

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

Monday, November 4, 2013

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Chambers, 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, Wendy Jacobs, and Ellen Reckhow

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.

Mr. Andrew Krzmarzick spoke about opening public data sets for entrepreneurs to be able to develop web and mobile applications. The public data sets could create apps and launch new start ups that could potentially bring new revenue into Durham County.

Mr. John Tarantino provided a musical selection on homelessness in Durham County

Ms. Gina Reyman spoke about the expanded need for legal services in Durham County. Ms. Reyman discussed the "Mobile Re-Entry Clinic" and its purpose.

Mr. Daniel Bowes from the North Carolina Justice Center spoke about his partnership with Legal Aid and the importance of helping people with collateral consequences.

Retired Judge Craig Brown mentioned the new law that became effective last year which allows people to clear their criminal records. Judge Brown stated the need to organize efforts and put together a working countywide group and discussed the need to move forward to develop a plan by the end of the year.

Vice Chair Howerton inquired about "Ban the Box" and expungement, asking if once a person was hired, how would the expungement occur? Mr. Bowes stated expungement is very limited, meaning about 1:4 people are eligible. "Ban the Box" states that an employer cannot ask about a conviction prior to the hire.

Commissioner Jacobs asked the Board and the Manager what could be done to help support the process. She mentioned that there had been two job fairs for ex-offenders with 400 attendees and 26 being hired. Manager Ruffin stated that the process could be reviewed by staff. Commissioner Reckhow stated that the proposal was in line with Strategic Goal 1 and she would recommend the staff look into this to see what assistance could be provided. Vice Chair

Howerton mentioned this conversation was also being held on a state level and directed Mr. Bowes to Commissioner Guice who could lend some help as well.

Mr. Keith Bullard from the Carolinas Workers Committee/NC Raise-Up Campaign discussed the fight for \$15.00 per hour wages for fast food workers and the need to provide a union for fast food workers in NC. Mr. Bullard requested the Board to pass a resolution showing support for a minimum wage increase as well as supporting a union.

Commissioner Page asked how Mr. Bullard's request applied to the Living Wage Ordinance that was in place in the County. Commissioner Reckhow responded that Mr. Bullard's request was higher. The County's livable wage is calculated by the Federal poverty level which is a little over \$12.00. She also mentioned the General Assembly passed a law which required the County to rescind its livable wage requirement for contract employees.

Commissioner Jacobs stated her support in helping Mr. Bullard with his efforts.

Chairman Foster stated that the staff would look at all the information provided from Mr. Bullard and a decision would be made on what could be done according to the law.

Approval of Minutes

Vice Chair Howerton moved, seconded by Commissioner Reckhow, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Vice Chair Howerton to approve Item 7 Required Public Hearing for CDBG Funds Application to State from the October 28, 2013 Regular Session Minutes.*

The motion carried unanimously.

*This was a time sensitive request for approval of a portion of the minutes required by the State prior to the next regular meeting.

Removal of a Board Member Due to Poor Attendance

Ms. Michelle Parker-Evans, Clerk to the Board, requested that Mr. Wayne Allsbrook be removed from the City-County Appearance Committee due to poor attendance. Attorney Siler reminded the Board of the rule stating that if more than 50% of the meetings are missed, the members are to be removed. However, the Board of Commissioners has the discretion to allow the member to remain once an appeal is made.

Mr. Wayne Allsbrook appealed to the Board and apologized for not attending the meetings. He stated that due to some traumatic life changes, he had not been able to attend; however, he was in a stable place and desired to continue his membership on the Board. He asked the Board to reconsider his appointment.

Commissioner Reckhow asked whether Mr. Allsbrook had excused or unexcused absences. Ms. Parker-Evans answered that the absences were unexcused.

The Board discussed the importance of communicating with Mr. Allsbrook. They reiterated the expectation of attendance requirements of citizens.

After further discussion, Commissioner Jacobs proposed a grace period of six-months where Mr. Allsbrook could continue to serve and the Board could reconsider his attendance at that time.

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

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Vice Chair Howerton to allow Mr. Allsbrook a six-month grace period to continue to serve on the Appearance Committee which will end April 30, 2014.

The motion carried unanimously.

Commissioner Page inquired about the meaning of “Grace Period” asking if Mr. Allsbrook’s absenteeism would be evaluated during the course of the six-months. Manager Ruffin stated that the Board used the same process when evaluating a previous situation and Mr. Allsbrook’s attendance would be re-evaluated at the May 2014 Worksession.

Commissioner Reckhow emphasized that Mr. Allsbrook should notify staff when he was unable to attend future meetings.

Duke Energy – Residential Neighborhood Program (RNP) Presentation

Ms. Indira Everett, District Manager in Durham County for Duke Energy would like to offer home energy assistance to 900 low income neighborhoods of Durham County with the first targeted being the Hayti Heritage Community. Duke Energy planned an information session for the community on December 10, 2013 from 6-7:30pm. The RNP would be shared with the City Council on November 7, 2013.

Mr. Evans Taylor, Program Manager stated the RNP targeted low income neighborhoods and provided free services such as home energy assessment, installation of energy measurements and provided energy education. Mr. Taylor mentioned eligible neighborhoods must have 50% of the homes equal to or less than 200% of the federal poverty level, which would allow every resident in the neighborhood to be eligible. Mr. Taylor discussed the program energy measures that would be assessed and installed if needed, included compact fluorescent lights, water heater wrap & insulation for water pipe, water heater temperature check & adjustment, and low flow faucet aerator/showerheads.

Mr. Taylor stated mailings would be sent to all residents regarding the program and upcoming events. Mr. Taylor stated the RNP with Progress Energy began in 2008 servicing 21,000 homes;

since the merger with Duke Energy the program is looking to reach higher numbers. Mr. Taylor discussed the Kick-Off Event scheduled for December 10, 2013 and highlighted its' success.

Workforce Development Board Annual Report

Mr. Steven Williams, Chair, Durham Workforce Development Board introduced a video highlighting the experiences of business and job seekers using JobLink System.

Mr. Kevin Dick, Director, City of Durham Office of Economic and Workforce Development, mentioned that the video showed how private sector employers were utilizing the JobLink System and discussed FY 2012-2013 highlights. The highlights included collaborating with Durham County and Durham Public Schools in re-structuring the youth empowerment program now called Durham YouthWork Internship Program; meeting or exceeding job placement goals for adults, dislocated workers and ex-offenders; serving and engaging over 1000 youth at various youth initiatives including the YouthWork Expo; receiving an Environmental Workforce Training Grant in the amount of \$199,998 by the US EPA to train Durham residents over 2013-2015; improved bottom lines for 14 businesses by forming Public Private Partnerships with On the Job Trainings grants over \$307,000 which leveraged approx. \$1 million in company matching funds; and held an inaugural Ex-Offender Re-Entry Conference and Job Fair at the Durham Armory.

Commissioner Reckhow inquired about the "improved" highlight asking if the \$1 million in company funds was spent on training. Mr. Dick stated that those dollars pertained to on the job training and salaries.

Mr. Dick introduced a video on the Durham YouthWork Internship Program.

Mr. Michael Honeycutt, Senior Manager, Durham Workforce Development Board discussed the ongoing and upcoming initiatives:

- Durham Youth Summit – November 11, 2013
- Recruitment events
- Education to Work Pipelines to include the restaurants and hotel industry as well as including nine Science, Technology, Engineering and Mathematics (STEM) worksites

Mr. Honeycutt mentioned one problem the Workforce Board had was with funding which was constantly changing. Mr. Honeycutt mentioned the Workforce was requested to do more with less while meeting the needs of the citizens served.

Vice Chair Howerton asked how many funds were lost and how many areas were affected. Mr. Dick stated the State notified the Workforce Board they were losing \$323,000 from their Dislocated Fund. Since that notice, the Workforce Board had recovered \$162,000 from a special grant and received \$200,000 in contingency funds. Mr. Dick stated there had been recovery for the funds lost however it was restrictive funding that could only pay for certain trainings.

Mr. Honeycutt also discussed challenges and opportunities which included:

- Launching the NC Works which is a website used to seek jobs, seek businesses and post resumes;

- Reducing the number of Workforce Development Boards which is now at 23 total boards. The BOCC will be notified of any changes;
- Looking at ways to effectively implement an Apprenticeship Program

Lastly, Mr. Honeycutt mentioned the Youth Summit which would be held at the Holton Career Resource Center. This summit allowed youth ages 14-21 along with their parents to learn about trainings, job searching, internship programs, how to prepare for an interview and helping with career choices.

Commissioner Reckhow inquired if videos were available on a local cable channel. Mr. Dick responded they were on Channel 8 and he would check to see if they were still being aired. Commissioner Reckhow asked Mr. Dick if he was familiar with the Charlotte Internship Program and mentioned the program had 7 or 8 companies that provided paid internships and once completed, they received scholarships for a technical school. Mr. Dick stated he was not aware of the Charlotte Internship Program and would definitely look into it.

Commissioner Page commended the progress and success of the Ex-Offender Conference stating the numbers were great and the reports were good. Commissioner Page mentioned possibly changing the name from Ex-Offenders to something that was more respectable for that population. Mr. Dick stated the Workforce Board was looking at other titles including Adjudicated Adults.

Commissioner Jacobs asked if certifications were offered during job training efforts. Mr. Honeycutt stated the Workforce Board was currently looking into offering certifications because it would show skills attained and education learned. Commissioner Jacobs inquired if the Telecommunication grant was ongoing. Mr. Honeycutt stated it was currently a one year grant. She also emphasized the need for private sector involvement and community engagement so the offenders could get a fair chance at employment opportunities.

Commissioner Reckhow mentioned two internship programs offered for offenders and inquired if all offenders were aware of these conferences. Mr. Dick stated this information was available on billboards, social media and program affiliates with the Criminal Justice Resource Center (CJRC) being a primary source. Mr. Dick also encouraged career counseling and connections through the JobLink Network.

Southview City-County Park Partnership

Ms. Jane Korest, Open Space & Real Estate Manager discussed the Southview City-County Park Partnership and how it began with the Trust for Public Land (TPL) which is a national non-profit whose purpose is to support parks, recreation and open space projects. Ms. Korest discussed the project priorities which included geographics, properties with multiple benefits, and projects that brought value. Ms. Korest stated the property was located along NC 98 and adjacent to the Army Corp land which includes 1.7 miles of streams. Ms. Korest stated the City of Durham would retain 30 acres of property ownership while the proposed 104 acres would be owned by the County through Open Space & Trails. Ms. Korest stated the process involved TPL purchasing from the seller by the end of 2013. TPL would then convey to the City 134 acres and the County would purchase the 104 acres from City through an inter-local agreement. The

agreement would highlight the purchase terms and agreement terms between the City of Durham and the County.

Commissioner Reckhow asked why the decision was made by TPL to convey to the City of Durham instead of the County. Ms. Korest stated the funding comes from resources from the City of Durham. They are able to upfront the entire cost. Ms. Korest also added that Durham County would be responsible for the site planning for the entire 134 acres, not just the 104 purchased.

Ms. Rhonda Parker, Director of City Parks & Recreation mentioned part of the master plan shows a need for a park in East Durham. Ms. Parker stated that City Council approved the item at its October 21 meeting.

Ms. Cheryl Lemay, Vice Chair of Recreation Advisory Council stated this project offered the opportunity for the City of Durham, City of Raleigh, Durham County and the State of North Carolina to preserve and manage the limited land we have in our County. Ms. Lemay pointed out that East Durham needed attention and she hoped the Recreation Advisory Council could partner to make it happen.

Vice Chair Howerton expressed her concern with Durham County being the main investor however, the project goes to the City of Durham first. Ms. Korest stated the City of Durham was investing \$250,000 so they were spending more. Vice Chair Howerton mentioned overall the County would spend more due to maintaining the property. Ms. Korest asked whether Vice Chair Howerton would like to see Durham County in the leadership role over future projects. Vice Chair Howerton responded affirmatively, adding that the Committee approached the Board as a last result. Ms. Korest stated TPL tried to treat all partners equally, later realizing that there needed to be a lead spokesperson. At the time, the City of Durham's lead funding source was clear which appeared to make them the "leader." Vice Chair Howerton asked for clarification on "clear funding." Ms. Korest stated the City of Durham cleared funding through the Water Resources Funding which allowed TPL to give them the lead. County funding comes from County Open Space Capital Project Funding which had already been approved for this year.

Commissioner Jacobs mentioned this project received \$500,000 from the Clean Water Management Trust Fund (CWMTF) which was now hard to attain funds from. Commissioner Jacobs stressed the need for a park and mentioned Eastern Durham is where future growth will be. She mentioned the land assessed at \$15,000 per acre which is a great deal and noted the County would not be responsible for the maintenance, the City of Durham would.

Commissioner Reckhow mentioned the fields would be buffered by land that is left in its natural state, this helps to protect the water quality. She inquired if there had been a discussion with Mr. Cummings about credit for land banking land related to the Neuse rules. Commissioner Reckhow mentioned the partnership of neighbors and institutions so that efficient planning takes place regarding the trails and parks design. She would like to also see key stakeholders involved in the extensive planning process.

Vice Chair Howerton inquired about the timeline for planning of the project. Ms. Parker answered 8-10 years planning time for the park.

Behavioral Healthcare Report from Alliance Behavioral Healthcare and Approval of Local Business Plan

Ms. Holliman highlighted that Durham County had met all state requirements regarding consumers served. She discussed the Senate Bill 208 requirements adding the Managed Care Organization (MCO) must meet all standards. Ms. Holliman explained several “ratio” slides explaining current assets over liabilities, defense intervals and medical loss highlighting that Alliance is above all benchmarks. Chairman Foster questioned whether the presentation was for Durham County or all counties. Ms. Holliman responded the presentation was on Alliance as a whole. Ms. Holliman discussed the new Medicaid Reform Program explaining there had not been any changes yet, just ideas of what may happen. She stated the Secretary would like to see three changes: a reduction in MCOs (currently 10); MCO leaders to discuss logical regional structure; and counties to be contiguous.

Chairman Foster inquired if the move was aimed to get counties not doing well into counties that were to absorb cost. Ms. Holliman responded the long term sustainability was the driving force. We are the largest region covering 1.7 million, where Cardinal covers 1.3 million. Alliance has 186,000 Medicaid lives and in order to go four regions, Alliance must have 300,000 Medicaid covered lives.

County Manager Ruffin inquired about any kind of threat this has on the future of Alliance. Ms. Holliman stated that Dave Richard, State Director visited Alliance and stated they are not looking to change counties within the MCO structure. They are trying to equal the small and large counties as much as possible, avoiding the removal of counties currently involved with MCOs. Vice Chair Howerton inquired if large counties would be together, if they would be mixed or if they are looking at an alternate perspective. Ms. Holliman responded they are looking at covering lives and those at high risk cost.

Ms. Holliman discussed the Local Business Plan which is to guide the MCOs over the next three years. This plan includes:

- Five State Initiatives
 - Transition to Community Living
 - Assertive Community Treatment Team and Supported Employment
 - Crisis Services/Emergency Department Wait Times
 - Closer to Home – Psychiatric Residential Treatment Facility (PRTF)
 - Intellectual/Developmental Disability (I/DD) Waitlist
- Three Local Initiatives
 - Preventable Readmission Options and Care Transitions (PROACT)
 - Open Access to Care
 - Jail Initiatives (Diversion and Post Linkages)
- Short/Long-Term Measureable Goals

Ms. Holliman stated that Alliance must establish a County Commissioner Advisory Committee with one commissioner representing each county.

Commissioner Jacobs inquired about the community impact regarding the State not joining the Medicaid Expansion and the Affordable Care Act negatively impacting the hospitals charity care. Ms. Holliman responded if Medicare was expanded, the new rules would have covered those being covered now by limited funded dollars. Right now there are limited dollars so Alliance has to be careful with their spending. Commissioner Jacobs asked what would happen if someone needed assistance and was not on Medicaid. Ms. Holliman stated that there were waiting lists for those not on Medicaid. She added the key was to manage the money available and get good providers to manage the services Alliance provides.

Commissioner Jacobs asked Ms. Ann Oshel, Director of Community Relations about the percentage of stakeholders who had been trained in CIT. Ms. Oshel stated at least 20% of law enforcement had currently undergone CIT training. The training had also been opened up to other first responders as well. Commissioner Jacobs spoke about the need to improve on substance abuse numbers and inquired about how the numbers could be improved.

Commissioner Page inquired about substance abuse training quoted at \$21,000. Ms. Holliman responded that the number referred to the Motivation Interviewing Training that Alliance provided. Commissioner Page also inquired about how long a citizen being committed to Durham Center Access would be allowed to remain in that facility. Ms. Holliman stated the person could be observed for 23 hours and if committed, they could remain at Durham Access Center for up to 15 days. He also asked if Durham had any long-term treatment facilities. Ms. Holliman responded that half-way housing was available, adding that Alliance also had a contract with Triangle Resource Options for Substance Abusers (TROSAs).

Vice Chair Howerton inquired about the loss of Duke funding for the NC Child Initiative asking Ms. Oshel if anything had been put in place. Ms. Oshel stated Duke and the City of Durham Police Department were discussing funding. Alliance had not been a part of that initiative.

Commissioner Reckhow stated 1/3 of local money was contributed to the Crisis Access Center and recommended all Board members take a tour.

Comments Regarding Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007)

Mr. Michael Stock, Planning Department, discussed the Unified Development Text Amendment report which showed all the comments from previous meetings. The report was presented to the Joint City-County Planning Commission (JCCPC) in October and there were no additional changes since that meeting. Currently two versions of the Unified Development Ordinance (UDO) exist; (1) for the City of Durham and (1) for Durham County. Once approved, there would only be one version.

Commissioner Reckhow inquired about page 20; UDO Section 9.4.5E stating “*Staff will consider revising text to address “safe and reasonable” access.* When the word “*consider*” is used, are you going to revise the text or not? Mr. Stock stated that they would revise the text and noted that all revisions were made in blue.

Chairman Foster asked when the UDO was on the agenda for November 11, 2013, would the Board approve changes from the City of Durham to also be reflective for Durham County. Mr. Stock stated that the City approved the amendment in June. Planning was asking the Commissioners to adopt the text amendment so both City and County would be under one UDO. These changes shown would later be presented to City Council and the Board.

Commissioner Jacobs mentioned that feedback was given at the JCCPC meeting; however they were not reflected in the report. Mr. Stock stated that there were no additional changes made at JCCPC. Mr. Medlin interjected that the changes Commissioner Jacobs was referring to were the Wireless Communications Facilities (WCF) efforts which were being handled through a separate text amendment.

Jordan Lake and Falls Lake Rules Update

Mr. Drew Cummings, Assistant County Manager shared a presentation on the updated Jordan Lake and Falls Lake Rules. The presentation showed the Durham County Watershed Boundaries, while also showing both the Falls Lake and Jordan Lake Rules Summary and Departmental responsibilities.

Mr. Eddie Culberson, Director, Soil and Water Conservation District provided the Board with an update on Agriculture and Fertilizer Management compliance. Mr. Culberson discussed the Falls Agriculture Rules - highlighting the Summary of Rules for both Jordan and Falls Lake stating the difference in Baseline Data and Fertilizer management. Mr. Culberson also mentioned that Durham had the highest percentage of unbuffered crop land in comparison to neighboring counties. Commissioner Reckhow stated the legislation did not call for fertilizer to be certified in the Falls Watershed even though we had to achieve higher reductions. Mr. Culberson stated that was correct. It was taken out at the last minute due to the assumption that the agriculture had already been certified due to the 50 acre or more rule. Mr. Cummings interjected that there would still be credits available for reducing fertilizer application in the Falls even though there was no specific rule demanding that it is done. Mr. Culberson discussed the Local Nutrient Control Strategy (LNCS) and its requirements; fertilizer management and the Duke University Homeowner Fertilizer Survey Result; and also discussed the Voluntary Nutrient Reduction Program.

Mr. Chris Roberts, from the Engineering and Environmental Service Department discussed the Stormwater and Erosion Control update. Mr. Roberts discussed the Stormwater Ordinance Compliance which included Legislative changes and the June 2012 Board approval of the County Stormwater ordinance amendments.

Ms. Nancy Woods, from the Environmental Health Division (Public Health) presented the Onsite Wastewater Compliance update. Ms. Woods mentioned that septic systems were not mentioned in the Jordan Rules. In the Falls Rules it was required to continue to implement the Rules that were currently in operation. Ms. Woods discussed sand filters. Commissioner Reckhow asked

whether sand filters were identified. Ms. Woods answered yes, they had been identified. Mr. Cummings interjected that the county could not regulate those systems. The County was responsible for their loading. The state could legally permit these systems but often times they did not, which was why credits were developed so that something could be done with the sandfilter systems. Ms. Woods added that new sand filters could not be permitted unless it was an extreme repair situation. She stated the County had 867 sandfilters of which 525 had the ability to hook up to public sewer and the City had 253 sandfilters of which 191 had public sewer availability.

Mr. Cummings discussed the County policy considerations as well as the Upper Neuse River Basin Association (UNRBA) updates; the GIS-based tracking software which could facilitate the work of meeting the County's nutrient reduction goals; and the personnel/operational needs. Mr. Cummings stated that the group would like to bring the Unified Watershed Ordinance for Agriculture & Fertilizer Management back to the Board with more specifics. Mr. Cummings stated he believed this would help county landowners understand the two different sets of rules; i.e. Jordan Lake and Falls Lake.

Commissioner Reckhow stated that we may end up with enough data to show a "Use Attainability Analysis" which would show that the County cannot achieve what the State is asking. Commissioner Reckhow noted under the "County Policy Considerations" slide the need to expand public education. She mentioned that both the City and County are under these rules and questioned collaborative efforts so that there is no duplication. Commissioner Reckhow also mentioned stormwater management and questioned whether there are any economies of scale between the City and the County. She added that Mecklenburg County and Charlotte were recognized for having one of the most innovative stormwater programs and it could be to the County's benefits and cost effective when we are facing huge costs. Mr. Cummings stated that it has been looked into before and they will consider revisiting.

Commissioner Jacobs agreed with Commissioner Reckhow that education is the key. She added that she was worried about the impact of state legislation and how the County would be held to strict rules that help protect our streams, rivers and creeks.

Open Data/Government Introductory Presentation

Mr. Lee Worsley, Deputy County Manager began with a presentation on "Open Data" stating that it tied into our Strategic Plan Goal 5. Mr. Worsley mentioned both Raleigh and Cary were two local communities that had already started using Open Data. Mr. Worsley also mentioned that Open Data was not only beneficial to the citizens of Durham County; it was also a perfect internal opportunity for Durham County departments to share and use data.

Mr. Greg Marrow, IST Director/ Chief Informational Officer stated that Open Data was the new capital of the global economy, where using Open Data would make information available in a format where programmers or entrepreneurs could use it to create applications. Mr. Marrow discussed the common reasons for Open Data such as transparency, releasing social and commercial value; participation, and engagement. He also mentioned there were over 1 million Open Data sets available with the top requests including crime data, restaurant inspections, property tax data and permits and licenses. Mr. Marrow summarized the benefits and values of Open Data highlighting how it could improve economic development as well as harness

community resources. Lastly Mr. Marrow mentioned the overall vision which is a City/County partnership. Since April, 2013 County Information Services & Technology (IT&S) and City Information Technology (IT) have met to discuss a partnership. Mr. Marrow hoped such a partnership would create a single database for citizens to find information for both the City of Durham and Durham County in one location.

Attorney Siler mentioned his concern with confidential information such as records from the health department, social services and mental health services and inquired about how the County would ensure confidential information with Open Data. Mr. Marrow stated IST would still adhere to HIPPA and other privacy requirements. The information that would be available through Open Data would be weather data, crime data and a few others that are public and open; no personal information would be available. Mr. Siler inquired if IST would be depending on departments to provide the data and IST making it into an accessible form. Mr. Marrow stated that is correct and highlighted that confidential data would be kept in its same matter.

Commissioner Reckhow mentioned citizen engagement and a Hackathon, possibly at the American Tobacco Underground.

Commissioner Jacobs encouraged partnering with Durham Public Schools and local universities to ensure the County's youth had access as well. She mentioned the excitement of a shared portal of City of Durham and Durham County information, adding citizens have voiced the need to see more County performance measures and is hoping this Open Data could help with our Strategic Plan.

Mr. Worsley referenced a comment from Vice Chair Howerton about the Strategic Plan and Accountability and he believed Open Data would speak to being more Accountable.

(Start) Review of Recommended Changes to Proposed Youth Opportunity Initiative

County Manager Ruffin stated that a meeting took place on October 21, 2013 with Commissioners Page and Reckhow, Ellen Holliman and Ann Oshel, Director of Community Relations. The group discussed topics from the May, August and October Worksessions. Manager Ruffin mentioned the Youth Opportunity Proposal drafted by Ms. Oshel to show the concerns of the Board.

Commissioner Page indicated that during the meeting, concerns were addressed about the purpose of the Youth Opportunity Initiative. Commissioner Page stated that many Board members would like to see a fully functional/operational Youth Services Opportunity in the Durham Community, however with this concept, it would not take place in the near future. Commissioner Page stated that options were discussed and one included a Gap Analysis in terms of services provided as well as discussing engaging with non-profits, mainly Cooperative Extension.

Commissioner Reckhow stated that the wheel of partners had been amended and it now included Durham County programs such as Cooperative Extension. Commissioner Reckhow recalled a presentation presented by Mr. David Dodson, President of MDC at the October 7, 2013 Worksession. Mr. Dodson discussed three levels of youth which included disconnected youth, youth that are behind, and the on track youth. Commissioner Reckhow stated that with limited

resources this proposal would be largely focused on the disconnected youth with some services for the youth what are behind. Commissioner Reckhow believed there should be a much stronger website that provided for the youth all the opportunities available in our community. Commissioner Reckhow stated that both she and Commissioner Page agreed that all youth should be able to benefit from this program.

Commissioner Page commented on the terms used such as “on track,” “slightly behind” and “deeply disconnected” and understanding that concept in terms of this Youth Opportunity Proposal.

Vice Chair Howerton asked for clarification that this program is for disconnected youth. Ms. Oshel stated that this is the starting point. Commissioner Reckhow interjected that the Strategic Planning Process was the beginning, once the initial process had begun, then it would be determined what would be next. Ms. Oshel stated that the proposal began with the IBM report which established a starting point for the Strategic Planning Strategy and Gap Analysis.

Vice Chair Howerton mentioned earlier discussions about disconnected youth and a particular age group being the main factor, now, that has changed; so the question is would the target be a certain age group or not. Ms. Oshel stated they needed to continue the conversation with their partners, as they should be the ones to make the decision regarding a particular age group. Commissioner Reckhow stated that the IBM report did not offer the best direction and we needed a discussion in the community in regards to a particular age group.

Vice Chair Howerton stated she was not against the proposal, however she did not want to create something else if we were not able to follow up on it. Vice Chair Howerton mentioned she would like more concrete direction and information on where the initiative was planning to go. Commissioner Page stated the Board needed to discuss with the community the plan for our youth and decide what the next steps were.

Chairman Foster stated the Board had heard from the citizens and he was in agreement about where it would be housed. Chairman Foster also asked where the funding would come from considering on January 15, 2014, there will be another opportunity for the County to be in the red and Social Services would be coming for help. Chairman Foster mentioned that if the County was going to contribute money; which it appeared now it would be used for salaries and two positions; where would the future funding come from? He stated that this program had been attempted before and it had not worked. He added if you are going to continue to create programs, at what point are you going to allow the community and organizations to do what they want to do so additional programs are not created. Chairman Foster also stated he would like to see one umbrella created with all programs that are able to achieve the goals they have created. Lastly adding there will be a .02 tax increase starting January 2014 so the County needs to be sure their dollars are spent on projects that are achieving their goals.

Manager Ruffin stated the previous board titled: Youth Coordinating Board started the process this initiative would allow the community to help the process. If this item is approved today, the person(s) would not be on board until late Feb or early March 2014. Manager Ruffin stated DPS and the City of Durham would each give \$66,000 and with the County’s contribution of \$66,000 it would total \$198,000. Manager Ruffin stated the Board could expect another budget request next year for \$66,000.00.

Ms. Oshel added these two positions are to develop the recommendations for the City of Durham, Durham County and the School Board to decide where this goes. The person(s) hired would conduct research and conduct the Strategic Plans as well as Gap Analysis. Ms. Oshel stated this proposal is not about creating a program; it is about designing an improved system.

Commissioner Jacobs moved, seconded by Commissioner Reckhow to suspend the Rules.

Ayes: Vice Chair Howerton, Commissioner Reckhow, Commissioner Page and Commissioner Jacobs

Noes: Chairman Foster

Commissioner Jacobs moved, seconded by Vice Chair Howerton to approve the Youth Opportunity Proposal

Ayes: Vice Chair Howerton, Commissioner Reckhow, Commissioner Page and Commissioner Jacobs

Noes: Chairman Foster

Discussion of Urban Ministries Facility and Service Improvements

Mr. Drew Cummings, Assistant County Manager reminded the Board that the County provided annual operating funds of \$165,000 to the Urban Ministries of Durham (UMD) and there are one-time appropriation funds matched by the City and the Stewards Fund as well as private contributions for facility upgrades.

Ms. Patrice Nelson, Executive Director stated that UMD had become the primary place for citizens to go when they needed emergency clothing, food or shelter.

Ms. Nelson highlighted that 77 percent of those in the Journey Program moved from Homelessness to Permanent housing and the program had been able to see more connections with partners.

Ms. Nelson also mentioned key programs from FY 12-13 that had seen many improvements such as: adding a bag lunch program (breakfast and dinner are still sit down meals) which allows citizens to seek employment, education or housing during the day, the café being available during the day which provided new programming for citizens in need; the shelter sign in had been changed from overnight to weekly which allowed citizens who checked in on Mondays a bed to sleep in for an entire week.

Ms. Nelson discussed new focuses for FY 13-14 which included an Internship Program, Enrichment Program, Capital Improvements and Marketing. With funds raised, UMD was able to hire a Licensed Social Worker which allowed them to begin a Social Work Intern Program which allowed 10 additional people in the shelter to provide help to those in need. Ms. Nelson also mentioned the need for essential capital improvements. The improvements included

doubling the number of bathrooms, upgrading the showers, adding a reception area, changing site lines, new signage, landscaping, more efficient program space, intern work space and also upgrading HVAC and electrical upgrades. Ms. Nelson stated that construction would begin January 2014 with hopes of completion by May 2014. Ms. Nelson also added the \$350,000 raised did not include a much needed sprinkler system for the shelter. Ms. Nelson lastly mentioned the need to build awareness to increase private sector support. UMD had developed a website titled namesforchange.org which they planned to unveil November 2014.

Vice Chair Howerton mentioned how grateful she was for all the hard work of Ms. Nelson and the UMD staff.

Commissioner Page asked for clarification on funding. Ms. Nelson stated that Durham County funding had remained the same over the past three years and federal funding had decreased due to cutbacks. Commissioner Page asked if UMD received good support from corporations. Ms. Nelson stated yes, public sector support had increased to 23%. Commissioner Page mentioned to the Board that the community was in need of support.

Commissioner Jacobs inquired about the Journey Program and resource challenges. Ms. Nelson stated there was a need for a Case Manager to help assist with the transitions from Homelessness to Housing. Commissioner Jacobs asked if the shelter was at capacity and Ms. Nelson stated yes, they were up to capacity. Ms. Nelson added that floor mats were used when beds were not available; however the family rooms which consisted of 38 beds in 9 rooms were never full.

Commissioner Jacobs mentioned the countywide food collection effort which involved all County departments, and all food would go to the food bank. Manager Ruffin added that the Department of Social Services would be taking the lead on this effort. Ms. Nelson thanked the Board for adding UMD to the County Cares Campaign. Commissioner Jacobs inquired about the impact of the Library renovations. Manager Ruffin stated that changing the focus of UMD allowed those in need to remain at the shelter during the day. Ms. Susan Olive, UMD Board Chair stated that many of the programs offered at the Library now would be offered at UMD after the updates. Commissioner Jacobs inquired about the funding. Ms. Nelson stated that the total renovation budget is \$350,000; Durham County, The City of Durham and private individuals each contributed \$65,000 and \$148,000 came from the Stewards Fund. Manager Ruffin added that the shelter is a Durham County building; if it is not up to code, it is the County's responsibility to fix it during the renovations. Manager Ruffin added the shelter renovations would be an added expense and UMD would come back to the Board later.

Commissioner Reckhow inquired about where the funds would come from. Manager Ruffin stated the he was unsure of the source; however, the Fund Balance was discussed. Manager Ruffin also mentioned when placed in this situation, the capital account is the first place they look for funds instead of tapping into the fund balance.

Commissioner Page suggested the Board attend a tour of the shelter as well as serve its clients. Ms. Nelson agreed that the Board should do a before and after tour of the facilities. Commissioners Page and Howerton suggested a date between November and December 2013 would be perfect.

Rules of Procedure for BOCC/Citizen Appointments

Ms. Kathy Everett-Perry, Assistant County Attorney and Michelle Parker-Evans, Clerk to the Board recommended changes to the Board's Rules or Procedure and Citizen Appointment Policies.

The Clerk prefaced the discussion by stating that the recommended changes originated from Board recommendations, orientations sessions from citizen boards, workshops attended by the Clerk or Attorneys' Office with the School of Government, or situations that had arisen that caused need for clarification of existing language in the Rules.

The Board discussed the best way to fully debate the Rules and agreed that it would take another Worksession to go through each of the items.

Commissioner Jacobs remarked about the intent of the Introduction of the Rules that each member have an equal opportunity to participate in decision making. She was concerned about the Chair having so much authority regarding the agenda. All Commissioners with consultation of the Chair and Manager should have the authority to add items to an agenda. Commissioner Jacobs questioned the language used in Section VII regarding commissioners serving no more than (8) years on boards and commissions. She stated that citizens value the experience of long-standing commissioners and placing a year limit on boards could put Durham County representation at risk.

Ms. Parker-Evans clarified that that the intent of the language for agenda items related to staff adding items to the agenda once it had been approved. Attorney Siler added that Section IV stated "*Any member of the Board, the County Manager, or County Attorney may add items to the Agenda at the beginning of the meeting by a majority of the Board.*"

Vice Chair Howerton asked for clarification about the practice. Manager Ruffin stated he had been instructed not to add items to an agenda after it had been approved, adding each Chairman is different and requested things done a certain way. Commissioner Page appreciated the clarification from the Clerk, and did not feel that Board members should be silenced from adding agenda items.

Commissioner Reckhow commented on Section II (Agenda) of the Worksession Rules of Procedure. She quoted from the Institute of Government Book – Rules and Procedure for Boards and Commissioners by Joseph Ferrell stating "*a request to have an item of business placed on the agenda for a regular meeting must be received at least two working days before a meeting, any board member may by a timely request have an item placed on the agenda.*" Commissioner Reckhow stated the Board members should have the ability to react quickly if items come up after an approved agenda.

Ms. Parker-Evans added she and Ms. Everett-Perry were looking for feedback on "timely request" from the Board for corrections and would work on the language for more clarity. Commissioner Reckhow mentioned adding "*a request could be made to place a time sensitive item two working days in advance of a meeting.*"

Ms. Parker-Evans questioned the two working days; asking would that continue to include Wednesday (the current cut off day) or pushing the cut of day back to Thursday. Ms. Parker-

Evans added the agendas were uploaded on Wednesday but could be pushed back to Friday. Commissioner Reckhow mentioned allowing a commissioner to add a time sensitive item to an agenda by Thursday at 12 noon. Ms. Parker-Evans stated that could work but once the agenda was posted, it would then have to be amended due to the changes made.

Commissioner Page stated each item needed further discussion and he would like the Board to review each area. Vice Chair Howerton concurred that more time was needed for discussion.

Ms. Parker-Evans and Ms. Everett-Perry stated the intent was to gather feedback so proper corrections could be made.

Commissioner Reckhow stated Section IV (Agenda) needed a closer look and was concerned about veto power being given to one person of the board when all members were equal; adding the Chair's position was to facilitate meetings--not to veto.

Ms. Everett-Perry stated the Chair's duties were provided from the Board, the Board gives the Chair the power.

Vice Chair Howerton expressed concern about agenda items being removed from the agenda without proper communication. Commissioner Jacobs suggested adding the language "*any changes (additions/deletions) to the agenda will be communicated to all Commissioners.*"

Chairman Foster expressed his thoughts on giving the Chair and Vice-Chair the authority of approving an agenda if all Board members want involvement.

Commissioner Page stated that issues that come up at the last minute where leverage is needed.

Commissioner Page recalled occasions where items had been added or removed and there was no communication until the date of the meeting. He mentioned establishing a process where agenda items were communicated prior to the changes.

Vice Chair Howerton was excused from the meeting

Commissioner Reckhow asked if this provision to change the date for the staff and the Board. Manager Ruffin stated this had been a past problem with the staff who waited beyond the deadline date; never a problem the Board.

Commissioner Jacobs inquired about removing "*No items may be added after the Agenda meeting without the Chair's approval*" from Section IV (Agenda) and clarifying that it is more related to department heads.

Commissioner Reckhow added that the Rules and Procedures could be clearer to include "time sensitive" items being added to the agenda.

Commissioner Reckhow mentioned her concern with Ceremonial Items, stating some months, there may be multiple items are celebrated. Ms. Everett-Perry stated the Board would limit that month for the items that were time sensitive. Commissioner Reckhow expressed the need to adjust the wording to allow more flexibility. Commissioner Reckhow also expressed concern

with Section VII (Powers of the Chair) regarding the number of years a Board member could serve on a board.

Attorney Siler stated the number of years a Board member could serve was a provision from the time a citizen could remain on most Boards or Commissions. Ms. Parker-Evans added the 8-year terms were added by previous Board members with the idea that it would give commissioners the opportunity to learn about other areas of County government. Commissioner Reckhow recommended surveying other counties to see if they have a term length on Boards for elected officials.

Commissioner Reckhow expressed concern about commissioners receiving the citizen appointment packages five days instead of ten days before the meeting. She suggested possibly changing that to seven days prior to a meeting. Ms. Parker-Evans responded she would aim for seven days; however it is taxing on the department to ensure that turn-around time.

Commissioner Reckhow mentioned the re-advertisement of vacancies asking the cost of a 90-day re-advertisement. Ms. Parker-Evans stated the length of advertising depended on the board and the specific requirements of the vacancy. She also added the advertisements were through the Herald-Sun, Carolina Times, and they were also sent through listservs and other electronic distributions and social media.

Commissioner Reckhow was happy to see the number of days decreased for appointees bringing property tax into compliance; however she asked if it could be lowered from the suggested 90 to 45 days.

She questioned the change in the attendance requirements from the 50%. Ms. Parker-Evans responded many boards were complaining they were not able to conduct meetings because they did not have enough members in attendance for a quorum.

Mr. Siler commended the County Clerk and the Assistant County Attorney for their hard work and dedication with the Boards and Commissions Trainings.

Commissioner Jacobs asked if trainings could be done online. Ms. Parker-Evans responded many times, oaths were given during the training sessions. She also added the feedback received from the live training was that many members found it beneficial to have a person to ask questions to and get immediate responses.

The Board requested to have a continuation discussion at an upcoming Worksession.

Commissioners' Directives

Mr. Michael Davis, Strategic Plan Manager, presented the Board Directives for the months of July, August, September and October of 2013.

The Board had no questions of Mr. Davis regarding the directives.

Closed Session

Chairman Foster asked for a motion to adjourn to 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.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to go into Closed Session.

The motion carried unanimously.

Respectfully Submitted,

Monica W. Toomer
Administrative Assistant II