

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

Monday, May 12, 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.

County Manager Mike Ruffin will present the 2008-2009 Recommended Budget to the Board of County Commissioners on Tuesday, May 27 at 7:00 p.m.

4. **Minutes** 5 min.
  - a. April 28, 2008 BOCC/Durham Public Schools
  - b. April 30, 2008 BOCC/Legislative Delegation

5. **DSS Recognition—Food and Nutrition Services Achievement of 100% Accuracy** 5 min.

For the first time 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 2006-July 2007.

This is a significant achievement on behalf of our clients and the taxpayers of Durham County. During February, a record 23,279 people in Durham had food on their tables due to the hard work of our Food and Nutrition Services staff. Achieving this 100% Accuracy Rate 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 and had a high staff turnover rate.

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.

6. Consent Agenda

15 min.

- a. Budget Ordinance Amendment No. 08BCC000071—Cafeteria Fund Adjustment (approve to reduce the Cafeteria Fund budget from \$13,750,000 to \$1,424,723);
- b. Budget Ordinance Amendment No. 08BCC000072—Social Services—Direct Medical Funds (approve with a total increase of \$50,000);
- c. Lease Amendment for 501 Willard Street for The Durham Center (authorize the Manager to sign the lease amendment to continue to lease 501 Willard Street for the Durham Center staff for three additional years with one option lease renewal term);
- d. BAN Financing/General Obligation Bonds (accept the Bank of America bid);
- e. Accept the 2007 Annual Report of the Durham Planning Commission;
- f. Contract with Unity Business Systems (approve the contract with UBS in the amount of \$41,700 and authorize the Manager to execute the contract);
- g. Approve the Reappointment Request of The Durham Center Mental Health, Developmental Disabilities, and Substance Abuse Authority; and
- h. Approve the Resolution in Support of a Regional Shared-Use, Value-Added Food and Agricultural Processing Center.

7. **Public Hearing—Zoning Map Change—Joven Northeast Creek Revisions (Z07-46)**

15 min.

To approve a request for a zoning map change for a 189.25-acre site located on the north side of Ellis Road, east of the Durham Freeway, and south of Stone Road.

Request: Industrial Light (IL[D]), Commercial General (CG[D]) and Planned Development Residential 4.840 (PDR 4.840) to Industrial Light (IL[D]), Commercial General (CG[D]) and Planned Development Residential 4.840 (PDR 4.840)

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, 9-2 on February 12, 2008. 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 Scott Whiteman, AICP, Planning Supervisor

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.

8. **Public Hearing—Unified Development Ordinance (UDO) Text Change—FEMA FIRM Update (TC0800002)**

5 min.

The Board is requested to receive public comments on Text Change—FEMA FIRM Update (TC0800002) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 8, Environmental Protection.

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.

9. **Public Hearing—Reallocation of the 2002 CDBG Scattered Site Housing Program Grant Project Fund for the Purpose of Removing Lead-based Paint**

15 min.

In 2002, Durham County was awarded \$400,000 in CDBG Scattered Site Housing funds. The County has completed rehabilitation on 13 properties since instituting the program. As a condition of closing out the 2002 grant, the State Inspectors conducted recent site visits at four properties and determined that one of the four needed to have additional lead-based paint removed prior to closing out the grant. The County, per its last allocation from the State, has residual funds in the amount of \$58,236.50 remaining in the Local Option Project Budget in line items entitled “clearance”, “relocation assistance”, and “administration” activities. These funds can be reallocated to line item

entitled “rehabilitation-private dwellings” activity, which could be used to remove lead-based paint from the property of Ms. Patricia Painter located at 1311 Thompson Road, Durham, NC. The estimated cost of removing the lead-based paint from the subject property is undetermined at this point; however, the County may allocate the residual. Therefore, the Board is being requested to add line item “rehabilitation-private dwellings” to the Local Option Project Budget, and reallocate \$58,236.50 to the line item.

In order to reallocate funding from the 2002 grant to remove the lead-based paint, the State requires the Board of Commissioners to hold a public hearing. Therefore, the Board is requested to hold a public hearing and approve reallocating to the 2002 CDBG Scattered Site Housing Program Grant Project Fund in the amount of \$58,236.50

This will result in an increase of \$58,236.50 for general housing rehabilitation to include the property belonging to Ms. Patricia Painter. Once the lead abatement has been performed on the Painter property, the County will return the remaining 2002 grant funds to the State.

Resource Person(s): Brian Crawford, President of Leah Consulting, and Catherine Davis, Compliance Manager

County Manager’s Recommendation: The Manager’s recommendation is that the Board holds a public hearing and approves the re-allocation of \$58,236.50 from the 2002 CDBG Scattered Site Housing Program Grant and uses some portion of those funds to remove lead-based paint from the property of Ms. Patricia Painter.

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1¼ hrs.