

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

Monday, August 6, 2012

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Philip R. Cousin Jr., Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

James Chavis Jr., 2813 Ashe Street, Durham 27703, signed up to speak and was allotted three minutes to comment. He spoke to his concerns regarding improper programs for the Holton Career and Resource Center.

Commissioners Howerton and Cousin expressed interest in meeting with Mr. Chavis and requested his phone number.

Directive

County Manager to follow-up with Dr. Becoats, Superintendent, Durham Public Schools.

Removal of a Board Member Due to Poor Attendance

On April 26, 2011, the Board of County Commissioners appointed Pilar Rocha-Goldberg to serve a full term on the Durham County Hospital Board of Trustees. Based on information from Mary Kritsch, Durham Hospital Board of Trustees, Rocha-Goldberg had failed to comply with the Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities, set forth by the County Commissioners.

The Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities states, "*If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year, he or she is obligated to resign.*"

The Clerk to the Board attempted to contact Ms. Rocha-Goldberg via letter to request her resignation; Ms. Rocha-Goldberg expressed desire to appeal to the Board regarding her appointment.

Chairman Page requested that the Board consider not removing Ms. Rocha-Goldberg from the Durham Hospital Board of Trustees due to her significant contribution and resourcefulness as a board member.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to suspend the rules.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to extend Ms. Rocha-Goldberg's term for six months on the Durham Hospital Board of Trustees.

The motion carried unanimously.

Durham Workforce Development Board Annual Report

The Board was requested to receive and accept the Durham Workforce Development Board Annual Report as required by the City-County Consortium Agreement, Sec. X.

Steven Williams, Chair, Durham Workforce Development Board, provided introductory remarks to the Board.

Kevin Dick, Executive Director, Durham Workforce Development Board (DWDB), introduced a video to display strengths and challenges for the DWDB. He recognized the following WDB members and staff who were present: George Hining and Chip Wood, DWDB; and Tanya Spaulding-Hill, Jason Wimmer, Darrell Solomon, and Pheon Alston, Office of Economic and Workforce Development, City of Durham. Mr. Dick also reviewed highlights from 2011-2012 for the DWDB.

Questions/Concerns

- JobLink merger with the State
- Strategies to connect with the youth
- Holton Career Resource Center
 - DWDB and Durham Public Schools collaboration regarding training
 - Structure
- Alignment between proposed programs and emerging job market in terms of businesses locating to Durham
- Technology advancements
 - Composite profiles of who is unemployed and their skills

- The role DWDB plays in working with companies who receive economic development incentives from the County

Directives

1. Mr. Dick to encourage private sector representatives to apply for the DWDB County vacancy.
2. DWDB, Durham Public Schools, and Durham Technical Community College to work together to create training programs at Holton Resource and Career Center.

Proposal to Change Composition of Durham Juvenile Crime Prevention Council (JCPC)

David Addison, JCPC Chairperson, and Gudrun Parmer, Director, Criminal Justice Resource Center, explained JCPC's proposal to the Board. In an ongoing effort to improve the process of analyzing the needs of at-risk youth to set priorities for allocation of limited funds for community base programs to serve these youth, the JCPC needs the continuous expertise and experience of the Durham County Youth Home Director in addition to that of the Chief Court Counselor. Upon discussion with the Regional Consultant, Cindy Porterfield from the Department of Juvenile Justice and Delinquency Prevention (DJJDP), she agreed that it would be a good addition to help improve JCPC's decision making process.

Durham County's Youth Home Director did not have a specified position on JCPC. As JCPC's roster already had the maximum number of positions allowed by State law, JCPC requested that the Board set aside one of the positions for members of the public to be filled as a specified position for the Director of the Youth Home.

Commissioner Howerton moved, seconded by Commissioner Cousin, to suspend the rules.

The motion carried unanimously.

Commissioner Howerton moved, seconded by Commissioner Karriker, to add the Youth Home Director as an "ex officio" member of the Durham Juvenile Crime Prevention Council and to reduce the citizen appointments from seven to six.

The motion carried unanimously.

Non-Profit Funding Program Presentation

The Board was requested to receive a presentation on the County's nonprofit funding program and to provide feedback to staff about the program.

Laura Jensen, Budget Analyst, provided a PowerPoint presentation, outlining the following:

Non-Profit Funding Program Administration

- Preparation for each funding cycle begins in October of the prior fiscal year
- After BOCC finalizes funding amounts, staff must negotiate and finalize grant agreements
- Departments involved in program administration:
 - County Manager's Office
 - County Attorney's Office
 - Budget Department
 - Finance
 - Other departments that review applications:
 - Cooperative Extension
 - CJRC
 - Public Health
 - Library
 - Fire Marshal
 - EMS
 - Open Space and Real Estate
 - Sustainability
 - Information Technology
 - Public Information
 - Youth Home
 - Soil and Water
 - Social Services
 - Mental Health
 - Sheriff
- FY13 estimated cost for administering program:
 - Staff time
 - Supplies
 - e-Cimpact software
 - Executive Service Corps of the Triangle organizational assessments
\$73,320.57

Annual Timeline of Events

- October – Advertisement begins for the next funding cycle
- November – Release pre-application questionnaire; develop application for e-Cimpact
- December – Pre-application questionnaires due; finalize application and prepare instructional manual
- January – Application opens on e-Cimpact; application workshop held
- February – Applications due; coordinate department reviews; schedule site visits to first-time applicants
- March – Budget, Legal, and Manager's Office review all applications; visit all new applicants; make non-profit application notebooks; all department reviews due; enter all requested amounts into SAP
- April – Budget, Legal, and Manager's Office staff develop funding recommendations with County Manager; enter recommended amounts into SAP

- May and June – Present recommendations to Commissioners; provide further information as requested; finalize approved funding amounts
- July and August – County Manager’s Office and Legal finalize grant agreements; quarterly program and financial monitoring thereafter

Support for Non-Profit Agencies

- January Application workshop
- Individual help via phone, e-mail, or face-to-face
- Reviews of applications prior to deadline to check for missing items or suggestions for strengthening application
- Free organizational assessments for each FY13 funded agency through Executive Service Corps of the Triangle

What We Hear From Non-Profit Agencies

- On the January workshop:
 - Of those that attend, 94.1% feel that the workshop helped them better understand the application process
 - 82.4% feel that the workshop better prepared them for using e-Cimpact
 - On e-Cimpact:
 - 66.7% of applicants had previously used e-Cimpact before
 - 52.4% believe it is comparable to other online application systems
 - 23.8% do not agree that e-Cimpact is easy to navigate
- On the application:
 - 80.9% found the questions easy to understand
 - 71.5% felt that the questions allowed them to fully explain their agency and the type of services they provide
 - 95.2% believe that the length of time to complete the application (6 weeks) is adequate and reasonable
- On the public comment worksession held in April:
 - 85% of applicants attended the worksession
 - “It did not seem like the Commissioners were really gaining new knowledge or understanding of non-profits through our comments, so I wondered if it was truly worth their time.”
 - “There is no opportunity for follow-up discussions [at the worksession] or to really raise important issues.”
 - “This is a long and drawn out process which can take away valuable time from work, especially for the smaller non-profits that don’t have many staff.”
- Other feedback:
 - “I was very impressed with the process, and felt that it was thorough, yet reasonable in its evaluation.”
 - “The workshop is absolutely critical for first-time applicants. There is still important information needed by everyone, but some of it is reinforcing what we learned in prior years.”
 - “I think e-Cimpact works better, on the whole, than other online application software I have used. It's just a little non-linear in how it's navigated which can be confusing, and can leave you nervous that you've left something out.”

Ideas for the Future

- Common application with United Way of the Greater Triangle
 - UWGT's application is specific to their goals and outcome measures for each county
 - 16 out of 53 FY13 Durham non-profit applicants are also UWGT partner agencies
- Soft deadline
 - Still require, per the policy, that applications must be turned in by the published deadline
 - Those that turn in the application on time will receive initial feedback on the quality of their application
 - 1-2 weeks to make changes to their application and turn the new version in to the County
- Volunteers provide free grant-writing advice
 - Possible volunteers from local universities or other organizations
 - Would need to explore liability issues for the volunteers
- "Second Glance Committee"
 - After Manager's recommendations, BOCC identifies applications they would like staff to give a "second glance"
 - Committee would be made up of representatives from across the County, and would have not previously reviewed any applications
 - Committee reviews applications, performance history, site visits, and any new information received after the application was submitted
 - Committee may or may not agree with Manager's previous recommendations
- Shift funding cycle to calendar year
 - Applications received and reviewed in fall; grant award is from January 1 – December 31
 - Allows County department reviewers to give more attention to non-profit funding applications
 - Separates non-profit funding from overall budget discussions
 - Requires a maximum amount of non-profit funding
 - Year 1 of implementation would require ½ year of gap funding to hold existing grantees "harmless" until new funding cycle begins

Ms. Jensen and Pam Meyer, Budget and Management Services Director, addressed questions and comments throughout the presentation.

Update to the New Development Rule of the Jordan Lake Nutrient Management Strategy

The Board was requested to review state legislation HB 953, Section 11c concerning the New Development provision of the Jordan Lake Nutrient Management Strategy (JLNMS) and provide guidance to staff. At the June 11, 2012 meeting, the County Commissioners approved amendments to the County Stormwater Ordinance that more strictly regulates stormwater management from new development in the unincorporated, Durham County areas of the Jordan Lake watershed. The amendments would be set to become effective August 10, 2012, as originally mandated by the JLNMS.

During the recent legislative session, the General Assembly passed legislation delaying the mandatory implementation of the new development provision by two years. Notably, this would not change the compliance deadline for any of the other provisions of the JLNMS. Rather, it would allow new development to continue adding (for another two years) to the post-baseline existing development loading that Durham County is responsible for reducing in the future.

As adopted on June 11, 2012, the cost of treating stormwater from new development over the next two years falls on the developers. If Durham County were to repeal this new ordinance and delay its implementation for two years, the responsibility to correct for that new loading through the existing development rule would fall on Durham County taxpayers as a whole.

Glen Whisler, County Engineer, gave the following presentation:

Update of the New Development Provision of the Jordan Lake
Nutrient Management Strategy

Durham County Drainage Basins (map)

County Stormwater Ordinance Amendments Timeline

- June 11, 2012 – BOCC approves County Stormwater amendments as mandated by the Falls and Jordan Lake New Development Rules.
- July 12, 2012 – Durham County implements the Falls Lake portion as required by the rule implementation schedule.
- August 10, 2012 – Durham County implements the Jordan Lake portion as required by the rule implementation schedule.

Summary of County Stormwater Ordinance Amendments

- Stricter nutrient effluent limitations.
- Stricter water volume runoff limitations.
- Lower land disturbance thresholds for rule compliance.
- Stricter limitations to treat stormwater on-site before going off-site.

SL 2012-201 (HB 953): Jordan Lake New Development Rule Implementation Delay

- Section 11c - Implementation – New Development Rule 15A NCAC 02B .0265 (Jordan Lake), allows for a delay of implementation by local governments until August 10, 2014.
- Legislature approved this bill on June 28, 2012 and sent to the Governor on July 3, 2012 for signature. The Governor signed this into law on August 1, 2012.

Impact of Delaying Jordan Lake New Development Rule

- New development over the next 2 years will be regulated as existing development. Nutrient loading from these developments will continue to increase from the 2001 baseline.
- More efficient and cost effective to regulate new development than to retrofit existing development.

Recommendation

- Maintain the June 11, 2012 approved implementation date of August 10, 2012 for the Jordan Lake new development provisions of the County's Stormwater Ordinance amendments.

Mr. Whisler and Chris Roberts, S&E Division Manager, County Engineering, addressed comments and questions raised by the Board.

Strategic Plan Update

Michael Davis, Strategic Initiative Manager, requested that the Board hear an update on the County's Strategic Plan Implementation.

Mr. Davis' presentation was the second quarterly update since adoption and included the following components:

- Structure review and teams update
- "Year 1" Initiatives Highlight: CPR/AED (defibrillator) initiatives from Goal 3 (Safe and Secure Community)
- Performance measurement/dashboard website update
- Collaboration/plan alignment update
- Communications update

Kevin Underhill, Quality Assurance, Durham County EMS, provided an update on the emergency management aspect of the Strategic Plan.

Directive

County Manager to follow-up with the Commissioners regarding times to receive CPR training.

Review of Board of County Commissioners' Directives

Ellen Whelan-Wuest, Assistant to the County Manager, presented to the Board for its review the previous month's directives for staff. The directives covered March, April, May, June and July 2012.

The Commissioners discussed the directives and provided feedback to Ms. Whelan-Wuest.

The Commissioners held a lengthy discussion pertaining to the Durham Public Schools' role in supporting the Holton Career and Resource Center.

Commissioner Cousin moved, seconded by Commissioner Howerton, to suspend the rules.

The motion carried unanimously.

Commissioner Karriker moved, seconded by Commissioner Howerton, to excuse Vice-Chairman Reckhow from the August 13, 2012 Regular Session.

The motion carried unanimously.

Tour of the New Durham County Courthouse & Parking Structure by the Board of County Commissioners

The Board took a two-hour tour of the new, uncompleted Durham County Courthouse and Parking Structure Project, located at 502 & 510 South Dillard Street in Durham.

The construction contract for the new Durham County Courthouse and Parking Structure was awarded to The Whiting Turner Contracting Company Inc. (TWTC) on February 22, 2010. The construction of the parking garage was substantially completed in September 2011 and had been used for employee and event parking since its completion. The anticipated completion for the building would be in late September or early October 2012. The anticipated occupancy of the building would be in the first quarter of 2013, following the installation of furniture and various equipment and systems.

Adjournment

There being no further business, the meeting was adjourned at 3:15 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board