

August 29, 2002

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

Thursday, August 29, 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 Heron

Absent: None

Presider: Chairman Black

**Citizen Comment—Ralph McKinney**

Mr. Ralph McKinney requested time on the agenda to speak to the Board of County Commissioners regarding civil and constitutional rights of citizens.

Mr. Ralph McKinney did not attend the Board's worksession.

**Citizen Comments—Stephenie Galifianakis and Brenda Birdine**

Ms. Stephenie Galifianakis and Ms. Brenda Birdine, both from the local Association of Child Support Enforcement, wished to discuss several problems they have with the Department of Social Services concerning child support.

Chairman Black called on Ms. Galifianakis and Ms. Birdine to make their comments.

Commissioner Heron stated that if five minutes would not allow enough time for these women to make their comments, she would like to suspend the rules to allow them additional time to bring this very significant problem before the Board.

Ms. Galifianakis wished to address the constant problems she experiences with Child Support Enforcement. She expressed the opinion that this agency is very consumer unfriendly and hostile and stated that this is not the first time these issues have been addressed with caseworkers, supervisors, department heads, and County Commissioners.

She cited the following problems:

1. Rude, arrogant caseworkers and supervisors with unacceptable attitudes toward county clients.
2. Employees do not answer telephones.
3. Calls are not returned.
4. Dishonest supervisors and employees.
5. Cases are not handled in a timely manner. (Each step is allotted a follow-up time frame.)
6. Parents are compelled to tell caseworkers what must be done next; the caseworkers fail to follow-up.
7. Caseworkers are misinformed of the laws and are inconsistent in issuing information.
8. Court-date notifications are seldom generated, and when they are, they often have wrong dates and addresses, making it impossible to serve "deadbeats" and causing clients to miss long-awaited court dates.

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Ms. Galifianakis proposed forming a committee similar to Durham's school site committees. The situation must be monitored to identify problems, establish proactive problem solving, and track improvements.

Ms. Birdine spoke about her situation and the problems she has with court dates and other matters.

Commissioner Bowser said this issue was brought up at the Department of Social Services Board meeting yesterday. Testimonies were not given at the Board meeting.

Daniel C. Hudgins, Director of Social Services, said the Child Support supervisor and the social worker were not present at the meeting.

Commissioner Heron said the supervisor and social worker were requested to be present at this meeting through the County Manager's office.

Mr. Hudgins said that two Social Services Board members were present.

Mr. Hudgins spoke about Ms. Galifianakis' case. The social worker did fail to follow-up. We did get the case into court. Rude behavior and failure to return phone calls are not acceptable in the agency. We will deal with rude behavior on an individual basis. There are problems in the Child Support area. Some problems are outside of our control and some are within our control. Case loads and workloads have increased. We would welcome an opportunity to work with a group to improve Child Support. Additional court time is needed to hear child support cases.

Commissioner Heron said these problems are not new. She met with the ACES group and staff members over two years ago to get these problems solved. Something must be done even if the Board of County Commissioners has to correct the situation. Commissioner Heron stressed that she is losing patience with these complaints.

Mr. Hudgins offered to work with this group and to meet with them to develop a better feedback system. He spoke at length about the Child Support system. He responded to the Commissioners' questions and comments.

Mr. Hudgins affirmed that the Social Services Board would discuss this at its next board meeting. He would present a proposal to the Social Services Board and bring a report back to the Board of County Commissioners at its October Worksession. In the meantime, he would set up a meeting with the group to discuss its concerns.

Commissioner Bowser stated that this situation is unacceptable and that he was very surprised that we have allowed this to happen and then the same group comes before us again with the same complaints. Whatever it takes to get this situation resolved should be done. The Commissioners are behind Mr. Hudgins and will lend whatever support is necessary because this is one of the most important functions provided to the community. We don't have room for mistakes or lags in services.

Commissioner Heron said she does not want to hear this again. We are going to stay in touch with the ACES group. We are not going to let this situation drop until it's resolved.

A lengthy discussion followed on this agenda item.

**Capital Projects Ordinance Amendment No. 03CPA000002 and Budget Ordinance Amendment No. BCC000003—Establish Initial Appropriation for American Tobacco Project—North Garage**

The Business Deal Points for the American Tobacco Complex Redevelopment Project, approved by the Board of County Commissioners on August 20, 2002, allow for Capitol Broadcasting Corporation (CBC) to begin the development of plans and specifications for the North and South Garages during the negotiations of the Development Agreement. Section I.b. of the approved Business Deal Points states: "Simultaneously, during the

Development Agreement negotiation and drafting period, CBC plans to begin the development of plans and specifications for the North and South Garages. The plans and specifications shall be generally consistent with the design criteria that the City, the County, and CBC have mutually developed.... The plans and specifications for the North and South Garages, through design development, shall be completed and agreed to by the parties before the Development Agreement is signed. The City and the County would be financially responsible for the payment of architectural and engineering fees and for necessary testing, including geotechnical investigations, performed in connection with the plans and specifications through the design development phase for their respective garages, in an amount not to exceed \$120,000 per garage.” In addition, per Section II.7. of the Business Deal Points: “A cost estimator will be hired by and paid either jointly or separately by the City and the County. Using the design development documents, the estimator will develop his or her own estimates and will review Bovis Lend Lease’s estimates and proposed price/cost of construction of the South Garage, Phase A of the North Garage, and Phase B of the North Garage.”

As the County will be responsible for funding the North Garage, it is necessary to establish the initial capital project and appropriate necessary funds for the design development phase (not to exceed \$120,000) and for a cost estimator (\$5,000) to review the design development documents. Again, CBC is responsible for the hiring of the architectural concern to perform the design development work. The County will contract directly with the cost estimator to be used on this project.

Funds have been identified in the general fund, in the non-departmental contingency account, and will be transferred to the American Tobacco capital project. Once the County issues the debt for this project planned for August 2003, the general fund will be reimbursed from those proceeds. The County Attorney’s office is preparing a reimbursement resolution that will come before the BOCC within the next 60 days.

Resource Person(s): Mike Ruffin, County Manager, and Glen Whisler, County Engineer

County Manager's Recommendation: Suspend the rules and approve Budget Amendment No. 03BCC000003 authorizing the transfer of \$125,000 from the general fund contingency account to the American Tobacco capital project (Capital Project Amendment No. CPA000002). Authorize the County Manager to execute a contract with Capital Broadcasting Company for the design development phase of the project, not to exceed \$120,000.

Chairman Black called on County Manager Ruffin to present this agenda item to the Board of County Commissioners.

The County Manager said this is the initial step in moving forward to bring back to you the Development Agreement at the October 7, 2002 Worksession. We must begin now to employ the cost estimator to work with the project design people to be sure that the actual amounts for construction are reflected in that agreement.

Commissioner Reckhow made remarks about being conservative with the County budget since the General Assembly has not adopted the state budget.

County Manager Ruffin responded, for the record, that the hiring freeze is saving the County \$130,000 per pay period. We do have some controls in place. He stated he felt comfortable that funds could be taken from contingency given our history over the last five years.

Commissioner Reckhow requested that the remaining balance in contingency be reported on the agenda action form when funds are removed.

Commissioners Heron and Bowser agreed with Vice-Chairman Reckhow’s comments about being conservative since the state budget has not been adopted. We don’t know the status of the ½-cent sales tax proposal.

Commissioner Bowser was concerned about taking this amount of money from the contingency fund this early in the fiscal year. It reminded him of the 5 percent taken out of nonprofit requests this year. He stated that this amount of money would plug the holes that existed in the nonprofit requests during the budget process. He supported this request but asked that his comments be reflected in the record.

County Manager Ruffin referred to the plan in place in case the state budget is not adopted. The hiring freeze would remain in place for 22 pay periods until the \$2.9 million shortfall is made up. The shortfall would be made up in the current budget year.

Attorney Kitchen responded to Commissioner Heron’s remarks that the hiring freeze prevented the Legal Department from hiring an attorney to work on child support cases. He said that the position had been advertised, applicants had been interviewed, and an offer would be made shortly to fill that position.

Chairman Black asked County Manager Ruffin if this item could be moved to the September 9, 2002 Regular Session consent agenda.

The County Manager said action should be taken today on this item because of the October 7, 2002 deadline. We need to get the individual or firm on board as soon as possible.

Commissioner Reckhow moved, seconded by Commissioner Cousin, to suspend the rules so action could be taken on this agenda item.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve Budget Amendment No. 03BCC000003 authorizing the transfer of \$125,000 from the general fund contingency account to the American Tobacco capital project (Capital Project Amendment No. CPA000002). Authorize the County Manager to execute a contract with Capital Broadcasting Company for the design development phase of the project, not to exceed \$120,000. (\$5,000 allotted for a cost estimator to review design development documents)

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2002-03 Budget Ordinance  
Amendment No. 03BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Nondepartmental Transfers.

GENERAL FUND

<u>Expenditures</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Nondepartmental	\$20,745,930	\$125,000	\$125,000	\$20,745,930

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

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This the 29<sup>th</sup> day of August, 2002.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

The capital project ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2002-03 Capital Projects Ordinance  
Amendment No. 03CPA000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the American Tobacco North Parking Deck.

AMERICAN TOBACCO NORTH PARKING DECK

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
American Tobacco Project				
North Garage	\$0	\$125,000		\$125,000

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 29<sup>th</sup> day of August, 2002.

(Capital Project Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

1/2-Cent Sales Tax Hold Harmless Provision

Vice-Chairman Reckhow said if the 1/2-cent sales tax is eventually approved, Durham County would be relying very heavily on the hold-harmless provision because the 1/2-cent sales tax will not generate enough money to cover what we were getting from the reimbursements. With the state's continuing budget problems and the prospect that similar problems will continue through next year, we must be concerned that the state could renege on giving Durham County our sales tax under the hold-harmless provision.

Patrice Roesler, with the North Carolina Association of County Commissioners, commented that the proposal with the best chance of going forward is the proposal that would change the priority as to how the Governor would work to balance the budget. We are trying to move our reimbursements down his priority list so that everything available to him would come before our reimbursements. That is the most practical thing that we think has a possibility to go through. The proposal is in the budget negotiations. Everything now is tied into the budget negotiations.

Vice-Chairman Reckhow said it might be a good idea to let the Durham Delegation know how important it is to move the County reimbursements down the list due to the potential loss of so much revenue to Durham County associated with the hold-harmless provision for sales tax.

County Manager Ruffin said Representative Luebke recently told him that the sales tax issue is not in jeopardy. He stated he would contact him this afternoon and communicate to him about the sales tax and the reimbursements being moved down the priority list.

Approval of Interlocal Agreement with the City of Durham Relative to the TeerMark Lease

During the preparation of the Fiscal Year 2002-2003 Budget, the County and City Managers informally agreed to split the cost of the lease for the TeerMark Building for the remainder of its term, which expires on June 30, 2003. The building formerly housed the offices of the Youth Coordinating Board. Specifically, the City agreed to reimburse

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the County for 50 percent (\$719.50) of the monthly lease amount. The agreement requires the formal approval of an Interlocal Agreement before the County can receive the agreed-upon reimbursement.

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

County Manager's Recommendation: Suspend the rules and approve the Interlocal Agreement.

Chairman Black asked if there were questions for the County Manager relative to the interlocal agreement.

County Manager Ruffin presented the agenda item to the Board of County Commissioners. He said this item could be placed on the September 9, 2002 Regular Session Agenda for approval.

The Commissioners asked questions and made remarks about the lease to which County Manager Ruffin responded.

Chairman Black said that the agenda item would be put on the September 9, 2002 Regular Session agenda for approval.

**Sublease Agreement for Suite #104—212 West Main Street**

The Full Frame Documentary Film Festival, doing business as Doc Arts Inc., desires to sublet property previously occupied by the Youth Coordinating Board. Doc Arts Inc. is a 501(c)(3) nonprofit organization which produces the annual Full Frame Documentary Film Festival and also runs some year-round programs promoting documentary films. The Film Festival is a four-day event, held each spring at the Carolina Theatre. It showcases over 100 films and is presented in association with the Center for Documentary Studies at Duke University.

Durham County currently leases Suite #104 at 212 W. Main St. (TeerMark Building) from TeerMark Associates, LLC. The space had been occupied by the Youth Coordinating Board and is now vacant. The suite comprises 1,645 square feet and has five offices, a lobby/reception area, and two restrooms. The lease term is from July 1, 2000 to June 30, 2003 with the rent level at \$1,439 per month (\$10.50/sq.ft.) for the entire 36-month term. Assignment and subletting of the lease is subject to Landlord's approval, which has been informally secured.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; Bill Martin, Real Property Manager; and Heidi Duer, Assistant to the Manager

County Manager's Recommendation: Suspend the rules and approve the request from Doc Arts Inc. to sublet the space to the Full Frame Documentary Film Festival free of charge through the balance of the lease period, June 30, 2003, provided that the City of Durham approves the Interlocal Agreement to split the cost of the rent incurred from July 1, 2002 through June 30, 2003.

County Manager Mike Ruffin was asked by Chairman Black to present this item to the County Commissioners.

There were no questions or comments from the County Commissioners.

Chairman Black said this agenda item would be placed on the September 9, 2002 Regular Session consent agenda for approval.

**Security Proposals from the Sheriff's Office and Wackenhut Corporation**

During the 2003 budget deliberations, the Board had an opportunity to be briefed on the County's situation with security coverage. During that time, both the Wackenhut Corporation and the Sheriff's Department submitted proposals. The Board of County Commissioners, in approving the 2003 budget, allocated \$900,000 in nondepartmental funds for the purpose of funding the security initiative. Staff was directed during the deliberations to conduct an "apples to apples" comparison between the Sheriff's proposal and the Wackenhut proposal and to bring the item back at a later date. A comparative analysis between cost for the Sheriff's office and Wackenhut was prepared. In general, the hourly rate for Wackenhut is \$3.04 less than the hourly rate for the Sheriff's office. Attached are two comparisons with and without the project manager included. The difference between the two proposals is as follows:

	<u>Project Manager</u>	<u>Without Project Manager</u>
Sheriff	\$950,542.88	\$908,069.28
Wackenhut	\$803,150.80	\$767,000.40
Difference	\$147,392.08	\$141,068.88

The Sheriff has raised concerns about Court activities and has expressed the need to administer Security activities in the Judicial building. The Sheriff also requested to provide coverage for the County Administration building in order to have an armed presence available for Board meetings and such operations as the Tax Office where revenue collections occur.

Resource Person(s): Deputy County Manager Wendell M. Davis; Chief Deputy Wes Crabtree, Durham County Sheriff's Department; and Lawrence Martin Martinez, Wackenhut Representative

County Manager's Recommendation: Suspend the rules, receive the report, and award the security contract to Wackenhut for 586 hours for DSS, Mental Health, Public Health, Libraries, the Criminal Justice Resource Center, a roving patrol, and project management. The Manager further recommends awarding 294 hours to the Sheriff's Office for the Judicial building and the County Administration building.

Chairman Black called on Deputy County Manager Davis to present the agenda item.

County Manager Ruffin, for the interest of the County, asked the Board to reach a decision today on this agenda item so administration could move forward with implementing its decision.

Deputy County Manager Davis presented the Board of County Commissioners a detailed report on the two security proposals.

The Board of County Commissioners asked several questions and made remarks about the security proposals to which the County Manager, Chief Deputy, Deputy County Manager, and staff members responded. Wackenhut Corporation officials also assisted with the answers.

The question and answer session was lengthy.

Commissioner Bowser was opposed to eliminating armed security guards at the Durham County Main Library on Roxboro Street due to the violent incidences that have occurred outside the library. He said he would support the proposal under consideration, but he did not want to hear about any violent incidences within the next year at the library.

Commissioner Heron wanted more information and specifics on what we are getting for the \$900,000 if we go with the County Manager's recommendation. She also suggested that the Commissioners consider the possibility of moving the Criminal Justice Resource Center to reduce costs.

Vice-Chairman Reckhow wanted information on the Project Manager position and the Roving Patrol 2 position in Wackenhut's proposal. She also wanted to know how the security program is working in the Public Health Department since the security guard is on the County payroll.

Vice-Chairman Reckhow requested that the decision on this agenda item be deferred until some of her questions are answered.

In concluding remarks, Chairman Black asked each Commissioner to give further questions or comments to the County Manager. He would bring the answers back to the Commissioners.

Commissioner Bowser requested that staff provide the Commissioners with information about the amount of time and cost to be dedicated to each building and department. He also wanted to know how much time the officer would be spending inside and outside the main library.

Chairman Black instructed Deputy Manager Davis to bring back the information entitled "Durham County Security Program." She asked the Wackenhut representative to bring a job description of the Project Manager, the security personnel, and any other information that may be helpful for the Commissioners. She also asked the County Manager to provide a list of all the reported violent incidences that have occurred in each building and outlying buildings.

Chairman Black wanted to factor in the cost for the Sheriff's Department and Police Department to respond to an alarm being activated or any other activity in which they may participate.

The Chairman wanted information explaining how the money would be provided to pay for building security.

No official action was taken on this agenda item.

### **Mental Health—Governance**

The County Attorney presented options for governance of the reorganized mental health system in Durham County. Esquare Leadership, consultants hired by the Mental Health Authority to assist in the reorganization, was present to offer assistance as needed.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Receive the information on the possible options for governance.

Chairman Black requested that several people in the audience come to the table for the presentation. The invited participants were as follows:

Karen Crumbliss	Board Member
Coleen H. Kilsheimer	Board Member
Mr. Kilsheimer	Parent
Tom Stevens	Consultant Esquare Leadership
Jack Ramsey	Adult Services Unit Director
Patrice Roesler	NC Association of County Commissioners
Evester Bailey	ACCESS and Crisis Services Director
Allen Lovell	Educ. & Comm. Relations Coordinator

Chairman Black called on County Attorney Chuck Kitchen to make the presentation.

The following areas were discussed:

- Duties of Counties
- Governance and Operations of MH/DD/SA Programs



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Timetables  
Governance Options  
Efficiency  
Core Services  
Services Provided  
Options for Efficiency  
Provision of Services  
Personnel  
Liability

The Board of County Commissioners asked questions and made comments about the presentation to which The Durham Center staff and invited individuals responded.

No official action was taken was taken on this agenda item.

**Adjournment**

Chairman Black adjourned the worksession at 12:15 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board