

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

Monday, January 26, 2009

7:00 P.M. Regular Session

MINUTES

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

Present: Vice-Chairman Ellen W. Reckhow and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: Chairman Michael D. Page

Presider: Vice-Chairman Reckhow

Opening of Regular Session

Vice-Chairman Reckhow welcomed everyone to the Monday, January 26, 2009 Regular Session of the Board of County Commissioners. She requested that persons rise for the Pledge of Allegiance to the Flag.

Vice-Chairman Reckhow announced that Chairman Page had been excused from the meeting due to being out-of-town.

Vice-Chairman Reckhow noted the new furniture and new technology in the Commissioners' Chambers.

Agenda Adjustments

Vice-Chairman Reckhow asked if anyone wished to make adjustments to the agenda.

No one responded.

Announcements

Vice-Chairman Reckhow made the following announcement regarding the 2009 Earned Income Tax Credit (EITC) Campaign:

January kicks off tax season and the 2009 Earned Income Tax Credit (EITC) Campaign across Durham. EITC is the nation's largest anti-poverty program that provides a refund based on a household's earned income and family size. It provides a financial boost to families by reducing the tax burden and granting a tax refund when filing an annual income tax return. While thousands of Durham households applied for the EITC last year, thousands more of uninformed families left millions of dollars unclaimed!

Citizens are encouraged to take advantage of tax credits including the EITC, Child Tax Credit, Child and Dependent, and Credit and Education credits. Citizens that earned less than \$41,646 in 2008 may qualify for both the Federal and the New North Carolina EITC. Citizens are also encouraged to visit a Volunteer Income Tax Assistance (VITA) site to have an IRS-certified volunteer prepare their taxes. VITA sites throughout Durham are open from late January through April 15. Most VITA sites use electronic filing that allows citizens to receive their refund within two weeks—sooner with direct deposit. To locate a VITA site, dial 211 or visit the EITC Carolinas website at www.eitc-carolinas.org. A kickoff for the EITC campaign will be held on Friday, January 30, 11:00 a.m. at the Durham Public Schools Staff Development Center.

Vice-Chairman Reckhow then announced that January is National Mentoring Month. She encouraged citizens to listen to the newly-elected president's statement, "Be the change; mentor a child." Vice-Chairman Reckhow stated that the Volunteer Center of Durham is the coordinating entity for mentoring in Durham County. She requested that interested citizens call the Volunteer Center at 688-8977 or access its website at www.thevolunteercenter.org.

Consent Agenda

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds for Fiscal Year 2008-2009—November 2008 (accept the property tax release and refund report for November 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Property Tax Releases and Refunds for Fiscal Year 2008-2009—December 2008 (accept the property tax release and refund report for December 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report); and
- c. Raleigh-Durham Airport Authority Grant Offer (accept the \$792,192 grant offer from the Federal Aviation Administration to the Raleigh-Durham Airport Authority).

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow

Noes: None

Absent: Page

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2008-2009—November 2008 (accept the property tax release and refund report for

November 2008 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 November 2008.

Releases & Refunds for 2008 Taxes:

Real Estate	\$ 57,869.99
Personal	\$ 9,546.88
Motor Vehicles	\$ 28,492.47
Vehicle Fees	\$ 450.00
Solid Waste	<u>\$ 1,950.00</u>
Total for 2008 Taxes and Fees	\$ 98,309.34

Prior years' (2003-2007) releases and refunds for November 2008 are in the amount of \$14,946.28. The total current year and prior years' releases and refunds amount to \$113,255.62.

(Recorded in Appendix A in the Permanent Supplement of the January 26, 2009 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Property Tax Releases and Refunds for Fiscal Year 2008-2009—December 2008 (accept the property tax release and refund report for December 2008 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 December 2008.

Releases & Refunds for 2008 Taxes:

Real Estate	\$540,056.99
Personal	\$ 87,295.28
Motor Vehicles	\$ 39,676.57
Vehicle Fees	\$ 1,045.00
Solid Waste	<u>\$ 180.00</u>
Total for 2008 Taxes and Fees	\$668,253.84

Prior years' (2003-2007) releases and refunds for December 2008 are in the amount of \$102,558.92. The total current year and prior years' releases and refunds amount to \$770,812.76.

(Recorded in Appendix A in the Permanent Supplement of the January 26, 2009 Regular Session Minutes of the Board.)

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. d. Resolution of Support for Durham At-Risk Youth Collaborative—Truancy Program (approve the resolution and forward to Mr. Barker French for inclusion in the grant application to the Governor’s Crime Commission).

Vice-Chairman Reckhow recognized Dr. E. Lavonia Allison, representing Durham Citizens for the Affairs of Black People, 1315 McLaurin Avenue, Durham 27707, for comments.

Dr. Allison stated strong support for receiving additional monies; however, she expressed concern for the lack of coordination among similar programs. Dr. Allison also voiced dissatisfaction that students are called “potential gang members” and “at-risk youth”. She asked that the nomenclature be changed to describe youth who are deprived of certain opportunities.

The resolution follows:

WHEREAS, the “Durham At-Risk Youth Collaborative” is a proactive approach to reducing the dropout rate in Durham County; and

WHEREAS, the Collaborative seeks a grant from the Governor’s Crime Commission to implement a “truancy program” in partnership with Durham Public Schools; and

WHEREAS, the program will be designed to focus on truants identified by Durham Public Schools who have accumulated 10 days of absences. The program will initially focus on two high schools and their two feeder schools; and

WHEREAS, funds from the program will be used to hire a person who will be assigned to work with existing teams of a social worker and nurse already imbedded in each of the four schools; and

WHEREAS, the lead person will manage the teams and make sure that the Child and Family Teams assigned to the cohort of identified students effectively and in a timely way provide the continuum of services needed to reconnect the truant and the family to DPS. Duke Child and Family Policy will advise the Collaborative in this project:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby support

“Durham At-Risk Youth Collaborative”

and the group's demonstrated supportive strategies and services to help disaffected youth stay in school until graduation.

BE IT FURTHER RESOLVED that we enthusiastically endorse the efforts of this group to obtain grant funding from The Governor's Crime Commission. We believe this organization has produced an effective, sustainable model to help at-risk youth in Durham County and beyond.

This the 26th day of January, 2009.

/s/ All Five Commissioners

Consent Agenda Item No. e. Resolution of Support for Durham At-Risk Youth Collaborative—Intervention and Prevention (approve the resolution and forward to Mr. Barker French for inclusion in the grant application to the Governor's Crime Commission).

Vice-Chairman Reckhow recognized Dr. E. Lavonia Allison, representing Durham Citizens for the Affairs of Black People, 1315 McLaurin Avenue, Durham 27707, for comments.

Dr. Allison echoed her comments related to the previous consent agenda item. She also stated that the additional monies should be used to develop students' full potential.

Vice-Chairman Reckhow commented that the "Durham At-Risk Youth Collaborative" is a collaborative involving several programs that work together. She agreed with Dr. Allison regarding the wording "at-risk." Vice-Chairman Reckhow remarked that during her trip to a conference in Portland, Oregon to view model youth programs, the attendees were asked to use different terminology. "We can look at better wording for the future".

The resolution follows:

WHEREAS, the "Durham At-Risk Youth Collaborative" grant request is for funds from the Governor's Crime Commission to support the continued development of the Durham At-Risk Youth Collaborative's work in intervention and prevention with actual or potential gang members; and

WHEREAS, the Durham At-Risk Youth Collaborative is an affiliation of four programs that offer a continuum of services to youth at risk of dropping out of Durham Public Schools; and

WHEREAS, the four programs are: a summer course recovery program; Restoration Institute for Leaders (RIL), a school year tutoring and mentoring program; the African-American Male Leadership Academy (AAMLA), an after-school program providing socialization and anger management coaching; PROUD; and YO! Durham, a job training program that

provides a 36-week paid internship. All programs have been operating for two years or more; and

WHEREAS, Durham Public Schools is a financial partner with the Collaborative, and for the last two years, they have contributed resources to support and expand RIL; and

WHEREAS, the grant would help the Collaborative build capacity to serve more youth:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby support

“Durham At-Risk Youth Collaborative”

and the group’s demonstrated supportive strategies and services to help troubled youth in Durham.

BE IT FURTHER RESOLVED that we enthusiastically endorse the efforts of this group to obtain grant funding from The Governor’s Crime Commission to stem the growing numbers of gang involved and potentially gang involved youth. We believe this organization has produced an effective, sustainable model to help at-risk youth in Durham County and beyond.

This the 26th day of January, 2009.

/s/ All Five Commissioners

Commissioner Heron moved, seconded by Commissioner Bowser, to approve consent agenda item Nos. d and e.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow

Noes: None

Absent: Page

Vice-Chairman Reckhow informed Mr. Barker French that the resolutions would be forwarded to him subsequent to obtaining Chairman Page’s signature.

Commissioner Heron asked Mr. French to explain the coordination of efforts involving the youth.

Mr. French explained that the At-Risk Youth Collaborative is an organization that comprises four programs: Restoration Institute for Leaders (RIL)—a summer course recovery program; PROUD—an after-school program; the African-American Male Leadership Academy (AAMLA) at North Carolina Central University—an after-school program providing

socialization and anger management coaching; and YO! Durham—a summer and school-year job training program that provides a 36-week paid internship. The four programs have been collaborating for approximately 18 months and have adopted a Memorandum of Understanding amongst the programs. In addition, last year, there was a prospect of having a truancy program; it did not work out. Work is now ongoing with the Durham Public Schools to submit a grant application for the Governor's Crime Commission for a truancy program to identify youth who are not receiving the services needed to keep them in school and help them solve the problems that are causing them to miss school. The truancy program, provided it comes to fruition, will be a fifth part of the collaborative; the grant will be administered by the collaborative. The goal is to give the youth, who face great hurdles in terms of graduating from school, obtaining jobs, and becoming productive members of the Durham community, the year-round support they need. As the collaborative is being built, more organizations will be added. The organizations must be interested in being a part of the collaboration and willing to be open, transparent, measured, and follow best practices. The long-term goal is to have every organization in the Durham community (who has a desire to work with the youth) be a part of the collaboration so a solution can be brought forward to help the young people.

Commissioner Howerton asked if each program is responsible for its own measurements.

Mr. French responded that each organization has a measurement process in place. Duke Child and Family Policy has been contracted to analyze whether each program can measure its own effectiveness and to help measure the total effectiveness of the collaborative.

Commissioner Howerton asked if the Commissioners would have access to the report from Duke Child and Family Policy.

Mr. French applied in the affirmative.

Commissioner Heron mentioned A New Day program, which has been very effective in dealing with difficult adolescents. Gudrun Parmer and Amy Elliott were monitoring the program for JCPC.

Mr. French stated that he is familiar with A New Day program. The Executive Director of the collaborative attended a meeting earlier this evening with Gudrun Parmer, Donnie Phillips, and others to determine whether to link up on the intervention side for the Governor's Crime Commission grant cycle. Every effort is being made to reach out to programs that have good results to determine how to bring all the programs together to work on the same goals.

Commissioner Bowser asked if any consideration was given to having any of the community churches involved.

Mr. Barker responded in the negative in terms of this specific application. In terms of where the collaborative is headed, Mr. Barker responded in the affirmative. For example, an

organization which does mentoring asked if it could link up with the collaborative. Mr. Barker stated that he replied, "Absolutely, because mentors come from many different places in the community. Many faith-based programs can be included, attached to, or aligned with the collaboration."

Vice-Chairman Reckhow mentioned the short report in the Commissioners' packets regarding her trip to Portland, Oregon to view model youth programs. She recommended that programs be discussed during the Commissioners' retreat.

Vice-Chairman Reckhow thanked Mr. French for the information.

FY 2009-2010 Annual Action Plan "Needs" Public Hearing

Mike Barros, Director of the City of Durham Department of Community Development, stated that as an entitlement city (population of 55,000+), Durham has been the recipient of CDBG (Community Development Block Grant) funds since 1975 and HOME Consortium funds since 1992. CDBG funds have primarily been used for housing activities, public services, code enforcement, and public infrastructure. HOME Consortium funds have been used for affordable housing activities as required by HOME program regulations. Durham has also been a recipient of Emergency Shelter Grant (ESG) funds from HUD (U.S. Department of Housing and Urban Development), which have been used to provide assistance to individuals and households who are homeless or at risk of becoming homeless. He stated that the Citizen Participation Plan contained in the adopted 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Action Plan to HUD. The purpose of the first public hearing is to receive citizen comments on housing and community development needs. The purpose of the second public hearing is to receive citizen comments on the draft Annual Action Plan, which specifies the allocation of CDBG, HOME, and ESG funds. The City of Durham held its "Needs" public hearing on January 20, 2009. The Annual Action Plan is Durham's application to the U.S. Department of Housing and Urban Development for the upcoming fiscal year's funding and outlines the action Durham is taking with HUD-awarded funds to meet the goals as described in the 2005-2010 Five-Year Consolidated Plan. Comments received from the "Needs" public hearing will be incorporated into the draft FY 2009-2010 Annual Action Plan, which will be presented to the Board of County Commissioners for adoption in April 2009.

Commissioner Heron asked about last year's home repairs and rent subsidies given to residents outside the City limits using HOME funds.

Mr. Barros responded that the repairs, totaling \$50,000, were done to one home because of safety hazards. The loan is forgiven by 1/15 per year; no repayment or interest must be made provided the homeowner lives in the home for an additional 15 years. HOME funds, which may be used within the County (outside the City limits), total \$250,000; however, these funds are not exclusive to the County. The money is spent on a first-come qualification basis.

Mr. Barros stated that current limitations are that recipients must be elderly or handicapped. He spoke about the two-year waiting list. Applicants' circumstances are evaluated to determine health situations, hazardous situations, or situations that will lead to further deterioration of the house (example—leaking roof). Health threatening situations move to the front of the list.

Mr. Barros restated for Commissioner Heron that the total amount of funds which can be used outside the City limits is \$250,000 per year.

Commissioner Bowser asked if the waiting list includes residents outside the City and if the waiting list is considered each year prior to considering new applicants.

Mr. Barros responded that City applications and non-City (County) applications are treated the same. Triage is done on the waiting list to determine people with the greatest needs. The two programs involve major rehabilitation and minor rehabilitation (emergency grants [broken heaters, etc.]). Only a small portion of the money is used for minor rehabilitation.

Commissioner Heron asked for an explanation as to why the HOME funds are not used entirely outside the City limits (within the County).

Mr. Barros replied that the HOME program is the only entitlement that can be used outside the City (within the County), but it is not used exclusively for homes in the County.

Commissioner Heron requested that the HOME program be promoted, especially to residents in Bahama, Rougemont, and the southern and eastern areas of the County.

Mr. Barros stated that the staff is evaluating how to advertise the programs. Currently, no marketing strategies are in place.

Commissioner Heron recommended that the program be advertised through the churches to alert citizens that the money is available if they qualify.

Mr. Barros thanked Commissioner Heron for her suggestion. He stated that he would request Commissioner input via the County Manager regarding advertising methods. Once a decision is made, the Commissioners would be informed of the advertising process.

Vice-Chairman Reckhow opened the public hearing that was properly advertised.

Vice-Chairman Reckhow recognized Dr. E. Lavonia Allison, representing Durham Citizens for the Affairs of Black People, 1315 McLaurin Avenue, Durham 27707, for comments.

Dr. Allison expressed concern about the economic instability that homeowners are suffering in terms of foreclosures. She requested a report detailing administrative costs, operational costs, and Durham's achievements from the use of the CDBG, HOME, and ESG funds.

Vice-Chairman informed Dr. Allison that this public hearing is an initial scoping meeting. More background would be available at the next public hearing.

Mr. Barros commented that a CAPER would be done at the end of the action plan; the CAPER is posted on the website by each year during the five-year plan. A major concern is that Durham does not have as high a home ownership as cities of equal size. Most of the communities in Durham have home ownership far less than 70%, which puts Durham at risk. The program had 42 new homeowners last year and hopes to have more this year. Housing counseling is provided to homeowners.

Vice-Chairman Reckhow asked for a brief update regarding the counseling.

Mr. Barros stated that a Neighborhood Stabilization Program application is being prepared to be sent to the State. The City has the opportunity to receive approximately \$5 million. Part of the application is to analyze the foreclosures in the community. The good news is that the foreclosures are typically scattered; the clusters are in the lower-income neighborhoods. Typically, when houses are foreclosed, investors buy the homes, which decreases homeownership opportunities. The counseling is making some difference; however, the lending industry in general is not as tolerant as it used to be. Mr. Barros stated that his department has an award winning partnership with realtors; the realtors, in turn, have good relationships with the lenders.

Vice-Chairman Reckhow closed the public hearing and referred the matter back before the Board.

Mr. Barros stated that the action plan would be presented in April. He would be contacting the County Manager about advertising ideas from the Commissioners.

Final Approval of 2009 Durham County Legislative Agenda

Deborah Craig-Ray, Assistant County Manager, stated that she wished to bring forward Durham County's legislative proposals discussed at Friday's breakfast meeting with the Durham Legislative Delegation. Included in the proposal were the approved goals from the legislative agenda of the NCACC.

Commissioner Heron moved, seconded by Commissioner Bowser, that the Board approve the proposed legislative agenda items.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow

Noes: None

Absent: Page

Ms. Craig-Ray informed the Board that she would be attending the North Carolina 2009 General Assembly Session on January 28 in Raleigh.

Vice-Chairman Reckhow suggested that Ms. Craig-Ray poll County agencies, particularly health and human services, to ask for input regarding the federal agenda.

Budget Reduction for Durham Public Schools

County Manager Mike Ruffin stated that he was pleased to report that an agreement had been reached with the Durham Public Schools' Superintendent. He requested that the Board approve in principle a reduction in the Schools' budget of \$3,081,862. Formal action would be taken later by the Board in a number of budget amendments.

County Manager Ruffin thanked Dr. Carl Harris, Schools Superintendent, for his willingness to work with County staff and agree to the suggested 3% budget reduction, without having to reduce classroom expenditures. No reduction to the Current Expense (operating) budget for DPS, as originally anticipated, would be necessary. Instead, DPS agreed to a \$410,595 reduction in its annual capital outlay appropriation and would commit the balance needed (\$2,671,267) from annual lottery funds to be received prior to June 30, 2009. The Superintendent pledged that the Durham Public Schools Board of Education would approve the disbursement of the funds to the County.

Per a question posed by Commissioner Heron, County Manager Ruffin stated that a few renovations to schools may be deferred due to the \$410,595 reduction in the capital outlay appropriation.

Vice Chairman Reckhow stated that school improvement money may be a part of the economic stimulus package. Perhaps Durham County would be eligible for the federal money.

Vice Chairman Reckhow thanked the County Manager and the School Superintendent for reaching an agreement and for coming up with an approach that preserves the funding for classroom students.

Commissioner Howerton moved, seconded by Commissioner Heron, to approve in principle to the recommended reductions and authorize the staff to proceed with the preparation of the necessary budget amendments.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, and Reckhow

Noes: None

Absent: Page

Boards and Commissions

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

Commissioner Heron directed County Manager Mike Ruffin to speak with Jill Passmore at Triangle J Council of Governments to request a report as to why the Forest View Nursing Home was closed by the State.

Attorney Chuck Kitchen announced the following appointments:

Adult Care Home Community Advisory Committee
Brenda Jordan-Choate (Recommended by ACHCAC)

Nursing Home Community Advisory Committee
Chantae Bohannon-Mangum
Phyllis Briggs

Cheryl Rosen
Claudette W. Whitley

Open Space & Trails Commission
Titania Roberson (At-large; recommended by JCCPC)

Closed Session

Commissioner Bowser moved, seconded by Commissioner Bowser, that the Board of Commissioners are requested to adjourn to closed session to consider the conditions of appointment of a public officer pursuant to G.S. § 143-318.11(a)(6).

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

Reconvene to Open Session

Vice-Chairman Reckhow stated that the Board of County Commissioners met in closed session; no action was taken.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Vonda Sessoms, CMC
Clerk to the Board