

**REVISED**

(Deleted Consent Agenda Item No. 7k and Agenda Item No. 9)

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

Monday, August 25, 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.

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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. **Announcements** 5 min.

The Durham County Women's Equality Day Commemoration Ceremony sponsored by the Durham County Women's Commission will be held on Tuesday, August 26 at 5:30 p.m. in the Durham County Government Administrative Complex (Old Courthouse) on Main Street. A light reception will be held to recognize select nominees in acknowledgement and appreciation for paving the way for all women to assume leadership roles and positions—politically, socially, and economically.

4. **Minutes** 5 min.
  - a. August 4, 2008 Worksession
  - b. August 11, 2008 Regular Session
5. **Recognition of Retiring Chief Deputy C. Wes Crabtree** 5 min.

The Board of County Commissioners is requested to recognize Chief Deputy C. Wes Crabtree as he prepares to retire from a successful and noteworthy career with Durham

County Government. A resolution has been prepared and will be presented by the Board of County Commissioners.

Sheriff Worth Hill will also make a special presentation to Chief Deputy Crabtree.

Resource Person(s): Vice Chairman Michael D. Page

County Manager's Recommendation: The Manager's recommendation is that the Board present the resolution honoring C. Wes Crabtree for an outstanding career in law enforcement in Durham County and wish him well in his retirement.

6. **Proclamation of September as Alcohol and Drug Addiction Recovery Month in Durham County**

5 min.

Approve the proclamation.

Resource Person(s): Ellen Holliman, Area Director, The Durham Center

County Manager's Recommendation: The Manager recommends that the proclamation be approved.

7. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for July 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 09BCC000005—Cooperative Extension (appropriate \$34,468 in funding from Durham's Partnership for Children—A Smart Start Initiative—to support the implementation of a second year of The Incredible Years: BASIC Parent Training Program and approve .25 FTE staff person to facilitate the Incredible Years Curriculum);
- c. Budget Ordinance Amendment No. 09BCC000006—Cooperative Extension—Recognize \$11,970 in Grant Funding from Durham's Partnership for Children; A Smart Start Initiative—To Support the Implementation of B.A.B.Y (Birth and Beginning Years) Family Literacy Curriculum; approve the increased hours of the part-time parent educator from .53 to .63 FTE through June 30, 2009;
- d. Budget Ordinance Amendment No. 09BCC000007—Public Health—Recognize \$15,044 in One-Time Supplemental Funds from the N.C. Department of Health and Human Services for operational expenses for the Syphilis Elimination Program in the Division of Health Education;
- e. Budget Ordinance Amendment No. 09BCC000008—Public Health—Recognize \$15,000 in One-Time Funding from the N.C. Department of Health and Human Services, Division of Public Health, to Improve the Delivery of Essential Public Health Services by creating earned media (TV, radio, magazine) on prevention/health issues;

- f. Capital Project Amendment No. 09CPA000002—Appropriation of 2008 Issued General Obligation Bonds, County Contribution Funds to Various Capital Projects, and Movement of Funds Between Two Durham Public School Projects (appropriate \$79,070,128 in 2007 voter-approved General Obligation Bond funds, \$550,000 in county contribution to various capital projects, and move \$3,950,000 of 2008 Two-Thirds General Obligation Bond funds from the DPS bond management project 2003 to a new DPS land acquisition project 2008);
- g. Capital Project Amendment No. 09CPA000003—Durham Public Schools—Adjustments to 2003 General Obligation Bond Capital Project Budgets (transfer \$500,000 of 2003 General Obligation Bond funds from the W.G. Pearson Elementary School project to the Morehead Elementary School project [\$400,000] and the Lakeview Elementary School project [\$100,000]);
- h. Ambulance Purchase (authorize the Manager to enter into a contract with Southeastern Specialty Vehicles in the amount of \$99,574 for the purchase of an emergency medical vehicle for Durham County EMS);
- i. Approval of Work First Plan Status (approve the recommendation of the Work First Planning Committee to designate Durham County as a Standard County for the 2009-2011 planning period);
- j. Downtown Durham Inc.—Contract Approval (authorize the Manager to enter into a contract with Downtown Durham Inc. in the amount of \$60,000 to perform the functions of economic development in the downtown area);
- ~~k. EMS Automation System Amend Contract with SunGard Public Sector Inc. (authorize the Manager to enter into a service contract with SunGuard in the amount of \$78,150.25 for completion of the EMS Automation Project); and~~
- l. Initial Prepared Food Tax Projects (approve the proposed slate of projects pursuant to approval of the Prepared Food Tax by the voters on November 4, 2008, and the subsequent imposition of the tax by the Board of County Commissioners);

8. **Public Hearing on the Concept of Animal Tethering**

60 min.

Conduct a public hearing on the “Concept of Animal Tethering.”

At the Board of County Commissioners’ August 4, 2008 Worksession, Amanda Arrington, Chairman of the Durham County Animal Control Advisory Committee (ACAC), recommended an amendment to the current Animal Control Ordinance concerning animal tethering restrictions.

Since September of 2006, the ACAC has held multiple meetings, collected statistics, and interviewed experts in the animal welfare profession. Members on the committee were Patty Croom, Susan Teer, Jenny Nichols, Vickie White, Carol Charping, Kim O’Neil, Martha Ann Traylor, Evelyn Nicholson, Dr. Joyce McKinney, Carol Hammett, Kathy-Everett-Perry, Marie Inserra, Jan Paul, Beth Livingston, Cindy Bailey, and Jennifer Brehler.

Recommended changes to the ordinance include: a definition for animal tethering, minimum fencing requirements, tethering exceptions and attended tethering that does not cause unjustified pain, and suffering to animals.

The final draft of the proposed amendment will be subject to review and revision by the County Attorney's Office.

Resource Person(s): Michael Turner, Director of General Services; Amanda Arrington, Chairperson for the Durham County Animal Control Advisory Committee; and Cindy Bailey, Animal Control Administrator

County Manager's Recommendation: Hold a public hearing on the Concept of Tethering and provide direction to staff.

9. ~~**Public Hearing Unified Development Ordinance (UDO) Text Change IL/Compact Height (TC0800001)**~~

10 min.

~~Receive public comments on Text Change — IL/Compact Height (TC0800001) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 6, District Intensity Standards.~~

~~Resource Person(s): Steven L. Medlin, AICP, City County Planning Director; and Julia Mullen, Planner~~

~~County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.~~

10. **Public Hearing on Coordinated Transportation: FY 2008-2009 Rural Operating Assistance Program (ROAP) Grant—Application Approval**

15 min.

The Cooperative Extension Service is requesting Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program (RGP) and the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First. The Rural General Public funds will be used to supplement existing routes that currently serve the county.

Letters were sent requesting input into the application in June 2008 to over 30 Human Service and non-profit agencies. A Public Hearing Notice was published in The Herald-Sun in July 2008. Letters were translated into Spanish and sent to the Latino and other limited English proficiency communities.

The application proposes \$95,653 of governmental revenue to be allocated to Support Coordinated Transportation for Durham County Elderly and Disabled residents, through the Elderly and Disabled Transportation Assistance Program (EDTAP), and \$11,065 for

Work First Transitional/Employment. These funds require no local match. The \$95,245 represents an increase of \$408 from last year's allocation.

The \$43,508 allocated for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares and the remaining match has been budgeted. These programs help support the transportation needs of citizens residing in the County. The program is administered by Cooperative Extension Coordinated Transportation.

The NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$150,226 for FY 2008-2009.

EDTAP Funds shall be used to provide services for the noted agencies:

Council of Senior Citizens  
Dept. of Social Services (Adult)  
Durham Exchange Club Industries  
Retired and Senior Volunteer Program  
Services for the Blind  
Durham Parks and Recreation  
The ARC of Durham

Additionally Durham County is applying for the maximum amount of supplemental ROAP funding from NCDOT.

- EDTAP \$56,162
- Work First \$8,851
- RGP \$22,818

The \$22,818 for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares, and the remaining match has been budgeted. These funds will be used for expanded service.

Durham County is applying for a total of \$87,831 in supplemental ROAP funds for FY 2008-2009.

Transportation Advisory Board recommendations for the allocation of EDTAP funds are attached.

Resource Person(s): Delphine Sellars, Cooperative Extension Director, and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: Approval of the ROAP application for submittal to NCDOT.