

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

Monday, March 22, 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 Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

The Chairman called for any adjustments to the agenda. There were no adjustments to the agenda.

Announcements

Commissioner Howerton asked that everyone be in prayer for Mike Ashe, Elections Director, who was involved in an accident on Sunday. Everyone wished him a speedy recovery.

Commissioner Bowser announced that Operation Breakthrough received funds for home weatherization. He urged everyone, especially senior citizens, to give Operation Breakthrough a call at 919-688-8111 and ask for the Weatherization Department.

Commissioner Heron announced that the Animal Protection Society held a fund raiser gala on Saturday night. There will be a "Walk for Animals" event next month. She invited everyone to attend.

Chairman Page made the following announcements:

- Chairman Page asked that the Commissioners consult with any Board and Commission BOCC representative before addressing the board or commission they serve. He asked citizens and staff to be mindful as well.
- "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 am and 12 noon daily; 4:00 pm on Mondays; and 6:30 pm Tuesday-Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 pm, Saturdays at 9:00 pm, and Sundays at 9:00 p.m.

- It's time to be counted! The 2010 Census form is one of the shortest forms in history. There are only 10 questions on the form. Later in this meeting, we will hear an update from our Durham Local Census Manager.
- All citizens are invited to attend a "Conversation with Commissioners," tomorrow night, March 23rd, at 7pm at Holton School. The meeting will include a brief introduction from the county and a primary focus on questions from citizens about the upcoming budget. Another session is planned for March 30, 7:00 pm at Jordan High School.
- I am pleased to announce that we will hold a groundbreaking for the new Durham County Courthouse on Wednesday, March 31, at 2:00pm at 247 South Mangum Street, Durham. That is the former U haul site in downtown Durham. We hope to see you there.

Chairman Page read the following statement regarding a recent letter by the PTA President:

Statement by Chairman Michael Page to February 12, 2010 Letter to Parents from Trilby McClammy, President of the Durham PTAs

I was disappointed to read Trilby McClammy's letter to parents encouraging them to attend one of our Board's three Conversations with Commissioners this month and insisting that the Board of County Commissioners pledge county reserves to assist with the deficit in funding that Durham Public Schools is facing next fiscal year. While some parents attended the Board's March 16 Conversations with Commissioners meeting at the Little River Complex last month, tomorrow night's meeting at the Holton Career & Resource Center will be attended by members of the School Board, and I expect a large number of parents will use this meeting to respond to Ms. McClammy's appeal. One final meeting will be held at Jordan High School on March 30 at 7 pm.

This Board welcomes a community discussion about school funding along with any other need or interest that a citizen may desire to raise with us. We were encouraged by last week's attendance and are hopeful that citizens will continue to attend. This is an opportunity for us to listen to our citizens, and all of us have enjoyed and benefitted from the time we have spent so far.

Unfortunately, parents have been led to believe that the County has vast reserves that can be used to avoid the deficit that our school system is facing. Ms. McClammy mentions a "rainy day fund of over \$92 million" and stated that "much of it exists to be used in emergency situations."

I wish this solution was a viable one, but these funds are not available for appropriation for any use other than what law or County policy prescribes. If it were, we would have used some of these funds last year when we trimmed department expenditures by an average of 6.6%. To protect our fund balance, our Board reduced our current appropriation by 50% this fiscal year – a more than \$6 million reduction. Next year, our county manager asked for further reductions from departments and agencies of 3%. In short, City of Durham, Durham County and Durham Public

Schools all must reduce expenditures in a time when state and local revenues have plummeted. It is not an easy process, but it is one that we cannot avoid.

These meetings can be a constructive opportunity for citizens to let us know what is important. Public Education is high on our list, too. However, the questions are:

1. What county services do we sacrifice to fund our schools at an adequate level?
2. What is an adequate level of funding for our school system?

Even with county manager's 3% requested reduction of school funding next year, our per pupil funding for NC's Ten Largest Counties will still be number 1 on the list. This year we spend \$334 more on a per pupil basis than our closest system in per pupil spending.

There are many that believe we are already funding our system at a very generous level. They do not want other services sacrificed or property taxes raised to fund our schools at a higher level.

The good news is there could not be a better time for a conversation about county services and how to fund them. We look forward to tomorrow night's and next week's conversations. I encourage parents to think about two questions I have raised and to be prepared to come forward with some answers.

Thank you.

Minutes

Vice Chairman Reckhow moved, seconded by Commissioner Heron, to approve as submitted the February 8, 2010 Worksession, February 8, 2010 Joint meeting with Person County February 8, 2010 Regular Session, February 22, 2010 Regular Session, and March 1, 2010 Worksession Minutes of the Board.

The motion carried with the following vote:

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

The Chairman requested that the Clerk be mindful of the amount of Minutes distributed to the Board at one time.

Professional Social Work Month Proclamation

The Chair read the following Proclamation. Jovetta Whitfield, Child Placement and Supportive Services Program Manager accepted the Proclamation on behalf of the Department of Social Services:

PROCLAMATION
Durham County Board of Commissioners
Durham County, North Carolina

WHEREAS, social workers have the right education and experience to guide individuals, families, and communities through complex issues and choices; and

WHEREAS, social workers connect individuals, families, and communities to available resources; and

WHEREAS, social workers are dedicated to improving the society in which we live; and

WHEREAS, social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities; and

WHEREAS, social workers help people help themselves, whenever and wherever they need it most; and

WHEREAS, social workers have been the driving force behind important social movements in the United States and abroad; and

WHEREAS, social workers in the Durham County Department of Social Services invest in people so that they can contribute more to the economic and social wellbeing of our community; and

WHEREAS, social workers in the Durham County Department of Social Services assure families' basic economic needs are met; provide access to health care and nutrition; help people find jobs and develop strong work habits and a career path; keep children and families safe; and help children to be ready for and succeed in school:

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

PROFESSIONAL SOCIAL WORK MONTH.

I commend this observance to our citizens and urge all citizens to join with the Department of Social Services in celebration and support of social workers and the social work profession.

This the 22nd day of March, 2010.

Michael D. Page, Chairman

Commissioners expressed their thanks and appreciation for the work of the Department of Social Services all year.

Recognition of the Week of the Young Child and Presentation of Proclamation

Chairman Page presented the following Proclamation to Linda Chappell, Senior Vice President of the Triangle Area Child Care Resource and Referral Division of Child Care Services Association:

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

WHEREAS, Child Care Services Association and other local organizations, in conjunction with the National Association for the Education of Young Children, are leading the celebration of the Week of the Young Child, April 11-17, 2010; and

WHEREAS, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Durham County; and

WHEREAS, many county government initiatives and programs involve the protection of children, their health and access to valuable educational resources, and focusing public attention on the rights and needs of young children;

WHEREAS, teachers, volunteers, and citizens of Durham, who make a difference in the lives of young children in Durham County, deserve thanks and recognition; and

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures;

NOW, THEREFORE, BE IT RESOLVED THAT I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim April 11- 17, 2010, as

THE WEEK OF THE YOUNG CHILD

in Durham. I encourage all Durham County officials, employees, and citizens to work to make a good investment in early childhood in North Carolina and to take special note of this observance by participating in the Week of the Young Child's activities.

This the 22nd day of March, 2010.

Michael D. Page, Chairman

Ms. Chappel thanked the Commission and the community for their support.

Proclamation – April 2010 as National County Government Month

Chairman Page presented the following Proclamation to Deborah Craig-Ray, Assistant County Manager:

**National County Government Month
Proclamation
Durham County Board of Commissioners**

Durham County, North Carolina

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, Durham County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are integral to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, as employers, counties provide health insurance benefits to nearly three million county employees and their retirees nationwide; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, since 1991 the National Association of Counties has encouraged counties across the country to actively promote county government programs and services to raise public awareness and understanding about the roles and responsibilities of the nation's counties to meet the needs of the community; and

WHEREAS, the National Association of Counties and Durham County are working together to restore the Partnership among all levels of government to better serve American communities;

NOW, THEREFORE, BE IT RESOLVED THAT, we the members of the Durham County Board of Commissioners do hereby proclaim April 2010 as

NATIONAL COUNTY GOVERNMENT MONTH

in Durham, and encourage all Durham County officials, employees, schools and residents to take special note of this observance by participating in county government week activities.

This the 22nd day of March 2010

Michael D. Page, Chair

Ellen W. Reckhow, Vice Chair

Becky M. Heron

Brenda A. Howerton

Joe W. Bowser

Ms. Craig-Ray accepted the Proclamation. She stated that the County's activities will be limited this year due to budget restraints. The County is hoping to have a small celebration for employees to thank them for the efforts they perform daily. The Board would like to be notified when the employee event is held.

2010 Census Progress Report

Chairman Page recognized Yvonne Sanks, Durham Census Office Manager. Ms. Sanks announced that April 1 is Census Day. If citizens do not respond to the mailed forms, a postcard will be mailed. If there is no response to the postcard, a Census worker will personally visit to collect data. She emphasized the importance of the response because funding is based on the Census count. The next count will not occur until 2020. She stated that there are 60 assistance centers throughout Durham County. She added that the forms are available in seven languages. Questionnaires are available at unmanned "Be Counted" kiosks throughout the County. Staff assistance centers are located in the libraries and City Hall.

Durham County Government Environmental Impact Award – Library Reusable Bag Program

Chairman Page recognized Tobin Freid, Sustainability Manager. Ms. Freid presented the first Durham County Environmental Government Impact Award to Gina Rozier, Hitoko Burke, Anastasia Bush, Marian Fragola, Alice Sharpe, and Jill Wagy. These employees, on their own initiative, started a reusable tote bag program at the public libraries. Patrons may check out a bag when they check out books. The Marketing Department of library purchased 3,000 recyclable bags. This initiative decreased the use of 14,000 plastic bags which were purchased and disposed each year.

In addition to the Impact Award, Toast Restaurant, a downtown eatery, awarded the recipients a \$50.00 gift certificate for the Restaurant.

The Board commended the group on their creativity and initiative.

Consent Agenda

Vice Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the following Consent Agenda items:

- a. Approve Aramark Correctional Services to make final repairs to one of the Axial fan blowers supplying heating and air conditioning to one of the detention cell pods;
- b. Approve Budget Ordinance Amendment No. 10BCC00061 to appropriate a \$1000 LGFCU productivity award to the Tax Department;
- c. Approve Budget Ordinance Amendment No. 10BCC00062 for the Department of Social Services to recognize LIEAP and CIP administration revenue in the amount of \$140,647; Crisis Intervention Payment (CIP) revenue in the amount of \$286,264 and Work First Functional Assessment revenue in the amount of \$2,000;
- e. Approve Budget Amendment Ordinance No. 10BCC00064 to recognize one-time funds from the NC Department of Health and Human Services in the amount of \$33,254 for Health Education's Jail Screening program;
- f. Approve Budget Ordinance Amendment No. 10BCC00065 to appropriate a \$3,500 grant award to the Sustainability office;
- h. Accept the property tax release and refund report for February 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- l. Approve entering into contracts with Storr, Alfred Williams, Edge Office and Interior Systems for the purchase of furniture and shelving for the South Regional Library, in the total amount of \$296,051.57 and execution of any other related contracts/services, if necessary, not to exceed the budget of \$325,656.72;
- m. Receive the Annual Report of the Development Review Board.

The motion passed unanimously.

Document(s) related to these items follow:

Consent Agenda Item (b): Approve Budget Ordinance Amendment No. 10BCC00061 to appropriate a \$1000 LGFCU productivity award to the Tax Department.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment Number 10BCC00061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 Revenues	\$235,907	\$1,000	\$236,907

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$66,415,482	\$1,000	\$66,416,482

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

This the 22nd day of March, 2010.

Consent Agenda Item (c): Approve Budget Ordinance Amendment No. 10BCC000062 for the Department of Social Services to recognize LIEAP and CIP administration revenue in the amount of \$140,647; Crisis Intervention Payment (CIP) revenue in the amount of \$286,264 and Work First Functional Assessment revenue in the amount of \$2,000.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000062

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,265,052	\$428,911	\$449,693,963

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,321,005	\$428,911	\$482,749,916

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

This the 22nd day of March, 2010.

Consent Agenda Item (e): Approve Budget Amendment Ordinance No. 10BCC000064 to recognize one-time funds from the NC Department of Health and Human Services in the amount of \$33,254 for Health Education's Jail Screening program.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000064

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,693,963	\$33,254	\$449,727,217

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,749,916	\$33,254	\$482,783,170

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

This the 22nd day of March, 2010.

Consent Agenda Item (f): Approve Budget Ordinance Amendment No. 10BCC000065 to appropriate a \$3,500 grant award to the Sustainability office.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000065

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,727,217	\$3,500	\$449,730,717

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Environmental Protection	\$3,627,205	\$3,500	\$3,630,705

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

This the 22nd day of March, 2010.

Consent Agenda Item (d): Amend the contract with Evans & Associates Consulting Group and approve Budget Ordinance Amendment No. 10BC000063 in the amount of \$60,000.

Chairman Page recognized Commissioner Bowser who pulled Consent Agenda Item (d):

Commissioner Page posed a question to the Tax Administrator regarding how much revenue is generated by the contract with Evans & Associates. Ms. Simpson responded that \$2-3 million dollars was generated by this contract. The contract also meets the 35% M/WBE guidelines.

Commissioner Bowser made a motion seconded by Vice Chair Reckhow to approve Item (d).

The motion passed unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000063

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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>			
Taxes	\$238,226,950	\$60,000	\$238,286,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$66,416,482	\$60,000	\$66,476,482

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

This the 22nd day of March, 2010.

Consent Agenda Item (g): Approve Budget Ordinance Amendment No. 10BCC000066 to transfer \$46,298 into the Criminal Justice Resource Center budget and to reduce the total allocation in the Juvenile Prevention Council budget by \$28,246.

This item was pulled by citizen's request to speak. The Chair recognized Victoria Peterson. Ms. Peterson posed a question regarding the expenditure of the funds. She was concerned that the money was being pulled from the Juvenile Prevention Council and indicated that the money should be used for training juveniles to deter juvenile crime.

Ms. Angela Nunn, Youth Home Director, responded that the money is being transferred from one funding account to another because the Criminal Justice Resource Center is now being housed in public safety. She reiterated that none of the money will be used for the Criminal Justice Resource Center programs.

Vice Chair Reckhow made a motion seconded by Commissioner Bowser to approve Item (g).

The motion passed unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000066

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,730,717	(\$28,246)	\$449,702,471

Expenditures:

Function

GENERAL FUND

Public Safety	\$ 45,067,154	\$46,298	\$ 45,113,452
Economic and Physical Development	\$ 5,773,653	(\$5,000)	\$ 5,768,653
Human Services	\$482,783,170	(\$69,544)	\$482,713,626

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

This the 22nd day of March, 2010.

Consent Agenda Item (i): Approve the contract amendment between Diana Phillips Consulting and the County of Durham to include additional professional services and to increase the contract to a not to exceed amount of \$52,000.

Commissioner Bowser indicated he pulled this item by mistake. There was no discussion.

Vice Chair Reckhow made a motion seconded by Commissioner Bowser to approve Consent Agenda Item (i).

The motion passed unanimously.

Consent Agenda Item (j): Approve entering into a contract with Louisiana Binding Services, Inc, for the restoration, conservation, and digitizing of vital records pursuant to Capital Project DC96-Rod Preservation in the amount of \$945,000.

Commissioner Bowser had a question regarding the M/WBE compliance. He was concerned that minorities may not be getting any of the contracts. The Register of Deeds, Willie Covington, attested that the Purchasing Division assured him that they were in compliance with M/WBE requirements. Mr. Covington added that there were only two bidders.

The County Manager agreed to provide a report indicating whether minority participation was a part of the contract. Commissioner Bowser asked that the Manager request Purchasing to provide more clarity on the M/WBE participants.

Commissioner Bower made a motion seconded by Commissioner Howerton to approve Consent Agenda Item (j).

The motion passed unanimously

Consent Agenda Item (k): Approve the grant application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program funds in the amount of \$183,064.

The Chairman recognized Ms. Victoria Peterson, who requested the item be pulled. Ms. Peterson was concerned about how the money is being used. She inquired whether any of the money would be used for training. What organization will the Justice Resource Center partner with? She asked whether or not the County would start working with other organizations in Durham to address crime problems of the youth.

Ms. Gudrun Parmer, Criminal Justice Resource Center, responded to the questions. The money is anticipated in the State's budget. Regarding Ms. Peterson's questions, \$2500 will be used for training. 50 percent of the contract is for employment placement assistance and other employment services.

Vice Chair Reckhow made a motion seconded by Commissioner Heron to approve Consent Agenda Item (k).

The motion passed unanimously.

Consent Agenda item (l): Approve entering into contracts with Storr, Alfred Williams, Edge Office and Interior Systems for the purchase of furniture and shelving for the South Regional Library, in the total amount of \$296,051.57 and execution of any other related contracts/services, if necessary, not to exceed the budget of \$325,656.72.

Commissioner Bowser wished to address this item regarding the lack of awards made to local bidders. He asked if Brame was the local supplier. The County Manager informed him that the representative had left the meeting, but he would get the information. Commissioner Bowser was concerned about the companies not being local companies.

Glen Whisler, County Engineer, returned to address the concerns. He stated that Brame was given consideration, but they were not the low bidder. Brame did not bid on all items.

County Manager Ruffin asked Mr. Whisler if any of the contractors were local? Mr. Whisler responded that Storr, Edge Office, and Alfred Williams all have Triangle offices. He stated that Brame has an office in Durham.

Vice Chair asked the Manager to develop a policy similar to the State's policy regarding awarding bids where small increments are considered.

Commissioner Bowser expressed a great deal of concern regarding the continued practice of not selecting local contractors.

The Manager agreed to look at items where Brame was the lowest bidder.

Public Hearing – Unified Development Ordinance (UDO) Text Change – Downtown Zoning Update (TC07-01)

Lisa Miller, Planner, explained that this text change only has implications within the City's jurisdiction. The Unified Development Ordinance requires that UDO text amendments be approved by both the City and County.

The primary objective of the proposed text amendment is to create a flexible regulatory structure that promotes pedestrian-oriented development in the Downtown Tier while still providing for vehicular access and circulation and appropriate transition to surrounding areas.

The Planning Commission unanimously recommended approval of the text amendment in November, 2009, and the City Council approved February 1, 2010.

Commissioner Reckhow suggested having a provision for child care downtown might be a good thing. She suggested that this provision be considered in the future.

Ms. Miller spoke with DDI representatives. There is no longer a zoning district that restricts day care on site. There have already been similar amendments to be considered.

Commissioner Howerton was concerned that staff received the large document along with the rest of the agenda material. She suggested that it be presented at a Worksession. Commissioner Bowser agreed.

Commissioner Heron suggested that text amendments come to Work sessions. Chairman Page asked the staff to be sensitive when sending the Board large amounts of information.

Chairman Page opened the public hearing. There were no speakers. The public hearing was closed.

Commissioner Bowser made a motion seconded by Vice Chair Reckhow that the Board approve the UDO text change.

The motion passed unanimously.

Public Hearing on Coordinated Transportation: FY 2010-2011 Community Transportation Grant Application Request

The Chairman recognized Delphine Sellars and Johnny Ford. Mr. Ford asked the Board if there were any questions.

The Chairman opened the public hearing.

Ms. Victoria Peterson requested to speak. She shared that she is starting to see a lot of our companies moving out of Durham to surrounding counties. If we could look at ways to provide transportation to rural areas, many of those companies are hiring, and it would make access easier for our citizens to get the jobs. She indicated that Durham's public transportation goes toward Raleigh, but not to rural areas such as Butner and Creedmoor. She suggested regional transportation.

Mr. Ford responded that there were some regional transportation services, but he would look into the routes. He stated that Cooperative Extension does partner with transportation systems in the area.

The Chairman closed the public hearing.

Commissioner Howerton made a motion seconded by Commissioner Heron to approve the resolution authorizing Durham County Cooperative Extension to submit the FY 2010-2011 Community Transportation Program grant to the North Carolina Department of Transportation. The motion passed unanimously.

Public Hearing on Coordinated Transportation: FY 2010-2011 Targeted Transit Assistance Program Grant Application Request

Ms. Delphine Sellars introduced Ms. Margaret Scully, Cooperative Extension's Mobility Manager.

Ms. Scully stated that this grant is to meet the needs of residents of Durham County who are elderly or have disabilities. The grant will allow the purchase of special needs from Red Cross. There are no County funds involved.

Commissioner Reckhow asked for further explanation on agenda items in the future.

Ms. Scully indicated that this grant will allow Red Cross to expand the delivery area to cover more areas of the County.

Chairman Page brought to the attention of Cooperative Extension the concerns in northern Durham County for the lack of medical services. He advocated that we are pushing for those services to be included in northern Durham County. He asked that Ms. Sellars contact representatives of Little River Community Complex. He strongly urged that any services offered by Durham County be inclusive of the citizens of northern Durham and rural areas.

Commissioner Page opened the public hearing. There were no citizens signed up to speak. The public hearing was closed.

Commissioner Heron made a motion seconded by Commissioner Howerton to approve the resolution authorizing Durham County Cooperative Extension to submit the FY 2010-2011 Targeted Transportation Assistance Program grant to the North Carolina Department of Transportation.

The motion passed unanimously.

Public Hearing – Resolution on Intent to Sell Durham County Home Health Agency

Public Health Director Gayle Harris introduced the item. She stated that on February 22, the Board adopted a Resolution declaring its intent to sell the Durham County Home Health Agency according to N.C.G.S. § 131E-13. The public hearing was required no less than 15 days after the approval.

The Chairman opened the public hearing. There were no speakers. The public hearing was closed.

Commissioner Heron would like to be involved when the applications are received. Ms. Harris assured her that the Board would be involved. Ms. Harris indicated that the Request for Proposals have gone out. The deadline is April 9. Minority owned businesses were included. A consultant was hired to assist with the proposals. Once the RFPs are received, due diligence will be required before accepting any proposals.

Commissioner Bowser made a motion seconded by Commissioner Howerton to move forward with the sale of the Durham County Home Health Agency.

The motion passed unanimously.

Update for The Durham Center

Chairman Page recognized Ellen Holliman, Area Director for The Durham Center. Ms. Holliman introduced staff who accompanied her.

In 2009, The Durham Center touched 9700 lives throughout the many services provided. Medicaid is a large portion of the service system. 78 percent of those seen were children were in Medicaid. 45 percent of adults were in Medicaid. \$77 million was spent in Medicaid.

Robert Robinson spoke about the Crisis Response System. He indicated that the number of admissions to State hospitals is a good indicator of how well Mental Health is doing. There has been a 100 percent response rate for citizens in emergent need (needs within 2 hours).

Durham Center Access is a 24 hour facility for individuals in crisis. The target population is Durham County citizens regardless of their ability to pay. 68 percent of the people who come to the facility are diverted which means they are able to stay in the community. In FY09, the number greatly increased of hospital diversions which meant keeping more citizens out of State hospitals.

Durham led the State in the number of decreased hours individuals in crisis spent in Emergency Departments. The amount of time spent using Sheriff's transporting also decreased. Commissioner Bowser posed questions regarding the Sheriff's involvement. Mr. Robinson could not answer, but offered to follow up on the information and send the Board the full report.

Other services for children include the Caring Family Network which works with youth with serious emotional disturbances. There are over 250 service providers located throughout Durham County.

The Crisis Intervention Team trains police officers to respond more effectively to individuals experiencing a mental health crisis. Sheriff deputies have also been trained in this program. The hope is to bring individuals into treatment instead of the criminal justice system. This is more comprehensive training than the basic training. The training is voluntary for police officers.

The Mobile Crisis Team developed in 2008 allows professionals to go to individuals in crisis.

Durham Center was selected to lead the START Model. It is a 24 hour service with the goal of reducing unnecessary hospitalization or more restrictive levels of care.

A Psychiatric Walk-In Clinic serves citizens requiring immediate psychiatric attention. 443 individuals in Durham, Orange, Chatham, and Person counties have been served. After 6:00 pm, other options are available to citizens requiring help.

There will be a decrease in the amount of crisis funding this year due to local and State cuts. Some funds that were start up assistance will not be returning this year.

In 2009, the Durham Center Assessment Team was established to connect individuals with the best service for their individual needs.

Carrie Baines presented the goals of the Critical Access Behavior Healthcare Agencies (CABHA). Agencies interested in providing services within CABHA must meet specific requirements for certification. The agency must deliver at least two enhanced services in the same location where it provides the three core services within 35 miles of the core service.

Ms. Holliman spoke about Medicaid UR. The implementation date is mid-September. A medical director has been hired. Guardianship is an issue The Durham Center still faces. She feels it will be a huge benefit to citizens for The Durham Center to regain the process. She will discuss Medicaid waiver with the Board at a later date.

Vice Chairman Reckhow questioned the psychiatric services that are being regionalized. She expressed concern about recovering expenses since the County renovated the Crisis Access Center that is being used. Ms. Holliman will check into the matter and report back.

Commissioner Heron inquired about guardianship. Ms. Holliman responded that as a public agency, the Durham Center has been appointed by Appellate Court as the guardian for people who cannot take care of themselves. Attorney Siler added that the individuals in question are not capable of making decisions for themselves.

Chairman Page thanked Ms. Holliman for the presentation. Vice Chairman Reckhow echoed that she was impressed with the presentation.

Discussion of Issues for 2010 NC Legislative Agenda

Deborah Craig-Ray presented items for the Board's review to be pursued at the General Assembly's Short Session on May 12, 2010.

Chairman Page asked the Commissioners for their concerns. Commissioner Heron indicated that all the items were important. Vice Chairman Reckhow commented on pursuing the new local proposals.

Special Payroll Tax for non Durham Residents. Vice Chairman Reckhow would like more information on whether studies have been done to determine whether a payroll tax is a deterrent for economic development. Commissioner Bowser would like to see what other cities throughout the country are doing. Ms. Craig-Ray will research more and bring back additional

information. Commissioner Bowser emphasized looking at examples outside of North Carolina.

Legislation to Reduce the Level of Tax Relief provided by the Historic Properties Tax Credit. According to Steve Medlin, there is not enough work done to be ready for the Short Session. This will be deferred to the Long Session.

Revenue Sharing between Durham and Wake County regarding the Raleigh-Durham International Airport. The Manager will send information from other airports (Dallas/Fort Worth) to the Board. The Manager indicated that this will probably require statewide change. Vice Chairman Reckhow recommended adding fiscal information. The Manager will work on information and come back at the Worksession.

Ms. Craig-Ray will work with the Clerk's Office to find a date for the Legislative Breakfast prior to May 12.

Ms. Victoria Peterson made a request to the Board that citizens be allowed to participate in the legislative process. She added that we are not getting monies from correctional facilities or the court system. She would like for the County to pursue those monies.

Board and Commission Appointments

Chairman Page requested to defer action on the Planning Commission appointment due to information he received right before the meeting. He needed additional time to research the information.

Vice Chairman Reckhow moved seconded by Commissioner Howerton to defer the Planning Commission appointments until the April 5 Worksession.

The motion passed unanimously.

Commissioner Bowser questioned the three positions open on the Planning Commission. Chairman Page expressed concern as to how the process is working when we get recommendations from the Planning Board.

Commissioner Howerton asked about the survey information for boards and commissions where staff did the research. She inquired about the status of that information. The information was not discussed at the last worksession. No action was taken.

Vice Chair Reckhow responded that according to the survey of members, boards and commissions thought it was a good idea to provide input regarding a recommendation.

Commissioner Heron stated that the Joint City/County Planning Board looks at applicants closely before giving a recommendation.

Chairman Page stated that he had real concerns and was not willing to vote on the items at this time.

Commissioner Bowser stated his concerns about having people who do not live in Durham County run our boards. The citizens of Durham don't get a fair opportunity when you have people who live outside of Durham running our boards. He surmised that it is not fair.

Commissioner Heron remarked that there is a policy where you have to live in Durham County to serve on a Durham County board.

Commissioner Bowser responded that "these people are not from Durham County. The Chair of the Workforce Development Board lives in Raleigh." According to the County Manager, some of the seats are filled by specific slots by the City and County.

Chairman Page commented that he has a real problem with a recommendation that is made by the Executive Board of the Workforce Development Board rather than the entire Board. He referenced a memo received late in the afternoon before the meeting. He felt the Board had been misled by the Workforce Development Board that this was an entire Board recommendation. It is unfair to the Durham citizens to do that when it is not fully recommended.

Commissioner Bowser stated that he and Commissioner Howerton were not consulted regarding the recommendation. Commissioner Howerton stated that some of the members on the Executive Committee were from Durham County and some were from Wake County.

The Chairman recognized James Dickens with the Office of Economic and Workforce Development. Mr. Dickens stated that the Bylaws of the Workforce Development Board state that you either live or work in Durham County in order to serve on the Board, and "everyone fits that criteria."

The Chairman asked whether he thought or was sure about the aforementioned statement. Mr. Dickens responded that "I know everyone fits that criteria. They either live or work in Durham." He further stated that the Executive Director works in Durham County.

When asked by Commissioner Bowser where the Chair lives, Mr. Dickens responded that he was not sure where she lives, but she works at Duke University.

Chairman Page asked who appointed the Chair of the Workforce Development Board. Mr. Dickens did not know who appointed the Chair. Regarding the Executive Committee's recommendations, the Bylaws give the Executive Committee the authority to make those recommendations. Sometimes the recommendations need to move forward and you can't always wait for the full Board to meet every other month.

Chairman Page referenced the letter submitted prior to the meeting. He asked for clarity as to whether the recommended applicant was a member of the Board. Mr. Dickens responded that she was not a member.

Mr. Dickens pointed out that the applicant in question, Ms. Lea Henry, was present at the meeting tonight. "Ms. Henry served on the Youth Council which is a subcommittee of the Workforce Development Board. The Chair, Barker French, stepped down as Chair of the Youth

Council so a new Chair needs to be appointed. Ms. Henry is from Durham, has an extensive background in working with the youth that the Youth Council serves, so the Board thought she would be a good fit to lead the Youth Council. The Chair of the Youth Council must be a Workforce Development Board member, hence the recommendation.”

He also pointed out that over the past two years, four of the applicants out of six from the County had been appointed to the Workforce Development Board. Of the current applicants, one being Ms. Henry and the other being Donald Hughes whose application came in simultaneously, the Workforce Development Board felt that Ms. Henry would be a better choice for that slot so she can serve as the Youth Council Chair.

Chairman Page asked how the Board made that justification. He added that this decision puts the Board of County Commissioners in a precarious situation, selecting one citizen over another because the Workforce Development Board feels it would be better. Mr. Dickens responded that Ms. Henry has served on the Youth Council for a number of years, so if we are looking at it as the person who would be the best Youth Council Chair, we would like someone who has served on that committee as opposed to someone who hasn't been on the board or a committee. He added that “we did reach out to Mr. Hughes to ask him if he would consider serving on one of our committees, and I believe he has agreed to do that.”

Commissioner Bowser posed the question “Are you saying this appointment would automatically make her become Chair?” Mr. Dickens responded in the affirmative. Commissioner Bowser asked if Mr. Hughes were selected, would he automatically become Chair. Mr. Dickens responded that was not the case. Ms. Henry has served on the Youth Council for two years. The outgoing Youth Council Chair has recommended her (Ms. Henry) to take over that position as well as a recommendation from the Workforce Board Chair.

Chairman Page asked “where does Mr. Hughes stand?” He clearly stated that he was not comfortable with this situation at all. He did not like the process and wished that the Board had been briefed in a more timely fashion. He added that the document was placed at the seat of the Board of County Commissioners just prior to the meeting, and it did not allow time for review. He again asked where this would put Mr. Hughes if Ms. Henry received the vote tonight?

Mr. Dickens did not have a clear answer, but indicated that the applications came in at the same time. He indicated that Ms. Henry's application was received a week or so prior to Mr. Hughes. He could not get into why Mr. Hughes was not selected other than Ms. Henry's application came in first, and there was a need to have someone chair the Youth Council.

Chairman Page asked Mr. Dickens to elaborate on the comment about having Donald Hughes serve on a committee. Mr. Dickens responded that he had not talked with Mr. Hughes directly but the Director, Kevin Dick told him (Mr. Dickens) that he had talked with Mr. Hughes and “offered him a position or to sit on one of our committees, I'm not sure if it will be the Youth Council or if it will be our Job Steering Committee but to see where he would best fit and I believe that Mr. Dick said he has agreed to do that.”

Commissioner Bowser indicated that if we are going to use this process, there is no need in spending money to advertise these positions when you know appointments are going to come from within. He added it is not fair to the citizens. He said “don't advertise it.” He said that

basically, the outgoing Chair of the Youth Committee is going to make to make this appointment. Mr. Dickens responded that the Chair made the recommendation.

Chairman Page suggested deferring the vote on this matter. He stated that he wants to be fair and he doesn't feel comfortable about the way this case has been handled. He felt misled through the whole process.

Commissioner Howerton commented that both she and Commissioner Bowser serve on the Workforce Development Board and her recommendation would be that the Board defer this and that a conversation with the Executive Board or with Kevin Dick take place to be able to be able to determine this rather than to keep discussing it.

Commissioner Bowser felt that "Kevin Dick and the Executive Board would have been better served if they had conversations with the elected officials who represent this body, but they choose to bypass us and then are going to say to us, you take this recommendation."

Commissioner Howerton indicated that she felt a precedent had been set by the Board of County Commissioners to accept recommendations. She agreed that the item should be deferred.

Commissioner Heron commented that it may be an advantage for Mr. Hughes to serve on a committee and then move up to the Board.

Commissioner Bowser moved seconded by Commissioner Howerton to defer the Workforce Development Board appointment until the April 5 Worksession.

The motion passed unanimously.

Chairman Page asked Mr. Dickens to talk with Mr. Dick for clarification on this matter. If Mr. Hughes was offered a position on a committee, Mr. Page would like to know that information.

Commissioner Howerton reiterated that the Board of County Commissioners needs to decide if it is going to accept recommendations to avoid this problem in the future.

The County Attorney announced that William Wilson had been selected to serve on the Farmland Protection Advisory Board. Ms. Angela O. Terry had been selected to serve on the Juvenile Crime Prevention Council.

Closed Session

The Chairman announced that the Board would adjourn into Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

Commissioner Bowser moved seconded by Vice Chair Reckhow to adjourn into Closed Session.

The motion passed unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session and provided directions to staff.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:59 p.m.

Respectfully submitted,

Michelle Parker-Evans
Clerk to the Board