

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

Monday, July 25, 2005

7:10 P.M. Regular Session

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, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow acknowledged the following items that had been placed at each Commissioner's station:

- Revised agenda action form—Item No. 8, Settlement of 2004 Property Taxes and the Charge of 2005 Property Taxes to the Tax Collector and Reappointment of the Tax Administrator
- Addition—Item No. 8a, Amendment to Contract for Excavation of North Durham Sheriff's Satellite Station

Motion to Excuse Commissioner Page

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to excuse Commissioner Page from the August 1 Worksession and August 8 Regular Session meetings.

The motion carried unanimously.

Announcement

Chairman Reckhow invited citizens to attend a public meeting to provide citizens an opportunity to review and ask questions about preliminary copies of the flood insurance rate maps for the Cape Fear portion of Durham County. The meeting will be held on Thursday, July 28, 2005, from 6:00 – 8:00 p.m. in Durham City Hall Plaza. Chairman

Reckhow also announced the Ground Breaking ceremony for the new North Durham branch library, to be held in front of Carrington Middle School.

Vice-Chairman Heron informed the Board that she would not be able to attend the Ground Breaking due to a prior County engagement.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve as corrected the June 20, 2005 Budget Worksession Minutes and as submitted the June 27, 2005 Regular Session and June 30, 2005 Regular Session (continued from June 27) Minutes of the Board.

The motion carried unanimously.

Introduction of the New Social Services Director

County Manager Mike Ruffin introduced Mr. Sammy R. Haithcock to the Board. Mr. Haithcock joined Durham County as its new Director of Social Services and began work on July 18. Mr. Haithcock, a 1972 UNC-Chapel Hill graduate, has over 25 years of experience as a Social Services Director in North Carolina. He most recently served as Caldwell County's Social Services Director since 1992.

Mr. Haithcock began his career as a state disability determiner, which evolved into quality control and supervisory roles. He then moved to Chatham County as an adult services caseworker and, six months later, became the county's first child support officer. Concurrently, he served as acting director for nine months and pursued his Master's Degree in Social Work (Public Welfare Management) at UNC-Chapel Hill. He worked in Durham County in 1979 in daycare before moving to Vance County in 1980 as director.

Mr. Haithcock has been president of the NC Association of County Directors of Social Services and served on state study commissions for responsible fatherhood, the reorganization of the Department of Human Resources, and child abuse and neglect management. He is currently on the state's Child Support Five-Year Planning Committee.

As Durham County's Director of Social Services, Mr. Haithcock will manage the day-to-day operations of the department and will work directly with the Social Services Board on key policy and administrative issues.

Mr. Haithcock briefly thanked the Board for the opportunity to work for Durham County.

Chairman Reckhow welcomed Mr. Haithcock as the new Social Services Director. She encouraged Mr. Haithcock to join the Durham Director's Initiative, which meets monthly.

Resolution Honoring Longtime Mental Health Advocate Nancye Bryan

Chairman Reckhow stated that Ms. Nancye Bryan is a longtime mental health advocate who recently ended an outstanding career as a member and vice-chair of The Durham Center Area Board. During her numerous years of service, she has been recognized for her unwavering dedication to and compassion for those suffering from developmental disabilities, mental illness, and substance abuse.

Ellen Holliman, Director, The Durham Center, gave appreciative comments for Ms. Bryan's past service to the Area Board.

Chairman Reckhow read the resolution in honor of Ms. Bryan into the record:

RESOLUTION

WHEREAS, Nancye Bryan has worked for many years as a tireless advocate for some of this community's most vulnerable citizens...people with developmental disabilities, substance abuse and mental illness; and

WHEREAS, through her efforts, she has brought about significant and positive change for Durham County residents dealing with substance abuse, mental health and development disability issues and greatly improved the public's understanding and acceptance people suffering from these issues; and

WHEREAS, providing resources to help consumers gain a measure of independence has been a priority for Nancye Bryan and she currently serves as president of Next Step Housing, a local non-profit dedicated to developing affordable housing for people with mental illness; and

WHEREAS, Ms. Bryan has provided visionary leadership as a member and Vice-Chair of the Durham Center Area Board in addition to her service as immediate past president of National Alliance for the Mentally Ill (NAMI) of Durham and past chair of Association of Self-Advocates of North Carolina (ASANC); and

WHEREAS, as an active member and secretary of Durham Consumer and Family Advocacy Committee (CFAC), Nancye Bryan is highly regarded for her strong skills in communicating key policy issues with the area board and CFAC; and

WHEREAS, those who know her well understand that, for her, providing a helping hand to others is truly a labor of love performed by a kind and compassionate woman:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby extend sincere appreciation to

NANCYE BRYAN

for many years of generously, and unselfishly donating considerable time and resources to those in need in the Durham community. We call upon all citizens of Durham County to remember the extraordinary contributions she has made in improving the quality of life for consumers and families dealing with development disabilities, substance abuse and mental illness.

This the 25th day of July, 2005.

Ms. Bryan accepted the resolution and gave remarks. She thanked the Board for the recognition.

July Anchor Award Winner—Jessica Brown-Linton

Finance Director George Quick overviewed Ms. Jessica Brown-Linton's accomplishments as the investment and debt manager in the Finance Department. Ms. Brown-Linton was selected to receive the July Anchor Award for her superior work, and particularly for her management of the audit process for the 2004 fiscal year.

- Jessica Brown-Linton's performance and dedication during the 2004 audit process was outstanding. The audit manager for the County's audit, made the comment that he could not remember an audit running smoother.
- Ms. Brown-Linton voluntarily accepted more responsibility during the audit, and because of her willingness to go the extra mile and learn new things, she received the Anchor Award.

Ms. Brown-Linton thanked the Finance Department for contributing to her accomplishments. She also extended thanks to the Board for the recognition.

Chairman Reckhow presented the Anchor Award to Ms. Brown-Linton.

Consent Agenda

Commissioner Cousin moved, seconded by Commissioner Cheek, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for June 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);

- *b. Budget Ordinance Amendment No. 06BCC000001—Request for Additional Personnel—Lebanon Volunteer Fire Department (approve the transfer of funds from the Lebanon Fire District to the County of Durham to cover salary costs for three additional FTEs in the Fire Marshal’s agency in the general fund); and
- *d. Budget Ordinance Amendment No. 06BCC000003—Sheriff’s Office—Recognize LLEBG Deferred Revenue (recognize \$140,747 in deferred revenue into the Sheriff’s Office FY 2005-06 operating budget).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for June 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of June 2005.

Releases & Refunds for 2005 Taxes:

Personal	\$	784.31
Registered Vehicles	\$	18,436.89
Vehicle Fees	\$	<u>540.00</u>
Total for 2005 Taxes and Fees	\$	19,761.20

Releases & Refunds for 2004 Taxes:

Real Estate	\$	15,276.46
Personal	\$	10,872.90
Registered Vehicles	\$	14,907.34
Vehicle Fees	\$	<u>220.00</u>
Total for 2004 Taxes and Fees	\$	41,276.70

Prior years’ (2000-2003) releases and refunds for June 2005 are in the amount of \$6,840.41.

The total current year and prior years’ releases and refunds amount to \$67,878.31.

(Recorded in Appendix A in the Permanent Supplement of the July 25, 2005 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Budget Ordinance Amendment No. 06BCC000001—Request for Additional Personnel—Lebanon Volunteer Fire Department (approve the

transfer of funds from the Lebanon Fire District to the County of Durham to cover salary costs for three additional FTEs in the Fire Marshal's agency in the general fund).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$16,896,210	\$110,123	\$17,006,333

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,464,592	\$110,123	\$40,574,715
<u>LEBANON FIRE DISTRICT FUND</u>			
Public Safety	\$539,426	(\$110,123)	\$429,303
Other	\$296,780	\$110,123	\$406,903

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

This the 25th day of July, 2005.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000003—
Sheriff's Office—Recognize LLEBG Deferred Revenue (recognize \$140,747 in deferred revenue into the Sheriff's Office FY 2005-06 operating budget).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$293,556,687	\$140,747	\$293,697,434

Expenditures:

Activity
GENERAL FUND

Public Safety	\$40,833,191	\$140,747	\$40,973,938
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 25th day of July, 2005.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No c. Budget Ordinance Amendment No. 06BCC000002—Office of the Sheriff and City of Durham Police Department—2005 Edward Byrne Memorial Justice Grant (JAG) (approve for \$258,476 to be shared fifty-fifty with the City to support local law enforcement and criminal justice system activities).

In reference to the Sheriff's Office funds, Vice-Chairman Heron asked if consideration was given to assist with funding the courts. She also asked for a follow-up on the Board directive to route grants of this nature through the County Manager for his review before submitting to the Board.

County Manager Mike Ruffin responded that the directive was given after the grant had been signed off on and submitted; he had not reviewed the grant.

Chief Deputy Wes Crabtree elaborated that when the grant was prepared in March, the Sheriff's Department was unaware of the County's interest in becoming more actively involved in funding the judicial system.

Chairman Reckhow recapped the directive from a prior meeting given to the County Manager pertaining to grant submittals. She stated that in the future, grants are to be reviewed by the County Manager to consider all of the County's law enforcement and judicial needs.

Chief Crabtree requested direction from the Board as to an appropriate procedure for submitting grants.

On behalf of the Board, Chairman Reckhow required that the County Manager become involved in formulating priorities to use the grant funds.

County Manager Ruffin explicated the directive, stating that before a grant is submitted, the County Manager's office will review it and ask questions if necessary, and then submit it to the Board in the form of an amendment for approval. He added that this particular grant was formulated before the directive was given.

Commissioner Cheek expressed concern about using grant monies to fund personnel positions. He stated that doing so risks the chance of the funds not recurring, which results in having to find alternative funding for those positions.

Vice-Chairman Heron reiterated the Board's directive to have grants primarily reviewed by the County Manager.

Chairman Reckhow directed the County Manager to work with the Sheriff's Office to develop a protocol for submitting grants.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Consent Agenda Item No. c.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$293,298,211	\$258,476	\$293,556,687

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,574,715	\$258,476	\$40,833,191

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

This the 25th day of July, 2005.

Settlement of 2004 Property Taxes and the Charge of 2005 Property Taxes to the Tax Collector and Reappointment of the Tax Administrator

As required by G.S. 105-373, Tax Administrator Ken Joyner submitted the settlement report of 2004 property taxes; he presented a PowerPoint presentation to the Board.

G.S. 105-373(h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within 10 years of said taxes becoming due.

Furthermore, pursuant to G.S. 105-321 (b), the Board of County Commissioners charges the Tax Collector with the 2004 Property Tax Receipts.

The Tax Administrator requested authorization to relieve charges of taxes that are beyond the statute of limitation of 10 years and those vehicles that are more than two years past due. This request was consistent with last year's settlement, which was authorized by the Board.

Per Chairman Reckhow's request, Mr. Joyner explained the Debt Set-Off Program. Approximately four years ago, the State implemented the program to allow local government to offset a debt (i.e. a delinquent tax bill) against a taxpayer's state income tax refund.

For the record, Commissioner Cousin commended the Tax Administrator for the improvement in the collection rate.

Vice-Chairman Heron inquired about progress in vehicle tax collections.

Mr. Joyner and County Attorney Chuck Kitchen responded to Commissioners' questions pertaining to vehicle taxes.

Vice-Chairman Heron moved, Commissioner Cousin, to approve the 2004 Property Tax Settlement Report.

The motion carried unanimously

Commissioner Cousin moved, seconded by Commissioner Cheek, to charge the Tax Collector with 2005 Property Taxes and authorize the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due.

The motion carried unanimously.

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321 AND 105-330.3**

TO: KENNETH L. JOYNER
TAX COLLECTOR OF DURHAM COUNTY, CITY OF DURHAM, TOWN OF
CHAPEL HILL AND CITY OF RALEIGH.

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 1995 through 2005 tax records filed in the office of the Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 1995 through 2005 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Durham County, City of Durham, Town of Chapel Hill, City of Raleigh, Bethesda Fire, Lebanon Fire, Parkwood Fire, Redwood Fire, New Hope Fire, Eno Fire, Bahama Fire, RTP Special and Butner Safety districts, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and they have authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous year's taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions.

Taxes on classified Motor Vehicles for 2002 and prior years are deemed uncollectible; therefore, the County Commissioner, pursuant to G.S. 105-373 (h) do hereby relieve the tax collector of the charge of collecting taxes on classified motor vehicles listed pursuant to G.S. 105-330.3 (a) (1) for 2001 and prior years.

**RESOLUTION APPROVING
THE TAX COLLECTOR'S ANNUAL SETTLEMENT
FOR FISCAL YEAR 2004-2005 AND PRIOR YEARS**

WHEREAS, pursuant to the provisions of N.C.G.S. 105-373, the Tax Collector has made his report of settlement to the Durham County Board of Commissioners for fiscal year 2004-2005 and prior years after July 1 and before he is charged with taxes for the current fiscal year, 2005-2006;

WHEREAS, based upon the written and oral report of settlement of the Tax Collector, the Durham County Board of commissioners has made sufficient inquiry in order to reach a determination that the collection work of the Tax Collector has been performed satisfactorily and that the Tax Collector has done everything that he could have done to reach whatever property may have been available.

WHEREAS, as required by the N.C.G.S. 105-373, before being charged with taxes for the current fiscal year, the Tax Collector has presented to the Board of Commissioners a list of persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person and a list of the persons not owning real property whose personal property taxes for the preceding fiscal year remain unpaid, along with a statement under oath that he has made diligent efforts to collect the taxes due from the persons listed out of their personal property and by other means available to him for collection, and he has reported such other information concerning taxpayers as may be of interest to or required by the Board of Commissioners, including a report of his efforts to make collection outside the taxing unit under the provisions of G.S. 105-364;

WHEREAS, the settlement of Tax Collector, including the settlement for the taxes for prior years, which are attached hereto, together this action with this action of the Board of Commissioners, shall be entered in full upon the minutes of the said Board;

WHEREAS, approval of this settlement does not relieve the Tax Collector or his bondsmen of liability for any shortage actually existing at the time of the settlement and thereafter discovered, nor does it relieve the collector of any criminal liability;

NOW THEREFORE, BE FURTHER RESOLVED by the Durham County Board of Commissioners that the annual settlement of the Tax Collector for fiscal year 2004-2005 and prior years is hereby accepted as presented by the Tax Collector.

BE IT FURTHER RESOLVED by the Board of Commissioners of Durham County that the following documents attached hereto and incorporated herein are approved, consisting of 11 pages and further described as follows:

- 1) Settlement of 2004 Tax Accounts as of June 30, 2005, including the following that the Tax Collector shall be charged with; the total amount of all taxes in his hands for the year, including amounts originally charged to him and all amounts subsequently charged on account of discoveries; all penalties interest, and costs collected by him in connection with taxes for the current year; and all other sums collected by him. The Tax Collector shall be credited with, all sums deposited by him; releases duly allowed by the governing body; the principal amount of taxes constituting liens on real property, personal property, and registered motor vehicles; and commissions (if any) lawfully payable to the tax collector as compensation.
- 2) Settlement of prior years (1995 through 2003) Tax Accounts and 2004 Tax Accounts as of June 30, 2005, for Durham County and its municipalities, and annual statement of collections for July 1, 2004, through June 30, 2005, of non-tax revenues.
- 3) Settlement of Bethesda Fire Protection District, Lebanon Fire Protection District, Parkwood Fire Protection District, Redwood Fire Protection District, New Hope Fire Protection District, Eno Fire Protection District, Bahama Fire Protection District,

Butner Safety District, and Research Triangle District for 2004 and applicable prior years.

BE IT FURTHER RESOLVED that the list of 2004 unpaid real property taxes and the list of persons not owning real property whose 2004 personal property taxes remain unpaid are hereby acknowledged as received; the attached collection reports of 1995 through 2004, as of June 30, 2005, are acknowledged as received; the report of minimal taxes is acknowledged as received; and the report concerning efforts made to locate personal property in other taxing units belonging to delinquent taxpayers, and the efforts made under the provisions of N.C.G.S. 105-364 to collect taxes is acknowledged as received.

ADOPTED this the 25th day of July, 2005.

In addition, Mr. Joyner's appointment ended on June 30, 2005. With the receipt and approval of the 2004 settlement, the Tax Administrator was eligible for reappointment. The Tax Administrator requested a four-year appointment through June 30, 2009.

Commissioner Cheek moved, seconded by Commissioner Cousin, to reappointment the Tax Administrator to a four-year appointment to end on June 30, 2009.

The motion carried unanimously.

Mr. Joyner recognized Kim Simpson, Deputy Tax Administrator, and Herman Alston, Deputy Tax Collector, for contributing to the tax collection success. He requested to add an agenda item to the August 1, 2005 Worksession to recognize additional Tax Administration staff.

Chairman Reckhow directed County Manager Ruffin to add Mr. Joyner's request to the August Worksession agenda.

Chairman Reckhow applauded Mr. Joyner and staff for bringing the "lock box" to Durham as an additional convenience for Durham citizens to make tax payments locally.

Amendment to Contract for Excavation of North Durham Sheriff's Satellite Station

County Attorney Chuck Kitchen requested that the Board approve an amendment to the contract to provide for additional excavation of approximately 700 tons of dirt. Excavation is needed horizontally with a projected final excavation size of 30 feet by 40 feet. An additional \$40,000.00 is needed to complete remediation. Funds are available for the additional work, but there may be a future shortfall for continuing cleanup costs.

County Attorney Kitchen addressed the following questions/concerns by the Commissioners:

- Was boring done ahead of time? (Heron)
- \$100,000 project budget (Reckhow)
- Soil replacement/Where is the soil shipped? (Reckhow)
- Precautions to prevent a reoccurrence (Heron)

Commissioner Cheek moved, seconded by Commissioner Page, to authorize the contract amendment for the additional excavation and additional \$40,000.00.

The motion carried unanimously.

Board and Commission Appointments

Vonda C. Sessoms, Clerk to the Board, distributed ballots to make appointments to boards and commissions.

Commissioner Cheek moved, seconded by Commissioner Page, to defer the Workforce Development Board appointment until the Board receives additional information about the Public Sector position.

The motion carried unanimously.

Chairman Reckhow announced that the County has been actively advertising for Mangum Township and Oak Grove/Carr Township positions on the Open Space and Trails Commission. She invited interested citizens to contact the Clerk to the Board's office for an application or download it from the County's website.

The Board made the following appointments:

Animal Control Review Board

Martha Ann Traylor

Durham County Hospital Corporation Board of Trustees

David L. Franklin

EMS Advisory Council

Robert Andrews (Bethesda Volunteer Fire Department)

Jeff Bartels (AAA Transport, Inc.)

Christine P. Bertolette (Redwood Volunteer Fire Department)

Kelly Bradley (Bahama Volunteer Fire Department)

William L. Colley Jr. (Parkwood volunteer Fire Department)

Jeffrey D. White (Johnston Ambulance Service, Inc.)

M. Kevin Wilson (Durham County Emergency Medical Service)
Michael Cheung (Duke University EMS)
David Jacobs (City of Durham Fire Department)
Jeff Batten (Durham County Fire Marshal/Emergency Management)
Richard Serra (Durham County Emergency Medical Services Medical Director)
Dewey A. Davis (Consumer)
David Marcozzi (Duke University Medical Center)
Tracy Stell (Durham Regional Hospital)

Environmental Affairs Board

Sandra Cavalieri (Public Policy)

Open Space and Trails Commission

Lisa Buckley (At-large)

Public Health Board

Elliott Walsh (Optometrist)

Transportation Advisory Committee

James Bryan (At-large)

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Yvonne R. Gordon
Deputy Clerk to the Board