

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

Monday, August 5, 2013

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Meeting Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners Michael D. Page, and Ellen Reckhow

Absent: Commissioner Wendy Jacobs (Excused)

Presider: Chairman Fred Foster, Jr.

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

Ms. Victoria Peterson spoke about deregulated gas in North Carolina. She also informed the Board about a Durham County citizen who passed last year. She was concerned about not being able to get information from the Sheriff's Office regarding the case.

Closed Session

Chairman Foster asked for a motion to go into Closed Session pursuant to G. S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to go into Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chairman Foster announced that the Board met in Closed Session. No action was taken.

Bus and Rail Investment Plan Update for Triangle Transit Authority (TTA)

Mr. David King, CEO and General Manager, Triangle Transit recapped the Plan beginning with its inception in 2011 when it was approved by Board of County Commissioners.

Mr. Eric Landfried, Transit Services Planning Supervisor, highlighted bus service improvements planned for FY14, including 15-minute frequencies for certain DATA and Triangle Transit routes. The service changes require the City Manager's approval.

Major planning efforts include 15/501 corridor improvements for light rail service; an express route from Central Orange County to Duke/downtown Durham; two new commuter routes to Duke; Bull City Connector planning efforts; and planning for several park and ride lots (Rougemont, Durham County Stadium, South Durham, etc.).

Future plans include an express route from Rougemont to Durham; improved frequency and span of service in several key corridors; Sunday service on core Triangle Transit routes; and capital projects for the park and ride lots, bus stop improvements, and neighborhood transit centers.

Commissioners expressed the desire to see a route return to the Snow Hill Road area close to Durham Technical Community College's northern campus. There is a strong desire to repurpose the campus, and transportation to the site will be an essential element. There are also large manufacturing companies in northern Durham that would benefit from bus service that would allow Durham residents to secure jobs. Mr. Landfried noted that the route was very lightly used in the past; however, he would revisit the route.

Vice Chair Howerton inquired about a timeline for service changes. Mr. King will provide the County Manager with a timeline for the expected service changes.

Mr. King discussed the Durham-Orange Light Rail. The commuter rail cannot be executed until Wake County puts the item on a ballot for citizens. Triangle Transit is looking at capacity for freight to assess how much additional rail would be needed. The light rail can be advanced 17 miles to start on the southwest end and UNC hospital up to NCCU. Triangle Transit is working with citizens from New Hope Creek to best locate the rail line. He discussed environmental constraints. The goal is to complete the environmental study so by late Fall, Triangle Transit can go to the Federal Transit administration with a timeline for completion.

Commissioner Reckhow commented about a focus on planning for affordable housing close to light rail stops. She asked what the approach would be.

Chairman Foster asked if there was anything the Board could do to expedite the New Hope Creek issue. Mr. King responded that decisions would need to be made over the next two years as to where the line would go. He noted that light rail could grow with ridership. Funding will be impacted by the amount of time it takes to make a decision.

Mr. King addressed Commissioner Reckhow's questions regarding affordable housing and transit. The State statute demands that transit planners pay attention to affordable housing. The goal is to build a system to serve the population who would prefer to ride transit. There is evidence that there is a market demand for transit. The better we do in addressing affordable housing, the better chances are for receiving Federal money.

Commissioner Reckhow discussed the concern that with current staffing, we may not make the progress needed in the upcoming year. “Where are we—will we make sufficient progress on planning?”

Steve Medlin, City County Planning Director, responded that Planning is in the process of finalizing the annual work program. He noted funding issues, but felt funding that was programmed would keep the ball moving forward.

Mr. King suggested that it would be good to have a discussion with the Board at a future Worksession regarding affordable housing and transit.

Mr. King indicated that 15% is included in HB148 which is the Bill that gives counties the authority to assess the ½ cent transit tax.

Mr. King introduced Ms. Saundra Freeman, Chief Financial Officer to discuss the revenue side of the Plan. Ms. Freeman emphasized the commitment to track revenue and expenses. She indicated that Triangle Transit had received the first check from the City of Durham in the amount of \$1.8 million which puts them on track to meet the budget. She clarified that the check was for May.

Mr. King clarified that the Legislature approved the \$3 fee for DMV. A six-member tax board will meet in January. If the levy is approved by the six-member board, the fee will appear on registration forms.

Mr. King stated that the commuter rail will serve Research Triangle Park. He also commented on other achievements of Triangle Transit. Triangle Transit is exploring branding.

Presentation by the Durham County Women’s Commission (DCWC)

Ms. Heidi Marks, former Chair of DCWC, introduced members of the Commission. The Commission has been working on its mission for the past year. Ms. Marks highlighted events over the past year.

Ms. Marks talked about women’s issues in North Carolina. She discussed two ideas of the Women’s Commission.

Ms. Jina Dhillon, Chair, expressed her desire to begin a dialogue with the Board, and asked that the Board consider the Women’s Commission as a resource. Ms. Dhillon used two of the Strategic Plan goals for her presentation.

Community and Family Prosperity and Enrichment - Ms. Dhillon discussed the disparity between men and women in salaries. She asked that the Board partner with the DCWC to create family-friendly work policies.

Health and Well Being - Ms. Dhillon addressed the lack of health insurance for women in North Carolina. She urged the Board to pass a resolution encouraging the state to fully implement the Affordable Care Act (ACA), which would increase access to vital preventive services, including

counseling and screening for interpersonal violence. She asked that the Board encourage the expansion of Medicaid in the State.

The Board thanked the Women's Commission for their work and for standing up for women. The Board ensured its support. The Manager was instructed to refer the issues to the Strategic Plan committee, and to place an item on the agenda to adopt a resolution in support of the ACA. Manager Ruffin also congratulated the group on repurposing its mission.

NC FAST Presentation by the Department of Social Services

Ms. Rhonda Stevens and Ms. Catherine Williamson-Hardy, Assistant Directors for the Department of Social Services updated the Board on the North Carolina Families Accessing Services Through Technology (NC FAST) transition issues.

The Directors highlighted challenges with the rollout Phase I which occurred on July 15. DSS is currently using all spaces to assist with applications. There has been a delay in processing cases across the State. In Durham, it has taken additional time for families to receive food benefits. Some families have been two weeks late in receiving the benefits. Staff has been working overtime to process cases. Ms. Stevens indicated that DSS has been sharing community resource lists. There is no set time for the process to be complete. Citizens normally check in every day.

Ms. Williamson-Hardy discussed that next phase which will take place on October 1 for health benefits. North Carolina chose to use Federal Facilitated Marketplace (FFMI) for health benefits. DSS has been warned to prepare for an onslaught of requests as a result of ACA. 20 percent of the population may be eligible for Medicaid. DSS is focused on being change ready. DSS will partner with other agencies to educate citizens regarding the new changes. Ms. Williamson-Hardy vowed to keep the Board informed.

Ms. Stevens commented that NC Fast for childcare will be forthcoming in the next year or two.

Discussion of Key Legislation Impacting Durham County from 2013 General Assembly Session

Ms. Deborah Craig-Ray, Assistant County Manager, and Ms. Kathy Everett-Perry, Assistant County Attorney discussed the impacts of the legislation.

HB74 - The impacts were not as severe as originally thought. Commissioner Reckhow commented that if the Bill becomes law, she would hope that the County would monitor environmental group meetings to the degree that focused on the laws that Durham County has adopted. For example, the County could provide information on what was paid for watershed studies. The Bill has not been signed by the Governor at this point.

A portion of the Bill involved the repeal of the living wage. Board members questioned whether the Bill would be retroactive. Staff is still trying to get answers on the impact.

Commute Trip Reduction Program – Ms. Craig-Ray will look at this to determine if it needs to come back before the Board for a modification. Commissioner Reckhow asked for a clarification as to whether this ordinance could be converted to a policy.

Mr. Michael Stock, Planning Department, spoke about the grandfathering of uses in the UDO. Planning is working with the Attorney's Office to get clarity on the uses. Mr. Steve Medlin, Planning Director, added that the time would be 10 years from the date of nonconformity to enforce. For uses that Planning no longer wishes to see, amortization is used. There will be no impact on the current ordinance.

SB315 – the Bill regarding 751. The statewide design-build authority was added to the Bill. This Bill has not been signed by the Governor.

SB321 – The Bill is scheduled to take effect September 1, 2013. Ms. Gayle Harris addressed the Board regarding this Bill that has to do with inmates' medical costs. There are different timelines for parts of the Bill. CCS (contractor) will contact Duke Regional that they will terminate the contract for paying 85 percent for inmate care. Effective September 1, Duke Regional will comply with NC law. Ms. Harris asked for direction regarding the contract. If the County does not use the \$450,000 designated for off-site medical care of inmates, the County and CCS will share the difference. The contractor is willing to make the contract retroactive to July 1. Pharmaceutical charges have been moved to the Health Department, which resulted in a \$50,000 savings this year. She referenced a clause that could impact savings when bonds are reduced on inmates with high medical costs. The new language says you can't walk away from the inmate because they are no longer inmates. She will work with Gudrun Parmer to coordinate triage efforts.

Commissioner Reckhow commented that she hoped the Manager, Public Health Director, and Criminal Justice Resource Director would coordinate pre-trial services.

HB589 – Voter ID – Mr. Michael Perry, Director of Board of Elections spoke about nine parts of the Bill that would affect Durham County. Voter ID will not be required until 2016. On October 1, 2013, the Board of Elections will notify voters of the requirement. The elimination of same day registration and pre-registration will require additional education for voters. Voters will no longer be able to vote on a provisional ballot outside of their home precinct beginning in 2014. The Pre-registration element becomes effective September 2013. The Board asked Mr. Perry to come to a night meeting to discuss the changes.

Commissioner Page recommended placing the new rules in numerous public locations, and provide as much education as possible. Mr. Perry clarified that people who have moved 30 days prior to an election will need to go to their new precinct and vote a provisional ballot.

Other changes included cutting early voting by one week. Mr. Perry added that 50-70 percent of voters use early voting. Some precincts have 7500 voters. If the State says you cannot have more than 2500 voters per precinct, Durham will be impacted by the need for more precincts, equipment, and staff. There were seven locations and open seven days in 2012. There may be 15 early voting locations needed.

Commissioner Page spoke in favor of having Sunday voting, which was very convenient for many citizens.

Mr. Perry indicated that there could be an increase in mail ballots, which will be costly. Mr. Perry spoke about “wet signatures.” iPad signatures will not be accepted for registration unless they are completed on equipment at State or local Board of Elections offices.

Commissioner Reckhow recommended providing a written report that outlined changes, when they would occur, and provide an estimate of the fiscal impact, and put the information on the website.

Mr. Perry will attend an evening Board meeting in September to discuss the voting changes. Ms. Craig-Ray will check to see if he can appear on the City’s Cable 8 show.

SB353 – Benefits – Ms. Cora Wilson, Human Resources Director, and Ms. Diane Pearson, Human Resources Benefits Manager, discussed the County’s plan that offered abortions for employees and spouses. The plan does not cover dependent children. Blue Cross has no record of anyone ever using the benefit. The new law says that abortions will not be covered when the plan renews in July 2014 if State funds are used. The County’s benefit cannot be greater than the State’s benefit. This Bill becomes effective October 1, 2013.

HB392 – Criminal background for DSS applicants – Ms. Rhonda Stevens reported that she had no information from the State at this time. The Bill would mean a change for how cases were handled. Ms. Everett-Perry indicated that the Bill would deter applicants who were criminals because DSS would have to report the applicants to law authorities.

Commissioner Page remarked that he would like to review grandparents’ rights when new items are considered by the Legislature.

Vice Chair Howerton moved, seconded by Commissioner Page to suspend the Rules.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Reckhow to cancel the August 12, 2013 Regular Session.

The motion carried unanimously.

Discussion of Non-Profit Funding Process and Insurance Requirements

Manager Ruffin stated that he will continue the investigation of insurance requirements and come back to the Board at a later date for discussion. The purpose of this item was to give the Board an opportunity to discuss the nonprofit process.

Commissioner Reckhow commented on the desire to “wean” some nonprofits from the County payroll with advanced warning. She preferred the concept of giving a portion of money that would go to nonprofits for programs or services critical to the County to be given to the affected department for determination. She felt it would save time with making decisions on nonprofits.

Chairman Foster stated that he would like to see the County explore establishing a Sports Authority to handle athletic requests.

Commissioner Page spoke on the need for fairness and equity in the nonprofit process. He was concerned about the Board’s role if departments were given the authority to make decisions on who received the funding.

Manager Ruffin will review the ideas and come back in October for further discussion.

Vice Chair Howerton would like to hear from some of the nonprofits regarding the possible changes.

The Board discussed issues with the City regarding nonprofits.

Strategic Plan Update

Mr. Michael Davis, Strategic Plan Manager, provided an update on the strategic plan. He presented the following:

- Continuing to work with the City to develop a more-aligned approach to economic development;
- The recent group of youth workers just finished up internships;
- Work continues on Whitted School as the developer is working on the tax structure, which must be done before a development agreement is finalized.

New initiatives for this year include:

- Working with the Partnership for Children on child care assistance;
- Working with the Partnership and the schools on tracking the impact of pre-K;
- And helping with the Gig.U high-speed Internet initiative;
- Emergency Management is starting a campaign to get at least 24 County employees to volunteer to be part of a group that can respond to disasters;
- Gudrun’s team also is planning to support starting a veteran’s court and expand the adult drug treatment court.

Commissioner Reckhow commented that #3 of Goal 2 (Provide community outreach about key health-related issues through enhanced communications and public education) needs improvement. She stressed the need to educate people about healthy lifestyles.

Chairman Foster questioned whether substance abuse was included in any of the goals.

Commissioner Reckhow remarked on Goal 4 and encouraged getting creative with the Voluntary Nutrient Reduction program.

Manager Ruffin highlighted the Leadership Academy and Perfect Service initiative, which are parts of Goal 5.

Commissioner Reckhow commented that there were no activities related directly to efficiency. She requested that processes be examined to look at efficiencies.

Commissioner Page wanted to make sure employees understood that the Leadership Academy would be an opportunity, but not a guarantee.

Vice Chair Howerton requested more related to employment. She would like some direct actions.

Commissioner Page asked that NCCU and Durham Technical Community College be incorporated into the CPR and AED training.

Chairman Foster questioned what was being doing to address poverty and homelessness. Manager Ruffin will have Assistant County Manager Drew Cummings address the issue.

Commissioners' Directives

Vice Chair Howerton asked for a status on conversations about youth participation. Manager Ruffin followed up with City Manager Tom Bonfield. Mr. Ruffin will send the specific costs to the Board. There was continued concern among the Board about County residents not being able to participate because of their demographic location.

Commissioner Reckhow asked for more detail in the Directives' Report when specific questions were asked—a one line sentence response would suffice.

Adjournment

Commissioner Reckhow moved, seconded by Commissioner Page that the meeting be adjourned.

The motion carried unanimously.

Respectfully Submitted,



Michelle Parker-Evans
Clerk to the Board