

**REVISED**

(Item No. 15 deleted)

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

**Monday, April 23, 2007**

**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.
  - Culminating activities for Durham Reads Together will take place on Saturday, May 5, from 4:00 to 6:00 p.m. at the North Carolina Mutual Insurance Company building auditorium, 411 W. Chapel Hill Street. The Last Shot: City Streets, Basketball Dreams author Darcy Frey will talk about the joys and challenges of in-depth journalism and “Finding the Story”.
  - The 2007 Walk for the Animals will be held at Duke University’s Wallace Wade Stadium on May 19, 2007 from 9:00 a.m. to 1:00 p.m. The fun lineup of events includes a free breakfast to all participants, demonstrations, contests, children’s activities, rescue group booths, a raffle, and other great prizes that are planned for the day of the Walk. You will also have a great time along the scenic 5k or 1-mile fun walk route. You are welcome to walk with or without a pet. Everyone who registers to Walk for the Animals will receive a free t-shirt and will qualify to win lots of other wonderful prizes.
4. **Minutes** 5 min.
  - a. April 2, 2007 Worksession and Nonprofit Presentations
  - b. April 3, 2007 CIP
  - c. April 9, 2007 Regular Session

5. **National County Government Week: Exemplary Volunteer Awards**

5 min.

National County Government Week, sponsored by the National Association of Counties, is an annual celebration of county government. First held in 1990, the goal of county government week is to raise public awareness and understanding about the roles and responsibilities of the nation's counties. Each year, more than 200 citizens work on appointed advisory boards and commissions to help the Board of County Commissioners conduct the public's business. These individuals donate hundreds of hours annually working on key issues such as environmental affairs, nursing home safety, planning, and zoning issues and more.

In observance of National County Government Week, four citizens have been nominated by the Durham County Board of Commissioners as "Exemplary Volunteers."

**Barker French.** Mr. Barker French has chaired the Cultural Arts Master Plan Steering Committee and took on the extra task of studying revenue options for the legislative agenda. He is also a member of the Workforce Development Board and recently was appointed Chair of the Youth Council. Mr. French is an active member of the Durham Crime Cabinet and assisted with the recent study of the Magistrates' Office.

**Pamela Glean.** Mrs. Pam Glean has demonstrated dynamic leadership in shaping the community perception of the Durham County Social Services Board. She puts clients first and continues to promote activities that will allow the community to be heard and more importantly engage the community in service delivery.

**Frances R. Willmarth.** Mrs. Frances Willmarth was appointed to the Nursing Home Advisory Board in 2000 and served until her term expired in February 2007. During her tenure she served with distinction as vice chairman and was highly respected for enhancing board relations and for her tireless efforts to guard the health and wellbeing of our most vulnerable senior citizens.

**Ken Berger.** Mr. Ken Burger brings a wealth of experience to the Library Board of Trustees and has set an excellent example of providing countless hours of dedicated service in his role. He is knowledgeable, committed, and determined to make the Durham County Library one of the best in the nation.

County Manager's Recommendation: The Manager's recommendation is that the Board present certificates of appreciation to the 4 honorees in recognition of their outstanding service to the citizens of Durham County.

6. **NCACC Outstanding Program Award to DSS**

5 min.

The North Carolina Association of County Commissioners is presenting the Department of Social Services with an Outstanding Program Award for the agency's Latino Ombudsman Program. The purpose of this initiative has been to develop and implement a plan to increase the capacity of the Department of Social Services to serve non-

English-speaking clients in a respectful, culturally, and linguistically appropriate manner. The agency contracted with the NC Latino Coalition in July 2006 to provide Latino Ombudsman services to work with DSS staff in developing a plan for improving service delivery. This initiative is unique because the partnership not only provides immediate services to families, but is designed to improve systems and processes to allow the agency to increase its long term capacity to serve non-English-speaking families. It is increasing the agency's ability to do this work on its own in the future. It is a public-private partnership with a non-profit agency that is well connected to the Latino Community in particular. It has opened doors and allowed a win-win focus on solutions before problems reach a stage where they could become difficult to resolve. We solve problems together on the same team. It preserves the image of our agency as a leader in developing solutions for all low-income families.

Resource Person(s): Lydia Varn, NC Association of County Commissioners; Sammy R. Haithcock, DSS Director; Sharon Hirsch, Assistant Director; Ivan Parra, NC Latino Coalition; and Angelina Schiavone, Latino Ombudsman, NC Latino Coalition

County Manager's Recommendation: The Manager recommends that the Commissioners accept the award from the NC Association of County Commissioners and congratulate the Department of DSS for the award.

7. **Recognition for 2007 William A. Campbell Award Winner Kim Simpson**

5 min.

William A. Campbell served the citizens of North Carolina as a staff member of the Institute of Government for nearly forty years. Trained as a lawyer, he advised and consulted with many local government officials during his tenure there. Although he was well versed in many aspects of local government law, he is best known for his work with registers of deeds, mappers, and tax collectors.

It is this last group of city and county tax officials through the North Carolina Tax Collectors' Association who chose to establish an award in his honor to be awarded to a member of the organization who has distinguished himself or herself in service to the organization by furthering its goals and by emulating the qualities of the person in whose name the award is given.

In choosing **Kimberly H. Simpson** for this year's award, NCTCA President Ronald Antry noted that like Mr. Campbell, Kim distinguished herself with her commitment to the education of its members. She stood head and shoulders above those who could have been chosen to receive the award. Kim has conducted or participated in many of the training sessions for tax collectors and various locations throughout the state. Intellect, integrity, and service to others are all hallmarks of Kim's professional conduct—all of which reflect well upon her association with other tax collectors and with Durham County. It is with a great sense of pride and honor that President Antry recently conferred the 2007 William A. Campbell Award upon our own Kim Simpson.

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate Ms. Kimberly Simpson of the Durham County Tax Administrator's Office for her professional excellence as the recipient of the 2007 William A. Campbell Award.

8. **Child Abuse Prevention Month Proclamation**

5 min.

Child Abuse Prevention month is celebrated annually across the nation in April. This celebration provides the opportunity to raise awareness and educate the community about the many ways to support families and prevent abuse and neglect.

Wearing Blue Ribbons is a visible way you can show that you support families and children. We are encouraging Durham residents to make their neighborhoods "Blue Ribbon Communities" by focusing attention on ways to support parents and caregivers. Parents can become Blue Ribbon Parents by learning tips for effective discipline, reading about child development, getting advice from your child's pediatrician, childcare provider, neighbor, or other community member. The attention of a caring adult can make a big difference in the life a child.

Durham County DSS is celebrating Child Abuse Prevention month to raise awareness about ways to prevent abuse and educating the community about how to identify child maltreatment and to make a report of abuse or neglect. In addition to the proclamation, staff members are distributing "Blue Ribbons" in support of Child Abuse Prevention Month, holding the annual "A Good Parent Is" art contest in Durham Public Schools, and holding the annual Child Abuse Prevention Walk and the *Investing in Human Capital: DSS Partnership Series* workshop on April 19 to share information on the child welfare system.

DSS Staff will present Commissioners, staff, and meeting attendees with Blue Ribbons to raise awareness of Child Abuse Prevention.

Resource Person(s): Sammy R. Haithcock, DSS Director; Chuck Harris, Assistant Director; and Gail Angle, Child Protective Services Program Manager

County Manager's Recommendation: Recommend approval of proclamation declaring National Child Abuse Prevention Month in Durham County and to raise community awareness of the many ways to support parents and children.

9. **Older Americans Month Proclamation**

5 min.

When Older Americans Month was established in 1963, only 17 million living Americans had reached their 65th birthdays. About a third of older Americans lived in poverty and there were few programs to meet their needs. Interest in older Americans and their concerns was growing, however. In April of 1963, President John F. Kennedy's meeting with the National Council of Senior Citizens served as a prelude to designating May as "Senior Citizens Month." Thanks to President Jimmy Carter's 1980 designation, what was once called Senior Citizens Month, is now called "Older Americans Month," and has become a tradition.

Today, one in six Americans, or 44 million people, is age 60 years or older. While most older Americans are active members of their families and communities, others are at risk of losing their independence. These include four million Americans age 85 years and older, those who are living alone without a caregiver, those living in nursing homes or other institutional settings, members of minority groups, older persons with physical or mental impairments, older persons residing in rural areas, low income older persons, and those who are abused, neglected, or exploited.

Older Americans Month is a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since JFK has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities. Older Americans Month is celebrated across the country through ceremonies, events, fairs, and other such activities.

The Department of Social Services, Council for Senior Citizens, and the Keeping in Step Committee are requesting that the Board of Commissioners declare May as Older Americans Month in Durham County and help to promote this observance to Durham residents.

To raise awareness of needs of older residents, DSS is planning a *community drive for personal care items* for seniors living in adult care homes May 15-17. DSS and the Council for Senior Citizens will host the annual *Celebration of Life* luncheon for DSS Adult Services clients ages 70+ at the Center for Senior Life on May 22.

Resource Person(s): Sammy Haithcock, DSS Director; Gail Souare, Executive Director, Council for Senior Citizens; and Diane Wright, Keeping in Step Committee Chair

County Manager's Recommendation: Recommend approval of proclamation declaring Older Americans Month in Durham County and to raise community awareness of the many ways to support our older residents to lead lives of dignity and independence.

10. **Proclamation in Recognition of May as Mental Health Month in Durham County**

5 min.

The Board is requested to adopt a proclamation in recognition of Mental Health Month.

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

County Manager's Recommendation: The Manager recommends that May 2007 be proclaimed Mental Health Month in Durham County.

11. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for March 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);

- b. Cultural Master Plan Spending Requests (approve the grants for the Cultural Education Resource Directory Project [\$29,900] and the Technical and Training Support Initiative [\$20,000] authorizing the expenditure of implementation funds);
- c. Budget Amendment No. 07BCC000058—Close the Reappraisal Reserve Fund, Transfer the Remaining Balance of \$269,852.15 to the General Fund, and \$269,853 Appropriated in the Tax Department’s FY 07 operating budget;
- d. Budget Ordinance Amendment No. 07BCC000059—The Durham Center—Budget Decrease of \$16,602,930 to be in line with state and federal dollars actually allocated to The Durham Center; the state and miscellaneous funding decrease is \$317,930 and the federal funding decrease is \$16,285,000;
- e. Budget Ordinance Amendment No. 07BCC000060 (approve authorization for execution of a Wellness Clinic contract with HealthSTAT Inc. for a period of 13 months, totaling an operational cost of \$380,900 effective June 1, 2007 to June 30, 2008);
- f. Budget Ordinance Amendment No. 07BCC000061—Social Services (recognize Smart Start funding [\$27,637], Child Care Subsidy [\$209,944], and Direct Medical Funds [\$44,188] for a total of \$281,769);
- g. Approve the Home and Community Care Block Grant Revenue in the amount of \$8,120 for the Council for Senior Citizens to be applied to Adult Day Services and the Senior Center Operations;
- h. County Surplus Property (approve the sale of 1320 Willowdale to Briscoe Enterprises for \$28,900, 2300 Fitzgerald Avenue to Ms. Deedgra Lucas and Ms. Yasmin M. Fozard for \$11,000, & 0 Barbee Road to Thomas Maddry for \$1,500);
- i. Declaration of 0 Redwood Road as Surplus Property and Offer to Purchase (determine that 0 Redwood Road [parcel ID 171545] is no longer needed for County purposes; declare the property Surplus; and pursue the upset bid process for the sale of the property);
- j. left blank intentionally
- k. Authorize the Execution of Architectural Design Service Contract with Cherry Huffman Architects, P.A. for the Expansion and Renovation of the Durham County Southwest Branch Library in the amount of \$316,950, plus additional services and reimbursable expenses estimated at \$57,200, thus totaling \$374,150. RFQ 07-005 Project No.: DC075-67;
- l. Approve the Request for Authorization to Submit Street Closing Applications for the Redevelopment of the 500 Block of East Main Street for the Human Services Complex Surface Parking Lot ;
- m. Federal Farm and Ranchlands Protection Grant Request for Little Mountain Farm (approve the submission of a federal farmland grant for \$1,065,129 in order to provide 50 percent of the proposed purchase price for permanent farmland conservation easements on up to 552 acres of Little Mountain Farm);
- n. Durham County Hospital Corporation Appointments (appoint Lewis Cheek [as the Commissioner Representative] and County Manager Michael Ruffin); and
- o. Approve the FY 2007-2008 Annual Action Plan for the use of CDBG, HOME, ADDI, and ESG funds for submission to the U.S. Department of Housing and Urban Development.

12. **Public Hearing—Resolution Removing Territory from RTP Service District**

10 min.

The Board is requested to hold a public hearing on removing a small parcel of land from the Durham-Wake Research and Production Service District. The owners of the land have filed petitions with the Clerk to the Board requesting the removal. The property is proposed to be used for residential purposes. The property and its proposed use are more particularly described in the memorandum.

Resource Person(s): Patrick Byker, Kennedy Covington Attorneys at Law

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing as requested, and if appropriate, adopt the resolution removing the territory from the RTP Service District.

13. **Public Hearing—Zoning Map Change—1423 Bungalow Avenue (Z07-10)**

15 min.

The Board is requested to approve a request for a zoning map change for a 0.919 acre site located on the east side of Bungalow Avenue, north of Angier Avenue, and south of Featherglen Court. Request: RS-20; F/J-B to RS-10; F/J-B

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 accompanying 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: Approval, based on consistency with the *Comprehensive Plan* and the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 11-0 on March 13, 2006. 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): Frank M. Duke, AICP, City-County Planning Director

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.

14. **Lease Agreement Between the Department of Social Services and Genesis Home**

15 min.

Space within the Department of Social Services (DSS) for activities such as foster care visitation, parent education classes, foster and adoptive parent training, LINKS meetings (for teens in foster care), Child and Family Team meetings, Team Decision Making meetings, etc. is inadequate and institutional.

The DSS visitation room is approximately 90 square feet, about half of which is usable after accounting for the sofa, chairs and table. Birth parents visiting their children in foster care frequently complain about the crowded, uncomfortable conditions and lack of privacy. Although free space in the community is utilized when available, the amount of space is still inadequate since over 260 youth are in foster care. Moreover, the existing DSS building has no space that promotes an environment where families feel comfortable in discussing the types of extremely sensitive issues that are the subject of Child and Family Team meetings and Team Decision Making meetings.

Genesis Home has approximately 4400 square feet of leasable space that formerly housed a child care center. This space is ideal for DSS' needs due to its location, kitchen, large rooms, playground space, and non-institutional environment.

To access the space, DSS will pay a monthly lease amount of \$3500 and a prorated share of utilities and security costs. The proposed agreement clarifies each party's responsibility for structural, systemic, and routine maintenance. DSS will be responsible for separate telephone and computer lines. Total monthly cost is estimated at \$4250. Funding for the lease is budgeted for this year. The funds for next year will be included in the agency budget request with an anticipated state reimbursement of 40% of the cost.

The proposed agreement has been reviewed and approved by Carol Hammet of the County Attorney's Office and Jane Korest of the County Open Space and Real Estate Division. The effective date of the agreement is April 1, 2007. DSS anticipates an extension through fiscal year 2009 and beyond if the arrangement is satisfactory to all parties and funding is available for this purpose.

As a source of support for our community's System of Care, the space will be made available for Child and Family Team meetings arranged by DSS agency partners when available.

Resource Person(s): Chuck Harris, Durham Co. DSS; and Ryan Fuhrman, Director, Genesis Home

County Manager's Recommendation: The Manager recommends approval of the lease agreement and authorization to execute it.

15. **Regulation of Solicitation on the Streets and Highways of Durham County**

20 min.

~~After receiving information regarding the possible adoption of an ordinance regulating solicitation in the rights-of-way outside the municipal limits of cities in Durham County,~~

~~the Board passed an ordinance regulating solicitation at its last meeting on a 3-1 vote. As the ordinance was not passed by a unanimous vote of the Board, it must be passed on a second vote to be effective.~~

~~— Resource Person(s): Chuck Kitchen, County Attorney~~

~~County Manager's Recommendation: The Manager recommends that the Board adopt the Ordinance as presented.~~

16. **Board and Commission Appointments**

5 min.

Vonda Sessoms will distribute ballots for the Board to vote on appointments to the following boards and commissions:

- Animal Control Advisory Committee
- Animal Control Review Board
- Durham City-County Appearance Commission
- Durham County Hospital Corporation
- Durham-Wake Counties Research and Production Service District
- Open Space & Trails Commission

Resource Person(s): Vonda Sessoms, Clerk to the Board

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

17. **Closed Session**

45 min.

The Board is requested to adjourn to Closed Session to discuss matters relating to the location or expansion of business or industry pursuant to G.S. 143-318.11(a)(4) and to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

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3 hrs.