

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

Monday, October 26, 2009

7:00 P.M. Regular Session

**MINUTES**

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

**Opening of Regular Session**

Chairman Page announced that the Board met in Closed Session at 5:30 p.m. to consider the initial appointment of a public officer pursuant to G.S. § 143-318.11(a)(6); directives were given to staff; no action was taken.

Chairman Page welcomed everyone to the October 26, 2009 Regular Session. He requested that persons rise for the Pledge of Allegiance to the Flag.

**Agenda Adjustments**

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to excuse Commissioner Howerton from the November 9 and November 23, 2009 Regular Sessions.

The motion carried unanimously.

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Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to excuse Commissioner Heron from the November 23, 2009 Regular Session.

The motion carried unanimously.

Chairman Page noted that if he, Commissioner Bowser, or Vice-Chairman Reckhow had any scheduling conflicts with the November 23 meeting, then the meeting must be cancelled due to the lack of a quorum.

## **Announcements**

Chairman Page made the following announcements:

- “In Touch with Durham County”, the Durham County television show, airs on Cable TV channel 8 at 8:00 a.m. and 12 noon daily, 5:00 p.m. on Mondays, and 6:00 p.m. Tuesday – Saturday.
- The final event for *Durham Reads Together 2009* will be held on Sunday, November 1, from 3:00 to 4:30 p.m. Dr. Paul Austin, Durham resident and author of Something for the Pain, will discuss the process of writing his book, sign copies, and answer questions. The event will be held at the Doris Duke Center at Sarah P. Duke Gardens, 426 Anderson Street.

Vice-Chairman Reckhow recapped that the Animal Protection Society (APS) of Durham held its 40<sup>th</sup> anniversary reception on October 25, 2009, where Commissioner Heron received the Lifetime Achievement Award. She added that the award was an appropriate way to recognize Commissioner Heron for her hard work with APS over the years.

Chairman Page congratulated Commissioner Heron on her award and thanked her for the hard work and advocacy with APS.

Commissioner Heron received applause from the audience.

Chairman Page welcomed Boy Scout Troop #46 (Mawat District—Occoneechee Council), led by Joseph Kilsheimer, Mark Lee, and Tim Hill, to the meeting. The scouts attended the meeting as a requirement to earn the Citizenship in the Community Merit Badge. Chairman Page asked the Troop to stand and be recognized. He enlightened the public on the Troop and its responsibilities.

The audience applauded the Troop.

## **Minutes**

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve as submitted the September 28, 2009 Regular Session Minutes of the Board.

The motion carried unanimously.

## **Presentation of the Commissioners Community Circle Award**

Chairman Page stated that the Commissioners Community Circle Award is designed as a way to recognize County departments and community organizations and programs for the extraordinary services they provide to Durham’s citizens. He announced that New Beginnings Outreach Community Development Corporation (CDC), aimed at guiding ex-offenders through the

transition process from incarceration, is the recipient of the October 2009 Commissioners Community Circle Award.

Chairman Page made the following comments regarding New Beginnings Outreach Community Development Corporation:

“The Commissioners Community Circle Award enables our Board to give special recognition to community organizations and County departments that have promoted positive change in the community. This evening, the New Beginnings Outreach Community Development Corporation has been selected to receive this award, as they have gone above and beyond to service citizens of Durham.

The recipient of tonight’s award was established to be a “Bridge of Hope”, to empower low- to mid-income families and ex-offenders. Offering valuable life skills training, New Beginnings has helped to build up leaders in our community—helping these individuals to realize their dreams, secure housing and employment, and overcome any roadblocks hindering their success.

Empowering participants, the focus areas of New Beginnings’ program are entrepreneurship training, construction and trade apprenticeship, community outreach, and neighborhood revitalization. Of the many reasons this organization is award-worthy is their current transitional housing project called the Nehemiah House. Currently, the Nehemiah House is being refurbished and will serve as a safe haven and an environment conducive to learning for residents. Recently, our very own Commissioner Howerton had an opportunity to tour highlighted features of the “green”/environmentally-friendly home. New Beginnings Outreach Community Development Corporation, the BOCC applauds your community outreach efforts and ongoing activities to improve the lives of our citizens.

Rev. Phillip Jackson, Founder and Interim Executive Director of New Beginnings Outreach Community Development Corporation, joins us tonight to receive the Commissioners Community Circle Award.”

Rev. Jackson introduced New Beginnings representatives who were present. He elaborated on New Beginnings’ initiatives and programs.

A New Beginnings participant spoke as an advocate for the organization, providing first-hand accounts with the organization.

Commissioner Howerton referenced her prior meeting with Rev. Jackson and several participants and commended the participants for the progress they made to transform their lives. She also acknowledged Victoria Peterson for her great work in the community.

Vice-Chairman Reckhow stated that after reading the supplemental material attached to this agenda item, she was very impressed with the work New Beginnings CDC performs in the community. Vice-Chairman Reckhow mentioned that she was unaware of New Beginnings;

therefore, she thanked Commissioner Howerton for bringing the organization to the Board's attention. She expressed appreciation to New Beginnings for its diligent work.

Commissioner Bowser thanked New Beginnings for allowing him to obtain background information on its organization. He echoed the Commissioners' previous sentiments regarding New Beginnings. Commissioner Bowser stated his appreciation for the participant who shared his testimony.

Chairman Page utterly thanked New Beginnings for its ongoing work in the community. He also extended thanks to the participant for sharing his testimony.

Rev. Jackson addressed comments by Commissioner Bowser and Vice-Chairman Reckhow about their being unaware of New Beginnings' existence. He stated that it was New Beginnings' intention to be self-sustained as a nonprofit organization.

Chairman Page presented the award to Rev. Jackson.

**Recognition of Nutritionist Lee Lichtenwalter, Winner of the 2009 GlaxoSmithKline Public Health Staff Recognition Award**

Chairman Page recognized Lee Lichtenwalter, MPH, RD, LDN, of the Nutrition Division, as a winner of the 2009 GlaxoSmithKline (GSK) Child Health Recognition Award.

Gayle B. Harris, Health Director, stated that Ms. Lichtenwalter received the award for providing over 20 years of outstanding nutrition care, client advocacy, and provider education related to infants and young children.

Becky Freeman, Nutrition Director, Public Health, articulated that Ms. Lichtenwalter works consistently, tirelessly, and effectively in providing both direct client care and educating others to help ensure that the younger residents of Durham County achieve better health. Ms. Lichtenwalter provides extensive consultations to others that results in more coordinated patient care and positive health outcomes. She is a valuable asset and resource to Durham County as well as to other counties and state entities on best practices for early childhood nutrition. Public Health Staff Recognition Awards are given to employees or retirees of local health departments in recognition of outstanding service in preventive health activities in their local communities.

Ms. Lichtenwalter thanked the Board for recognizing her as a recipient of the 2009 GSK Public Health Staff Recognition Award. She further thanked the following corporation and Public Health staff: GlaxoSmithKline; Michelle Easterling, Nutrition Program Manager; Cheryl Kegg, Nursing Supervisor; Becky Freeman; Gayle Harris; and Sue Guptill, Nursing Director. Ms. Lichtenwalter remarked on her work and experience in Public Health working with infants and young children.

Chairman Page congratulated Ms. Lichtenwalter and presented her with the plaque. He asked Ms. Lichtenwalter's friends who were present to stand and be recognized.

**Adoption Month Proclamation**

Chairman Page read the following proclamation into the record to recognize November as National Adoption Awareness Month:

PROCLAMATION

WHEREAS, the County of Durham recognizes the importance of giving children in foster care permanent, safe and loving families through adoption; and

WHEREAS, every child deserves the chance to grow up in a loving, stable family; and

WHEREAS, children of all ages need adoptive homes. Forty percent are five and under (few are infants), another 40 percent are between six and twelve years, and 20 percent are between 13 and 18 years. Many of them are siblings and need to be placed together; and

WHEREAS, more than 130,000 children in the United States foster care system are waiting to be adopted; and

WHEREAS, more than 10,500 children in North Carolina are waiting for permanent families; and

WHEREAS, more than 221 children in Durham County, NC are in foster care, and of that number, 20 are legally free for adoption but are not currently in an adoptive placement and are waiting for permanent families; and

WHEREAS, this effort, along with similar celebrations in all 50 states around the country, will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim November 2009, as

“ADOPTION AWARENESS MONTH”.

I commend this observance to our citizens and urge all citizens to join in raising awareness on behalf of the 20 children in Durham County who are waiting for a loving family. I further encourage communities, businesses, schools, faith-based organizations, and families to “answer the call” and honor the special needs of Durham County’s children in hopes of securing a permanent, loving family for each and every child regardless of race, age, gender, healthy, emotional or behavioral condition, and past distress.

This the 26<sup>th</sup> day of October, 2009.

/s/ Michael D. Page, Chairman

Jovetta Whitfield, Child Placement and Supportive Services Program Manager, thanked the Board for the proclamation.

Janice Williams, Adoption Supervisor, highlighted the events to occur during November to celebrate Adoption Month.

Gerri Robinson, Director of DSS, spoke of her experience as an adoptive parent and encouraged citizens to give thought to becoming a foster or adoptive parent as well.

Chairman Page suggested filming an "In Touch with Durham County" segment on foster care and adoption.

Commissioner Heron thanked the Adoption staff for their hard work.

Commissioner Bowser reiterated Ms. Robinson's comment encouraging citizens to become involved in foster care and adoption. He thanked staff for a job well done.

Chairman Page recognized signed speaker Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, for comments.

Chairman Page and Commissioner Bowser assured Ms. Peterson that her suggestion for a housing program to accommodate young adults who age out of foster care would be taken into consideration.

Chairman Page requested that Ms. Robinson research model programs similar to Ms. Peterson's idea and bring back a report to the Board.

Ms. Robinson, Ms. Whitfield, and Ms. Williams accepted the proclamation from Chairman Page.

Commissioner Bowser thanked Toni Pedroza, Assistant Director, DSS, for her involvement with the Computers 4 Kids program, which assisted in placing computers in homes of foster children.

Chairman Page extended appreciation to Montina Swift, Social Work Supervisor, and Sandra Reddish, Social Worker, for their contributions to the success of the program.

Commissioner Howerton referenced a newspaper article that discussed the trend of school dropouts, ages 16-24, who end up incarcerated. She spoke in support of Ms. Peterson's comments in relation to offering additional assistance to youth who age out of foster care.

### **Consent Agenda**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda item:

- \*a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for September 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \*b. Budget Ordinance 10BCC000024—Recognize Grant Funding from the GlaxoSmithKline Foundation for the Incredible Years Baby and Parents Curriculum (approve Budget Ordinance Amendment No. 10BCC000024 to recognize \$53,532 in funding for FY2010 from GSK to support the expansion of the Incredible Years parenting curriculum in East Durham communities);
- \*c. Approve Budget Ordinance Amendment 10BCC000025—Department of Social Services to recognize Additional Revenue in the amount of \$151,639;
- \*d. Approve Budget Ordinance Amendment No. 10BCC000026—Public Health to recognize Grant Funds from the NC Department of Health and Human Services in the Amount of \$7,000 for the Immunization Clinic;
- \*f. Budget Ordinance Amendment No. 10BCC000028—Appropriate Reserved Funds for the Tax Department, Sheriff's Office, Fire Marshall, Cooperative Extension, DSS, Library, and Mental Health (approve Budget Ordinance Amendment No. 10BCC000028 to appropriate reserved fund balance [e.g., previously classified in prior years as deferred revenue] in the amount \$2,269,370.39);
- \*g. Approve Budget Ordinance Amendment No. 10BCC000029 to appropriate Remaining Reimbursable Grant Funds for Cooperative Extension's Strong Couples Strong Children Grant in the Amount of \$19,421;
- h. Accept the 2008-09 Annual Report for the Durham Board of Adjustment;
- i. Consent to Access Property (approve the Off-site Property Access Consent form and authorize the Manager to sign the consent form); and
- \*j. Interlocal Agreement with Durham Public Schools regarding the Scott King Road School Property (approve the Interlocal Agreement with the Durham Public Schools regarding the Scott King Road Property and authorize the Manager to execute said agreement).

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for September 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of September 2009.

Releases & Refunds for 2008 Taxes:

Real Estate	\$399,519.53
Personal	\$ 486,825.46
Motor Vehicles	\$ 34,948.85
Vehicle Fees	\$ 740.00
Solid Waste	\$ 450.00
Total for 2008 Taxes and Fees	\$922,483.84

Prior years' (2002-2008) releases and refunds for September 2009 are in the amount of \$51,501.17. The total current year and prior years' releases and refunds amount to \$973,985.01.

(Recorded in Appendix A in the Permanent Supplement of the October 26, 2009 Regular Session Minutes of the Board.)

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Consent Agenda Item No. b. Budget Ordinance 10BCC000024—Recognize Grant Funding from the GlaxoSmithKline Foundation for the Incredible Years Baby and Parents Curriculum (approve Budget Ordinance Amendment No. 10BCC000024 to recognize \$53,532 in funding for FY2010 from GSK to support the expansion of the Incredible Years parenting curriculum in East Durham communities).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2009-10 Budget Ordinance  
 Amendment No. 10BCC000024

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$445,555,217	\$53,532	\$445,608,749

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$5,348,009	\$53,532	\$5,401,541

All ordinances and portions of ordinances in conflict herewith are hereby repealed.



This the 26<sup>th</sup> day of October, 2009.

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Consent Agenda Item No. c. Approve Budget Ordinance Amendment 10BCC000025—  
Department of Social Services to recognize Additional Revenue in the amount of \$151,639.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000025

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the  
FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$445,608,749	\$151,639	\$445,760,388

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$481,443,797	\$151,639	\$481,595,436

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26<sup>th</sup> day of October, 2009.

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Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 10BCC000026—  
Public Health to recognize Grant Funds from the NC Department of Health and Human Services  
in the Amount of \$7,000 for the Immunization Clinic.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000026

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the  
FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$445,760,388	\$7,000	\$445,767,388

Expenditures:

Function

GENERAL FUND

Human Services	\$481,595,436	\$7,000	\$481,602,436
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26<sup>th</sup> day of October, 2009.

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Consent Agenda Item No. f. Budget Ordinance Amendment No. 10BCC000028—Appropriate Reserved Funds for the Tax Department, Sheriff’s Office, Fire Marshall, Cooperative Extension, DSS, Library, and Mental Health (approve Budget Ordinance Amendment No. 10BCC000028 to appropriate reserved fund balance [e.g., previously classified in prior years as deferred revenue] in the amount \$2,269,370.39).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2009-10 Budget Ordinance  
 Amendment No. 10BCC000028

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$13,629,243	\$2,269,370	\$15,898,613

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$62,270,805	\$290,917	\$62,561,722
Public Safety	\$44,014,800	\$721,489	\$44,736,289
Economic and Physical Development	\$5,464,041	\$18,790	\$5,482,831
Human Services	\$481,602,436	\$1,213,852	\$482,816,288
Cultural and Recreation	\$10,588,573	\$24,322	\$10,612,895

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26<sup>th</sup> day of October, 2009.

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Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 10BCC000029 to appropriate Remaining Reimbursable Grant Funds for Cooperative Extension’s Strong Couples Strong Children Grant in the Amount of \$19,421.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000029

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$445,829,888	\$19,421	\$445,849,309

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$5,482,831	\$19,421	\$5,502,252

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26<sup>th</sup> day of October, 2009.

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Consent Agenda Item No. j. Interlocal Agreement with Durham Public Schools regarding the Scott King Road School Property (approve the Interlocal Agreement with the Durham Public Schools regarding the Scott King Road Property and authorize the Manager to execute said agreement).

STATE OF NORTH CAROLINA

INTERLOCAL AGREEMENT

COUNTY OF DURHAM  
Property

Regarding the Scott King Rd. School

THIS AGREEMENT, made this 26<sup>th</sup> day of October 2009, by and between the COUNTY OF DURHAM, a body politic and corporate of the State of North Carolina (hereinafter sometimes referred to as the "County") and the DURHAM PUBLIC SCHOOLS, a school administrative unit of North Carolina (hereinafter sometimes referred to as "Schools").

WITNESSETH:

WHEREAS, N.C.G.S. § 115C-426 requires that the Board of County Commissioners approve the purchase price of any school site to be acquired by the Schools; and

WHEREAS, on May 11, 2009 the Board of County Commissioners approved the purchase price of multiple parcels in Southern Durham to provide a site for future schools

Elementary School “C” and/or Middle School “A” as identified in Durham Public School’s Long Range Facilities Plan; and

WHEREAS, the purchase price is \$2,935,000 for six contiguous parcels totaling approximately 47 acres; and

WHEREAS, funding for the site will be provided by 2003 Bond funds and two-thirds bonds previously designated for land acquisition; and

WHEREAS, as a condition of said approval, the Board of Commissioners requested that the Schools enter into an agreement with the County setting forth their agreement to restrict aspects of the development of the property.

NOW, THEREFORE, the parties hereto hereby agree as follows:

A. The Board of Education agrees to develop the property acquired on Scott King Road for the construction of either Elementary School “C” or Middle School “A” as identified in Durham Public Schools Long Range Facilities Plan in the manner consistent with the following:

1. No more than one school will be constructed on this site. The Schools will make a good faith effort to reduce the footprint of the school.

2. The school should be placed on the north central and northwestern section of the site, and the land south of the power line easement will be left undisturbed by reducing the number of ball fields to one.

3. 100 foot undisturbed buffers will be created adjacent to Army Corps of Engineers/NC Game land property.

4. 100 foot stream buffers will be created along the Northeast Creek.

5. The far western portion of the tract that extends south into Army Corps of Engineers/NC Game Lands property will remain undisturbed.

6. The water/sewer pipes will be sized only to accommodate a school.

7. The Schools agree to seek input from surrounding stakeholders regarding the design for the school site and facility. However, except as specifically stated herein, the Schools shall have the sole authority to approve the design of the school and facility. The Schools shall also have sole discretion regarding the award of all contracts regarding the design and construction of the school site and facility.

B. The Superintendent shall designate persons to carry out the obligations of the Schools under this Agreement and the County Manger shall designate persons to carry out the obligations of the County under this Agreement.

C. The Schools shall be the record owner of the school site and shall hold title in fee simple.

D. This Interlocal Agreement shall terminate once the school and its facilities have been constructed on the school site or upon mutual written consent of both parties.

E. This Interlocal Agreement may be amended only in writing by the mutual consent of both parties.

IN WITNESS WHEREOF, the County of Durham and the Durham Public Schools have caused this Interlocal Agreement to be executed as of the date and year first above written.

### **Consent Agenda Item Removed for Discussion**

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 10BCC000027—Cooperative Extension to recognize \$62,500 in Funding for FY 2010 from the Durham Juvenile Crime Prevention Council to support Project B.U.I.L.D., Durham County's Gang Prevention and Intervention Initiative.

Chairman Page pulled this item to allow signed speakers to comment.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, requested a report that breaks down how the funds would be used and to track the progress of organizations that receive the funds.

Delphine Sellars, County Extension Director, explained how the \$62,500 would be distributed.

Vice-Chairman Reckhow asked staff to create a mechanism (i.e. Excel spreadsheet) to track the performance of nonprofits that receive grants from the County and County organizations that receive grants, which could be posted on the County's website.

Ms. Sellars noted that performances of all services provided by Cooperative Extension are tracked.

Chairman Page suggested that Dr. Kedrick Lowery, Project B.U.I.L.D. Coordinator, provide a complete report on the Project B.U.I.L.D. at a future Board of County Commissioners Worksession.

Dr. Lowery gave a brief report on Project B.U.I.L.D.

County Manager Mike Ruffin mentioned that grants and services are often tracked; staff would gather and compile the information and convert into a single format to share with the Board.

Commissioner Heron inquired about the \$62,500 tying into funding Juvenile Crime Prevention Council (JCPC) receives annually. She emphasized the importance of accountability.

County Manager Ruffin responded to a question posed by Commissioner Howerton, stating that Drew Cummings, Assistant County Manager for Special Projects, had been working on better performance measurement amongst nonprofits. He added that entities that award grants to the

County had been requesting tracking and performance data more frequently. Once the data is compiled, it would be presented to the Board during FY10-11 budget deliberations.

Tim Hill, 6002 Lacebark Lane, Durham 27713, inquired about the type of grant.

Ms. Sellars responded that the grant is a two-year grant. She stated that near the end of the two-year period, additional funding would be sought to continue funding the staff. The department is accustomed to seeking additional funding for staff and has been successful in the past.

Ms. Sellars addressed Ms. Peterson's question regarding how one finds out about grant funding availability.

Commissioner Bowser inquired about the number of recipients to receive the grant funds. He also asked Ms. Sellars to elaborate on the services provided by Project B.U.I.L.D.

In response to Commissioner Bowser and Chairman Page's question, Ms. Sellars responded that JCPC grants are open to community organizations.

Chairman Page suggested contacting Gudrun Parmer, Director, Criminal Justice Resource Center, to find out the process for community organizations and nonprofits that target gang issues to apply for JCPC funding.

Commissioner Heron explained the process JCPC undergoes to award funding. She stated that organizations would apply for the funding, describing the services they provide. The Juvenile Crime Prevention Council then interviews the applicants and decides how the funding would be distributed.

Ms. Sellars noted that JCPC funding is advertised in the newspaper.

County Manager Ruffin informed the Board that he would contact Ms. Parmer for further clarification of how JCPC funding is advertised; he would relay the information to the Board and Ms. Peterson.

Chairman Page stressed that many community organizations and nonprofits in Durham tackle gang-related issues and would like the opportunity to apply for funding.

Commissioner Bowser inquired about the County Manager's office advertising grant proposals.

County Manager Ruffin explained that the grants are not within his jurisdiction; therefore, his office would not be able to advertise the grants.

Commissioner Bowser expressed disagreement with the County Manager as the grants have a connection to the County and must be approved by the Board.

Chairman Page reiterated Ms. Sellars' response that Cooperative Extension researches online for potential grants, which can be done by any group or organization.

Commissioner Heron stressed the importance of coordinating services.

Chairman Page praised Ms. Sellars and Dr. Lowery for doing a phenomenal job with addressing gang issues.

Commissioner Howerton applauded Ms. Sellars for finding a way to communicate with the community.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. e.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000027

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$445,767,388	\$62,500	\$445,829,888

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Economic and Physical Development	\$5,401,541	\$62,500	\$5,464,041

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26<sup>th</sup> day of October, 2009.

**Public Hearing—Plan Amendment—Evaluation and Assessment Report (A0900005)**

Joseph Carley, AICP, Planner, requested that the Board conduct a public hearing on a plan amendment for the Evaluation and Assessment Report (A0900005) and to rectify the Future Land Use Map of the *Durham Comprehensive Plan* by approving the map changes that the City Council adopted in 2008, and adopt the proposed changes to policies in the *Durham Comprehensive Plan*. Mr. Carley stated that the City-County Planning Department recommended approval. The Durham Planning Commission voted 13-0 to recommend approval on September 15, 2009, based on information provided in the staff report.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, he closed the public hearing and referred the matter back to staff.

Commissioner Bowser moved, seconded by Commissioner Howerton, to approve Plan Amendment—Evaluation and Assessment Report (A0900005).

The motion carried unanimously.

BOARD OF COMMISSIONERS RESOLUTION  
AMENDING DURHAM COMPREHENSIVE PLAN  
Evaluation and Assessment Report Amendments (A0900005)

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the policies of the *Durham Comprehensive Plan* provide for an annual Evaluation and Assessment Report to report on progress in implementing the Plan, the Durham County Board of Commissioners has considered that report, and has directed that changes be made in Plan policies;

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the *Durham Comprehensive Plan* be amended in accordance with the proposed changes to policies listed in the staff report.

SECTION 2

That the Future Land Use map of the *Durham Comprehensive Plan* be rectified by approving the following plan amendments, as shown on the attached maps:

A07-09 TW Alexander Properties,  
A0800002 Eno Drive at Denfield Street,  
A0800004, 2900 South Miami Boulevard

SECTION 3

This change shall become effective upon the adoption of this resolution.

This 26th day of October, 2009.



**Public Hearing—Unified Development Ordinance (UDO) Text Change—Historic Landmark Criteria (TC0900006)**

Lisa Miller, Planner; and Julia Mullen, Planner, requested that the Board receive public comments on Text Change—Historic Landmark Criteria (TC0900006) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits.

Ms. Miller reported that at the end of 2008, staff advised the Joint City-County Planning Committee (JCCPC) of deficiencies in the processing of past Historic Landmark applications and proposed plans to address those issues. A major concern identified was the lack of clarity in the UDO criteria for landmark designation. The Historic Preservation Commission (HPC) developed a temporary policy in February of this year for applying the UDO criteria to ensure that the public was given clarity on the criteria for processing the 2009 applications. That policy was intended to serve as an interim measure until the UDO criteria could be assessed more fully, and a text amendment adopted. Staff then worked with the HPC to create a proposed text amendment that addresses the concerns raised last year. The proposal draws directly from the temporary policy that the HPC adopted. At its June 3, 2009 meeting, the JCCPC voted unanimously to initiate the text amendment. Formatting changes suggested by the JCCPC were incorporated into the draft text. The Planning Commission held a public hearing on this item on August 11, 2009, and voted unanimously to recommend approval.

Ms. Miller responded to Commissioner Heron's question, stating that there is no limit to the number of landmarks that can be declared historic.

Steve Medlin, AICP, Planning Director, added that the City of Durham raised similar concerns in regards to the number of landmarks that can be declared historic. He stated that the City requested that Planning staff re-examine the criteria to make it more selective.

Commissioner Heron spoke to the impact such designations would have on City and County taxes.

Vice-Chairman Reckhow recommended working with the North Carolina Association of County Commissioners and legal municipalities to consider possibly changing the formula. She also suggested conducting a cost-benefit analysis.

Mr. Medlin stated that Planning staff is in agreement with the Commissioners' comments. He noted that staff would re-evaluate and present a report at a future JCCPC meeting.

Commissioner Heron asked Mr. Medlin when the report would be presented to the JCCPC.

Mr. Medlin replied that he could not provide a definitive date; however, a report would be forthcoming at the beginning of next year.

County Manager Ruffin responded to Commissioner Howerton, stating that staff would evaluate and assess the program and provide an update to the Board, City Council, JCCPC, and the HPC.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, he closed the public hearing and referred the matter back to staff.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Unified Development Ordinance (UDO) Text Change—Historic Landmark Criteria (TC0900006)

The motion carried unanimously.

AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT  
ORDINANCE REGULATING HISTORIC LANDMARK CRITERIA

WHEREAS, the Durham County Board of Commissioners wishes to amend a certain provision regarding historic landmark criteria in the Unified Development Ordinance; and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO promote the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 3, Applications and Permits, is amended to make the following changes:

SECTION 1

Modify Section 3.17, Historic District or Landmark Designation, paragraph 3.17.4, Designation of an Historic Landmark, paragraph A, Criteria for Designation, as set forth in the strikeouts and underlining below.

Sec. 3.17 Historic District or Landmark Designation

3.17.4 Designation of an Historic Landmark

A. Criteria for Designation

1. A building, structure, site, area or object may be considered for designation as an historic landmark only if all of the following three criteria are met:

a. The property must not currently be undergoing renovation unless it has been approved for state or federal tax credits in accordance with the Secretary of Interior Standards.

b. The HPC must deem and find that the building, structure, site, area, or object meets at least one of the three following criteria:

- (1) Individual listing on the National Register of Historic Places or on the Study List;
  - (2) Statewide Significance status granted by the State Historic Preservation Office;
  - (3) Integrity of location, design, setting, materials, and workmanship, feeling and association on the whole, and:
    - (a) Is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history; or
    - (b) Is associated with the lives of persons significant in local, regional, national history; or
    - (c) Embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values (i.e., the architecture alone is significant in its own right); or
    - (d) Has yielded, or may be likely to yield, information important to Durham's history or prehistory.
- c. The governing body must deem and find that the property possesses distinction within the context or period of significance.

*Commentary: A building, structure, site, area or object whose components lack individual distinction may still be considered a landmark if the whole is significant.*

2. A property shall be designated as a historic landmark only with the consent of the property owner or owners.

[Paragraphs B-G are omitted.]

#### SECTION 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

#### SECTION 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.

Chairman Page reiterated thanks to Troop #46 for attending the meeting.

#### **Closed Session**

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to adjourn to Closed Session pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer or employee.

The motion carried unanimously.

#### **Reconvene to Open Session**

Chairman Page announced that the Board met in closed session; no action was taken.

#### **Adjournment**

There being no further business, Chairman Page adjourned the meeting at 9:21 p.m.

Respectfully Submitted,

Yvonne R. Jones  
Acting Clerk to the Board