

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

Monday, November 4, 2013

9:00 A.M. Worksession

AGENDA

1. Citizen Comments (30 min)

- 1) The Board of County Commissioners will provide a 30-minute comment period at the beginning of its Worksession meeting on the first Monday of each month. Any citizen of Durham County wishing to speak shall have an opportunity to do so. The Board may direct staff to research and reply to the concerns, if appropriate. Speakers must sign in prior to the start of the meeting providing a mail/email address and telephone number so that staff may reply to comments and/or questions. Citizens who request an immediate response from the Board are encouraged to submit a brief description of the issue to the Clerk to the Board two weeks prior to the Worksession to allow an opportunity for research prior to the meeting. **All speakers shall have three minutes to speak and are requested to refrain from addressing issues related to personnel matters.**

Resource Person(s): V. Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board receive citizen comments and direct staff to respond, as deemed appropriate.

1a. Approval of Minutes (5 min)

- 1) The Board is requested to suspend the Rules to approve the minutes of item 7. Required Public Hearing for CDBG Funds Application to State from the October 28, 2013 Regular Session. The early approval is needed in order to meet a deadline for the CDBG Rougemont grant. All grant documents for the required public hearing held on October 28th, including certified minutes, must be turned in to Division of Community Assistance (DCA) by close of business on November 11, 2013, in order to receive Release of Funds for the grant. The next regular session meeting will not be held until 7:00 pm on November 11, 2013.

Resource Person(s): V. Michelle Parker-Evans, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board suspend the Rules and approve the aforementioned minutes.

2. Removal of a Board Member Due to Poor Attendance (5 min)

- 1) On February 25, 2013, the Board of County Commissioners appointed Wayne Allsbrook to serve a full term on the Durham City-County Appearance Commission. Based on information from Wade Griffin, Durham City-County Planning, Mr. Allsbrook has failed to comply with the Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities, set forth by the County Commissioners.

- 2) The Policy and Procedures for Appointments to the County Boards, Commissions, Committees or Authorities states, *“If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year, he or she is obligated to resign.”*
- 3) The Clerk’s Office has attempted to contact Mr. Allsbrook via letter (attached) to request his resignation. There has been no response.

Resource Person: V. Michelle Parker-Evans, Clerk to the Board

County Manager’s Recommendation: The Manager recommends that the Board suspend the Rules and address Mr. Allsbrook’s appointment.

3. Duke Energy – Residential Neighborhood Program Presentation (15 min)

- 1) The Board is requested to review Duke Energy’s plans to implement the Residential Energy Neighborhood Program in December 2013 in a Durham neighborhood and consider supporting the Program as a partner. The Residential Neighborhood Program is an energy efficiency program for Duke’s low-income customers that will provide information and energy conservation measures to encourage and reduce energy consumption and costs. The Program will be provided to selected neighborhoods at no cost to the residents.

Resource Persons: Indira Everett, District Manager; Evans Taylor, Program Manager, and Valencia Roner, Program Manager

County Manager’s Recommendation: The County Manager recommends that the Board review Duke Energy’s plans to implement the Residential Energy Neighborhood Program in December 2013 in a Durham neighborhood and consider supporting the Program as a partner.

4. Workforce Development Board Annual Report (30 min)

- 1) The Board is requested to accept the Durham Workforce Development Board Annual Report as required by the City-County Consortium Agreement, Sec. X.

Resource Persons: Kevin Dick, Executive Director, Durham Workforce Development Board

County Manager’s Recommendation: The County Manager recommends that the Board receive and accept the Durham Workforce Development Board’s Annual Report.

5. Southview City-County Park Partnership (20 min)

- 1) The Board is requested to receive a presentation on the potential Southview City-County partnership for the acquisition of a future city park and open space project in eastern Durham County. The Southview acquisition is a proposed partnership request involving the City of Durham, Trust for Public Land (TPL), the City of Raleigh’s Upper Neuse Clean Water

Initiative (UNCWI), and the NC Clean Water Management Trust Fund (CWMTF). The overall property consists of 134 acres located in eastern Durham County on the north side of NC 98 and the east side of Southview Road as shown on Attachments 1 and 2. TPL has been the lead agency in this potential partnership, and they have applied for and received grant funds from the CWMTF and UNCWI that total \$750,000 to assist with the acquisition and preservation of the property for water quality protection and future park benefits.

- 2) Under this partnership, it is proposed that the City of Durham will own 30 acres in the middle of the property (shown in yellow on attached maps) that would be intended for a future community park to serve the eastern Durham area. The City would spend \$250,000 using available water quality funds. It is proposed that Durham County would own the 104 acres of the property that contains the more environmentally sensitive features surrounding the future park site for \$200,000. The property owned by the County will have CWMTF conservation easements on them that restrict most development but allows for low impact recreation such as trails. The City does not have current funding for the site development of the park, but can plan for its future development by having the site acquired and available. The city's participation is contingent upon the County's partnership and ownership of the 104 acres of surrounding open space. This proposed acquisition and potential park partnership was previously reviewed and supported by the Board of County Commissioners on March 26, 2012. The Durham City Council approved this proposed acquisition at the October 21 City Council meeting, subject to the County's partnership with the City.
- 3) The county funding would come from existing open space capital project funds approved for FY13-14; no new county funding is needed to support this project. Before the County acquires the property from the City, the Board would review and approve an Interlocal Agreement between the City and County that will govern the relationship between the City and County properties that comprise this partnership.
- 4) Additional details regarding this partnership are found in the attached memo and supporting documents. This acquisition helps to implement Strategic Plan Goal 4, Environmental Stewardship, Outcome #4 which is "Number of total acres of open space and farmland that have been protected/influenced by Durham County", as well as several goals from the East Durham Open Space Plan, adopted by the BOCC in 2007.

Resource Persons: Jane Korest, Open Space and Real Estate Manager, Glen Whisler, County Engineer

County Manager's Recommendation: The Manager recommends that the Board receive the briefing, and schedule this for the November 11, 2013 meeting for the following actions:

- 1) Approve participating with the City on the acquisition of the Southview property;
 - 2) Approve the use of \$200,000 in existing open space funding towards the acquisition;
 - 3) Authorize the Manager to bring back to the Board an Interlocal Agreement that sets forth the arrangement between the City and County prior to the County's purchase of its portion from the City.
6. **Behavioral Healthcare Report from Alliance Behavioral Healthcare and Approval of Local Business Plan (20 min)**

- 1) The Board is requested to receive a report from Alliance Behavioral Healthcare, including updates on its FY14 budget and demographics reflecting the utilization of public behavioral healthcare services in Durham County, the provisions of NC Senate Bill 208, the future of Medicaid reform in North Carolina, and the County Commissioners Advisory Committee.
- 2) Additionally, the Board is requested to receive a report on and to approve Alliance's Local Business Plan for FY14-16. NC General Statute 122C-115.2 requires LME/MCOs to submit a Plan to the NC Department of Health and Human Services that identifies service gaps, needs and barriers, as well as goals and strategies to address issues over the coming three years. The Plan addresses five mandated Statewide Initiatives and identifies three additional Local Initiatives.
- 3) The Plan must be approved by the Alliance Board of Directors and the Boards of County Commissioners of the three counties comprising Alliance prior to the submission deadline of December 31, 2013. To date the Plan has been approved by the Alliance Board and the Wake Board of County Commissioners.

Resource Person(s): Ellen S. Holliman, Chief Executive Officer, Alliance Behavioral Healthcare

County Manager's Recommendation: The County Manager recommends that the Board receive the reports and approve the Alliance Local Business Plan.

7. Comments Regarding Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007) (30 min)

- 1) The Board is requested to receive a report on comments by the Inter Neighborhood Council (INC) and the Bicycle and Pedestrian Advisory Committee (BPAC) regarding the Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007). No action is required.
- 2) The Inter Neighborhood Council (INC) and Bicycle and Pedestrian Advisory Committee (BPAC) issued comments regarding changes to the Unified Development Ordinance (UDO) to remove discretionary standards (text amendment TC1100007). This text amendment was approved by City Council on March 18, 2013, and deferred back to staff by the Board of County Commissioners (BOCC) on April 22, 2013. In both instances, the governing bodies requested staff to review the comments and report back with responses to the comments raised. Attachment A contains the comments of both parties along with staff responses to each comment. Both the City and County Attorney's offices have reviewed the responses.
- 3) Attachments: **Attachment A:** Responses to INC and BPAC Comments for TC1100007

Resource Persons: Michael Stock, AICP, Senior Planner and Steven L. Medlin, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board receive the report on comments regarding the proposed Unified Development Ordinance text amendment.

8. Jordan Lake and Falls Lake Rules Update (30 min)

- 1) The Board is requested to receive this update on Durham County's efforts to comply with these two sets of watershed protection rules and give staff any direction they deem appropriate.
- 2) Nearly all of Durham County's land area is now subject to either the Falls Lake Rules (finalized in 2011) or the Jordan Lake Rules (finalized in 2009), both of which were designed to decrease the flow of the nutrients nitrogen and phosphorus to these two drinking water reservoirs. Compliance deadlines continue to approach and pass. Legislative action has also presented the possibility of delaying implementation of some parts of the Jordan Lake rules, though using this authority would present some negative implications for Durham County. Further legislative action in future sessions may also occur.
- 3) The purpose of this Worksession item is to update the County Commissioners on what County staff are already doing to keep Durham County in compliance with these rules, and also what the County needs to do or might consider doing in the future to stay in compliance but also to position ourselves appropriately in case future phases of these rules are revisited.

Resource Persons: Drew Cummings, Assistant County Manager; Eddie Culberson, Director, Soil and Water Conservation District; Glen Whisler, County Engineer; Nancy Wood, Environmental Health Division (Public Health)

County Manager's Recommendation: The County Manager recommends that the Board receive this update on Durham County's efforts to comply with these two sets of watershed protection rules and give staff any direction they deem appropriate.

9. Open Data/Government Introductory Presentation (30 min)

- 1) The Board is requested to participate in a presentation that will introduce the topic of Open Data/Government and how it relates to Goal 5: Accountable, Efficient and Visionary Government.
- 2) The County Information Services & Technology (IST) would like to present a PowerPoint presentation to the Board introducing them to Open Data and how it relates to Goal 5 in our strategic plan. Open data is data that can be freely used, reused and redistributed by anyone – subject only, at most, to the requirement to attribute and share alike. The presentation will cover three main points: what is open data/government, open data benefits and value, and our vision for an open data county/city partnership.

Resource Persons: Lee Worsley, Deputy County Manager; and Greg Marrow, IST Director/Chief Information Officer

County Manager's Recommendation: The County Manager recommends that the Board hears the presentation on Open Data/Government for educational purposes to ask questions and get more comfortable with the topic and vision being proposed.

10. Review of Recommended Changes to Proposed Youth Opportunity Initiative (15 min)

- 1) The Board of County Commissioners discussed the Youth Opportunity Initiative at its October 7th Worksession and appointed Commissioners Page and Reckhow to review the proposal with staff, and report back regarding their review and discussion thereof. A meeting was held on Monday, October 21, 2013 to review the initiative, and several revisions were made to address Commission questions from the October 7th Worksession.

Resource Persons: Michael D. Page, Commissioner; Ellen W. Reckhow, Commissioner; Ann Oshel, Director of Community Relations, Alliance Behavioral Healthcare; Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommends that the Board suspends its rules and approve the amended proposal.

11. Discussion of Urban Ministries Facility and Service Improvements (15 min)

- 1) The Board is requested to consider the information presented and, if they wish, request that the small capital project to install a sprinkler system and several Americans with Disabilities Act (ADA) required upgrades in the shelter.
- 2) FY13-14 approved funding for Urban Ministries of Durham (UMD) contains a base amount (\$164,440) which is the same amount Durham County has given UMD in the past for homeless services. It also includes an additional amount (\$65,000) in one-time funds to enable various upgrades that will make further service enhancements possible. The service enhancements represent important "one-stop shopping" and more intense case management for many of UMD's clients, including those who will be displaced from the Main Library when it is closed for renovations in FY14-15. When the Board approved this funding in June, they asked for UMD to come to a future Worksession to describe these facility and service improvements in greater detail.
- 2) The Board is also asked to discuss (and consider approving at a future regular session) a small capital project (approximately \$375,000) that will fund key safety and accessibility upgrades to the County-owned shelter building. Numerous accidental fires and an increasing number of disabled clients make these upgrades of the utmost importance. The upgrades also have the potential to increase UMD's revenues substantially through Veterans Administration shelter contracts, contracts which are only available to facilities which meet current fire code and ADA requirements.

Resource Persons: Drew Cummings, Assistant County Manager; Patrice Nelson, Executive Director (UMD); Susan Olive, Board Chair (UMD)

County Manager's Recommendation: The County Manager recommends that the Board receive and discuss the information presented and bring the capital project back for approval at the November 11, 2013 regular session.

12. Rules of Procedure for BOCC/Citizen Appointments (45 min)

- 1) The Board is requested to review and discuss suggested changes to the Rules of Procedure and the Citizen Appointment policy and give direction to staff regarding the recommendations.

Resource Persons: Kathy Everett-Perry, Assistant County Attorney; Michelle Parker-Evans, County Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board discuss the recommended changes and direct staff as needed.

13. Commissioners' Directives (10 min)

- 1) The Board is requested to review the previous month's directives for staff and make comments as necessary. This set of directives covers July, August, September and October of 2013.

Resource Persons: Michael Davis, Strategic Initiative Manager

County Manager's Recommendation: The County Manager recommends that the Board review the May BOCC directives and make comments to staff as necessary.

14. Closed Session

- 1) The Board is requested 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.

County Manager's Recommendation: The County Manager recommends that the Board go into Closed Session and give staff direction as appropriate.