Director

County Manager's Recommendation: The Manager's recommendation is that staff be provided the opportunity to respond to questions raised by Commissioner Bowser at the February 25, 2002 regular meeting.

9. **Designation of Members for 2002 E&R Board**

North Carolina General Statutes 105-322 require adoption of a Resolution to appoint a special Board of Equalization and Review to hear tax appeal matters. The Board of Commissioners approved that resolution on February 25, 2002. However, the statute also requires that the Board finalize its appointments to that board, appoint the chairman and vice chairman, and set the rate of compensation, all of which must be consummated by the first Monday in March.

The rate of compensation for the 2001 Board of Equalization and Review was \$50.00 per session plus \$15.00 an hour for any hour over the three-hour session. A session consists of a three-hour block of time that Board members actually attend for official meetings.

The Board currently consists of the following members with their noted attendance:

George Scott, Chair met 28 of 29 sessions and is willing to serve in 2002.
Kelly Matherly, Vice Chair met 25 of 29 sessions and is willing to serve in 2002.

Ollie Cook	met 24 of 29 and is willing to serve, but will be moving in June.
Warren Robinson	met 23 of 29 sessions and is willing to serve in 2002.
Freddie Stell	met 7 of 10 sessions and is willing to serve in 2002.

Resource Person(s): W. Steven Crysel, Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board suspend the rules and consummate its appointments to the special Board of Equalization and Review, including the appointment of Chairman and Vice Chairman, and establish the rate of compensation for serving on this Board at \$50.00 per session and \$15.00 per hour after the three-hour session.

10. **Cancellation of Public Hearing on School Impact Fee Ordinance**

The Board of County Commissioners agreed to schedule a public hearing on the School Impact Fee Ordinance on March 25, 2002. Since that time, Governor Easley's action to withhold reimbursements from Durham County will severely limit the ability of Durham County to meet its obligations under the proposed ordinance with regards to the establishment of an incentive program to reimburse eligible developers for impact fees paid on affordable housing. The projected annual cost to the County for the reimbursement is estimated at \$202,500 for the 2002-2003 Fiscal Year.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board cancel the March 25, 2002 public hearing and suspend its review of the ordinance until the impact of the state financial crisis on Durham County's budget is fully understood.