

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

Monday, April 26, 2004

**AGENDA**

4:30 P.M.

**Joint Meeting?Board of County Commissioners and  
Durham Public Health Board**

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5:30 P.M.

**Closed Session**

The Board of Commissioners is requested to adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the material terms for the acquisition of real property adjacent to 3605 Shannon Rd. owned by Patty Watson pursuant to G.S. § 143-318.11(a)(5).

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7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Minutes** 5 min.

April 12, 2004 Regular Session

4. **Resolution Honoring the Life of Albert Lee "Al" Hight**  
5 min.

Former Sheriff and County Commissioner Al Hight died on March 30, 2004. A resolution has been prepared honoring his life, accomplishments, and the extraordinary service he generously rendered to this community.

**RESOURCE PERSON(S)**: Commissioner Mary D. Jacobs

**COUNTY MANAGER'S RECOMMENDATION**: The Manager recommends that the Board approve the resolution and forward a copy to the family of Al Hight.

5. **Proclamation Recognizing "Daniel C. Hudgins Day"**

5 min.

A proclamation recognizing April 29, 2004 as "Daniel C. Hudgins Day" has been prepared to honor

retiree Daniel C. Hudgins. Mr. Hudgins has been the Director of the Durham County Department of Social Services for 27 years and has dedicated his career to improving services to families and individuals of Durham County.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the proclamation be approved and presented to Mr. Hudgins.

**6. Proclamation for "Durham Government Employee Wellness Month"**

5 min.

During the month of May, local government employees are asked to participate in various events to promote overall wellness. Activities will be sponsored by the Durham County Wellness Team to encourage employees to develop and maintain good health habits, including regular exercise and proper nutrition. A proclamation has been prepared declaring May "Durham County Employee Wellness Month".

RESOURCE PERSON: Tracy Bates, Nutritionist II, Durham County Public Health Department

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the resolution be presented to Ms. Tracy Bates and members of the Durham County Wellness Team.

**7. Proclamation for "Mental Health Month"**

5 min.

Mental illness affects one in five adults and children annually. In an effort to raise awareness and understanding of mental health and mental illness, advocates locally and nationally observe Mental Health Month during the month of May. A proclamation has been prepared declaring May "Mental Health Month" in Durham County.

RESOURCE PERSON: Allen Lovell, The Durham Center

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the proclamation be presented to Mr. Allen Lovell and members of the committee in recognition of Mental Health Month.

**8. Consent Agenda 20 min.**

- a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the property tax release and refund report for March 2004 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 04BCC000065?Public Health?Recognize End-of-Year State Funds for Family Planning Clinic for \$10,625 (approve the budget ordinance amendment to recognize \$10,625 from the Department of Health and Human Services for family planning services);
- c. Budget Ordinance Amendment No. 04BCC000067?Public Health?Recognize \$2,259 for the Immunization Clinic (approve the budget ordinance amendment to recognize \$2,259 from the North Carolina Department of Health and Human Services for the Immunization Clinic);
- d. Budget Ordinance Number 04BCC000068?Social Services?Additional Revenue (approve the budget ordinance amendment for \$136,889 in intergovernmental revenue [Crisis Intervention Prevention (CIP)?\$126,531 and State Adult Day Care?\$10,358]);
- e. Lease Renewal for the North Durham Branch Library at 5120 Roxboro Road (Riverview Shopping Center) (authorize the Manager to execute a lease amendment for an additional two years from July 1, 2004 through June 30, 2006, at an estimated annual cost of \$87,056); and
- f. Russell Conservation Easement and Federal Farmland Grant Request For Funding (approve submission for a Federal Farmland Protection Grant for the Russell Farm, approve up to \$139,000 in funding for Durham's share of the easement, and authorize the Manager to execute a purchase agreement with Mrs. Russell for the acquisition of the proposed conservation easement for approximately 157.9 acres, which includes a provision that the purchase of the

easement is conditioned upon the County receiving the Federal Farmland Protection Grant).

**9. Public Hearing?FY 2004-2005 Draft Consolidated Action Plan**

20 min.

The adopted Citizen Participation Plan requires that two public hearings be held prior to the submission of the Consolidated Action Plan to the Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive comments pertaining to HOME program needs in Durham. The Board of County Commissioners "Needs" public hearing was held on February 9, 2004. The purpose of the second public hearing is to receive comments on the use of FY 2004-2005 HOME funds as proposed in the Draft Consolidated Action Plan. The FY 2004-2005 Draft Consolidated Action Plan is currently available for public review (March 23, 2004 through April 23, 2004).

The Durham City-County HOME Consortium anticipates receiving total HOME Investment Partnership (HOME) program funds for \$1,456,000. This amount includes an annual HOME allocation of \$1,387,850 and program income for \$120,000. The proposed use of FY 2004-2005 HOME funds includes a substantial homeowner rehabilitation program for low-income city and county residents, a First-Time Homebuyers Program for city and county residents, and a County Initiative.

The Department of Housing and Community Development (DHCD) staff recommends that three FY 2004-2005 HOME proposals also be funded: Meriwether Spring Housing Associates, The Community Builders, and AIDS Community Residence Association Inc. (ACRA). DHCD staff recommends that unobligated 2003-2004 Community Housing Development Organization (CHDO) set-aside funds are made available to Rebuild Durham and Healing With CAARE Inc.

The Durham City-County HOME Consortium will be required to provide a 25% match (non-federal funds) to the total amount of HOME funds used directly for affordable housing activities during FY 2003-2004. The required match would be approximately \$300,000 and would be funded with City Housing Bonds and County funds (particularly for the County Initiative) as outlined in the current Consortium Agreement.

RESOURCE PERSONS: Constance Stancil, Interim Director of the Department of Housing and Community Development; Katherine Simmons, Associate Director; and Vickie Miller, Planning and Development Officer

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board hold the FY 2004-2005 Draft Consolidated Action Plan public hearing to receive citizen comments.

**10. Major Site Plan?Texas Trailer Commercial Site--Case D02-426** 20 min.

Wrenn Engineering, on behalf of Texas Trailer Company Incorporated, has submitted a site plan for conversion of an existing 985-square-foot residential building to a trailer sales and rental office on a 0.46-acre site, zoned GC, R-20, and F/J-B. The proposed project will be located on the northeastern side of South Miami Boulevard (US 70-A), across from Laurel Drive, and north of Mineral Springs Road. (PINs 0840-04-63-8522 and 0840-04-73-0686; County Atlas Page 79, Block C-4).

Planning staff recommends approval.

RESOURCE PERSON(S): Frank M. Duke, AICP, City-County Planning Director

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation is that the Board

receive the presentation on the site plan and approve.

11. **Stormwater Ordinance Amendment**

15min.

The proposed Stormwater Ordinance was passed at the April 12, 2004 Board of County Commissioners? Regular Session. All the Commissioners were not present at that meeting; therefore, the Ordinance is required to be passed a second time to be valid.

The current Stormwater Ordinance does not allow for a review or a deviation of the 50' setback for streams shown on either the U.S.G.S. topographical map or the U.S.D.A. soil survey map when the property is not in the Neuse River Basin. This has resulted in the setback being imposed on properties when the maps are in error, and the streams do not exist on the ground. For properties located within the Neuse River Basin, the State Division of Water Quality reviews the imposition of the setback and can allow development when there are streams shown in error on the maps. The proposed amendment sets up a mechanism to provide for review of the streams at the expense of the developer. Since this represents an amendment to the County?s stormwater program, it must be submitted to the Environmental Management Commission for approval. During this review by the State, the County Engineer will prepare a proposed fee schedule for approval by the Board.

RESOURCE PERSON(S): Chuck Kitchen, County Attorney, and Glen Whisler, County Engineer

COUNTY MANAGER?S RECOMMENDATION: The Manager recommends that the Board approve the ordinance amendment and direct that the amendment be sent to the State for approval of the program amendment.

12. **Board and Commission Appointments** 10 min.

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the following board and commissions:

- Adult Care Home Community Advisory Committee
  
- Community Child Protection Team/Child Fatality Prevention Team
  
- Durham Board of Adjustment
  
- Durham Planning Commission
  
- Memorial Stadium Authority
  
- Nursing Home Community Advisory Committee
  
- Open Space and Trails Commission

RESOURCE PERSON(S): Garry E. Umstead

COUNTY MANAGER?S RECOMMENDATION: The County Manager recommends that the Board vote to appoint members to the above-mentioned boards/commissions.

13. **Closed Session**

1 hr.

The Board of Commissioners is requested to adjourn to closed session to consider a personnel matter

pursuant to G.S. § 143-318.11(a)(6).

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3 hrs.

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**Last updated: July 23, 2006**

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