

September 9, 2002

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

Monday, September 9, 2002

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 MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

**Opening of Regular Session**

Chairman Black called the meeting to order with the Pledge of Allegiance.

**Agenda Adjustments**

Commissioner Bowser asked that the County Manager investigate why the Durham County Board of Elections office was not open for early voting. The Commissioner received several calls about the office being closed. The County Manager said he would follow up on the Commissioner Bowser's request.

**Announcement**

Chairman Black announced that she and Commissioners Reckhow and Heron went on the tour of the Community Shelter for HOPE that afternoon. She wanted everyone to know that it will be a wonderful facility that will house families, parents with children, single men, and single women.

Chairman Black said the Federal Government, City of Durham, and Durham County Government put money in the project to renovate the facility. The renovations are almost complete, and the shelter is scheduled to open in November. The renovated facility will provide security and services for children. There will also be programs to assist adults to return to work. The Shelter will house a branch of the Lincoln Community Health Center and a branch of The Durham Center. C. T. Wilson Construction Company is the general contractor, and Brown's Painting Company is the minority contractor on the project.

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Those two companies have done a wonderful job on the renovation project. The work on the shelter is first class.

Commissioner Heron said that the new shelter would be a new situation for the families and single people using the facility. The provision for health care services and the living conditions will be so much more attractive. It is a wonderful facility that will accommodate the residents.

Vice-Chairman Reckhow said this is a good example of the City, County, and private sector working together to accomplish a project. Commissioner Reckhow was impressed with the crime prevention aspect of the design through the environmental design principles that were used.

Chairman Black thanked the County staff and others who worked to complete the project.

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**Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the August 5, 2002 Worksession Minutes of the Board as submitted.

The motion carried unanimously.

**Consent Agenda**

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- \*(a) Budget Ordinance Amendment No. 03BCC000004—Governor’s Crime Commission Pass-Through Grant Award—Acceptance of Additional Revenue (approve Budget Ordinance Amendment No. 03BCC000004 accepting additional pass-through grant revenue in the current budget);
- (b) Approval of Interlocal Agreement with the City of Durham Relative to the TeerMark Lease (approve the Interlocal Agreement);
- (c) Sublease Agreement for Suite #104—212 West Main Street (approve the request from Doc Arts Inc. to sublet the space to the Full Frame Documentary Film Festival free of charge through the balance of the lease period, June 30, 2003, provided that the City of Durham approves the Interlocal Agreement to split the cost of the rent incurred from July 1, 2002 through June 30, 2003); and
- (d) Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract for this addition to the County sanitary sewer system).

The motion carried unanimously.

\*Documents related to these items follow:

**Consent Agenda Items Removed for Discussion**

Consent Agenda 4(a). Budget Ordinance Amendment No. 03BCC000004—Governor’s Crime Commission Pass-Through Grant Award—Acceptance of Additional Revenue

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(approve Budget Ordinance Amendment No. 03BCC000004 accepting additional pass-through-grant revenue in the current budget).

Commissioner Heron wanted to know how these programs were coordinated with other existing programs. She requested a list of all the programs that provide after-school services, what they do, and how much funding was provided.

Vice-Chairman Reckhow asked a question about coordinating all the after-school services.

Deputy County Manager Carolyn P. Titus responded to questions asked by Commissioners Heron and Reckhow.

Commissioner Heron asked County Manager Mike Ruffin if a letter could be written to the Crime Commission asking for an explanation of this grant, including who was overseeing it, how it was being evaluated as to its effectiveness, and from where the money was coming.

Commissioner Heron said that the Commissioners and Durham County have some responsibility in these pass-through dollars. Commissioner Heron stated that if something happens to this money, the County Commissioners would be held responsible.

Chairman Black called on Ms. Victoria Peterson, Post Office Box 101, Durham, NC 27702, for remarks.

Ms. Peterson commented that there are too many young African-Americans in this county going to jail. She stated that she is concerned about crime in Durham. Ms. Peterson suggested that money be put into various programs to help discourage young African-Americans from walking the streets of Durham and wrecking havoc on the African-American community. She stated that some of the County's tax dollars should be used for economic development of humans. In short, the County needs a vocational center to rehabilitate people who are dropping out of the school system and dropping into the jails.

The Commissioners responded to Ms. Peterson's concerns and suggestions.

Vice-Chairman Reckhow requested that the County Manager return a recommendation to the Commissioners in the next few months as to how the Commissioners might be more directive in spending money in those areas where the "gaps" occur in the community. The Board should tell the nonprofit organizations that it will not approve Crime Commission grants unless the money is spent in the areas where the "gaps" occur.

Commissioner Cousin commented that Commissioner Reckhow's concerns were in tune with his own. He stressed that this was a pass-through grant. Therefore, when the grant

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is received, the Board will track the expenditures and should be permitted to control the grant.

Deputy County Manager Titus responded to the Commissioners' remarks.

Chairman Black said the Commissioners should vote for this grant since the money has been received. Mr. Ruffin and Ms. Titus will work on a procedure to provide the information needed to handle the Crime Commission grants when they come before the Commissioners in the future.

The budget ordinance amendment is as follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2002-03 Budget Ordinance  
Amendment No. 03BCC000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Spirit House.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$313,347,394	\$83,780		\$313,431,174
<u>Revenues</u>				
Intergovernmental	\$258,985,101	\$83,780		\$259,068,881

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

This the 9<sup>th</sup> day of September, 2002.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 4(b). Approval of Interlocal Agreement with the City of Durham Relative to the TeerMark Lease (approve the Interlocal Agreement).

Commissioner Heron asked County Attorney Chuck Kitchen several questions about the lease agreement. She wanted to know whether there was any statement in the lease that says the subtenant shall not use or allow the rental space to be used for any purpose other than what the Board has specified.

Attorney Kitchen responded that there was no such provision in the lease agreement, but that the Board could add one if it wanted.

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Commissioner Heron requested the statement be added to the lease agreement.

**Public Hearing—2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER) Draft**

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the 2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER) draft public hearing to receive citizen comments. The CAPER provides Durham an opportunity to assess anticipated performance with actual performance in meeting the priorities and objectives of the Consolidated Action Plan. The CAPER public hearing is held annually in September by the Board of County Commissioners to receive comments on the previous year's City-County HOME Consortium Investment Partnership program performance. This performance is detailed in the CAPER that must be submitted to the U.S. Department of Housing and Urban Development (HUD) no later than September 28, 2002. The 2001-2002 CAPER was made available (in draft form) to the public for review from August 3, 2002 through September 2, 2002. Comments received at the public hearing will be placed into the CAPER before it is submitted to HUD. The City Council is scheduled to hold its CAPER public hearing on September 3, 2002.

Durham receives an annual HOME Consortium grant award from HUD. The 2001-2002 HOME entitlement allocation was \$1,054,000 in HOME funds. The 2001-2002 Consolidated Action Plan allocated these HOME funds primarily for housing activities in Durham with special focus in target neighborhoods. Major HOME program expenditures made during the 2001-2002 program year (as shown in the draft CAPER) included rental housing rehabilitation, special needs housing, homebuyers' assistance, and existing homeowner rehabilitation. Charlene Montford, Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners hold the 2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER) draft public hearing.

Resource Person(s): Michael Pullum, Senior Planner, City of Durham Housing and Community Development

County Manager's Recommendation: The Manager's recommended that the Board hold the 2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER) draft public hearing to receive citizen comments.

Michael Pullum, Senior Planner, City of Durham Housing and Community Development, said the purpose of the public hearing was to receive citizen comments on the expenditure of City-County HOME Consortium funds which occurred during the FY 2001-2002 program year. These expenditures are shown in the Consolidated Annual Performance and Evaluation Report (CAPER). This public hearing was required by the citizen participation plan and HUD. The CAPER has been available for public view for the last

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30 days. Mr. Pullum requested that the Board of County Commissioners hold the public hearing on the CAPER.

Chairman Black called on the County Commissioners to ask any questions they may have for Mr. Pullum.

Deputy County Manager Wendell Davis commented that he was appointed to the Citizens Advisory Committee at the Commissioners' last meeting. However, the Citizens Advisory Committee meets on the fourth Monday of each month at 7:00 p.m. which conflicts with the Board of County Commissioners Regular Session each month.

Vice-Chairman Reckhow suggested that the County Manager contact the City Housing Administration and ask that the Citizens Advisory Committee membership be polled regarding a change in the meeting schedule so that the County's representative could attend the meetings.

The Board of County Commissioners had several questions and comments to which Mr. Pullum responded.

Commissioner Heron and Vice-Chairman Reckhow requested that the funding process be speeded up for the rehabilitation of homes so more families could benefit from the program.

Commissioner Bowser requested that the Durham Police Mortgage Loans in Revitalized Areas program be expanded to include the Durham County Sheriff's Department, North Carolina Central University Police, and the Duke University Police.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners for their consideration.

### **Citizens Advisory Committee**

Chairman Black told Commissioner Heron that the County Commissioners appointed Wendell M. Davis, Robert H. Dean Jr., and James E. Spivey to the Citizens Advisory Committee.

Commissioner Heron requested that someone keep an attendance record of the County appointees. If their attendance is not good, the members should be replaced.

### **Public Hearing—Rural Operating Assistance Program (ROAP) Grant to Assist With Elderly & Disabled Transportation Needs.**

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Cooperative Extension, on behalf of the County's Coordinated Transportation Program, requests that the Board of County Commissioners hear public comments and approve the submission of the Rural Operating Assistance Program (ROAP) grant to the North Carolina Department of Transportation (NCDOT). This grant will provide assistance to the elderly, disabled citizens, and individuals transitioning into the workforce with transportation. ROAP consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP) with the Work First/Employment Program into a single application package that provides assistance for transitional Work First and general public employment transportation needs for Durham County residents. The application proposes:

- \$86,278 of governmental revenue be allocated to support transportation for Durham County Elderly and Disabled residents;
- \$22,106 for Rural General Public Transportation (RGP); and
- \$16,226 for Work First Transitional/Employment for a total allocation of \$124,610.

These funds require no local match while supporting the transportation needs of citizens through County and nonprofit human service agencies. Funding will assist with transportation services through June 30, 2003. Partners in serving our citizens through the Rural Operating Assistance Program include:

- Council of Senior Citizens
- Dept. of Social Services (Adult)
- Durham Exchange Club Industries
- Retired and Senior Volunteer Program
- Services for the Blind

Resource Person(s): Johnny Ford, Transportation Access Coordinator, and Cheryl Lloyd, County Extension Director

County Manager's Recommendation: The Manager recommended that the Board hold the public hearing and approve the submission of the Rural Operating Assistance Program Grant to the NC Department of Transportation.

Mr. Johnny Ford, Transportation Access Coordinator, presented the agenda item to the Board of County Commissioners.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at the Public Hearing, Chairman Black closed the public hearing and referred the matter back to the Board of County Commissioners for consideration.

Vice Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the submission of the Rural Operating Assistance Program Grant to the NC Department of Transportation.



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The motion carried unanimously.

**County Attorney Appointments**

Chairman Black said that County Attorney Chuck Kitchen had been appointed by Mr. Kenneth A. Mayfield, President, National Association of Counties (NACo), to that organization's Finance and Intergovernmental Affairs Steering Committee.

Attorney Kitchen added that he had been elected President of the North Carolina County Attorney's Association.

**Adjournment**

Chairman Black adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board