

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

Monday, April 13, 2009

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.
4. **Minutes** 5 min.
 - a. January 23, 2009 Special Session—Legislative Breakfast
 - b. February 23, 2009 Special Session—Capital Improvement Program
 - c. March 5, 2009 Worksession
 - d. March 12, 2009 Special Session—Capital Improvement Program
 - e. March 12, 2009 Regular Session
 - f. March 23, 2009 Special Session—Jordan Lake
 - g. March 23, 2009 Regular Session
 - h. March 24, 2009 “Conversations”
5. **Proclamation Declaring April 19 – 25, 2009 as Week of the Young Child** 5 min.

Durham’s Partnership for Children, a Smart Start Initiative, asks Durham County to come together for children during the Week of the Young Child (April 19-25, 2009). 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 success in school and in life, and Durham County has a great opportunity to do its part to help young children. Week of the Young Child is a 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 early care and education to work and the best way to develop a well-educated and well-trained workforce for the future is to start early. Even the best schools cannot produce the best workers if children are not ready for school. Early childhood education today helps build tomorrow's workforce and helps to ensure the future vitality of Durham County. Week of the Young Child is a time to recognize the importance of early learning and early literacy and to celebrate early childhood educators and policies that make high-quality early care and education possible for 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 19 – 25, 2009 as Week of the Young Child to honor young children and all those who make a difference in children's lives.

6. **Recognition for Food and Nutrition Services Achievement of 100% Accuracy**

5 min.

Once again, the Department of Social Services' Food and Nutrition Services (Food Stamps) has maintained a 100% Quality Accuracy Rate. This covers the Quality Control (QC) review period of October 2007- September 2008.

This is the second year for this major accomplishment on behalf of DSS clients and the taxpayers of Durham County. During February 2009, a record 26,687 people in Durham had food on their tables due to the hard work of the Food and Nutrition Services staff. Achieving this 100% Accuracy Rate for two consecutive years represents attention to detail and a high level of accountability under extraordinary circumstances. During the same time period, Durham has seen major increases in the number of people served in the program.

The Department is requesting that the Board of Commissioners extend congratulations to Program Manager Pinkie Davis-Boyd and the entire Food and Nutrition Services Team.

Resource Person(s): Pinkie Davis-Boyd, Food and Nutrition Services Program Manager; Rhonda Stevens, Assistant Director; and Sammy Haithcock, DSS Director

County Manager's Recommendation: Recommend that the Board of Commissioners recognize the Food and Nutrition Services staff for this accomplishment.

7. **Consent Agenda**

20 min.

- a. Adopt a Resolution Designating County Official to Represent the BOCC in State Aid for Mosquito Control/Matching Grant Applications;
- b. Approve the Contract Amendment between Manatron Inc. and the County of Durham (authorize the Manager to execute the contract amendment not to exceed the amount of \$43,250.00);
- c. Durham Cooperative Extension—Approve the Memorandum of Understanding between the Board of County Commissioners (BOCC), North Carolina Cooperative Extension Service (NCCES), North Carolina State University (NCSU), North Carolina Cooperative Extension Program (NCCEP), and North Carolina A&T State University (NCA&T);
- d. ~~Budget Ordinance Amendment No. 09BCC000055 and Contract Amendment—Urban Ministries of Durham (approve in the amount of \$25,000 and authorize the Manager to execute a contract amendment to reflect the additional \$25,000 to Urban Ministries of Durham);~~
- e. Budget Ordinance Amendment No. 09BCC000057—Hazardous Materials Emergency Planning Grant Agreement (recognize \$5,400 in grant funding from the NC Department of Crime Control and Public Safety and authorize the execution of the grant agreement so that it can be forwarded to the NC Department of Crime Control and Public Safety, and the LEPC can conduct its project);
- f. Budget Ordinance Amendment No. 09BCC000058—Public Health—Recognize One-Time Funding in the amount of \$2,585 from N.C. Healthy Start Foundation (RICHES Grant) to Support Centering Pregnancy Off-Site Care;
- g. Budget Ordinance Amendment No. 09BCC000059 Appropriate Lottery Funds (\$1,156,809) for Debt Service Support and Transferring an Equal Amount from the Debt Service Fund to the General Fund to Support an Agreement between Durham Public Schools and Durham County;
- h. Execution of Consulting Service Agreement in the amount of \$332,885 with Heery International, P.C. for the Enhanced LEED Commissioning Services for the Durham County Justice Center. Project No.: DC066;
- i. Execution of Consulting Services Agreement with Kleinfelder Inc. in the amount of \$379,000 pending the approval of financing for the Construction Materials and Testing and Special Inspection Services for the Durham County Human Services Complex. Project No.: DC070-48; and
- j. Encroachment Agreement with DOT and City of Durham at Creekside (approve the Three-Party Right-of-Way Encroachment Agreement on Primary and Secondary System and authorize the Manager to execute the agreement).

8. **Public Hearing to Receive Citizen Comments on the Draft FY 2009-2010 Annual Action Plan**

10 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 26, 2009. 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. Of these three allocations, only HOME funds may be used outside of the corporate city limits.

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 15. It is DCD's intent to ask Commissioners to approve the Annual Action Plan at the Board of County Commissioner's meeting on May 11, 2009.

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 13, 2009 to receive comments on the draft FY 2009-2010 Annual Action Plan. Mr. Barros and/or Assistant Director Larry Jarvis will attend the meeting to answer questions.

Resource Person(s): Mike Barros, Director, City of Durham Department of Community Development

County Manager's Recommendation: Hold a public hearing on April 13, 2009 to receive citizen comments on the draft 2009-2010 Annual Action Plan.

9. **Public Hearing—Jordan Lake Boundary Watershed Line Amendments**

2 hrs.

The Board has requested a public hearing to receive public comment before reaching a decision about the process for amendment to the Official Zoning Map(s) to reflect an approved change to the normal pool elevation of Jordan Lake. The action is precipitated by a February 4, 2009 decision by the Division of Water Quality (DWQ) to approve a survey submitted by Durham County on November 13, 2008. The County Attorney and the School of Government has opined that any maps delineating the approved changes are a part of the Unified Development Ordinance (UDO), and as such, require approval by the Board of County Commissioners in accordance the process outlined in Section 3.5 of the UDO. Mr. William J. Brian Jr., attorney for the Southern Durham Development Company, has opined that the UDO expressly delegates the authority to make the changes to the Official Zoning Map(s) to City-County Planning Director.

Resource Person(s): Steve Medlin, City-County Planning Director, and Chuck Kitchen, County Attorney

County Manager's Recommendation: In light of the opinion received from the School of Government, the Manager recommends that the Board follow the procedures as outlined in Section 3.5 of the Unified Development Ordinance.

3 hrs.