

REVISED

(Revised Closed Session; Moved Item No. 11 to follow the Closed Session)

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

Monday, August 24, 2009

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

"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. **Announcement** 5 min.
 - Durham County Government offices will be closed on Monday, September 7, in observance of the Labor Day holiday. As a result, our Board of County Commissioners' September Worksession will be rescheduled for Tuesday, September 8, at the normal time of 9 a.m.
 - The second meeting of the Durham Complete Count Committee is scheduled for September 15, 5:30 p.m. – 7:30 p.m., at the downtown Library auditorium. Attendees will be organized into several working subcommittees, including: Government, Education, Religion, Media, Community-based Organizations, and Business. The goal of the group is to make sure all residents are properly counted during the 2010 CENSUS.
4. **Minutes** 5 min.
 - a. June 22, 2009 Regular Session
 - b. July 20, 2009 Regular Session

5. **Durham Reads Together Presentation**

5 min.

Durham County Library is coordinating the 3rd *Durham Reads Together* for October 2009. It will be a month-long celebration of the community reading the book *Something for the Pain* by local author Dr. Paul Austin. Dr. Austin is a practicing Emergency Room doctor at Durham Regional, and his book is a behind-the-scenes look at compassion and burnout in the ER.

The Library would like to formally present each County Commissioner with a copy of the book titled *Something for the Pain*.

Resource Person(s): Marian Fragola, Humanities and Adult Programming Coordinator

County Manager's Recommendation: The County Manager recommends that the Board accept the presentation.

5a. **Presentation of the Commissioners Community Circle Award**

5 min.

The Commissioners Community Circle Award, created by Michael D. Page, 2009 Chairman of the Durham Board of County Commissioners (BOCC), is designed as a way to recognize county departments and community organizations and programs for the extraordinary services they provide to Durham's citizens.

The Legacy Center, an organization created to empower people by providing personal development and discovery support services, will be awarded the Commissioners Community Circle Award due to their numerous service projects in the Durham community. The BOCC applauds the Legacy Center for all of their great works completed. The BOCC especially celebrates the Legacy Center for their successful project completed at the Family Center of Northern Durham. The Legacy Center's efforts helped to transform a simple backyard into a colorful children's park that drastically improved daycare services for the Family Center of Northern Durham's clients. The BOCC salutes the Legacy Center for their efforts to provide positive change in the lives of Durham County Citizens.

Resource Person(s): Michael D. Page, Chairman of the Durham Board of County Commissioners

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate the Legacy Center for their receipt of the Commissioners Community Circle Award and present the award to Dr. Rob Katz or Sarah Taylor of the Legacy Center.

5b. **Computers 4 Kids**

10 min.

Durham County Government has formed a partnership with Durham Public Schools, United Way of the Greater Triangle, and the Volunteer Center of Durham that enables County surplus desktop computers to be refurbished and readied for use by DPS

students. Computers and a 1GB thumb drive will be provided to deserving students free of charge.

Resource Person(s): Joe Bowser, County Commissioner; Toni Pedroza, Department of Social Services; Perry Dixon, Information Technology; Ron Whalen, Durham Public Schools; Cecil Wright, United Way of the Greater Triangle; and Tasha Melvin, Volunteer Center of Durham

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and extend its appreciation to the Durham County Social Services and Information Technology Departments, Durham Public Schools, United Way of the Greater Triangle, and the Volunteer Center of Durham for their work on this exciting initiative.

6. **Recognition of Mount Zion Christian Church for 100 Years of Service**

5 min.

On September 13, 2009, Mount Zion Christian Church will celebrate 100 years in the Durham community. During its 100 years, the church has established many invaluable services to service the people of Durham. A few of these services include a 24-hour daycare, a Christian academy, a beauty college, and a family life center that services many Durham's citizens. The many years of service given by Mount Zion Christian Church have benefited not only its members but the community as a whole.

Resource Person(s): Chairman Michael D. Page

County Manager's Recommendation: The Manager's recommendation is that the Board recognizes the years of dedicated services to the community provided by Mount Zion Christian Church for a century, approve the resolution and present to Ms. Joyce C. Nichols, director of Special Programs for Mount Zion Christian Church.

7. **Proclamation for Women's Equality Day 2009**

5 min.

August 26 of each year is designated in the United States as *Women's Equality Day*. Women of Durham will join women across the county to commemorate the passage of the 19th Amendment, the Woman Suffrage Amendment to the United States Constitution, which gave women of the United States full voting rights in 1920. Each year on Women's Equality Day, women of the United States recognize the many valuable contributions women have made to pave the way for all women to assume leadership roles and positions politically, socially, and economically.

County Manager's Recommendation: Approve the proclamation and present to Ms. Kimberly Monroe, president of the Durham county Women's Commission.

8. **Proclaim September as “Alcohol and Drug Addiction Recovery Month” in Durham County**

5 min.

All across the country, organizations and governments are observing the 20th annual National Alcohol and Drug Addiction Recovery Month. The goal of the program is to raise awareness about addiction treatment issues by helping to articulate the needs of those with alcohol or drug use disorders and acknowledging the courage of persons striving to maintain sobriety. The program is sponsored by the U. S. Department of Health and Human Services, Substance Abuse and Mental Health Services, Administration Center for Substance Abuse Treatment. A proclamation has been prepared in support of this initiative.

Resource Person(s): Tina Howard, Substance Abuse Specialist, The Durham Center Member, Substance Abuse Committee of the Partnership for a Healthy Durham; and Wanda Boone, Durham TRY Member, Substance Abuse Committee of the Partnership for a Healthy Durham

County Manager's Recommendation: Approve the proclamation and present to Tina Howard and Wanda Boone

9. **Consent Agenda**

15 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for July 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Contract with ELSAG North America (approve the contract with ELSAG North America for the purchase and installation of two Mobile License Plate Readers for use in delinquent tax collection; the contract amount is not to exceed \$48,200.00);
- c. Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the Utility Contracts for additions to the County sanitary sewer system);
- d. Contract for Triangle Wastewater Treatment Plant Laboratory Services (authorize the County Manager to enter into a service contract with Meritech Inc. for laboratory services in an amount not to exceed \$105,702, and authorize the County Manager to execute the contract);
- e. Receive the Risk Management Report for FY08-09 Liability Claims and Subrogation Recovery; and
- f. Downtown Durham Inc.—Contract Approval (authorize the County Manager to enter into a contract with Downtown Durham Inc. in the amount of \$54,000 to perform the functions of economic development in the downtown area).

10. **Public Hearing—Zoning Map Change—5622 Grandale Drive (Z07-41)**

10 min.

To approve a request for a zoning map change for a 7.87-acre site located on the west side of Grandale Road, south of Lyon Farm Drive, north of Sedwick Road.

Request: Residential Rural (RR) to Residential Suburban-10 with a development plan (RS-10(D))

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, 12-1 on July 14, 2009. 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.

12. **Board and Commission Appointments**

10 min.

Yvonne R. Jones, Acting Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Adult Care Home Community Advisory Committee
- Bicycle & Pedestrian Advisory Committee
- Durham County Hospital Corporation
- EMS Council
- Environmental Affairs Board
- Library Board of Trustees
- Women's Commission

Resource Person(s): Yvonne R. Jones

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

13. **Closed Session**

1 hr. 15 min.

The Board is requested to adjourn to Closed Session **to consult with an attorney in order to preserve the attorney-client privilege**, to consider the initial appointment of a public officer or employee, and to discuss the conditions of an initial appointment of a public officer pursuant to G.S. § 143-318.11(a)(3) & (6).

11. **Scarborough & Hargett Funeral Home Update**

10 min.

The Board is hereby requested to receive an update on the progress of the relocation of Scarborough and Hargett (S&H) Funeral Home. On June 9, 2009, S &H requested a lease extension through March 2010. On June 22, 2009, the BOCC authorized the County Manager to execute the fourth lease amendment for the S&H Funeral Home to transition out of the property located on 306 Roxboro St. by August 31, 2009. In addition, the BOCC requested that staff provide an update on the progress of the S&H Funeral Home relocation during the last meeting in August 2009 to determine if an additional lease extension is appropriate. On August 19, 2009, S&H Funeral Home requested a lease extension through November 30, 2009.

Resource Person(s): Wendell M. Davis, Deputy County Manager; George Quick, Director of Finance; and Glen Whisler, P.E., County Engineer

County Manager's Recommendation: The County Manager recommends that the Board receive the update on the Scarborough and Hargett Funeral Home relocation and extend the lease through October 31, 2009 in order to maintain the current project schedule.

2 hrs. 55 min.