

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

Monday, December 5, 2005

1:00 P.M. Worksession

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Election of Chairman and Vice-Chairman of the Board of County Commissioners

Chairman Reckhow recognized County Attorney Chuck Kitchen to preside over the election of the Board's chairman.

County Attorney Kitchen stated that the Board must elect a chairman for the ensuing year, as required by general statute.

Attorney Kitchen recognized Commissioner Cousin.

Commissioner Cousin stated that he would like to nominate Commissioner Ellen W. Reckhow to serve as chairman of the Board of County Commissioners for another year.

County Attorney Kitchen called for further nominations. As no additional nominations were made, he closed the nominations and requested a vote.

The motion carried unanimously.

Attorney Chuck Kitchen congratulated Chairman Reckhow on her reappointment.

Chairman Reckhow proceeded with the election of vice chairman.

Commissioner Cousin stated that he wished to nominate Commissioner Becky M. Heron as vice chairman of the Board.

No further motions were made; therefore, Chairman Reckhow closed the nominations and called for a vote.

The motion carried unanimously.

Chairman Reckhow thanked the Commissioners for their votes. She highlighted a few of the 2005 Accomplishments of the County, stating that the accomplishments are a testimony of the hard work of the Commissioners and County staff:

- The first Results Based Accountability “Community Report Card” was published in collaboration with the City of Durham and community leaders.
- Durham County achieved a record-setting tax collection rate of 98.23%.
- Durham County’s expanded Triangle Wastewater Treatment Plant was awarded a “2005 EDGE Award” for excellence in engineering that best exemplified environmental sensitivity by the *Triangle Business Journal*.
- The Administration Building at the Triangle Wastewater Treatment Plant received a LEED certified rating from the U. S. Green Building Council. The LEED (Leadership in Energy and Environmental Design) Green Building Rating System[®] is the national standard for developing high-performance, sustainable buildings.
- “Neighborhood College”, a collaborative between the City and County, received a 2005 National Association of Counties (NACo) Achievement Award in the category of Civic Education and Public Information.
- Little River Regional Park, a joint venture with Orange County Government which opened in December 2004, was awarded a National Association of County Officials (NACo) award as an innovative partnership.

Vice-Chairman Heron thanked the Commissioners for their confidence in her and for electing her as their vice chairman for another year. She stated that it has been a pleasure to work with the Board, the Chairman, the staff, and the County Manager.

Approval of Public Official Bonds

County Attorney Chuck Kitchen stated that the Board of Commissioners is required to approve the bonds of public officials on the first Monday of December of each year. Following approval, the bonds will be recorded in the Register of Deeds Office and then sent to the Clerk of Superior Court for safekeeping.

Commissioner Cheek moved, seconded by Commissioner Page, to suspend the rules.

The motion carried unanimously.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the bonds of public officials.

The motion carried unanimously.

The Public Official Bond Certificate follows:

NORTH CAROLINA
DURHAM COUNTY

CERTIFICATE

As Chairman of the Board of County Commissioners of Durham County, North Carolina, this is to certify that on Monday, December 5, 2005, the following Public Official Bonds were approved by the Board of County Commissioners of Durham County; the Public Official, the amount of bond, and the bond number with the name of the surety were set forth:

<u>POSITION</u>	<u>PUBLIC OFFICIAL</u>	<u>AMOUNT OF BOND</u>	<u>SURETY</u>	<u>BOND #</u>
Financial Officer	George Quick	\$250,000	Hartford	20BSBAY8705
Tax Collector	Kenneth L. Joyner Jr.	\$250,000	Hartford	20BSBBT7693
Sheriff	Worth Hill	\$ 25,000	Hartford	20BSBBY9698
Register of Deeds	Willie L. Covington	\$ 50,000	Hartford	20BSBBT7709
Employees Blanket Bond	Employee Dishonesty Forgery or Alteration Theft, Disappearance and Destruction	\$250,000 \$250,000 \$250,000	Capitol Indemnity	FID2703163

Each bond is executed under seal in the name of the surety by an agent or attorney in fact. The clerk of the Durham County Board of Commissioners has been instructed to record each of the bonds enumerated herein with the power of attorney attached thereto in the office of the Register of Deeds of Durham County, together with a copy of this Certificate attached to each bond. After said bonds have been duly recorded in the Office of the Register of Deeds, the original of bond together with the power of attorney and a copy of the Certificate shall be deposited with the Clerk of Superior Court of Durham County.

/s/ Ellen W. Reckhow

Chairman, Board of County Commissioners

US 15-501 Transit Corridor Memorandum of Agreement

Chairman Mark Ahrendsen, Technical Coordinating Committee, DCHC MPO, stated that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Transportation Advisory Committee (TAC) requests approval by the four affected jurisdictions (Chapel Hill, City of Durham, Durham County, and Triangle Transit Authority) of a Memorandum of Agreement (MOA) regarding the US 15-501 Transit Corridor. The purpose of the MOA is to encourage appropriate land use along the corridor and near proposed stations.

Mr. Ahrendsen stated that the fixed guideway corridor between Chapel Hill and Durham was originally identified when the Transportation Advisory Committee approved the 15-501 Phase II Major Investment Study (MIS) in November 2001. Since that time, minor changes to the fixed guideway alignment have been made by local governments through whose jurisdiction the fixed guideway corridor passes. In response to these changes and in view of possible impacts of such changes on plans made by other

jurisdictions, the TAC developed the MOA to establish a consistent process by which changes in the corridor alignment shall be considered and approved and to encourage appropriate land use along the corridor and near proposed stations. Mr. Ahrendsen summarized that the MOA states that each signatory shall include the modified alignments in transportation plans and adopt supportive land uses along the corridor and at stations. The MOA also establishes procedures by which any proposed changes to the transit corridor alignment shall be analyzed. In addition, parties to the MOA agree to defer development decisions requiring a change in the transit corridor alignment until the TAC of the DCHC MPO has had an opportunity to review and comment on the analysis associated with the transit corridor alignment change.

Directives:

1. Distribute color copies of the “Phase II Fixed Guideway Corridor Alignment w/Changes” map to the Commissioners. (Chairman Reckhow)
2. In regards to item No. E of the MOA: Establish a notification procedure for the Planning jurisdictions so the review and comment period by TAC will not affect the timelines concerning zoning, site plan, and other development cases. (Commissioner Cheek)
3. Move the US 15-501 Transit Corridor Memorandum of Agreement to the December 12, 2005 consent agenda. (Board consensus)

Durham County South Regional Library—Project Update

Chairman Reckhow stated that this item was presented to the Board last spring. She provided background information about the project. Chairman Reckhow referenced an email sent by the Durham County Library Board of Trustees that appears to support Scheme 2A but raises various issues and reservations.

Wendell M. Davis, Deputy County Manager, introduced Interim Library Director Priscilla Lewis, County Engineer Glen Whisler, and Zena Howard of The Freelon Group Inc. Deputy County Manager Davis requested that Mr. Whisler and Ms. Howard present the update.

Mr. Whisler stated that at the June 6, 2005 BOCC Worksession, staff was directed to develop a master plan for the site in conjunction with Zapolski + Rudd, LLC and proceed with demolition of the four southern buildings and secure the northern building. Subsequently, a design contract with The Freelon Group was approved by the BOCC on June 27, 2005. The prototype library to be utilized on this site contains approximately 25,000 square feet with provisions for a future addition of 10,000 square feet.

Ms. Howard highlighted two master plan schemes, presenting advantages and challenges of each scheme. Scheme 1A places the library on the southeastern portion of the property on a site of approximately 5 acres. Scheme 2A locates the library on the western portion of the property, south of the existing two-story building to be retained. The future EMS station is located in the northeastern portion of the property with access to Jester Road on both schemes. Both schemes retain the two-story building located on the northwestern corner of the property and allow for private development on the remainder of the site.

Mr. Whisler summarized that the two schemes were reviewed with the Library Board of Trustees on November 21, 2005, at which time the Library Board indicated that either alternative provided a suitable site for the library. Staff recommended that design of the library building proceed based on Scheme 2A, since this scheme maximizes use of the property.

Chairman Reckhow, Commissioner Page, and Mr. Whisler discussed the safety issue relating to Lowes Grove Middle School students crossing the street to reach the library.

Lionell Parker, President, Library Board of Trustees, and Kenneth W. Berger, Library Board member and retired Librarian from Duke University, voiced concerns involving placement of the library and the lack of communication with the Library Board.

Deputy County Manager Davis spoke to the concerns of Mr. Parker and Mr. Berger.

Chairman Reckhow assured Mr. Parker that, according to the County Attorney, funds received from the site sale must be used for library projects or to pay off the bonds.

Directives

1. Work with the State to address safety concerns due to the street crossing of Lowes Grove Middle School students to the library. (Chairman Reckhow and Commissioner Page)
2. As the plan for the library is refined, consider setting aside outdoor space for activities and programs. (Chairman Reckhow)
3. Keep the Board informed about public/private development of the unused portion of the site. (Vice-Chairman Heron)
4. Listen and respond to concerns of the advisory boards, such as the Library Board. (Commissioner Page)
5. Commit to working with the Library Board. Schedule a meeting over the next few weeks with the private developer, Library Board representatives, County Manager, and Chairman Reckhow (representing the Board of County Commissioners) to address safety issues, green space issues, as well as other issues that were raised in terms of appearance, historical context, etc. (Chairman Reckhow)
6. Provide the Commissioners with a report of matters discussed at the meeting mentioned above. (Vice-Chairman Heron)
7. Proceed with the design of the South Regional Library based on Scheme 2A. (Board consensus)

Recognize Grant funds from the N.C. Division of Water Quality and Establish a Provision Full-Time Position to Support the County's Storm Water Education Program – Soil and Water Conservation District

Tom Davidson, Durham Soil and Water District Board member, presented this item to the Board, stating that the Durham Soil and Water Conservation District has secured a three-year (January 1, 2006 - December 31, 2008) Environmental Protection Agency

(EPA) 319 Grant to cost share a provisional 1.0 FTE Water Conservationist position with the Soil and Water Conservation Department. This position will be used to seek outside funding to help protect and enhance Durham County's natural resource base. In addition, the position will be used for County Storm Water Education, as well as other District programs.

Eddie Culberson, Director of the Soil and Water Department, remarked that the position will be reimbursed at 100% from January 1, 2006 through June 30, 2006, and at 50% from July 1, 2006 - December 31, 2008. The County will be reimbursed quarterly starting at the end of the third quarter (March 31, 2006) of FY 06.

Mr. Culberson further stated that the Soil and Water District Board has approved this grant and is requesting authorization from the Board of County Commissioners to accept the EPA 319 Grant and amend the Soil and Water Conservation Department's budget to allocate the funding. Costs associated with the provisional position for January 1, 2006 - June 30, 2006 are \$24,293. This amendment does not require additional County funds for this timeframe. However, as the Grant will reimburse at a 50% rate effective July 1, 2006, County support is needed for FY 2006-2007 and FY 2007-2008 for salary/benefit costs, travel and training, supplies, and phone, at an estimated annual cost to the County of \$24,293.

Directives

1. Move the item forward to the December 12, 2005 consent agenda. (Board consensus)

Request to Amend the Minority Women Business Enterprise Program

Background

On January 22, 2001, the County of Durham approved an ordinance detailing the operation of the Minority/Women Business Enterprise Program. A disparity study was completed by Mason-Tillman Inc., which showed disparity in County contractual awards to minorities and women-owned businesses. The disparity study specified race-neutral efforts to address the disparity and increase small business-owner participation overall. The disparity study also suggests numerical goals in specific areas where disparities were found. Though goals were suggested, the County has continued its efforts to support all local business owners while bridging the gap between minority/women-owned businesses and majority-owned businesses.

The disparity study recommended implementing several remedies to assist with improving the minority/women contractual and sub-contractual award of County contracts. Though these remedies have helped to improve the bidding opportunities for minority/women-owned businesses, the County has not met the overall contractual participation goals in areas of construction, sub-construction, purchasing, and architectural/engineering (women).

The formal bidding processes are uniform and follow the strict guidelines set by the General Assembly. Included in the guidelines are good-faith efforts that must be adhered

to by all potential bidders. The good-faith effort guidelines only require respondent bidders to contact potential subcontractors if they have an opportunity to subcontract a portion of work. County projects are awarded to the most responsive and responsible bidder, which does not automatically guarantee minority/women-owned participation, as long as the good-faith effort was made and verified.

Yolanda Moore-Gaddy, Business Development Manager, gave a presentation that included Senate Bill 914 requirements, an overview of the County's current M/WBE Ordinance, Durham County's minority participation goals, the history of program activities over the last two years, the mission of the County's M/WBE program, and types of business enterprise programs.

Ms. Moore-Gaddy requested Board consideration for the following:

- An ordinance amendment effective until December 31, 2006. (Durham County's current M/WBE program expires December 31, 2005.)
- Expand program's definition of "minority" (which currently includes listed ethnic minorities and women) to include socially- and economically-disadvantaged individuals as required by Senate Bill 914.
- Budget funds to conduct a new disparity study within the next two years to re-identify overall participation goals.

Ms. Moore-Gaddy, Finance Director George Quick, and Assistant County Attorney Carol Hammett answered questions posed by the Commissioners regarding the agenda item.

Discussion was held concerning the necessity of the disparity study and the importance of obtaining precise goals.

The Commissioners and the County Manager presented ideas to identify overall participation goals without conducting a new study.

Directives

1. In regards to the disparity study, direct the administration to explore options such as a partial joint venture with the City to save money. (Chairman Reckhow and Commissioner Cheek)
2. Determine the amount to be budgeted in the upcoming fiscal year. (Chairman Reckhow)
3. Look at Triangle Transit Authority's performance. (Vice-Chairman Heron)
4. Place the amendment to the Minority and Women Business Enterprise Ordinance on the December 12, 2005 consent agenda. Allow the Finance Department to return at later date to request the funds for a disparity study. (Board consensus)

Nonprofit Agency Funding Policy Revision

Heidi Duer, Assistant County Manager, introduced the new Budget Analyst, Minora Sharpe, who would participate in discussion of the agenda item.

Ms. Duer provided background by stating that in January 2002, the Board of County Commissioners adopted a Nonprofit Funding Policy to establish guidelines and criteria for granting nonprofit funds by Durham County Government. However, the nonprofit funding process has a continued need for the articulation of a clear and objective framework on which funding decisions can be made. During the Fiscal Year 2005-2006 budget process, staff was asked to review and bring forward recommendations for strengthening the policy. The policy draft establishes eligibility criteria, strengthens the accountability standards, defines the types and uses for grants, and lays out the application procedures, as well as the evaluation and review process. New changes include the incorporation of our community-wide Results Based Accountability initiative; changes in funding categories; the addition of capital asset limitations; a section on conflict of interest; and a section on grant reporting (which includes a new criteria for quarterly reporting from recipients with program monitoring being provided by the County Budget Office and continues the financial monitoring requirements by the County's Compliance Manager). County staff has met with City staff to discuss ideas for coordination in nonprofit agency funding.

Ms. Sharpe detailed the general and specific changes to the policy.

The Commissioners discussed the policy at length and asked questions regarding their concerns.

Directives

1. Emphasize to the nonprofit agencies the importance of focusing on and achieving the eight outcome areas. (Commissioner Cheek)
2. Make the reporting tool for the nonprofits as specific as possible to help determine their success. (Commissioner Cheek)
3. Add another bullet to 3.2 Accountability
 - Providing a year-end review regarding progress in meeting outcomes outlined in the previous year's application (Chairman Reckhow)
4. Consider allowing for deviation in the start-up grant funding amount or increase limitations. (Chairman Reckhow)
4. Encourage nonprofit organizations to diversify their revenue sources. (Commissioner Cheek)
5. Look at removing the Council for Senior Citizens (Center for Senior Life) and Urban Ministries (Homeless Shelter) from the typical nonprofit application process. (Chairman Reckhow)
6. Consider adding a statement to the policy about partnerships. (Commissioner Page)
7. Add "**by the published deadline**" to the end of the last sentence in 4.1.4.
8. Look at the agreement with the City regarding the split of funding by some categories. (Chairman Reckhow and Vice-Chairman Heron)
9. Look at using the June 2006 Worksession for nonprofit presentations; possibly set ground rules of not having more than two representatives per nonprofit. (Chairman Reckhow)

10. Incorporate changes proposed by the Commissioners and place the item on the December 12 consent agenda. (Board consensus)

Ms. Duer stated that she would present a revised application and for the summary sheet for Commissioner review at the January retreat.

Adoption of the Optional Relocation Resolution and Plan for the CDBG Scattered Site Housing Program

In 2002, the County received \$400,000 in CDBG funds from the State Department of Commerce, Division of Community Assistance, for the express purpose of administering the Scattered Site Housing Program. To date, the County, through its Administrator, Leah Consulting, has successfully completed 12 of 13 rehabs. Over the past weeks, County staff, in concert with State representatives, met to establish a plan of action for completing rehab project No. 13. To conclude the project successfully and closeout the 2002 grant, the State and the County agreed to relocate the tenant over a three-day period. However, the County cannot receive reimbursement from the State for the subject relocation expense without having adopted an Optional Coverage Relocation Resolution and an Optional Coverage Relocation Plan. Adoption of the resolution and plan will afford the County the opportunity to amend its CDBG budget to allow for relocation in the event that relocating a rehab client is necessary in the future. Staff recommended adoption of the resolution and plan.

Chairman Reckhow recommended a motion be made to suspend the rules.

Commissioner Cheek moved, seconded by Commissioner Cousin, to suspend the rules.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Page (not present in the meeting room during the vote)

Chairman Reckhow recommended a motion be made to adopt the Optional Coverage Relocation Plan Resolution and the Optional Coverage Relocation Plan for the Community Development Block Grant Scattered Site Housing Program.

Commissioner Cousin moved the motion, seconded by Commissioner Cheek.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Page (not present in the meeting room during the vote)

COUNTY OF DURHAM
COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITE HOUSING
PROGRAM
OPTIONAL COVERAGE RELOCATION PLAN RESOLUTION

A Resolution Authorizing the Adoption of an Optional Coverage Relocation Plan for the Scattered Site Housing Community Development Block Grant Program.

Be it Resolved by the Board of commissioners of Durham County North Carolina, that:

WHEREAS, the County of Durham is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the relocation of individuals and families is an eligible activity under this Program; and

WHEREAS, Durham County has been allocated funds under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, it is the objective, spirit, and intent of the Community Development Block Grant to achieve the revitalization of neighborhoods through improvements of housing conditions for low and moderate income citizens; and

WHEREAS, the rehabilitation of some dwelling units is so extensive that the work cannot be accomplished without temporarily dislocating the residents from their properties; and

WHEREAS, some occupied dwelling units are unfit for human habitation, financially and structurally not feasible for rehabilitation, and require demolition; and

WHEREAS, it is often undesirable to permanently dislocate some residents from their properties, change their status from homeowners to tenants, or increase their financial burden for housing costs; and

WHEREAS, Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended, permits a CDBG grantee to design and administer an "Optional Coverage" relocation program which can provide benefits to displaced families of dilapidated units which are subject to removal through local code enforcement activities (without real property acquisition), voluntary demolition, or provide assistance to residents that are temporarily dislocated from their properties; and

WHEREAS, such relocation benefits must be utilized by the qualified recipient to obtain standard housing, cover moving and related costs for those individuals displaced by grant activities; and

WHEREAS, an Optional Coverage Relocation Plan has been prepared by the Durham County and has been reviewed by the Board of Commissioners of Durham County; and

WHEREAS, it is the desire of Durham County to foster such worthy objectives with the Community Development Block Grant Program:

THEREFORE, BE IT RESOLVED that the Board of Commissioners of Durham County, North Carolina hereby adopts the policy of Optional Coverage Relocation Plan, as set forth in Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended. Such a plan is to cover any and all financial obligations incurred during any necessary relocation of affected citizens.

Adopted this 5th day of December, 2005.

Mental Health Reform Update

Ellen Holliman, Area Director, The Durham Center, gave a brief background report on update on the LME Cost Efficiency Proposal by State Secretary Carmen Hooker-Odom. In late September, Department of Health and Human Services Secretary Hooker-Odom proposed to consolidate local administrative duties into regional constructs to address a deficit in the Mental Health, Developmental Disabilities and Substance Abuse (MH/DD/SA) service budget. The Secretary's initial proposal would lead to a \$14 million cut in administrative monies for the last half of the current budget year and a \$28 million reduction in FY 2006-07. (However, through the advocacy of the County Commissioners Association, this year's \$14 million cut will not occur.) The major points of the Secretary's proposal include the development of 10 regions with the designation of a lead LME to assume the responsibility of Utilization Review (UR), after-hours screening, triage, and referral. DHHS has requested that the NC Council of Community Programs and the County Commissioners Association propose regions, alliances, partnerships or other groupings of LMEs by December 15, 2005 (eight weeks). If the Council and County Commissioners Association are unable to agree on groupings, DHHS will assign LMEs to groups. Ms. Holliman pointed out that the cost associated with the LMEs is not for administration; it is for management and oversight of the system. She spoke of the successes of Durham County's model.

Ms. Holliman noted the major point in a letter from David Thompson, Executive Director, North Carolina Association of County Commissioners (NCACC), which requests for an extension in the December 15 deadline.

Ms. Holliman stated that she will propose the following LME alliance partners to the Area Board, including Durham County:

- "Five County"—Vance, Warren, Franklin, Granville, and Halifax Counties (have approved the alliance)

- OPC (Orange, Person, Chatham) (have approved the alliance)
- Alamance, Caswell, and Rockingham

Three of the proposed alliances (five county; Alamance, Caswell, and Rockingham; and Durham) will compete for the lead LME and the others have agreed to support the one chosen.

Ms. Holliman shared the proposal developed at the Area Directors Meeting, which will be forwarded by the NC Council of Community Programs to Secretary Hooker-Odom, provided it passes with a consensus of 75%.

Vice-Chairman Heron and Commissioner Page asked questions of Ms. Holliman about the new alliances and functions of the lead LME.

Ms. Holliman concluded by providing an update on the proposal for state hospital downsizing funds. By downsizing 10 admission beds at John Umstead Hospital, the state has agreed to fund Durham County \$1,055,000 annually, which is a major step forward based on performance. Some of the money will be used to fund the gap in the 24-hour Access Center; the remainder will be utilized for contracts with local hospitals to create inpatient beds for substance abuse patients.

Chairman Reckhow commended Ms. Holliman and her staff for the innovative, compelling proposal.

Vice-Chairman Heron echoed the comments of Chairman Reckhow, stating that the Board is pleased with the progress of The Durham Center under Ms. Holliman's leadership.

Chairman Reckhow mentioned the Empowerment Center on Main Street, stating that the facility is beautiful and that many people were visiting the Center last Saturday.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 4:08 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board