

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

Monday, March 1, 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 and Brenda A. Howerton

Absent: Commissioner Becky M. Heron

Presider: Chairman Page

Motion to Excuse

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to excuse Commissioner Heron from the March 1 Worksession.

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page, and Reckhow

Noes: None

Absent: Heron

Citizen Comments

Mr. Troy Worrell of Carolina Air Conditioning Company requested to address the Board of County Commissioners regarding contracting with Durham County Government; he was not in attendance.

Ms. Sheila Williamson-Branch with Square One Bank requested to address the Board of County Commissioners regarding financial literacy. She made the following comments:

“First, I would like to thank Board member Mr. Joe Bowser for inviting Square One Bank to your meeting and the Board for allowing us to come and meet with you all this morning. We do not intend to stand before you long, as we know you have other pressing matters to handle this morning.

A little about the community Reinvestment Act

The Community Reinvestment Act was enacted to encourage depository institutions to help meet the credit needs of the communities in which they operate, including low-and

moderate-income neighborhoods. It provides a framework for depository institutions and community organizations to work together to promote the availability of credit and other organizations to work together to promote the availability of credit and other banking services to underserved communities. The depository institution's record in helping meet the needs of its entire community are evaluated periodically.

Square One Bank/Square Roots-Who We Are

At this time I would like to present Beth Reeves, AVP/Corporate Secretary for the Bank, who will tell you a little about what Square One Bank does. Thereafter, I will tell you a little about Square 1 Bank's CRA Involvement.

Square One Bank Community Reinvestment Act Involvement

Square One Bank and its employees support a variety of programs that focus on entrepreneurial development, community improvement, and financial literacy. Since the bank's inception, officers of the bank and employees have donated numerous hours volunteering their time to support the Durham Community.

On the summary provided, we have officers who serve on organizations located here in the Durham area, such as Communities in Schools, the Durham Regional Financial Center, the Durham Literacy Center, Downtown Durham, Inc., and the Council for Entrepreneurial Development.

In the Fall of 2009, Square One Bank implemented its first Financial Literacy Program with the Durham Performance Learning Center while several employees were mentoring to interested students at the location. This program currently has 20 students enrolled and is set to continue on into 2010-2011 school year.

Recently, Square One Bank held its first Financial Literacy Workshops at Grace Healthcare Nursing Home where Square One Bank is a sponsor of this facility through the Senior Housing Crime Prevention Foundation Crime stoppers Program and the Durham Literacy Center.

At the Nursing Homes, we are offering the Financial Literacy training to 15 employees and residents of the facility, and at the Durham Literacy Center we have seven students enrolled.

Square One Banks' other involvement includes our Investments into other areas such as deposits at Community Development Financial Institutions such as Self-Health Credit Union, Latino Credit Union, Mechanics, and Farmers. We have also made several donations to organizations within Durham such as Meals on Wheels, The John Avery Boys and Girls Club, and Communities in schools in Durham.

Square One Bank is eager to give back to the community it serves and supports organizations whose eagerness is the same. Thank you."

The Board thanked Ms. Williamson-Branch and Ms. Reeves on their presentation.

Reading is Fundamental Presentation

Karlene Fyffe, Youth Services Administrator, Durham County Library, introduced this item stating that Reading Is Fundamental Inc. (RIF) prepares and motivates children to read by delivering free books and literacy resources to children and families that need it most. Founded in 1966, RIF is the oldest and largest children's and family nonprofit literacy organization in the United States. RIF's highest priority is reaching underserved children from birth to age eight. All RIF programs combine three essential elements to foster children's literacy: reading motivation, family, community involvement, and the excitement of choosing free books to keep.

Durham County Library has participated in the RIF program for over 30 years. However, in recent years the program has grown exponentially and has earned us the tremendous honor of participating in the RIF ambassador program. As North Carolina's RIF ambassador, Youth Services Manager Karlene Fyffe is tasked with promoting RIF throughout the state by explaining the program and addressing its impact on the children in our community.

Ms. Fyffe engaged the Commissioners in RIF by encouraging them to participate in RIF book distributions or accompany staff to Raleigh to speak to State officials. She invited the Board to attend the first book distribution which is scheduled for Saturday, June 19, from 10am – 2pm at the Main Library. She stressed the importance of having the Board's support.

Ms. Fyffe added that RIF is funded by the U.S. Department of Education, corporations, foundations, community organizations, and thousands of individuals, RIF's national book for ownership program encourages the joy of reading in all children.

Ms. Fyffe thanked the Board for allowing her to give the presentation.

Commissioner Howerton expressed appreciation for Ms. Fyffe's energy and passion for the youth in the community.

Vice-Chairman Reckhow thanked Ms. Fyffe for her leadership.

Durham Connects 2009 Presentation

Gayle Harris, Public Health Director, led this item. She stated that the Board requested to receive a presentation from Public Health and Duke Center for Child and Family Policy which provides an update on Durham Connects, a program in which Public Health Nurses make one to three home visits to women in Durham who have a new baby within two to four weeks following delivery. Durham Connects is designed to celebrate the arrival of the new baby as well as provide the necessary supports families of newborns need reducing the chances of child maltreatment. Durham Connects was introduced to the Board at the February 2008 Worksession.

Sue Guptill, Public Health led the following presentation:

What is Durham Connects?

- A focused, manualized, universal in-home nurse visit program for parents of newborns in who reside in Durham County.
- Partnership of Durham County Health Department, Center for Child & Family Policy. Center for Child & Family Health with funding from The Duke Endowment.
- Currently serves babies born on EVEN Days. Goal to scale up to all County births in 2011 following program evaluation
- Durham Connects links families with existing resources, identifies gaps and attempts to fill them.
- Purpose is to celebrate, support, connect, and follow-up.
- Mission is to maximize child and family well-being.

How it Works

- Connect with every newborn family
 - Extension of hospital services & standard for birth process in Durham County.
 - DC reps meet eligible parents in the hospital.
 - 1-3 post birth home visits at ~4-12 weeks of age.
 - Post-visit connection by phone one month after last visit.
 - DC serves families regardless of income or status.
 - Spanish speakers assigned to Spanish speaking nurse in almost all cases. Interpreter also available.
- Families connect with community resources
 - Pedestrian & mother's physician
 - Individualized connections with community agencies.
- So that families can connect with their babies

Elements of the Visit

- Health check of mother and baby
- Informal interview to discuss new parent issues in four areas (12 domains)
 - Parenting readiness
 - Childcare
 - Maternal Child Health
 - Financial stability
- Screeners for depression, Domestic Violence, and Substance Use.
- Resolve issues on the spot or make connections for areas of concern
- Convey information to Pedestrian/family physician/OB.

Community Partnership

- Leadership Council and Community Advisory Board Members
 - Elected Officials (Mayor, DC Board of Commissioners)
 - Community agencies (Welcome Baby, Exchange Club)
 - Government Services (DSS, DCHD)
 - Religious Organizations

- Durham Public Schools
- Media (herald-Sun, Que Pasa)
- Local business leaders (RTI)
- Universities (Duke, UNC, NCCU)

Durham Connects Team

- Recruiters
 - Two staff members, supervisor
- Nurses
 - 10 nurses, supervisor, staff assistant
- Office of community Resources
 - Four staff members, supervisor
 - Community advisory Board
- Data management & Evaluation
 - Five staff members, supervisor, fidelity monitor
- Program leadership
 - Dodge, Gupta, Harris, Harris, 'Donnell, Murphy, Christopoulos, Sato
- National scientific advisory board

Resource Gaps Filed by DC

- Cribs for Kids Low cost cribs available to DC residents by professional referral
- Grandparent Network of Durham-Grandparent mentoring program available by referral to DC clients. Seeking mentor volunteers over 50

Look for Durham Connects

- www.durhamconnects.org
- OB prenatal packets
- Pediatrician first visit packets
- Brochures/posters/flyers/cards
- Hospital birth center rooms
- Community service agencies
- Mailings to childcare centers
- Public presentations/health fairs
- In-hospital video
- Hospital tour packets
- Media relations-monthly Herald Sun column, first Thursdays
- Local parenting blogs

Kenneth Dodge, Executive Director for Center for Child and Family Policy, Duke University, proceeded to discuss the following:

Durham Connects Evaluation

- Question 1: Can we implement DC with high levels of access by residents?
- Question 2: Can we implement DC with high levels of consistency with the protocol?

- Question 3: Does DC have impact on community rates of maltreatment, injuries, and health care?
- Question 4: Does DC have impact on parenting, family functioning, and healthy child development?

Durham Connects: Resident Access to Service (Chart)

Durham Connects Consistency with Protocol

- Manual of Operations (MOO) describes all facets
- Hire 10 public health nurses and supervisor
- Training
 - Four-week full time training led by DC leaders
 - Nurse observes an experienced nurse conduct visits
 - An expert observes and “certifies” nurse
- Ongoing fidelity checks
 - Nurse completes checklist for every visit
 - Every record reviewed by supervisor and data office
 - Ongoing random observations by expert
- We must improve implementation of the protocol as intended in order to continue the program.

Durham Connects Outcomes

- Trial enrollment period: July 2009 through December 2010
- Randomly assign families by even-odd date of birth
- Obtain administrative records over time for all births for:
 - Maltreatment allegations and substantiations
 - Hospital injuries for maltreatment-related diagnoses
 - Pediatric health-care compliance
- “Intent-to-treat” evaluation compares rates without regard to actual receipt of program

Durham Connects Outcomes

- Use birth records to randomly select one birth every day
 - July 2009 through December 2010 yields 549 families
- Approach families to participate in study for compensation
 - Expect 75% participation
 - Replace with same ethnicity until success
- Complete in-home interview and assessment
 - Assess four domains of functioning
 - Assess community resource utilization
 - With permission, match to Durham Connects records
- “Intent-to-treat” evaluation
 - Also evaluate intervention impact on those treated

Commissioner Howerton asked when the outcomes would be available.

Chairman Page inquired about any connection with Best for Babies. He asked about how to make the information available and understandable for the citizens.

Vice-Chairman Reckhow followed up regarding evaluations and parents following up with their connections. She suggested that the referrals be expanded to the entire 27703 area to get as many families engaged as possible.

The Board thanked staff on their presentation.

NACO Prescription Drug Card

Gayle B. Harris, RN, MHP, Health Director, introduced this item. She stated that the Board is requested to receive a presentation to officially launch Durham County's NACO Prescription Discount Card Program. As of today, Durham County has joined a program that continues to grow rapidly nationwide with more than one-third of the nation's counties participating. To date more than 21.6 million prescriptions have been filled with savings totaling \$257.8 million for an average savings of 24.2%.

Ms. Harris noted that cards are available in both English and Spanish in all Durham County facilities. Contacts have been made to also place cards in area pharmacies, churches, and businesses.

Ms. Harris continued to speak about the available discounts and continuing to focus on free medications from the patient assistant program through pharmacies.

Vice-Chairman Reckhow thanked Ms. Harris and County Attorney Siler for their can-do attitude.

County Attorney Siler raised the issue of being inclusive regarding churches to include Synagogues and other religious institutions.

Ms. Harris reiterated how the card could be used and what the card would cover, per the Chairman Page's request.

2010 M/WBE Report

Wendell M. Davis, Deputy County Manager, introduced this item. He recalled that at the January 2010 Worksession, staff presented the status report on the County's MWBE Program. During the course of that discussion, a concern was raised about the good faith effort and Vice Chairman Reckhow requested additional comparative data. Staff will use this opportunity to address those concerns and to demonstrate the newly completed software application designed to aid in tracking, compliance monitoring and reporting for the M/WBE Program.

Laura Jensen, Assistant to the County Manager, discussed her findings in regards to the comparative analysis.

Pamela Gales, Assistant Purchasing Manager and MWBE Coordinator, discussed the staffing issues and a potential solution that entailed outsourcing.

Glen Whisler, County Engineer, responded to Vice-Chairman Reckhow's concerns as it relates to targeting companies for future projects that achieved high level.

Mr. Davis expressed concerns about adding minority firms in Durham to a list if they have done a good job.

George Quick, Finance Director, attempted to address Vice-Chairman Reckhow's question regarding why the DPS didn't complete as many projects in 2009.

Chairman Page asked for clarity MBE and WBE.

Ms. Gales added that as of July 1, 2009, every local government and municipality has to comply with the Statewide Uniform Certification Program.

Commissioner Bowser raised an issue about not being able to target Durham contractors.

Karl Davis, MWBE Consultant, discussed the following:

- Contractor Management
- Architect Contractor
- Architect Manager
- CMGC Management
- Project Management
- Compliance Management

The Board posed the following:

- Who would be entering the data?
- Did Durham Public School provide an explanation about the decrease in participation?
- How important is it to have information regarding bonding capacity?
- Would DPS utilize this database for projects?
- Is this process used in other communities?
- Would the approach allow the County to have greater utilization of more firms?
- What is the next step once the data is compiled?
- How far would you go back to enter data and what is the anticipated cost?
- How much would it require, with human services, if this effort is outsourced?
- How many people would be recommended to be hired?
- Who would monitor the consulting firm to make certain all data is entered correctly?

- Is there anyone in the organization that may have marginal eight hours day to be able to assist with the operation?

County Manager Ruffin alerted the Board that the approach would be part of the fiscal year 2010 budget process.

Directive

County Manager to follow up with Hugh Osteen, DPS, Assistant Superintendent for Operations, about DPS's progress FY 2008-2009.

Review of January and February BOCC Directives

Laura Jensen, Assistant to the County Manager, introduced this item, she stated 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. For the March worksession, the January and February directive reports are combined since the January report was not covered at the February 8, 2010 worksession.

Drew Cummings, Assistant County Manager, provided a response to Commissioner Howerton's question about the portable restrooms at Urban Ministries and when an update could be provided regarding what was brought before the Board.

Commissioner Bowser expressed concerns about Durham One Call.

County Manager Ruffin mentioned that the City and County Managers were asked by Joint City County Committee to consider the possibility of merging services and functions.

The Board thanked Ms. Jensen on the directives.

Discussion of Falls Lake Rules Consensus Principles

Drew Cummings, Assistant County Manager, introduced this item. He stated that the North Carolina Division of Water Quality (DWQ) has worked a stakeholder process through two sets of draft Falls Lake Rules. A third set of draft rules will be released in mid-March for further public comment. Durham County staff worked with staff in other jurisdictions within the Falls Watershed (including the City of Raleigh) to try to establish a number of consensus points whereby the jurisdictions could jointly approach DWQ with proposed changes to the draft rules. The TJCOG "Mayors and Chairs" group reviewed and rules, make some changes, and then recommended that they be taken back for approval by the full elected boards in the jurisdictions that were involved.

Mr. Cummings noted that the elected boards in the City of Raleigh and Person and Granville Counties have already approved the consensus principles.

Mr. Cummings discussed the following:

- Goals Rule
- New Development Rule
- Existing Development Rule
- Wastewater Discharge Rule
- Architecture Rule
- State and Federal Entities Rule
- Options for Offsetting Nutrient Loads Rule
- Fertilizer Management Rule

County Manager Ruffin and Mr. Cumming responded to Commissioner Bowser's concerns regarding a DOT representative being present.

Vice-Chairman Reckhow made comments about an editorial placed at the Board's stations. She wondered if the resolution could be strengthened given what was discussed.

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

The motion carried with the following vote:

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

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to adopt the Resolution with said changes.

The motion carried with the following vote:

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

County Attorney Siler responded to Commissioner Bowser concerns regarding the listing of jurisdictions in the Resolution.

The Board thanked Mr. Cummings for the update.

Workforce Development Board Appointment

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow to suspend the rules and make the appointment to the Workforce Development Board.

The motion carried with the following vote:

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

County Attorney Siler announced that due to a tie vote, the item would be brought back before the Commissioners at the March 22 Regular Session.

A brief discussion was held regarding the Workforce Development Board applicants.

ITEM: Amendment to the Unified Development Ordinance – Riparian Buffers (TC0900008)

Aaron Cain, AICP, Senior Planner, led the following presentation:

Proposed Text Amendment

- State Requirements
 - Jordan and Neuse Rules
 - State Legislation
- EEUDO Steering Committee Recommendations
- Staff Recommendations

Jordan Rules Requirements

- Riparian Buffer Table of Uses
 - Exempt
 - Allowable
 - Allowable with Mitigation
 - Prohibited
 - Use prohibited if not listed
- Merged Jordan and Neuse Rules
 - Most restrictive where rules differ
- New Use Procedures
 - No Practical Alternatives
 - Mitigation
 - Variance
 - Differences between Jordan and Neuse
- Penalties and enforcement

EEUDO Recommendations

- Based on best practices and available scientific data
- Increase perennial and intermittent buffers to 100' in Suburban and Rural tiers
 - 75 foot inner undisturbed zone
 - 25 foot outer managed zone
 - Does not reduce watershed protection buffers
- Allow additional buffer to be counted towards density

Areas of Increased Stream Buffer Width (Map) Neighboring Jurisdictions (Charts)

EEUDO Recommendations

- Increase wetland buffer width to 50 feet
- Buffer all wetlands adjacent to a riparian buffer
 - Buffer width same as riparian buffer

Staff Recommendations

- Merge Jordan and Neuse Rules whenever possible
 - Use more stringent when different
- More restrictive on stream buffer uses
- Clarifying and organizational changes

Next Steps

- City Council Review – March 4
- Submission to State – March 10
- Planning Commission Review – April 13
- Governing Board Application after State Review

Wetland Buffer Width (Graph)

Two-Zone System

- Woody area better for
 - Stream bank stabilization
 - Groundwater filtration
- Grassy area better for
 - Sediment filtration
 - Stormwater filtration
- Use of two-zone system meets all needs of a buffer

Two-Zone System (Image)

50-foot Urban Tier Buffer

- Awareness issues
- Smaller lots
- Smaller, infill developments

Buffer Width Best Practices

- Fifty feet considered a minimum for water quality

The Board agreed to move the item forward.

No directives were given.

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to adjourn into closed session pursuant to G.S. § 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property for open space at 5026 NC Hwy 55, owned by Joseph and Vivian Lowe; and the acquisition of conservation easements on two farms, 1198 and 1302 Bacon Road, owned by Barry and Donna Blalock; and 5122 Bahama Road, owned by Henry and Gwendolyn Thacker.

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page, and Reckhow

Noes: None

Absent: Heron

Reconvene from Closed Session

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

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page, and Reckhow

Noes: None

Absent: Heron

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to authorize the Manager to sign an Option to Purchase a conservation easement on 84 acres of the Thacker Farm, located at 5122 Bahama Road, parcel ID's 192126 and 192127 (partial).

The Terms of the Option would specify a closing by December 31, 2011 and include:

- A contingency that the County receives a grant for at least 50% of the value of the property.
- The price per acre would be based 75% of an easement appraisal that meets FRPP program guidelines, with the value paid to be no less than \$3,750 per acre and not to exceed more than \$4,500 per acre.

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page, and Reckhow

Noes: None

Absent: Heron

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to authorize the Manager to sign an Option to Purchase a conservation easement on 71 acres of the Blalock Farm, located at 1198 Bacon Road, consisting of portions of parcel ID's 189568 and 189572.

The Terms of the Option would specify a closing by December 31, 2011 and include:

- A contingency that the County receives a grant for at least 50% of the value of the property.
- The price per acre would be based 75% of an easement appraisal that meets FRPP program guidelines, with the value paid to be no less than \$3,000 per acre and not to exceed more than \$4,500 per acre.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 12:05 p.m.

Respectfully submitted,

Angela M. Pinnix
Administrative Assistant
Clerk to the Board's office