

REVISED

(Addition—Announcement
Revisions—Agenda Item Nos. 5 and 10)

THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, April 14, 2008

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

“Public Charge”

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.

One Stop Early Voting begins on April 17 in Durham County in advance of the May 6 primary.

Sites include:

- Board of Elections Office at 706 W. Corporation Street
- North Regional Library at 221 Milton Road
- North Carolina Central University Campus: Parish Center
- Meeting Room, 1400 S. Alston Avenue (The former Holy Cross Catholic Church site)

Hours are from 9:00 a.m. until 5:30 p.m., Monday through Saturday. One Stop Voting ends at 1:00 p.m. on Saturday, May 3.

Contact the Board of Elections at 919-560-0700 for more information.

4. **Minutes**

5 min.

- a. March 5, 2007 Closed Session
- b. March 12, 2007 Closed Session
- c. March 29, 2007 Closed Session
- d. April 9, 2007 Closed Session
- e. April 23, 2007 Closed Session
- f. May 14, 2007 Closed Session
- g. June 11, 2007 Closed Session
- h. June 12, 2007 Closed Session
- i. June 25, 2007 Closed Session
- j. August 27, 2007 Closed Session
- k. October 8, 2007 Closed Session
- l. October 22, 2007 Closed Session
- m. November 26, 2007 Closed Session
- n. December 10, 2007 Closed Session
- o. February 4, 2008 Closed Session
- p. March 3, 2008 Worksession
- q. March 10, 2008 Regular Session
- r. March 24, 2008 Regular Session

5. **National County Government Week: Exemplary Volunteer Awards**

5 min.

National County Government Week, sponsored by the National Association of Counties, is an annual celebration of county government intended to raise public awareness and understanding about the roles and responsibilities of the nation's counties. In Durham County, more than 200 citizens work on appointed advisory boards and commissions to help the Board of County Commissioners conduct the public's business. These individuals donate hundreds of hours annually working on key issues such as environmental affairs, nursing home safety, planning, zoning issues, and more.

As we culminate National County Government Week, four citizens have been nominated by the Durham County Board of Commissioners as "Exemplary Volunteers."

Steve Toler. Mr. Toler has served as a dedicated member of the RDU Airport Authority for several years including a stint as its Chairman. Last fall, he was Co-Chair of the Bond Marketing Committee which directed the overwhelming voter approval of Durham County's \$207.1 **million** Bond Referendum, a role he reprised from 2003. He is also a member of the Superintendent's Business Council and serves in a variety of other volunteer capacities throughout the community.

George Brine. Mr. Brine is the Chair of the Planning Commission and also serves as the Planning Commission's representative on the Joint City-County Planning Committee. He is well respected and highly regarded throughout the community for his strong abilities in the planning arena and is always well prepared for all meetings.

Lao ~~Rupert~~ Rubert. Mrs. ~~Rupert~~ **Rubert** has been a member of the Criminal Justice Partnership Advisory Board since its inception in 1995 and has chaired the board twice. She is known as a visionary champion of community-based corrections across the state, and for her strong advocacy on behalf of the programs, bringing the voice of local programs to the Legislature.

Rev. Melvin Whitley. Rev. Whitley serves as a member of The Durham Center (Mental Health) Board and is also a member of the Crime Cabinet. He was recently named “Tarheel of the Week” by the *News and Observer* newspaper for his role as a courageous fighter for the East Durham community and his efforts to improve the quality of life for those without an effective voice.

County Manager’s Recommendation: The Manager’s recommendation is that the Board present certificates of appreciation to the 4 honorees in recognition of their outstanding service to the citizens of Durham County.

6. **Recognize Shivani Sud, “Junior Nobel Prize” Winner**

5 min.

Shivani Sud, a senior at Jordan High School, has won the highly prestigious Intel Science Talent Search, which is often referred to as the ‘junior Nobel Prize.’ With the noteworthy achievement comes a \$100,000 college scholarship.

She won first place for a bioinformatics and genomics project centered on determining which colon cancer patients would be at higher risk for recurrence, and the best treatment for them. In addition to her science studies in DPS, she has performed research at Duke University and the University of North Carolina at Chapel Hill.

Shivani is President of the Model United Nations team at Jordan High. She is also Senior Tri-speaker of the North Carolina Youth Legislative Assembly, Vice President of the Durham Youth Council, and a Davidson Fellow Laureate in Science. Shivani received the Siemens Advanced Placement Award in Math and Science and was a Siemens State Advanced Placement Scholar. Also, she was selected as a North Carolina Delegate to the U.S. Senate Youth Program.

Shivani was recently named a Morehead-Cain Scholar at the University of North Carolina at Chapel Hill and a Park Scholar at N.C. State University, both full scholarships and the most prestigious available at those respective institutions. In her “spare time,” Shivani is also a volunteer for the Durham Rescue Mission, and enjoys performing classical and modern Indian dance.

Resource Person(s): Commissioner Becky Heron

County Manager’s Recommendation: The Manager’s recommendation is that the Board congratulate Shivani Sud for her numerous outstanding achievements.

7. **NCACC Outstanding County Program Award for DSS Long-Term Care Website**

5 min.

The North Carolina Association of County Commissioners (NCACC) Outstanding County Program Awards was initiated in 1991 as a way to recognize innovative programs that other counties might want to emulate. The intent of the Outstanding County Program Awards is to recognize and share information with other counties about programs that involve a uniquely innovative process, solution, or idea to address a county or multi-jurisdictional issue and/or to prevent a future problem from developing.

Entries are judged for Innovation, Success, Effort/Difficulty, and Collaboration.

Durham County Social Services Long-Term Care Website is being recognized as a winning entry this year.

Resource Person(s): Todd McGee, Communications Director, NCACC

County Manager's Recommendation: The Manager's recommendation is that the Board receive the award from the North Carolina Association of County Commissioners for the DSS Long-Term Care Website

8. **Resolution in Support of Continuation of Criminal Justice Partnership Program Funding—Criminal Justice Resource Center**

5 min.

Since 1995, the NC Legislature has allocated funds annually to counties under the North Carolina State-County Criminal Justice Partnership Act administered through the Department of Correction, Division of Community Corrections. The Criminal Justice Partnership Program (CJPP) grant has been a vital part of the Criminal Justice Resource Center's annual budget and funds the department's 'Day Reporting Center' Program. In fiscal year 2007/2008, the CJPP allocation for Durham County was \$177,199; however, the 2007-08 state budget authorized only one year of non-recurring funds for the Criminal Justice Partnership Programs.

The Department of Correction was mandated to submit a continuation review to the General Assembly by April 1. The purpose of the continuation review is to assess whether the programs are meeting their defined objectives and adequately accomplishing their missions. Based on the results of the evaluation, the Legislature will decide in the 2008 Legislative Session whether to continue the \$9.1 million in funding to CJPP.

The Durham County Criminal Justice Resource Center's Day Reporting Center serves over 150 high risk offenders annually, providing well over 11,000 hours of service. The program participants either have been recently released from prison or are at the Center as an alternative to incarceration. While all had significant arrest records prior to program participation (average 22 arrests per person), 80% of those who completed the program did not have any arrests in the year following program participation.

The loss of CJPP funding will have a significant impact on the operation of the Criminal Justice Resource Center and will lead to the termination of its Day Reporting Center Program.

Resource Person(s): Gudrun Parmer, Director, Criminal Justice Resource Center

County Manager's Recommendation: The Manager recommends that the Board approve the Resolution in support of continuation of Criminal Justice Partnership Program Funding.

9. **Resolution in Support of Continuation of Juvenile Crime Prevention Council Funding**

5 min.

The Senate budget has removed DJJDP community programs funds from the continuation budget and placed in the expansion budget. This means that starting July 1, 2008 local programs cannot anticipate receiving continuation funds for the FY 2008-2009. With uncertainty about funding, programs may have to shut down operations.

The Board is requested to offer support on behalf of Durham's JCPC by signing the resolution that states they strongly endorse full reinstatement of funding for JCPC programs to the continuation budget; the allocation of additional funds to support legislative mandates to protect the community; and provide a juvenile justice continuum at the local level. JCPCs across the State of NC are compiling pertinent information for the North Carolina Legislators to review the effectiveness and the need for program providers. The information will be sent directly to them before they convene in May 2008.

Resource Person(s): Delphine Sellars, County Extension Director; Angela Nunn, JCPC Chair; and Karen K. Thompson, JCPC Treasurer

County Manager's Recommendation: The Manager recommends that the Board approve the Resolution in Support of Continuation of Juvenile Crime Prevention Council Funding.

10. **Proclamation for 2008 Durham County Family Unity Week**

5 min.

The week of September 15-21, 2008 has been declared Durham County Family Unity Week. The families of the **Durham Stagville** Community will gather to recognize contributions made by Stagville Descendants Council, Cameron Grove Baptist Church, and the community of Durham, North Carolina.

Events will take place during the specified week of celebration.

County Manager's Recommendation: Approve the proclamation and present to Mr. Ricky Hart.

11. **Proclamation Declaring April 13 – 19, 2008 as Week of the Young Child**

5 min.

Durham's Partnership for Children, a Smart Start Initiative, asks Durham County to come together during the Week of the Young Child (April 13-19, 2008). As part of the national Week of the Young Child celebrated across the country sponsored by the National Association for the Education of Young Children (NAEYC), Durham County is honoring young children and all those who make a difference in children's lives.

All young children need and deserve high-quality early learning experiences that will prepare them for life, and Durham County has a great opportunity to do its part to help young children. Week of the Young Child is time to recognize the importance of early learning for all young children, and to bring Durham County together to help give all young children a smart start.

Young children and their families depend on high-quality education and care, which help children get a smart start, and bring lasting benefits to Durham. Week of the Young Child is a time to recognize the importance of early learning and early literacy, and to celebrate the teachers and policies that bring early childhood education to young children.

Resource Person(s): Marsha Basloe, Executive Director, Durham's Partnership for Children

County Manager's Recommendation: The Manager recommends that the Board approve the Proclamation declaring April 13 – 19, 2008 as Week of the Young Child to honor young children and all those who make a difference in children's lives.

12. **Consent Agenda**

20 min.

- a. Receive the Annual Report of the Durham City-County Appearance Commission;
- b. Offer to Purchase County Surplus Properties (2230 N. Oak Ridge Boulevard, 1750 & 1756 Ruffin Street, 1908 Essex Road, 1200 Grant Street, and 1101 Hazel Street) (pursue the upset bid process; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- c. Ambulance Franchise Renewals (accept the three-year ambulance franchise renewal request, and schedule the request for the second and final approval on April 28, 2008);
- d. Capital Project Amendment No: 08CPA000016—Appropriation of County Contribution Capital Projects Fund Balance (\$58,118.68) and Movement of Various Unspent Capital Project Funds to Two Existing Projects (the Agricultural Building Project [DC068] and the East Regional Library Project [DC077]) and the Closing of Two Existing Projects (CJRC Project [DC082] and Judicial Building Renovations [DC067]), and the reduction of one project budget (EMS Relocation of Lincoln [DC069]);
- e. Capital Projects Amendment No. 08CPA000018—Appropriation of \$1,402,923 in grant funds to the Open Space and Farmland Capitol Project (DC083) for a total project budget of \$7,957,755; revision to the 2007 Federal Farm and Ranchlands

- Protection (FRPP) Grant Cooperative Agreement to add an additional \$732,554 to the existing amended 2007 Cooperative Agreement; and authorization of an interfund loan from the General fund to the capital project until the federal Farm and Ranchlands Protection Program (FRPP) reimbursement funds are received;
- f. Budget Ordinance Amendment No. 08BCC000067—Supplement to 2007 Emergency Management Performance Grant (EMPG) (recognize \$18,127 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management);
 - g. Approval of Right-Of-Way Agreement with Duke Energy Carolinas, LLC (DEC) for Durham County Animal Control Offices project located at 3105 Glenn Road, Durham, North Carolina 27704 (authorize the Manager to enter into the agreement);
 - h. Approval of the Interlocal Agreement with City of Durham Regarding Sales Tax Distribution;
 - i. Capital Project Amendment No. 08CPA000019—Appropriate \$29,272,390 in 2008 Issued (2003 Voter Approved) General Obligation Bonds to Various Durham Public Schools Capital Projects;
 - j. American Tobacco East Parking Deck—Architectural Façade Treatments (approve the banner design subject to review by the Appearance Commission);
 - k. Annual Contract Performance: Downtown Durham, Inc.;
 - l. Annual Contract Performance—Greater Durham Chamber of Commerce;
 - m. Budget Ordinance Amendment No. 08BCC000068—Reversal of Advancement of \$9,203,550 in General Fund Fund Balance for the Durham County Memorial Stadium Renovations Project (DC092) and Ten Durham Public School Projects;
 - n. Utilities Ordinance Amendment (approve the ordinance amending Chapter 26 of the Durham Code of Ordinances, entitled Utilities);
 - o. Durham Center for Senior Life (approve the request to modify the kitchen);
 - p. Durham Public School Projects (accept the deeds conveying the ten school parcels and approve the Design Consultant contracts for the ten school projects as described and authorize the County Manager to execute the Design Consultant agreements); and
 - q. Capital Project Amendment No. 08CPA000020—Appropriate \$12,000,000 in 2008 Issued Two-Thirds General Obligation Bonds to Six Capital Projects.

13. **Public Hearing to Receive Citizen Comments on the Draft FY 08-09 Annual Action Plan**

15 min.

The Citizen Participation Plan contained in the adopted 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on housing and community development needs; the public hearing was held on January 28, 2008. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds.

As an entitlement city, Durham has been the recipient of CDBG funds since 1975 and HOME Consortium funds since 1992. CDBG funds have primarily been used for housing activities, public services, code enforcement and public infrastructure. HOME

Consortium funds have been used for affordable housing activities as required by HOME program regulations. Durham has also been a recipient of Emergency Shelter Grant (ESG) funds from HUD, which have been used to provide assistance to individuals and households who are homeless or at risk of becoming homeless.

The Annual Action Plan is Durham's application to the U.S. Department of Housing and Urban Development for the upcoming fiscal year's funding and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2005-2010 Five Year Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15th. It is DCD's intent to ask Commissioners to approve the Annual Action Plan at the Board of County Commissioner's meeting on April 28, 2008.

Mike Barros, Director of the City of Durham Department of Community Development has reviewed this request and recommends that the Board of County Commissioners hold a public hearing on April 14, 2008 to receive comments on the draft FY 2008-2009 Annual Action Plan. Mr. Barros and/or Associate Director Larry Jarvis will attend the meeting to answer questions.

Resource Person(s): Mike Barros and Larry Jarvis

County Manager's Recommendation: Hold a public hearing on April 14, 2008 to receive citizen comments on the draft 2008-2009 Annual Action Plan.

14. **Public Hearing—Zoning Map Change—Northern Durham Freeway at I-85 (Z07-48)**

15 min.

To approve a request for a zoning map change for a 76.484-acre site located on the south side of Redwood Road, east of Tom Clark Road and north of I-85.

Request: Industrial Light (IL) to Residential Rural (RR); Falls/Jordan-A Watershed Area (F/J-A)

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval, 7-4 on February 12, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director and Gail Sherron, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

15. Left Blank Intentionally

16. **Appointments to the Durham-Wake Counties Research and Production Service District**

5 min.

The Commissioners are requested to make appointments to the Durham-Wake Counties Research and Production Service District.

Resource Person(s): Vonda Sessoms, Clerk to the Board

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners vote to appoint members to the district.

17. **Closed Session**

25 min.

The Board is requested to adjourn to Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

2¼ hrs.