

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

Monday, October 11, 2010

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' 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 Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments – There were no adjustments to the agenda.

Announcements

Chairman Page read the following announcements:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- Durham County Board of Elections will hold “Early Voting” beginning October 14-October 30. One Stop Early Voting allows citizens to cast their ballots prior to Election Day on November 2nd. Call 560-0700 for locations.
- Durham has been named one of the nation’s 100 Best Communities for Young People by America’s Promise Alliance. The designation recognizes communities that make youth a priority by implementing programs that help keep children in school and prepare them for college and the 21st century workforce. This marks the 2nd time Durham has received this honor.
- Money Magazine has ranked Durham number one on a national list of 25 Best Places to Retire in 2010. The publication honored Durham because its affordable housing, access to world class medical care and four mild seasons as factors attracting many retirees from other areas of the country.

Vice Chair Reckhow announced that the Board of Elections would hold an information session at the Main Library on Tuesday, October from 7-8 pm regarding the new voting system for Court of Appeals.

Minutes

Commissioner Howerton moved, seconded by Commissioner Heron, to approve the September 27, 2010 Regular Session Minutes, the February 9, 2009 Closed Session Minutes, June 22, 2009 Closed Session Minutes, July 20, 2009 Closed Session Minutes, August 3, 2009 Closed Session Minutes, August 24, 2009 Closed Session Minutes, September 14, 2009 Closed Session Minutes, and the September 28, 2009 Closed Session Minutes.

The motion carried unanimously.

Resolution – A. J. Howard Clement, III

Chairman Page stated that Mr. Clement was honored by the City for his contributions to the community. A scholarship was established in his honor.

Chairman Page read the following Resolution and congratulated Mr. Clement:

WHEREAS, Arthur John Howard Clement, III received both a B. A. degree in Political Science and a Law Degree from Howard University, which launched him into what would become a productive career in corporate law, various civic endeavors, and public service;

WHEREAS, Mr. Clement was first appointed to the Durham City Council in 1983 and was selected to serve as Mayor Pro Tem from 1997 – 2001; and

WHEREAS, in more than 27 years as a City Council Member, Mr. Clement has garnered a strong reputation as a pioneering leader and statesman who is not afraid to articulate his position on key issues such as economic development, education, reducing crime, adequate and affordable housing, civil rights, and advocacy for those without an effective voice; and

WHEREAS, throughout his career, Mr. Clement has been a contributing member of various professional, social, and civic organizations, including the Durham Rotary Club, the Alpha Phi Alpha Fraternity Inc., the Sigma Pi Phi Boule, Durham Public Education Network, and Durham Health Partners to name a few; and

WHEREAS, Mr. Clement has devoted his outstanding career to positively impacting the Durham community by providing committed, visionary, innovative, and insightful leadership in politics thereby tirelessly helping to improve the lives of others:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

ARTHUR JOHN HOWARD CLEMENT, III

a dynamic and phenomenal leader for his numerous and extraordinary accomplishments locally, statewide, and on the national level. I call upon all citizens of Durham County to commend, applaud, and recognize the tremendous positive impact that he has had in service to others.

This the 17th day of September, 2010.

Michael D Page, Chairman

Mr. Clement accepted the Resolution and expressed appreciation for the recognition.

Proclamation – National Adoption Month

Chairman Page read the following Proclamation on behalf of National Adoption Month:

**PROCLAMATION
Durham County Board of Commissioners
Durham County, North Carolina**

WHEREAS, the County of Durham recognizes the importance of giving children in foster care permanent, safe and loving families through adoption; and

WHEREAS, every child deserves the chance to grow up in a loving, stable family; and

WHEREAS, children of all ages need adoptive homes. Forty percent are five and under (few are infants), another 40 percent are between six and 12 years, and 20 percent are between 13 and 18 years. Many of them are siblings and need to be placed together; and

WHEREAS, more than 130,000 children in the United States foster care system are waiting to be adopted; and

WHEREAS, more than 10,000 children in North Carolina are waiting for permanent families; and

WHEREAS, more than 189 children in Durham County, NC are in foster care and of that number 19 are legally free for adoption but are not currently in an adoptive placement and are waiting for permanent families; and

WHEREAS, this effort along with similar celebrations in all 50 states around the country will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim November 2010, as

ADOPTION AWARENESS MONTH.

I commend this observance to our citizens and urge all citizens to join in raising awareness on behalf of the 19 children in Durham County who are waiting for a loving family. I further encourage communities, businesses, schools, faith-based organizations and families to “answer the call” and honor the special needs of Durham County’s children in hopes of securing a permanent, loving family for each and every child regardless of race, age, gender, healthy, emotional, or behavioral condition and past distress.

This the 11th day of October, 2010.

Michael D. Page, Chairman

Ms. Janice Williams and Ms. Montana Swift, DSS supervisors, spoke about events planned to enhance adoption and foster care awareness.

Commissioner Heron encouraged DSS to partner with Cooperative Extension to coordinate services where appropriate.

Consent Agenda

Chairman Page asked the Commissioners if they desired to pull any items from the Consent agenda. Commissioner Heron requested to pull item (d).

Vice Chair Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- *a. Approve Budget Ordinance Amendment No. 11BCC000017 to appropriate \$10,055 in funding from Kids Voting North Carolina to support the Kids Voting Program through December 31, 2011;
- *b. Approve Budget Ordinance Amendment No. 11BCC000019 recognizing a \$7,000 grant from the US Department of Labor for Durham County Veterans’ Stand Down;
- c. Approve the contract to purchase with Vivian Lowe for 5025 NC Highway 55 for \$33,000, and authorize the Manager to convey conservation easements on the parcel to meet the City’s requirements;
- e. Authorize the County Manager to enter into an Interlocal Agreement with the ABC Board to provide maintenance services to ABC locations.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Approve Budget Ordinance Amendment No. 11BCC000017 to appropriate \$10,055 in funding from Kids Voting North Carolina to support the Kids Voting Program through December 31, 2011.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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	\$72,225,838	\$10,055	\$72,235,893
Other Financing Sources	\$16,944,254	-\$10,055	\$16,934,199

Expenditures:

Function
GENERAL FUND

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

This the 11th day of October, 2010.

Consent Agenda Item No. b. Approve Budget Ordinance Amendment No. 11BCC000019 recognizing a \$7,000 grant from the US Department of Labor for Durham County Veterans' Stand Down;

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 11BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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	\$72,778,385	\$7,000	\$72,785,385

Expenditures:

GENERAL FUND
General Government \$65,949,761 \$7,000 \$65,956,761

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

This the 11th day of October, 2010.

Public Hearing – North Carolina Department of Transportation’s 2010-2011 Secondary Road Construction Program

Chairman Page introduced the public hearing and welcomed Ms. Tasha Johnson, District Engineer with NCDOT to provide highlights on the program. Ms. Johnson introduced her colleagues.

Ms. Johnson provided the following account regarding the Secondary Road Construction Program. Her presentation included information for the 2010-2011 program in conjunction with the 2009-2010 program. The roads are rated every four years and were last rated in 2009. Ratings are based on the number of homes, amount of traffic, schools, and businesses in the affected area.

NCDOT has \$1,976,296.86 in combined allocations from 2009-2010 and 2010-2011 for the project. Five rural roads have been identified for paving at an estimated cost of \$1,054,500. Scheer Avenue was identified as the subdivision paving priority at an estimated cost of \$110,000. The remainder of the funds will be used for paved road improvements, surveying, and other safety improvements.

Chairman Page asked how the roads were prioritized and selected. Ms. Johnson responded that NCDOT goes by the highest numbers on the rating list. Although some other roads may have a higher rating, the first 10 roads are frozen once rated, and they can’t be shifted once they are rated.

Vice Chair Reckhow asked if there were other projects at the top of the list that have been completed. Ms. Johnson replied that Angier Avenue and Rigsbee Road have been completed. She added that Valley Springs has an unavailable right of way. There are seven roads with unavailable rights of way.

Commissioner Heron expressed concern about piles of asphalt left on the sides of the roads after paving. She stated that the asphalt could cause safety problems, especially at night. Ms. Johnson agreed to bring the matter to the attention of the resident engineer.

Chairman Page thanked Ms. Johnson and NCDOT for the work completed on Southview Road. He indicated that the residents had concerns that were satisfactorily taken care of by NCDOT.

Commissioner Heron asked if there would be money for the bridge replacement in Northern Durham. Ms. Johnson responded that she had not received information on bridge replacements and deferred to Mr. Wally Bowman for more information.

Vice Chairman Reckhow had questions regarding the cost allocations. Ms. Johnson explained that the 2009-2010 and 2010-2011 allocations were combined. She indicated that any money left would be used in case of unexpected expenses or used for the next item on the list.

Chairman Page opened the public hearing. The following individuals signed up to speak on the matter:

Norman Glenn, 6100 Maple Leaf Drive; James W. Dodson, Jr, NCSU College of Natural Resource; Kate Busa, 8106 Willardsville Station Road; and Len Needham, Bahama Fire Department Chief, all spoke about the safety issues regarding the bridge. The forest is used for recreational and educational purposes. There are two sides of the bridge, and the general public may not be able to tell emergency personnel where the emergency is located. If the emergency personnel end up on the opposite side of the bridge, the incident could become catastrophic waiting for help. Response time for emergency vehicles would be deeply impeded by the bridge in case of an emergency. Each of the speakers requested that the bridge be replaced for safety reasons and public concerns.

Chief Needham expounded on the safety issues. He indicated that the bridge is located at State Road 1614 and crosses the Flat River. There are two ways for emergency vehicles to get there. Using Wilkins Road, the bridge is 4.5 miles from the Bahama Fire Department. If the vehicle is on the wrong side of the bridge, travel is 7.8 miles to the south. Because of the "First Responder" method of addressing emergencies, there may be personal vehicles as well as fire trucks on the dirt road that all have to be turned around. This causes a major problem. Cell phone reception is very sporadic and may not work for locating the crisis. He urged the Board to recommend replacing the bridge from an emergency standpoint. He concluded that it could take up to 30 minutes to get emergency help.

Victoria Peterson spoke about employment opportunities for residents. She stated that the Board needs to make sure that local young men and women may be employed in this project.

Chairman Page closed the public hearing.

Ms. Johnson responded that most of the projects would be completed by NCDOT forces (in house personnel).

Mr. Wally Bowman, Division Engineer, responded to concerns about the bridge replacement. He stated that DOT is very sensitive to the emergency response time. He did not recommend replacing the bridge. He added that there were about 4000 bridges in North Carolina that are timber structures that need to be replaced. Funding would be an issue, according to Mr. Bowman. The money should be going to secondary road construction. A request has been made to the Attorney General to determine if it would be legal to use monies set aside for road construction on bridge replacement. He indicated that if it was found to be legal to use the monies for the road construction on bridge replacement, he would look at the project for next year. The cost would be approximately \$450,000 to replace the bridge.

The time frame would be 18-24 months before construction could begin if there was funding in place for the bridge replacement. It would take another two years before the bridge could be reopened for traffic.

Commissioner Bowser expressed his concern about the safety. He added that the Board and NCDOT would be responsible if something catastrophic happened.

Mr. Bowman replied that one of NCDOT's main goals is to provide safety. Safety in this case regards time. Based on the 4000 bridges, there are conditions with longer response times that will not be replaced.

Commissioner Bowser encouraged NCDOT to use the money for the bridge if the Attorney General says it is legal. Safety should be the first consideration. He urged Mr. Bowman to use money from the current allocations on the bridge replacement.

Mr. Bowman further explained that there would be enough money in this year's program to begin the project and actually not use this year's allocations until the bridge is under construction.

Vice Chairman Reckhow reminded the Board that they wrote the State back in Spring 2009 asking for the bridge to be replaced. She thought the project should come to the top of the list. She agreed that funds from next year's allocation should be used for the bridge if determined to be legal.

Mr. Bowman concurred. He reiterated that he did not desire to tie up funds until permitting is done. He indicated that permitting could take up to two years, and the monies would be tied up. Preparation would be extensive and require a hydraulic analysis. The bulk of the money would not be needed until construction began.

County Manager Ruffin recommended approaching the legislative delegation to use contingency funds for the bridge if necessary. The Manager clarified that a letter was actually written in early 2010 regarding the bridge replacement.

Chairman Page asked what position the Board should take in making the request. Mr. Bowman suggested that the Board write NCDOT another letter indicating response time and other specifics shared tonight. He stated that he was not aware of the response times before tonight.

County Manager asked if the Board would support a letter to the legislative delegation in support of the bridge replacement.

Chairman Page asked if the Board should write the Attorney General. Mr. Bowman indicated he did not think it was necessary. Mr. Bowman will continue to check to see if the funds can be used for the bridge replacement. If that is not possible, the Board would need to seek support in using contingency funds.

Commissioner Howerton asked about a timeline in knowing whether the request to the Attorney General was approved. Mr. Bowman responded that he had hoped to have a response by this meeting, but he should have a response within the next two weeks.

Vice Chair Reckhow moved, seconded by Commissioner Heron that if the Board does not get approval to use secondary road funds for the bridge, that the Board write a letter to the legislative delegation to request to use contingency funds. Once approved, proceed with the design and permitting as soon as possible.

Commissioner Bowser reiterated his concerns about waiting until next year to start on the project. He requested to move forward with this year's funds.

Mr. Bowman indicated that he needed a funding source and design before beginning the permitting process. The permitting process could take a full year to get the design and permit. Money from the current allocation can be used for the design and permitting.

Mr. Bowser requested to look at some of the projects already completed to review the permitting process.

The motion passed unanimously.

Vice Chair Reckhow moved, seconded by Commissioner Heron to approve the NCDOT's 2010-2011 Secondary Road Construction Program with the caveat that funds from Category 4 be used for design and permitting of the bridge if it is deemed legal.

The motion passed with the following vote:

AYES: Heron, Howerton, Page, Reckhow

NOES: Bowser

Continuation Public Hearing – Fifth Annual Evaluation and Assessment Report of the Durham Comprehensive Plan (A1000004)

Chairman Page stated that this case was a continuation from the September 27, 2010 meeting. He recognized the Planning Department staff.

Mr. Aaron Cain, Sr. Planner reminded the Board that the purpose of this item was to give an update of current progress with the Comprehensive Plan and its completion; a rectification of four plan amendments adopted by City Council in 2009; and policy changes to the Comprehensive Plan.

Chairman Page opened the public hearing. No one signed up to speak. Chairman Page closed the public hearing.

Vice Chair Reckhow moved by Commissioner Howerton to approve the Annual Evaluation and Assessment Report of the Durham Comprehensive Plan.

The motion passed unanimously.

Budget Ordinance Amendment No. 11BCC000018 – Recognizing and Appropriating A \$542,492 Grant Award from The Substance Abuse And Mental Health Administration (SAMSHA) for the Building Every Chance of Making It Now And Grown Up Project (BECOMING) Project And Approving Five New Positions Related To The Grant

Chairman Page recognized and congratulated Ms. Ann Oshel, System of Care Director. Ms. Oshel gave a brief overview of the plan. SAMSHA is a large Federal fund system of care grant.

Ms. Oshel gave the following account. \$5.4 million was requested and allocated. The grant requires a dollar-for-dollar match. It is a six-year grant. In years 2-6, the Durham Center will enroll 800 high risk children.

The target population includes youth between the ages of 16-21. Criteria for enrolling include serious mental illness, exhibit significant impairment in relationships, and disconnected from services that assist them into the successful transition to adulthood.

Disconnected youth was the caveat used by the Durham Center. The qualifiers for disconnected youth include unmarried mother, no diploma and not in school, incarceration, and long term unemployment. The Durham Center has “cast a wide net” to make the program accessible.

Commissioner Howerton asked whether the mental health treatment record would follow youth into the work environment. Ms. Oshel responded that there is lots of confidentiality in the program, and the records won't be public.

Ms. Oshel highlighted some of the partners. Durham Technical Community College, Durham Public Schools, the Durham Police Department, fraternities who will do outreach, and the faith community. There will be a full time employment coordinator. The criminal justice needs will be addressed by care coordinators in the Police Department. Outreach coordinators will be placed throughout the community, including the Hispanic neighborhood. There will be extensive training for volunteers and community partners. Youth will devise their own plan for becoming an adult. Mentors are assigned at the end of the program, but will be a career specialist instead of a social worker.

The Durham Center Area Board will govern the project. Federal dollars were only requested for items that could be sustained once funding ended. The program will assist 18 year olds with reapplying for Medicaid as an adult without a break in service.

Commissioner Heron expressed concern about why the Sheriff's Department was not listed as a partner. Ms. Oshel indicated that the Sheriff's Department has not been involved up to this point. Commissioner Heron hopes that the Sheriff's Department will become involved.

Chairman Page commented that the project happened on a fast track. Ms. Oshel will continue to work with the Sheriff's Department to encourage their participation.

Commissioner Howerton congratulated the Durham Center on receiving the grant.

Chairman Page spoke about the need to have the programs in spaces in the City where youth can access the services. He added that he would like to see people engaged in the Holton Resource Center as a community center.

Commissioner Reckhow asked the Manager to follow up on a concern regarding the Holton Resource Center. According to information she received, the Durham Center was told there was no available space in the building. The group was also denied access to the gym at Holton. She expressed concern about the use of the building.

Manager Ruffin will follow up with Dr. Becoats and the City Manager.

Ms. Oshel would like to have representation from the Board of County Commissioners on the advisory group and any other work group as appropriate. There will only be three positions that will be in an office space. The remainder of the positions will be out in the community.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to approve Budget Ordinance Amendment No. 11BCC000018 – recognizing and appropriating a \$542,492 grant award from SAMSHA and approving five new positions related to the grant.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 11BCC000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 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>
<i><u>GENERAL FUND</u></i>			
Intergovernmental	\$72,235,893	\$542,492	\$72,778,385

Expenditures:

<i><u>GENERAL FUND</u></i>			
Human Services	\$105,629,033	\$542,492	\$106,171,525

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

This the 11th day of October, 2010.

Item Pulled from Consent Agenda

Commissioner Heron requested that the item below be pulled from the Consent Agenda:

(d) Approve the request to authorize the Planning Director to seek approval from the NC Environmental Management Commission for interpretations of the Falls/Jordan Critical Area boundary in northeast Durham County.

Chairman Page recognized Mr. Steve Medlin, City/County Planning Director to address the issue.

Mr. Medlin stated that the Planning Department received requests from Mr. Jay Hardison and Mr. Gene Goss for the Planning Director to interpret the water supply watershed protection overlay boundaries in northeast Durham pursuant to the UDO /Section 4.11.5, Rules for Interpretation of Overlay Boundaries. Any property bisected by the arc may make a request for the Planning Director to define the arc.

The State requires the Board of County Commissioners to authorize the information to be sent to the Division of Water Quality when any adjustments to watershed boundaries are made. Planning staff has evaluated the information and believes that it is correct and accurate. The Planning Director requests the Board's approval to forward the information to the Division of Water Quality.

Commissioner Heron requested that the Board be kept informed of the requests. Mr. Medlin concurred and assured Ms. Heron that the requests must come before the Board.

Vice Chairman Reckhow clarified that this request does not involve the lake, but it involves the property around the lake or critical area.

Mr. Medlin indicated that other similar requests may be forthcoming that were previously approved by his predecessors.

Commissioner Heron moved, seconded by Commissioner Howerton to approve the request to authorize the Planning Director to seek approval from the NC Environmental Management Commission for interpretations of the Falls/Jordan Critical Area boundary in northeast Durham County.

The motion passed unanimously.

Chairman Page reminded the Commissioners that the November 1 Worksession will be an all day meeting.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:20 p.m.

Respectfully submitted,

V. Michelle Parker-Evans
Clerk to the Board