

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

Monday, May 6, 2002

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

Citizen Comments—Robert H. Dean Jr.

Mr. Dean, Acting President of the Hillview Terrace Neighborhood Association, requested time on the agenda to speak to the impact the proposed Sunny Meadows subdivision would have on West Avenue homeowners and adjoining streets, such as Felicia Street.

Mr. Robert H. Dean Jr., 4915 West Avenue, Acting President of the Hillview Neighborhood Association, spoke to the Commissioners about the development of 48 homes and 12 townhouses next to Felicia Street. He said this is an expansion of another subdivision, Sunny Meadows, which has been approved but is not yet constructed. Mr. Dean related that Felicia Street is already suffering from water problems. Altogether, the project would include 246 single-family homes and 84 townhouses. Mr. Dean stated that the neighborhood could not afford to have this amount of development. Contrary to the developer's statement that there would be no run-off from rain onto existing properties, he attested that he has seen this street with floodwaters on the street, in yards, and in homes.

Mr. Dean stated that this development would also have a severe negative impact on traffic and schools. The developers should build enough streets and develop water plans to ensure no water runoff will occur on existing property.

Mr. Dean asked that if this development is approved, it become a low-density development without any apartments. He said attempts were made to have improvements made to Felicia Street. However, the Department of Transportation would not make the improvements because the street did not meet its standards.

Chairman Black said the Commissioners could not annex the area. The City Council would have to make the annexation. She advised him to talk to the Mayor and City Council members. The Board has discussed the flooding situation and the streets. The Commissioners are requesting lower density housing than is being proposed.

Commissioner Heron said if this project moves forward, a Letter of Credit or a bond should be provided to correct runoff problems if they occur.

Citizen Comments—Bishop Arnold Harris and Pastor Carol Ayres

Bishop Harris and Pastor Ayres have requested time to speak to the Commissioners about crime and violence in the East Main Street area of the Edgemont Community (Northeast Central Durham).

Pastor Carol Ayres spoke to the Commissioners about crime and violence in the East Main Street area of the Edgemont Community, including break-ins, rapes, thefts, robberies, prostitution, and drug-dealing. Pastor Ayres also discussed street vending in the City of Durham.

Chairman Black advised Pastor Ayres to attend the City-County Crime Cabinet meeting that would be held on Friday, May 10, 2002 to discuss her concerns.

Vice-Chairman Reckhow advised Pastor Ayres to go to the City Council Worksession to express her ideas about the street vending.

Budget Presentation for Nonprofit Agencies for FY 2002-2003 Funding

The Board was requested to hear the presentations from nonprofit organizations regarding their requests for funding in Budget Year 2002-2003.

Resource Person(s): Pam Meyer, Budget Director, and presenters from nonprofit organizations

County Manager's Recommendation: The County Manager recommended that the Commissioners receive input from speakers and incorporate in their deliberations prior to finalizing next fiscal year's budget.

Chairman Black said the 31 persons signed up to speak would be called to speak in the order in which they signed the forms.

County Manager Ruffin said the nonprofit agencies were asked to reduce their budget requests by 5 percent for FY 2002-2003. The presenters were asked to state how a 5-percent reduction would effect the services they provide. Some agencies reduced their budgets before the hearing with the County Commissioners.

Vice-Chairman Reckhow thanked the staff for doing a good job organizing all the applications and having the reviews by appropriate agencies done in a timely manner.

The following agency representatives spoke about their nonprofit request:

<u>AGENCY</u>	<u>REPRESENTATIVE</u>	<u>AMOUNT REQUESTED</u>
Eno River Association	Lori Olson and Greg Bell 4419 Guess Road Durham 27712	\$15,000
Genesis House	Stan Holt Box 25426, Durham 27702	\$30,000
Durham Crisis Response Center	Dr. Ann Brown PO Box 52028 Durham 27717	\$50,000
Communities In Schools of Durham	Dr. Oliver Johnson 1058 W. Club Blvd., Ste. 615 Durham 27701	\$9,500
Council for Senior Citizens	Joan Pellettier 807 S. Duke Street Durham 27701	\$125,000
Child Advocacy Commission	Al Singer 121 Market Street Durham 27701	\$31,500
Operation Breakthrough	Charles Chapman 200 E. Umstead Street Durham 27707	\$175,125
Middle School after School Program	Rod Teal Ms. Perez	\$85,500
Parenting of Adolescents Program	Heather Langan 1200 Broad Street, Ste. 209 Durham 27705	\$8,390
Durham Companions	Gordon McKinney 327 W. Main Street Durham 27701	\$6,500

Project Graduation of Durham	Dan Milam 122 E. Parrish Street Durham 27701 Mary Holderness 3940 Bristol Road Durham 27707	\$5,700
Family Counseling Service	Kelly Fairman 3308-F Chapel Hill Blvd. Durham 27707	\$15,000
Volunteer Center of Durham	Beth Sorenson 136 E. Chapel Street Durham 27701	\$5,000
Mobile Community Health Care	Sheila Summerville 27 Joel Court Durham 27703	\$151,000
Triangle Reading Service	Linda Ornt 211 E. Six Forks Raleigh Theodore Bryant 412 Cecil Street Durham 27707	\$4,500
Senior PHARMAssist	Gina Upchurch 123 Market Street Durham 27701	\$120,000
Durham Literacy Council	Tonya Hall PO Box 21215 Durham 27703	\$25,000
Consumer Credit Counseling Service	Glyndola M. Beasley 413 Chapel Hill Street Durham 27701	\$225,000
Child and Parent Support Services	Sheila Broderick 3518 Westgate Drive Durham 27707	\$8,807

Child Care Services Association	Gloria Cook Megan Risley 2634 Chapel Hill Blvd., Ste. 100 Durham 27707	\$28,215
Volunteer Center of Greater Durham—Summer of Service	Ashley Saunders 136 E. Chapel Hill Street Durham 27701	\$5,000
Good Work, Inc.	John Parker 1115 Market Street, Ste. 420 Durham 27701	\$20,000
Urban Ministries of Durham— Community Shelter	Spencer Bradford 410 Liberty Street Durham 27701	\$150,000
Carolina Alliance of AIDS Service	Caroline Jenkins 107 N. Driver Street Durham 27707	\$10,000
FAK Junior Golf	Jerry Spence 1467-D1 Newcastle Road Durham 27704	\$22,000
Women-In-Action	Grace Marsh Phyllis Peacock 539 Foster Street Durham 27701	\$30,875
Triangle Hospice	Lucy Worth 510 Latta Circle Durham 27712	\$7,600
YMCA of Greater Durham— Turning Point	Carlton Beavers David Christmas 215 Morgan Street Durham 27701	\$60,000
Durham County Teen Court and Restitution	George Hall Judicial Building 201 East Main Street Durham 27701	\$30,000

The Board of County Commissioners asked questions and made comments about the nonprofit agencies to which the presenters responded.

Chairman Black asked Tonya Hall, representing the Durham County Literacy Council, to obtain data for the Commissioners about the dropout rate for sixteen-year-old students leaving school. The Chairman also suggested that a small group of citizens get together to discuss the sixteen-year old students dropping out of school.

Chairman Black suggested to Glyndola Beasley that she look into the possibility of changing the Durham Regional Financial Center's name so there would be no association with Durham Regional Hospital.

Chairman Black said the nonprofit agencies should look into the possibility of membership in a single health care benefits plan for their employees.

Vice-Chairman Reckhow asked Dr. Oliver Johnson to get the Commissioners a copy of the Communities-In-Schools year-end national report for their review.

The Commissioners agreed that the Durham County Women's Commission and the Durham Council for Infants and Young Children with Special Needs should be removed from the nonprofit funding. Funding will be provided by other ways.

Chairman Black said the Commissioners would have a difficult time making decisions about the nonprofits funding. All of them are deserving, but not all are appropriate for our particular agency. She asked Bill Renfrow of the Budget Department to make recommendations to the various agencies as to where they possibly could obtain funding.

Teen Outreach Program (TOP)—Durham County Health Department

Ms. Annette Carrington will make a brief presentation to inform the Board of County Commissioners of the history and outcomes of the Teen Outreach Program (TOP). The presentation will include comments from TOP Advisory Board members and students. TOP is a partnership between the Durham County Health Department and Durham Public Schools to reduce teen pregnancies and school dropout among its participants. TOP is a youth development program offering weekly classroom instruction and service learning opportunities to 775 DPS middle and high school students.

The Teen Outreach Program was started in 1999 and is currently funded through the Community Health Trust Fund at an annual cost of \$143,811.

Resource Person(s): Brian Letourneau, MSPH, Health Director; Tekola Fisseha, MPH, Health Education Director; and Annette Carrington, CHES, Program Manager

County Manager's Recommendation: The Manager recommended that the Board receive the presentation.

Chairman Black called on Annette Carrington, CHES, Program Manager for the teen outreach program to present the program.

Ms. Carrington explained to the County Commissioners the entire TOP program that lasts for a nine-month period. She explained how the program is designed and what the students learn during the nine-month session. Nearly 600 students are involved in the program. The overall goal of the program is to reduce teen pregnancies and school dropout among its participants.

The Commissioners asked questions and made remarks about the program to which Ms. Carrington and Mr. Letourneau, MSPH, Health Director, responded.

Chairman Black asked Ms. Carrington for data and information on the Department of Social Services program that focuses on preventing the second pregnancy.

No official action was taken on this agenda item.

Cultural Master Plan for Durham County

In September of 1999, the Board of County Commissioners went on record in support of a grant application from the State of North Carolina for funds to prepare a Cultural Master Plan. The application was not approved; however, approval of recent amendments to the Occupancy Tax legislation for Durham County provides the \$200,000 needed for the study process. Representatives from the cultural community have developed the process for the development and preparation of the study. The County will be asked to assist with appointments as well as the preparation and administration of the bid documents to secure the professional services necessary to prepare the study.

Resource Person(s): Barker French, Carolina Theatre Board; Sherry DeVries, Durham Arts Council; E'Vonne Coleman, Duke Continuing Education, Cultural Expert; and Alice Sharpe, President, Downtown Durham Inc.

County Manager's Recommendation: The Manager recommended that the Board receive the presentation and advise the staff if any additional information or action may be necessary.

Chairman Black called on Barker French to present the Cultural Master Plan agenda item. The Chairman thanked Mr. French for all his hard work in getting the names together and calling people to ask their willingness to serve on the steering committee.

Mr. French presented the cultural plan to the Board of County Commissioners including a historical background. He said that two years ago he and E'Vonne Coleman presented an outline to the Board of a Durham cultural master plan and that the Board gave its support. Thanks to the Commissioners' support of the Occupancy Tax, Durham is ready to begin

development of a countywide cultural master plan. After the January 28 vote, Chairman Black directed County Manager Ruffin to ask a group of citizens who worked on the previous project to develop a process for carrying out the implementation. The citizens took part in developing a recommended list of Steering Committee members, outline of the organizational structure, and the development of the scope of the project.

Mr. French introduced the committee members that attended the Commissioner meeting and also listed the members that were unable to attend.

Three documents were included in the agenda package: 1)the list of recommended Steering Committee members, 2)the organizational chart, and 3)the request for proposal (RFP) covering the technical specifications of the project.

Mr. French said that the Commissioners were being asked today to approve the appointment of the co-chairs and the Steering Committee members. All of the members have agreed to serve. The Steering Committee will then complete the organizational process and move forward with the County staff to issue the RFP for the consultant who will facilitate the work. The Board was asked to grant the co-chairs authority to appoint one student to the Steering Committee.

County Manager Ruffin showed the Commissioners the work of the leadership group. He stated it would have the necessary language incorporated into it should this receive the Board's blessing. We will then move forward to assist with the employing of the technical assistance necessary to prepare the study.

Vice-Chairman Reckhow requested clarification on the first bullet under *Cultural Master Plan Steering Committee* that said, "Approves the selection of consultant."

Chairman Black responded that the selection of the consultant would have to come back to the Board of County Commissioners for the final approval of the consultant. The Steering Committee can make recommendations to the Commissioners.

Commissioner Heron wanted the citizens to know that funding for the study would not come from local tax dollars but from legislation that was passed for the Occupancy Tax.

Chairman Black stated that it does not mean that \$200,000 would be spent on the master plan study just because \$200,000 is allocated for the project. The Board must be sure to build into this plan "safety nets" for our arts that are already in the community. She wanted to make sure the "safety nets" are in the master plan.

Chairman Black said the appointments of the co-chairs and the members of the Steering Committee would be made on the Consent Agenda at the May 13, 2002 Regular Session.

Budget Hearing Schedule

The Board of County Commissioners finalized its budget hearing schedule on May 6, 2002. The following dates and times have been approved:

June 10	1:00 p.m. – 6:00 p.m.
June 11	11:00 a.m. – 3:30 p.m.
June 18	9:00 a.m. – 3:45 p.m.
June 19	9:00 a.m. – 1:00 p.m.

Reschedule the May 27, 2002 Regular Session

The Board of County Commissioners directed the County Manager to reschedule the Monday, May 27, 2002 Regular Session to Wednesday, May 29, 2002. The meeting date is being changed due to the Memorial Day holiday.

County Manager Ruffin said the official action would be requested on the May 13, 2002 Regular Session Consent Agenda.

Public Hearing—Northern Durham Parkway

The Board of County Commissioners said that Thursday, May 23, 2002 would be a suitable day with the Board to have the public hearing concerning the Northern Durham Parkway. The tentative meeting location is the Durham Public Schools Staff Development Center located at 2107 Hillandale Road.

Resolution Endorsing an FTZ Sub-Zone Application for General Electric Aircraft Engines

Triangle J Council of Governments, as Grantee of Foreign Trade Zone #93, has been authorized to submit an application to establish a 512-acre special-purpose sub-zone at 3701 South Miami Blvd. in the Research Triangle Park (RTP) for General Electric Aircraft Engines (GEAE). Establishment of this sub-zone will benefit GEAE, RTP, the City of Durham, and Durham County. The use of the Federal Trade Zone procedures will enable GEAE to enjoy the same advantages many of its competitors already enjoy, as well as increase the financial stability of the company and allow it to invest more into its permanent presence in RTP. The approval thereof may also help GEAE to increase its local labor force and provide additional jobs for the community.

Resource Person(s): Commission Vice-Chairman Ellen Reckhow and County Manager Mike Ruffin

County Manager's Recommendation: The Manager recommended that the Board suspend its rules and adopt the Resolution as presented.

Commissioner Heron moved, seconded by Commissioner Cousin, to suspend the rules to adopt the resolution endorsing a FTZ Sub-Zone application for General Electric aircraft engines.

The motion carried with the following vote:
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Bowser

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to adopt the resolution that is designated above.

The motion carried unanimously as follows:
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Bowser

The Resolution follows:

**A RESOLUTION ENDORSING AN FTZ SUB-ZONE APPLICATION FOR
“GENERAL ELECTRIC AIRCRAFT ENGINES” LOCATED IN THE
RESEARCH TRIANGLE PARK, NORTH CAROLINA**

WHEREAS, the Triangle J Council of Governments is the grantee for Foreign Trade Zone #93 and is duly authorized to administer the operations of said trade zone, inclusive of the submittal of applications to the US Foreign Trade Zones Board to establish, operate, and maintain special-purpose foreign trade sub-zones; and

WHEREAS, General Electric Aircraft Engines, a division of the General Electric Company, has made application to the FTZ #93 Board of Rates, Tariffs and Legal Review Requesting designation as a sub-zone of Foreign Trade Zone #93; and

WHEREAS, the Board of Rates, Tariffs and Legal Review has received and acted upon GEAE's application favorably with a recommendation that Triangle J endorse said application for review and approval by the US Department of Commerce; and

WHEREAS, the Executive Committee of the Triangle J Council of Governments adopted a Resolution on April 24, 2002 in support of the application of General Electric Aircraft Engines for the establishment of an FTZ Sub-Zone in Foreign Trade Zone #93; and

WHEREAS, the Board of County Commissioners of the County of Durham desires to lend its support to the application:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby support the application of General Electric Aircraft Engines for the establishment of an FTZ Sub-Zone in Foreign Trade Zone #93 and request that said application receive favorable consideration by the US Foreign Trade Zones Board.

This the 6th day of May, 2002.

/s/ Five Commissioners
Durham County Commissioners

Adoption of the FY 2002-2003 Consolidated Action Plan

The Board of Commissioners, at its April 8, 2002 meeting, had an opportunity to consider the Adoption of the FY 2002-2003 Consolidated Action Plan. However, the Board had several questions and requested that a written response be provided prior to adoption. On April 19, 2002, the City provided a written response. The Plan will be submitted to HUD on May 15, 2002.

The adopted Citizen Participation Plan requires that two public hearings be held prior to the submission of the Consolidated Action Plan to the Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive comments pertaining to HOME program needs in Durham. The Board of County Commissioners needs public hearing was held on February 25, 2002. No citizen comments were received. The purpose of the second public hearing was to receive comments on the use of FY 2002-2003 HOME funds as proposed in the Consolidated Action Plan Draft. The FY 2002-2003 Consolidated Action Plan Draft was made available for public review beginning March 8, 2002 through April 7, 2002. The Board of County Commissioners, at its April 8, 2002 meeting, held the Consolidated Action Plan Draft public hearing.

The Durham City-County HOME Consortium anticipates receiving total HOME Investment Partnership (HOME) program funds in the amount of \$1,351,000. This amount includes an annual HOME allocation of \$1,051,000 and program income in the amount of \$300,000. The use of FY 2002-2003 HOME funds includes substantial homeowner rehabilitation activities for low-income city and county residents, tenant-based rental assistance (HOPE VI Revitalization Area), and acquisition and/or substantial project rehabilitation by a developer. A Request For Proposals (RFP) for acquisition and/or substantial project rehabilitation will be issued to interested developers during the program year. The Durham City-County HOME Consortium will be required to provide a 25% match (non-federal funds) to the total amount of HOME funds used directly for affordable housing activities during FY 2002-2003. The required match will be approximately \$287,088 and will be funded with City Housing Bonds and available County funds as outlined in the current Consortium Agreement.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners adopt the FY 2002-2003 Consolidated Action Plan. Michael Pullum, Senior Planner, will attend the meeting to answer questions.

Resource Person(s): Michael Pullum, Senior Planner, City of Durham Department of Housing and Community Development

County Manager's Recommendation: The Manager's recommendation is that the Board suspend the rules and adopt the FY 2002-2003 Consolidated Action Plan. Each of the respective public hearings has occurred, and the plan has been modified from draft status to submission status based on the feedback provided during the public hearings. The Board had several questions during the April 8, 2002 meeting which are answered in the memo.

County Manager Mike Ruffin said the City has asked the County to suspend the rules if the Board is inclined to vote on this today. The deadline is May 15, 2002 for the plan to be in the Greensboro office.

Chairman Black asked the Clerk to the Board if the three vacant County positions on the Citizens Advisory Committee had been advertised.

The Clerk to the Board answered in the affirmative.

County Manager Ruffin said the work is in progress to amend those bylaws.

County Attorney Chuck Kitchen said it is not required by the Interlocal Agreement or by any other document that three citizens are to be appointed. The three designated County positions are mentioned in the bylaws. The way it is set up in the bylaws, Durham County is authorized to have three members on the Citizens Advisory Committee, but the County Commissioners are not designated as the appointing authority. The bylaws state that the three members have to live outside the city limits. Attorney Kitchen said the Commissioners could appoint anyone to the committee they want.

Vice-Chairman Reckhow said the Commissioners might want to consider putting someone from County Government administration on the committee. A lot of the issues the Board wants represented are things the average citizen would not know about. Someone like Deputy County Manager Wendell Davis would be better to put on committee than to have a third citizen to represent Durham County. The Commissioners concurred to put a staff person and two citizens on the Citizens Advisory Committee.

The Commissioners asked questions and made comments to which Michael Pullum, Senior Planner, City of Durham Department of Housing and Community Development, responded.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to suspend the rules and vote on the adoption of the FY 2002 Consolidated Action Plan.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adopt the FY 2002-2003 Consolidated Action Plan as presented.

The motion carried unanimously.

Update on 2002 Durham County Legislative Agenda

The members of the General Assembly will convene in Raleigh at noon on May 28, 2002 for the so-called "Short Session." At a recent meeting with the Durham Delegation on March 14, 2002, the Board discussed possibly placing the following items on the Legislative Agenda for the 2002 Short Session:

- ½-cent sales tax
- Menu of Local Option Taxes (HB99)
- Impact Fee/Tax Authority

In addition, several items from the adopted 2001 Legislative Agenda that are eligible for consideration will be discussed. Staff will distribute copies of the proposed legislation at Monday's meeting.

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

County Manager's Recommendation: Review the items and further direct staff in preparing the 2002 Legislative Agenda for the upcoming short session.

Deborah Craig-Ray, Public Information and Governmental Affairs Director, highlighted some key dates for the Commissioners. The session will convene at noon on May 28, 2002 for the so-call "Short Session."

Deborah Craig-Ray presented to the Commissioners a list of seven items that were pulled together based on conversations and information from the Commissioners and other sources.

County Manager Ruffin sent memoranda to the Board about the referenda resolution that the association is suggesting that all counties enact regarding financial issues.

Deborah Craig-Ray reviewed for the Commissioners the Durham County 2002 Legislative Agenda dated May 6, 2002. The proposed discussion items were as follows:

1. Seek legislation to allow counties to enact several revenue options, subject to local referendum, of those revenue sources that have already been authorized for counties in other parts of the state, to include land transfer taxes, impact taxes for school facilities and other infrastructure, prepared meals taxes and occupancy taxes. H99 (*NCACC adopted goal*)
2. Legislation enacting an Impact Tax or Impact Fee in Durham County. H718/S621
3. Legislation moving Article 44 sales tax up a year so that local governments can enact it July 1, 2002, rather than July 1, 2003. As a trade the state would keep the repealed tax reimbursements.
4. Legislation authorizing the Legislative Research Commission to create a study Committee to study privatization of Liquor Sales in North Carolina. S166
5. 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. H1314
6. Legislation to modify some provisions in the Mental Health Reform legislation (S.L. 2001-437):
 - a. Modify the October 1st date for county letter of intent.
 - b. Oppose the provision that allows the state to keep the patient care dollars even though plans call for closing state hospitals and sending patients back into their communities.
7. Legislation to modify Urban Loops legislation to clarify location of Durham Northern Loop.
8. Legislation to support increasing the state's cigarette tax to help offset the state's budget deficit.

The Commissioners asked questions and made comments about the 2002 Legislative Agenda to which Ms. Craig-Ray and County Attorney Kitchen responded. County Manager Ruffin and Deputy County Manager Titus assisted with the answers to the questions.

Chairman Black directed staff to include the 2002 Durham County Legislative agenda on the May 13, 2002 Regular Session Agenda as a Consent Agenda item. The additional legislative items discussed will also be included in the Consent Agenda.

Adjournment

Chairman Black adjourned the meeting at approximately 2:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board