

**REVISED**

(Consent Agenda Item No. 8g)

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

Monday, October 26, 2009

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**AGENDA**

**5:30 P.M.—Closed Session**

The Board is requested to adjourn to Closed Session to consider the initial appointment of a public officer pursuant to G.S. § 143-318.11(a)(6).

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**“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.
  - “In Touch with Durham County”, the Durham County television show, airs on Cable TV channel 8 at 8:00 a.m. and 12 noon daily, 5:00 p.m. on Mondays, and 6:00 p.m. Tuesday – Saturday.
  - The final event for *Durham Reads Together 2009* will be held on Sunday, November 1, from 3:00 to 4:30 p.m. Dr. Paul Austin, Durham resident and author of Something for the Pain, will discuss the process of writing his book, sign copies, and answer questions. The event will be held at the Doris Duke Center at Sarah P. Duke Gardens, 426 Anderson Street.

4. **Minutes** 5 min.

September 28, 2009 Regular Session

5. **Presentation of the Commissioners Community Circle Award** 5 min.

The Commissioners Community Circle Award is designed as a way to recognize County departments and community organizations and programs for the extraordinary services they provide to Durham's citizens. New Beginnings Outreach Community Development Corporation, aimed at guiding ex-offenders through the transition process from incarceration, is the recipient of the October 2009 Commissioners Community Circle Award.

New Beginnings is known for its goal to empower and strengthen low- to mid-income families by offering education and training in entrepreneurship, vision, and goal planning, life skills, and construction/trade skills. The organization is admired by many and has changed the lives of those in need of assistance to realize their dreams.

New Beginnings was chosen to receive the Commissioners Community Circle Award for their incredible efforts to develop leaders in the community through skills training and to locate employment for participants. New Beginnings was also selected for the award due to its current transitional housing project. Once completed, the transitional home will be a safe haven for residents.

The Board of County Commissioners salutes New Beginnings for its presence in the community and support system to provide positive change in the lives of Durham County Citizens.

Resource Person(s): Commissioner Michael Page, Chairman of the Durham Board of County Commissioners, and Commissioner Brenda Howerton

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate New Beginnings Outreach CDC for their receipt of the Commissioners Community Circle Award and present the award to Rev. Phillip Jackson, founder of New Beginnings Outreach CDC.

6. **Recognition of Nutritionist Lee Lichtenwalter, Winner of the 2009 GlaxoSmithKline Public Health Staff Recognition Award** 5 min.

The Health Department requests recognition of Lee Lichtenwalter, MPH, RD, LDN, of the Nutrition Division as a winner of the 2009 GlaxoSmithKline Child Health Recognition Award for providing over 20 years of outstanding nutrition care, client advocacy, and provider education related to infants and young children. Ms. Lichtenwalter has worked consistently, tirelessly, and effectively in providing both direct client care and educating others to help ensure that the younger residents of Durham County achieve better health. Ms. Lichtenwalter provides extensive consultations to others that results in more coordinated patient care and positive health

outcomes. She is a valuable asset and resource to Durham County as well to other counties and state entities on best practices for early childhood nutrition. Public Health Staff Recognition Awards are given to employees or retirees of local health departments in recognition of outstanding service in preventive health activities in their local communities.

Resource Person(s): Gayle B. Harris, Health Director

County Manager's Recommendation: The County Manager requests that the Board recognizes Lee Lichtenwalter as a winner of the 2009 GlaxoSmithKline Public Health Staff Recognition Award.

7. **Adoption Month Proclamation**

5 min.

National Adoption Awareness Month is a collective national effort to raise awareness of the 118,000 children in foster care waiting to find permanent, loving families. For the last seven years, National Adoption Month has made the dreams of thousands of children come true by working with courts, judges, attorneys, and advocates to finalize adoptions and find permanent, loving homes for children in foster care.

In North Carolina, there are more than 10,000 children in foster care, but not all of them are available for adoption. These children are in the custody of the local Department of Social Services because of abuse or neglect or because their parents voluntarily placed them for adoption. Most are in custody temporarily while social work professionals attempt to safely reunite them with their families or place them with relatives. Some may be adopted by foster parents. Approximately one-third of the children in foster care will be adopted. Court action to terminate parental rights is necessary before they are available for adoption.

In Durham County, there are more 221 children in foster care, and 20 children are available for adoption but are not currently in an adoptive placement.

The children most in need of safe, loving, permanent homes include those who are over age 10, are in sibling groups and do not want to be separated, minority children, and special needs children (those with medical, behavioral, emotional, or physical problems). Most foster children have special needs simply because they have undergone the trauma of abuse, neglect, and separation from their birth families. Some have physical disabilities and medical problems. Many children need to be placed with a sibling or siblings.

Resource Person(s): Janice Williams, Adoption Supervisor; Jovetta Whitfield, Child Placement and Supportive Services Program Manager; and Gerri Robinson, Director, Department of Social Services

County Manager's Recommendation: Recommend approval of proclamation declaring Adoption Month in Durham County and to raise community awareness of the many ways to support our children who are waiting for a loving, permanent family.

8. **Consent Agenda**

15 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for September 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance 10BCC000024—Recognize Grant Funding from the GlaxoSmithKline Foundation for the Incredible Years Baby and Parents Curriculum (approve Budget Ordinance Amendment No. 10BCC000024 to recognize \$53,532 in funding for FY2010 from GSK to support the expansion of the Incredible Years parenting curriculum in East Durham communities);
- c. Approve Budget Ordinance Amendment 10BCC000025—Department of Social Services to recognize Additional Revenue in the amount of \$151,639;
- d. Approve Budget Ordinance Amendment No. 10BCC000026—Public Health to recognize Grant Funds from the NC Department of Health and Human Services in the Amount of \$7,000 for the Immunization Clinic;
- e. Approve Budget Ordinance Amendment No. 10BCC000027—Cooperative Extension to recognize \$62,500 in Funding for FY 2010 from the Durham Juvenile Crime Prevention Council to support Project B.U.I.L.D., Durham County’s Gang Prevention and Intervention Initiative;
- f. Budget Ordinance Amendment No. 10BCC000028—Appropriate Reserved Funds for the Tax Department, Sheriff’s Office, Fire Marshall, Cooperative Extension, DSS, Library, and Mental Health (approve Budget Ordinance Amendment No. 10BCC000028 to appropriate reserved fund balance [e.g., previously classified in prior years as deferred revenue] in the amount \$2,269,370.39);
- g. Approve Budget Ordinance Amendment No. 10BCC000029 to appropriate **Remaining Reimbursable** ~~Unspent~~ Grant Funds for Cooperative Extension’s Strong Couples Strong Children Grant in the Amount of \$19,421;
- h. Accept the 2008-09 Annual Report for the Durham Board of Adjustment;
- i. Consent to Access Property (approve the Off-site Property Access Consent form and authorize the Manager to sign the consent form); and
- j. Interlocal Agreement with Durham Public Schools regarding the Scott King Road School Property (approve the Interlocal Agreement with the Durham Public Schools regarding the Scott King Road Property and authorize the Manager to execute said agreement).

9. **Public Hearing—Plan Amendment—Evaluation and Assessment Report (A0900005)**

10 min.

To conduct a public hearing on a plan amendment for the Evaluation and Assessment Report (A0900005); and

To rectify the Future Land Use Map of the *Durham Comprehensive Plan* by approving the map changes that the City Council adopted in 2008, and adopt the proposed changes to policies in the *Durham Comprehensive Plan*.

City-County Planning Department Recommendation: Approval.

Planning Commission Recommendation: Approval, 13-0, September 15, 2009, based on information provided in the staff report.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director and Joseph Carley, AICP, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A0900005.

10. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Historic Landmark Criteria (TC0900006)**

10 min.

Receive public comments on Text Change—Historic Landmark Criteria (TC0900006) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director; Lisa Miller, Planner; 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.

11. **Closed Session**

30 min.

The Board is requested to adjourn to Closed Session pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer or employee.

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1 hr. 40 min.