

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

Monday, April 5, 2010

9:00 A.M. Worksession

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 Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Presider: Chairman Page

Citizen Comments

Ms. Thelma White requested time on the agenda to address the Commissioners regarding elections. She made the following comments:

“Good Morning, my name is Thelma Glenn White and my address is 1015 Jerome Road. I am Chair of Precinct 34-2 and President of the Emorywood Community Association.

In a time of budget short falls by the City, County, and State, we should look for ways to save money or at the very least, redirect funds to an area that is most needed, such as education. An example of budget short fall would be just recently when teachers were asked to take two days off with no pay.

One of the ways to save money would be for the City and County to keep primaries but eliminate run-offs. We believe the cost of setting up a run-off does not justify the means. Historically, run-offs have far less voter participation, thus a smaller number of voters are determining the outcome of elections because the cost of setting up an off year election is the same, but with fewer candidates. Even Mike Ashe has asked that we eliminate off year elections and run-offs to save tax payers these unnecessary expenses. We don't have to look far for an example of an off year election gone badly with the mess that is going on in the Wake County School Board. We believe two years is not enough time for a sitting Major, State Legislators or US Congressmen to push his or her agenda before having to start campaigning for their re-election. By putting the mayor and City Councilmen on even years and the mayor on a four-year term, we will realize a cost savings. A good example would be the County Commissioners' terms which changed from two years to four years. Elections should be held every two years, but everyone would have a four-year term. The terms would be staggered, excluding US Senators which would remain as a six-year term, but would still fall on an even year.

Also, we should consider consolidating precincts or at the very least, not splitting precincts until such time when the economy has seriously improved. Due to early voting, it's just not necessary to split precincts such as Precinct 34 which had over five thousand votes during the '08 presidential primary and seven thousand during the '08 general election, and yet we saw no lines at all on Election Day. The cost savings of not splitting precincts can be used on education, lower taxes or in areas that are being cut due to budget shortfalls."

Mr. Darius Little voiced his opinion to the Commissioners about taxes. He urged Commissioners to consider enforcing a tax on Non-Durham residents. He also discussed crime control and public safety.

In response to Mr. Little's remarks, Commissioner Heron made comments about the prepared food tax.

Commissioner Bowser expressed gratitude with Mr. Little comments. He spoke about individuals who are taking Durham resources out of the community.

Chairman Page informed the Board that two citizens have requested to speak to Commissioners.

County Manager outlined the process regarding citizen comments per the Board's request.

Commissioner Bowser asked for clarity regarding the State Law as it relates to citizens making comments at Board meetings. He recapped the Ethics Session that was held in November 2009.

County Attorney Lowell Siler clarified the County's policy pertaining to citizen's comments. He read the following:

"Any citizen of Durham County shall have the right to request, in writing to the Clerk to the Board, that any item be placed on the agenda for consideration by the Board at a Worksession. The request should include a summary of the issue being presented and such background material as the requester deems relevant. Upon such request in writing, the Clerk shall forward the request to the County Manager and Chairman of the Board who shall determine whether, in their discretion, to place the item on an appropriate agenda, or whether the matter can be handled by the County Administration. If the item is placed on an agenda, the person making the request shall have up to five minutes to speak on the item. The request must be submitted to the Clerk to the Board at least two weeks preceding the meeting date as provided on Page 9, Agenda."

Chairman Page reiterated the rules and procedure for signing up to speak at BOCC Worksessions. He urged all citizens to submit their request in writing to the Clerk to the Board's office.

The Board continued their discussions regarding the rules and procedure.

Commissioner Howerton asked about consistency for allowing citizens to make comments.

Commissioner Howerton moved, seconded by Commissioner Bowser to suspend the rules and allow the citizens to speak for two minutes.

The motion carried unanimously.

Dr. E. Lavonia Allison requested time to speak to the Commissioners about bringing in new leadership from the State, the County, and the City. She voiced her opinion about the Workforce Development Board (WDB) appointment.

Donald Hughes spoke to the Commissioners about his recent application to serve on the Workforce Development Board (WDB). He offered facts regarding the submission of his application. He expressed concerns regarding the deliberate attempt to misrepresent the facts in order to prevent the appointment to the WDB. He asked that the process be fair and unbiased. He concluded by asking for the Board's support.

Directives

1. County Attorney Siler to research the State Law as it relates to citizen comments and bring back a recommendation to the Board.
2. Revisit the Rules of Procedure for the Durham County Board of County Commissioners; bring back to the Board at the May 3 Worksession for discussion.
3. County Manager to forward Ms. White's comments to the Board of Elections Director Mike Ashe and bring back before the Board.

Update on Sustainability Initiatives

Tobin L. Freid, Sustainability Manager introduced this item. She gave a report on the status of various sustainability initiatives.

Ms. Freid discussed the following topics:

- Durham County Government transportation demand management programs
- Greenhouse Gas Emissions Reduction plan
- Progress of the Sustainability Office since April 2009
- Plans for the Sustainability Office for future initiatives

Overview

- Transportation Demand Management Program update
- Greenhouse Gas Emissions Reduction Plan update
- Sustainability Office update

Go-Pass Program (Chart)

Durham Commute Trip Reduction Ordinance

<i>Year</i>	<i>Percent Alternate Mode</i>
2001	3%
2002	6%
2003	9%
2004	12%
2005	15%
2010	20%

Greenhouse Gas Emissions Reduction Plan Update
Durham GHG Plan

- Baseline Year: 2005/2006
- Target Year: 2030
- Government Reduction Target: 50%
- Community Reduction Target: 30%

Local Government (Graph)

2009 Durham County Government Actions

- Green Team efforts in Departments
- Policies
 - Idle Reduction
 - Purchasing
 - Environmental Responsibility Expectations
- Human Resources Building

Departmental Environmental Accomplishments

- Electronic reports, newsletters, forms
- Lights, equipment off
- Reuse
- Green Cleaning
- Energy
- Water
- Vehicles

Community Emissions (Graph)

Sustainability Office Update

2009 Successes

- \$2.1 million in stimulus funds for City
 - Energy Program Specialist
- \$500k grant for Neighborhood Energy Retrofit Program
- New Policies

- Earth Month
- NACO Drive Smarter Challenge
- Employee Recognition Program

2010 Projects

- Performance Contracting
- Grant implementation
- Employee training and education efforts
- Energy tracking software
- Durham Sustainability Plan

Ms. Freid provided clarification regarding the Durham Commute Trip Reduction Ordinance per Commissioner Howerton's request.

Questions asked by the Board:

- Is there any cost to Durham County regarding trip reduction?
- How County residents are made aware to apply?
- How are you working with the Office of Community Development

Ms. Freid provided an example of commercial and industrial community emissions, per Commissioner Bowser's request.

Commissioner Bowser expressed concerns regarding the gap between commercial and industrial.

Directives

1. Ms. Freid to forward the Durham Commute Trip Reduction Ordinance to the Environmental Affairs Board for a recommendation and bring back to the Board.
2. Ms. Freid to include footnotes in future slides for complete information.

Review of March BOCC Directives

County Manager Mike Ruffin introduced this item stating that it was requested that at each month's Worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary.

Laura Jensen, Assistant to the County Manager, responded to Commissioner Heron's concerns regarding Cooperative Extension's quarterly status reports.

Per Commissioner Bowser's request, County Manager Ruffin explained his reasons as to why the Board should continue receiving recommendations from some of the boards and commissions.

The Board thanked staff for the update.

Board and Commission Appointments

Chairman Page recognized James Dickens, Office of Economic and Workforce Development, Youth Program Coordinator, to provide an explanation relating to comments made about receiving the applications for the Workforce Development Board (WDB).

Mr. Dickens clarified that, "In regards to the dates of the applications, yeah a mistake was made when I made the statement at the Commissioners' meeting on March 22. I made a mistake when I stated that Ms. Henry's application came in a week or so before Mr. Hughes's, that was a mistake. His application went to the County Commissioners' Office before Ms. Henry; however, we knew back in early November 11 that our Youth Council Chair was stepping down and that there was one seat available and that recommendation for Ms. Henry would come to you guys for that seat."

Commissioner Bowser asked about a statement that was made about Mr. Hughes being contacted, spoken with and had agreed to serve on the youth council.

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

The motion carried with the following vote:

Ayes: Heron, Howerton, Page, and Reckhow
Noes: Bowser
Absent: None

Chairman Page expressed frustration about recommendations being brought to the Board. He announced that he was not willing to make appointments to the WDB at this time.

Vice-Chairman Reckhow suggested that a transcript of the March 22 Regular Session minutes pertaining to the WDB be submitted to the Board.

Vice-Chairman Reckhow moved, seconded Commissioner Bowser to defer the WDB appointment until further information is provided.

The motion carried unanimously.

Ballots were distributed to the Board to make appointments to the following board and commission.

The following appointments were made (incumbents are underlined):

Planning Commission

Teiji Kimball Sr. Mangum Township

Darius Little (Oak Grove/Carr Township)
Robert T. Womack (Lebanon Township)

Non-Profit Requests for Exemption from Application Deadline

County Manager Ruffin introduced this item. He stated that three currently funded non-profit agencies (John Avery Boys and Girls Club, Triangle Champions Track Club, El Centro Hispano) did not submit a FY 2010-2011 non-profit funding application by the published deadline, 5 p.m. on March 1, 2010. These agencies would like their applications to be considered for FY 2010-2011 non-profit funding and are requesting exemption from the application deadline.

Chairman Page clarified that the County does not do extensions and asked that the Board reconsider these nonprofits.

Pilar Rocha-Goldberg, Executive Director, El Centro Hispano, informed the Board that their application was submitted late due to recent staffing changes in the agency.

Sheila Ryba, Executive Director and John Mitterling, Director of Development, John Avery Boys and Girls Club, stated that their issues were technical.

Randall Laws, Vice-President, Triangle Champions Track Club, stated that they made an attempt to submit the proposal electronically prior to the deadline; however, they experienced technical difficulties.

Commissioner Heron asked about the reoccurrence with John Avery Boys and Girls Club.

Commissioner Howerton spoke about the emails between John Avery Boys and Girls Club and County staff. She asked about the software.

Ms Jensen spoke about individuals having the ability to change the format pertaining to submitting the application. She responded to County Manager Ruffin's question regarding information provided at previous training sessions about doc versus docx.

Vice-Chairman Reckhow expressed concerns about penalizing the youth. She offered a suggestion for late submittals in the future.

Chairman Page concurred with comments made by other Board members. He stated that there is a responsibility to uphold the rules and regulations that are put forth.

Commissioner Bowser stated that he would not be in support of decreasing the amount of funding requested by the nonprofits; however, he would be in support of a letter to be sent to nonprofit organizations informing them of the issue and stating the consequences.

The Commissioners held discussions about penalizing organizations for late submittals.

Commissioner Howerton moved, seconded by Commissioner Bowser to suspend the rules for the non-profit agencies' request to be exempt.

The motion carried unanimously.

Vice-Chairman Reckhow made a motion for the Board to direct the County Manager to accept the applications and consider recommending a financial penalty of up to 10% as a result in the delay of receiving applications

The motion failed due to lack of second.

Commissioner Bowser moved, seconded by Commissioner Howerton to accept the three applications as requested.

The motion carried with the following vote:

Ayes: Bowser, Howerton, and Page
Noes: Heron & Reckhow
Absent: None

Closed Session

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to adjourn to closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

Hearing for Nonprofit Agencies Applying for FY 2010-2011 Funding

Chairman Page stated that the Board would hear presentations from nonprofit organizations regarding their request for funding in the 2010-11 Fiscal Year.

The following nonprofit representatives made their budget requests to the Commissioners:

<u>AGENCY</u>	<u>REPRESENTATIVE</u>	<u>AMOUNT REQUESTED</u>
Achievement Academy	Clay Harris and Gayle Erdheim	\$ 35,000
Alliance of AIDS Services—Carolina	John Paul Womble	\$ 30,000
American Red Cross—Central N.C. Chapter	Toby Barfield and	\$ 30,600
AnimalKind	Beth Livingston	\$ 14,000
Believers United for Progress	Kasib Abdullah	\$ 25,000
Big Brothers Big Sisters of the Triangle	Kimberly Breeden	\$ 50,000
Child Advocacy Commission of Durham, Inc.	Dana Jones	\$ 45,000
Child and Parent Support Services	Robert Murphy	\$ 13,828
Child Care Services Association	Christy Talheimer Kennetra Williams	\$ 40,000
Communities in Schools of Durham, Inc.	Bud Lowery	\$ 20,000
Coordinating Council for Senior Citizens	Gail Souare	\$130,000
Durham Community Penalties Program, Inc.	Riley Butler	\$ 21,000
Durham Companions	Renorda Herring	\$ 15,775
Durham Council for Children with Special Needs	Wendy Burnette	\$ 13,000
Durham County Teen court & Restitution Program	Sabrina Cates	\$ 33,950
Durham Crisis Response Center	Aurelia Sands Belle	\$ 50,025
Durham Interfaith Hospitality Network	Catherine Pleil	\$ 20,000

Durham Literacy Center	Reginald Hodges	\$ 40,000
Durham Striders Youth Association, Inc.	Frank W. Davis	\$ 30,000
Durham Teacher Warehouse Corporation	Jenna Boitano	\$ 15,000
Durham's Partnership for Children	Marsha Basloe	\$ 150,602
Eno River Association	Robin Jacobs and Greg Bell	\$ 15,000
Food Bank of Central & Eastern North Carolina	---	\$ 40,000
Genesis Home	Ryan Fehrman	\$ 25,000
InStepp, Inc.	Gilda Womble	\$ 12,820
Inter-Faith Food Shuttle	Jill S. Bullard and David Reese	\$ 20,000
Learning Assistance, Inc.	---	\$ 10,000
New Beginnings Outreach Community Development Corporation	Phillip E. Jackson	\$ 144,000
Operation Breakthrough	Joan Burton	\$ 97,000
People's Channel	Chad Johnston	\$ 55,000
Piedmont Wildlife Center	Gail Abrams	\$ 10,000
Planned Parenthood of Central North Carolina	Janet Colm	\$ 20,000
Project Graduation of Durham, Inc	Mary D. Holderness	\$ 4,500
Reality Ministries Inc.,	Jeff McSwain	\$ 50,000
Salvation Army Boys & Girls Club	Joshua Dorsette	\$ 30,000
Senior PharmAssist, Inc.,	Gina Upchurch	\$ 92,877
Shodor Education Foundation	Robert M. Panoff	\$ 25,000

Triangle Radio Reading Service	Linda Ornt		\$ 4,500
Triangle Residential Options for Substance Abusers, Inc. (TROSAs)	Ty Dexter and Mitchell McNeil	-	\$ 70,000
Victorious Community Development Corporation	Yvette Hawke		\$ 10,000
Volunteer Center of Durham	---		\$ 40,000
Women in Action	Grace Marsh		\$ 30,000

The Board held brief discussions regarding the following:

- Direct services
- Double dipping
- Nonprofit salaries
- Restrict funding to direct services only

Adjournment

There being no further business, Chairman Page adjourned the meeting at 4:39 p.m.

Respectfully Submitted,

Angela M. Pinnix
Clerk to the Board's office