

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

Monday, September 27, 2010

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron (arrived at 7:10 p.m.), and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Chairman Page announced the following:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday – Sundays. The County Commissioners’ meetings are rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- Project Homeless Connect to hold Durham County Veteran Stand Down on Thursday, October 7, 2010, 10:00 a.m. – 4:00 p.m., at the Durham Bulls Athletic Park, 409 Blackwell Street, as an effort to provide assistance to veterans, especially homeless veterans.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve as submitted the September 13, 2010 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page, and Reckhow

Noes: None

Absent: Heron

Commissioners' Community Circle Award

The Commissioners' Community Circle Award, created by the Durham Board of County Commissioners, recognizes community organizations and County departments for the extraordinary services they provide to citizens of Durham.

Chairman Page issued the following remarks to recognize the Community Circle Award recipient:

“It is my pleasure to recognize Habitat for Humanity of Durham as our most recent recipient of the Commissioners' Community Circle Award. For nearly 25 years, Habitat for Humanity of Durham has helped well over 200 families build and own homes in our community. Next month, Habitat for Humanity of Durham will celebrate its 25th Anniversary by building its 250th home in our community.

The great accomplishments of Habitat for Humanity of Durham have multiplied over the years. Recently, their organization celebrated their goal of building environmentally-friendly housing by completing Hope Crossing Housing Development, a 31-home 'green' affordable housing development. These homes feature energy-reducing water and light fixtures and Energy Star appliances. All homes recently built by Habitat for Humanity of Durham have energy-efficient features. Last year, Durham County Government was proud to have 15 of its employees work to build one of these homes with your organization during National County Government Month.

When Habitat for Humanity of Durham is not building large communities, Habitat's Brush with Kindness Program touches the lives of many people. This year, the program designed to repair homes and beautify communities will fix the ramps to roofs of 25 homes in Durham that belong to families in need.

When you encounter a well-known program such as Habitat for Humanity of Durham, you instantaneously want to roll up your sleeves and help.

I just learned that when you can't get in on the building action, you can support the organizations' Pay it Forward program. The program enables citizens to challenge themselves and others to raise funds to build a Habitat home.

Since this spring, two Habitat homes have been built with \$100,000 raised by the Pay it Forward Program.

Our Board is impressed by the work of Habitat for Humanity of Durham and their influence on our community. The great work you are doing are seen all around us. An example of this is the recent opening of your new ReStore, located off of HWY 15-501.

Our Board applauds your commitment to showing citizens a way to successfully own a decent and affordable home in Durham.

Tonight, we are joined by Miguel Rubiera, Executive Director of Habitat for Humanity of Durham.”

Mr. Rubiera introduced Don Stanger as the incoming President of Habitat for Humanity of Durham and thanked the Board for the award.

Chairman Page further remarked, “Mr. Rubiera, the efforts of Habitat for Humanity of Durham are at the heart of this award as you strive to improve and enhance our community. Our Board and your organization share the desire to make our community a better place to live. We say ‘thank you’ and the Habitat for Humanity of Durham for your great work in our community. Congratulations!”

Mr. Stanger concurred with Mr. Rubiera’s comments and stated the organization’s mission to build more homes within Durham.

Chairman Page presented the award to Mr. Rubiera and Mr. Stanger.

Resolution—Dr. Cleveland Hammonds Jr.

Chairman Page stated that Dr. Cleveland Hammonds Jr., former Superintendent of Durham City Schools, passed earlier in the month in Maryville, Ill. Dr. Hammonds led the former Durham City Schools District from 1979-1988, and the N. C. Association of School Administrators named him as its first ever Superintendent of the Year in 1987. His career as a superintendent of schools spanned 28 years.

Chairman Page read the following resolution into the record to honor Dr. Hammonds:

RESOLUTION

WHEREAS, Dr. Cleveland Hammonds Jr., a native of Louisiana, grew up in Alton, Illinois and attended public schools; and

WHEREAS, he received a bachelor's degree in history from Southern Illinois University in 1958, a master's degree in guidance and counseling in 1963, and earned a doctoral degree from the University of Illinois at Urbana in 1973 as he advanced his highly successful career in education; and

WHEREAS, during a highly productive career spanning 28 years, Dr. Hammonds was Superintendant of schools in Inkster, Michigan; Durham, NC; Birmingham, Alabama; and St. Louis, Missouri where he retired in 2003; and

WHEREAS, the North Carolina Association of School Administrators named Dr. Hammonds its first ever superintendent of the year in 1987, and he went on to receive many other outstanding recognitions for educational achievement and community service; and

WHEREAS, Dr. Hammonds was revered as an excellent academician and a superb administrator as he sought to mentor youth and those interested in the education profession; and

WHEREAS, he served as president of the Horace Mann League and Large City Schools Superintendents Organization and on the boards of many organizations including United

Way, American Red Cross, American Heart Association, and Boy Scouts of America to name a few; and

WHEREAS, Dr. Hammonds will forever be remembered for his love of people, his strong work ethic, and his educational innovation:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

DR. CLEVELAND HAMMONDS JR.

for his lifelong work to educate young people and prepare them for successful careers. We call upon all citizens of Durham County to remember this phenomenal man who tirelessly worked to improve the quality of life for so many, in all the communities in which he served.

This the 27th day of September, 2010.

/s/ All Five Commissioners

Chairman Page noted that the resolution would be forwarded to Dr. Hammonds's widow, Mrs. Yvonne Hammonds, who resides in Belleville, Illinois.

Chairman Page recalled comments made during his trip to Birmingham regarding Dr. Hammonds work in Birmingham and with the children of Durham.

Commissioner Howerton thanked Dr. Hammonds's family for his contributions and work in Durham.

Recognition—D. W. Newsom

County Manager Mike Ruffin reported that Durham County celebrated its 80th anniversary of the Commission-Manager form of government on August 8, 2010. County Commissioner Dallas Walton Newsom served one partial term and three full terms as a county commissioner before being appointed as Durham County's first county manager. Durham County was the second county in the country to adopt the County Manager form of government. Mr. Newsom served as its county manager until 1949 and was a strong advocate of civil rights and open space. While Mr. Newsom was a capable manager who led Durham County out of financial straits created by the Great Depression, he was also a distinguished civic leader, business man, and poet.

Lynn Richardson, North Carolina Collection Librarian, Durham County Library, shared several accomplishments of Mr. Newsom. She provided an overview of the North Carolina Collection website, including a celebratory section dedicated to Mr. Newsom.

Battle Robinson, Mr. Newsom's granddaughter, introduced members of the Newsom family in attendance. She shared anecdotes about Mr. Newsom and thanked the Board for the dedication.

Chairman Page issued a statement of appreciation for Mr. Newsom's work and contributions to Durham County. He asked Mr. Newsom and family to unveil a portrait of Mr. Newsom during a time when he served as Durham County Manager. Chairman Page added that the portrait would hang in the reception area of the County Manager's office for a year to commemorate the services Mr. Newsom rendered to the County.

Chairman Page informed the family that a DVD of the meeting would be forwarded to them.

Recognition for Employers of Work First Participants

Chairman Page invited Gerri Robinson, DSS Director, forward to recognize employers that had provided employment opportunities for Durham County Department of Social Services (DCDSS) Work First customers. Those employers attended the August 17, 2010 Work First Program Roundtable Event.

Ms. Robinson reported that the employers were invited to a Roundtable Discussion with DCDSS staff to discuss ways to increase the number of individuals hired on jobs as well as strategies to increase job retention of those hired during challenging economic times.

Ms. Robinson asked Commissioner Bowser, a DSS Board member, to come forward, along with Rhonda Stevens, Assistant Director, and Alberta Barrett, Work First Employment Services Supervisor, to present a Certificate of Appreciation from the Durham County Board of Social Services to each of the 20 employers in attendance.

Commissioner Bowser briefly remarked on the elements of Work First and thanked the employers for contributing to Work First's success.

Proclamation—Project Homeless Connect & Stand Down Day

Project Homeless Connect (PHC) is a nationally recognized best practice to improve the accessibility of housing and other services to people without homes. PHC events allow people without homes and those at risk of homelessness to access a broad array of services and benefit programs in one location on one day.

Chairman Page announced that Durham's fourth annual PHC would be held on October 7, 2010, and for the first time would be held in collaboration with a Durham County Veterans Stand Down, an event designed to increase access to services for homeless veterans. PHC anticipated serving as many as 450 people, a 50% increase over 2009, and urged the support of the Durham community to help neighbors in need.

Chairman Page read the following proclamation into the record to proclaim October 7, 2010 as Project Homeless Connect and Durham County Veterans Stand Down Day in Durham:

PROCLAMATION

WHEREAS, on any given night of the year, some 600-700 men, women, and children are without homes in our county; and

WHEREAS, an estimated 20 percent of these homeless people, nearly 150 men and women, have been homeless continuously for more than a year or have experienced recurrent episodes of homelessness for several years; and

WHEREAS, over 100 of each night's homeless people have served in the armed forces of our nation and been honorably discharged; and

WHEREAS, Durham Public Schools served 535 children who experienced homelessness during the course of the 2009-2010 school year and anticipate serving that many children in the current school year; and

WHEREAS, the U.S. Census Bureau estimates that over 40,000 of Durham County's 103,000 households are at risk of homelessness because they are paying more than 30 percent of their income for shelter; and

WHEREAS, Durham County is in the midst of a housing crisis with 1,992 owner-occupied housing units in the county, entering foreclosure in the period August 2009 to July 2010, a 27% increase over the previous year; and

WHEREAS, the County of Durham joined over 250 communities across the nation and adopted a 10-Year Plan to End Homelessness with the City of Durham in 2006; and

WHEREAS, the Plan seeks to significantly reduce overall levels of homelessness and end long-term or chronic homelessness by 2016 through effective engagement of Durham's public, nonprofit, and private sectors; and

WHEREAS, the plan's implementation of Project Homeless Connect, a nationally recognized best practice of efforts to reduce homelessness, has provided valuable services to over 800 people in three years through its one-stop, no-cost center for a variety of social, medical, legal, employment, housing, and other services; and

WHEREAS, this year's Project Homeless Connect will be conducted collaboratively with Durham County Veterans Stand Down in which homeless veterans will be provided access to the community resources they need to successfully rebuild their lives; and

WHEREAS, this year's Project Homeless Connect & Veterans Stand Down, scheduled for October 7 at Durham Bulls Athletic Park, is preparing to serve 450 or more people during a time when we continue to rebuild our national and local economy:

NOW, THEREFORE, BE IT RESOLVED that I, Michael Page, Chairman of the Durham County Commission, proclaim October 7, 2010 as

PROJECT HOMELESS CONNECT AND VETERANS STAND DOWN DAY

in Durham County. I encourage all concerned county residents to support Project Homeless Connect and Veterans Stand Down through donations and volunteer service and encourage all homeless people in our county, especially veterans of military service, and those at risk of

homelessness to take advantage of this opportunity to connect to services that may provide valuable assistance to them at no charge.

This the 27th day of September, 2010.

/s/ Michael D. Page, Chairman

Lloyd Schmeidler, Community Education Specialist, the 10-Year Plan to End Homelessness in Durham, thanked the Board for the proclamation. He elaborated on the events to occur during Stand Down and beseeched the public's assistance with volunteering.

Lou Washington, Veteran Affairs, echoed Mr. Schmeidler's comments. He encouraged citizens to donate to the cause.

Commissioner Howerton thanked Mr. Schmeidler and Mr. Washington for their hard work. She expressed sadness with the homelessness statistics in Durham County.

Vice-Chairman Reckhow commended the Durham Affordable Housing Coalition and Veteran Affairs for collaborating on the event. She requested a follow up on the number of veterans who attend and receive services during Stand Down.

Commissioner Heron expressed appreciation for Veteran Affairs and the Coalition's efforts to provide services to homeless veterans.

Commissioner Bowser praised Veteran Affairs and the Coalition's for their advocacy work with homeless veterans in the community. He encouraged citizens to help in the venture.

Chairman Page announced the following Stand Down volunteering training sessions:

- September 29, 5:00 p.m., at Duke University Law School
- September 30, 12 noon, at Durham Bulls Athletic Park, 409 Blackwell Road
- September 30, 4:30 p.m., at AICPA, 220 Leigh Farm Road
- October 2, 11:00 a.m., at First Presbyterian Church, 305 East Main Street

Chairman Page expressed appreciation for Veteran Affairs and the Coalition's diligent work. He emphasized the importance of Mr. Washington's role in operating the smallest County department.

Mr. Schmeidler and Mr. Washington accepted the proclamation from Chairman Page.

Consent Agenda

Commissioner Heron moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- *b. Approve Budget Ordinance Amendment No. 11BCC000011 from the NC Department of Health and Human Services in the amount of \$33,328 for the Family Planning Program;

- *c. Approve Budget Amendment No. 11BCC000012 for At-Risk Case Management Cost Settlement Funds in the amount of \$284,778;
- d. Approve the Department of Social Service's request to amend the One Source Contract as we continue the DMI Project initiated in 2005 (RFP #05-016);
- *e. Approve Budget Ordinance Amendment No. 11BCC000013 for encumbrances outstanding at year-end (FY2010) representing obligations/commitments entered into by the County for either services not yet completed or performed or goods not yet received in the amount of \$2,463,668.20;
- *f. Accept the property tax release and refund report for July 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- *g. Accept the property tax release and refund report for August 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- h. Renew the Interlocal Cooperation Agreement with the City of Durham for Open Space and Trails Planning;
- i. Renew the Interlocal Cooperation Agreement with the City of Durham for the Durham Environmental Affairs Board;
- k. Approve the amended Fixed Asset Policy of the County increasing the dollar threshold for capitalization of intangible assets to \$50,000 or above retroactive as of June 30, 2010;
- *l. Approve Budget Ordinance Amendment No. 11BCC000014 to appropriate reserved fund balance (e.g., previously classified in prior years as deferred revenue) for the Tax Department, Sheriff's Office, Fire Marshall, Cooperative Extension, DSS, Library, Public Health and Mental Health in the amount \$1,806,173.73;
- *m. Approve Budget Ordinance Amendment No. 11BCC000015 to appropriate remaining reimbursable grant funding for Cooperative Extension's Project BUILD ARRA grant in the amount of \$33,530;
- *n. Approve Budget Ordinance Amendment No. 11BCC000016 to appropriate remaining reimbursable grant funding for Cooperative Extension's GlaxoSmithKline BABY Grant in the amount of \$26,843;
- o. *Removed prior to meeting*
- p. Appoint members to the Criminal Justice Partnership Act Advisory Board, according to NC General Statutes (Gayle Harris—Public Health);
- r. Approve the Right-of-Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways with NC DOT related to the Lakewood Montessori Middle School and YMCA renovation project and authorize the Manager to execute the agreement;

- s. Approve the Warrant Control Interlocal Agreement between the City of Durham and Durham County and authorize the Manager to execute the agreement; and
- t. Appoint members to the Juvenile Crime Prevention Council, according to NC General Statutes (David Addison—Chief of Police or Designee); and
- u. Authorize the execution of a consulting services agreement for the Structured Cabling System Installation Project No.: DC070: RFP No. 10-031 with Ken-Nect Communications for the Durham County Human Services Building in the amount not to exceed \$400,217.81 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$424,000.00.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. b. Approve Budget Ordinance Amendment No. 11BCC000011 from the NC Department of Health and Human Services in the amount of \$33,328 for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$72,132,137	\$33,328	\$72,165,465

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$103,491,742	\$33,328	\$103,525,070

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of September, 2010.

Consent Agenda Item No. c. Approve Budget Amendment No. 11BCC000012 for At-Risk Case Management Cost Settlement Funds in the amount of \$284,778.

DURHAM COUNTY, NORTH CAROLINA

FY 2010-11 Budget Ordinance
Amendment No. 11BCC000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$12,493,444	\$284,778	\$12,778,222

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$103,525,070	\$284,778	\$103,809,848

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of September, 2010.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 11BCC000013 for encumbrances outstanding at year-end (FY2010) representing obligations/commitments entered into by the County for either services not yet completed or performed or goods not yet received in the amount of \$2,463,668.20.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$12,493,444	\$2,359,859	\$14,853,303
<u>BENEFITS PLAN FUND</u>			
	\$15,261,793	\$48,344.42	\$15,310,137.42
<u>SEWER UTILITY FUND</u>			
Other Financing Sources	\$0	\$55,465.15	\$55,465.15

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$64,670,271	\$1,150,625	\$65,820,896
Public Safety	\$43,670,660	\$153,852	\$43,824,512
Environmental Protection	\$3,448,772	\$143,889	\$3,592,661

Economic & Physical Development	\$5,300,496	\$100,618	\$5,401,114
Human Services	\$103,525,070	\$762,947	\$104,288,017
Cultural and Recreation	\$10,944,901	\$47,928	\$10,992,829
<u>BENEFITS PLAN FUND</u>	\$15,261,793	\$48,344.42	\$15,310,137.42
<u>SEWER UTILITY FUND</u>			
Other Financing Sources	\$8,157,715	\$55,465.15	\$8,213,180.15

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of September, 2010.

Consent Agenda Item No. f. Accept the property tax release and refund report for July 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of July 2010.

Releases & Refunds for 2010 Taxes:

Personal	\$ 65,440.34
Motor Vehicles	\$ 17,165.65
Vehicle Fees	\$ <u>595.00</u>
Total for 2010 Taxes and Fees	\$ 83,200.99

Prior years' (2004-2009) releases and refunds for July 2010 are in the amount of \$45,786.87. The total current year and prior years' releases and refunds amount to \$128,987.86.

(Recorded in Appendix A in the Permanent Supplement of the September 27, 2010 Regular Session Minutes of the Board.)

Consent Agenda Item No. g. Accept the property tax release and refund report for August 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of August 2010.

Releases & Refunds for 2010 Taxes:

Real Estate	\$ 212,802.81
Personal	\$ 859,820.97
Motor Vehicles	\$ 15,791.79

Vehicle Fees	\$ 595.00
Solid Waste	<u>\$ 190.00</u>
Total for 2010 Taxes and Fees	\$1,089,200.57

Prior years' (2005-2009) releases and refunds for August 2010 are in the amount of \$34,503.80. The total current year and prior years' releases and refunds amount to \$1,123,704.37.

(Recorded in Appendix A in the Permanent Supplement of the September 27, 2010 Regular Session Minutes of the Board.)

Consent Agenda Item No. l. Approve Budget Ordinance Amendment No. 11BCC000014 to appropriate reserved fund balance (e.g., previously classified in prior years as deferred revenue) for the Tax Department, Sheriff's Office, Fire Marshall, Cooperative Extension, DSS, Library, Public Health and Mental Health in the amount \$1,806,173.73.

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Budget Ordinance
 Amendment No. 11BCC000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$15,138,081	\$1,806,174	\$16,944,254

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$65,820,896	\$128,865	\$65,949,761
Public Safety	\$43,824,512	\$527,609	\$44,352,121
Economic & Physical Development	\$5,401,114	\$76,650	\$5,477,764
Human Services	\$104,574,795	\$1,056,239	\$105,629,033
Cultural and Recreation	\$10,992,829	\$16,811	\$11,009,640

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of September, 2010.

Consent Agenda Item No. m. Approve Budget Ordinance Amendment No. 11BCC000015 to appropriate remaining reimbursable grant funding for Cooperative Extension's Project BUILD ARRA grant in the amount of \$33,530.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000015

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$72,165,465	\$33,530	\$72,198,995

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic & Physical Development	\$5,477,764	\$33,530	\$5,511,294

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of September, 2010.

Consent Agenda Item No. n. Approve Budget Ordinance Amendment No. 11BCC000016 to appropriate remaining reimbursable grant funding for Cooperative Extension's GlaxoSmithKline BABY Grant in the amount of \$26,843.

DURHAM COUNTY, NORTH CAROLINA
FY 2010-11 Budget Ordinance
Amendment No. 11BCC000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$72,198,995	\$26,843	\$72,225,838

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic & Physical Development	\$5,511,294	\$26,843	\$5,538,137

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of September, 2010.

Public Hearing—Fifth Annual Evaluation and Assessment Report of the Durham Comprehensive Plan (A1000004)

Aaron Cain, AICP, Senior Planner, City-County Planning Department, provided an overview of the Comprehensive Plan. He requested that the Board conduct a public hearing and receive public comments on the Annual Evaluation and Assessment Report of the Durham Comprehensive Plan. Mr. Cain also requested that the Board adopt a resolution to amend the Durham Comprehensive Plan in accordance with the proposed changes listed in the staff report and that the Future Land Use Map be rectified for the plan amendments listed in the staff report.

Mr. Cain addressed Commissioners' questions regarding the following:

- Cost to amend Comprehensive Plan
- 2009 Status Updates for Plan Policies to Implement (Table 1)
 - “Unscheduled” for Little River Corridor Open Space Plan
 - Bicycle Facilities in New Development (completed in 2010)
 - Bicycle-Friendly Community Application (awarded in 2010)

Directives

1. Steven L. Medlin, AICP, City-County Planning Director, to double check the status for the Little River Corridor Open Space Plan.
2. Look into number of unscheduled policies.

Commissioner Howerton and Commissioner Bowser expressed concern with not receiving the Evaluation and Assessment Report attached to their agenda action form.

Vice-Chairman Reckhow reminded the Board that the Report was sent to each Commissioner 10 days in advance of the meeting.

Commissioner Bowser requested to receive supporting documentation in his future agenda packets.

Commissioner Heron suggested enhancing publicity to receive more citizen participation during public hearings.

Mr. Cain responded to Commissioner Heron that the public was notified per public hearing notice requirements.

County Manager Mike Ruffin advised the Board to defer the public hearing and voting on the resolution to the October 11 Regular Session to give the Commissioners sufficient time to review the report.

Chairman Page opened the public hearing that was properly advertised.

Commissioner Heron moved, seconded by Commissioner Howerton, to continue the public hearing to the October 11 Regular Session.

The motion carried unanimously.

Public Hearing—Zoning Map Change—Glenn School Commercial (Z0900019)

Assistant Planning Director Patrick Young provided an overview of Planning's request for the Board to approve a request for a zoning map change for a 9.53-acre site located at 1719 and 1721 Glenn School Road, on the south side of Glenn School Road between Glenn Road and Interstate-85. Request: RR; F/J-B, MTC to CG(D); F/J-B, MTC. He briefly outlined the committed elements proffered by the developer. He stated that Planning staff recommended approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report. The Durham Planning Commission recommended and voted 11–1 for denial with additional committed elements on August 10, 2010. The Commission found that the ordinance request was consistent with the adopted Comprehensive Plan. However, the Commission believed that the request was not reasonable nor in the public interest and recommended denial based on problems of traffic congestion and inadequate transportation infrastructure, concerns regarding impacts on the environment, and inadequate facilities provided in the development plan.

Mr. Young; Steve Medlin, AICP, Planning Director; Bill Judge, Transportation Engineer, City Transportation Department; and Chris Roberts, Erosion Control Officer, County Engineering, addressed questions and concerns raised by the Board regarding the following:

- 33,500 sq. ft. of commercial use—committed element?
 - Convenience store = ~3,500 – 5,000 square feet
- Traffic Impact Analysis (TIA)
 - Assumption based on a convenience store with 14 fueling positions and a 5,000 sq. ft. fast-food restaurant with drive-thru
 - Assumption not consistent with 33,500 sq. ft. of total commercial usage
- Excessive amount of proposed impervious surface (70% = 6.518 acres)
- The Board's authority to restrict uses of the proposed zoned site
- Site location
- Stormwater drainage

Vice-Chairman Reckhow requested that future staff reports contain more detailed analyses and site plan details.

Chairman Page opened the public hearing that was properly advertised and called signed speakers forward for comments.

Ronald Horvath, Horvath Associates, 16 Consultant Place, Durham 27707, enlightened the Board on details of the proposed development plan and discussed potential uses of the proposed site. He responded to questions posed by the Board in relation to proprietors' support for the proposed development plan.

Rynal Stephenson, P.E., Remy Kemp & Associates Inc., 5808 Faringdon Place, Suite 100, Raleigh 27609, elaborated on the TIA.

Marshall M. Boon, property owner, 3625 Hathaway Road, Durham 27707, urged the Board to approve the zoning map change.

Allen Emery, property owner, 2729 Glenn School Road, Durham 27704, urged the Board to approve the zoning map change.

G. F. Ferrell, 2110 Bundy Avenue, Durham 27704, spoke in favor of the project.
Teiji Kimball, Durham Planning Commission member, 10910 South Lowell Road, Bahama 27503, explained his Planning Commission vote in favor of the proposed development plan.

As no one else signed up to speak, Chairman Page closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow recommended that the Board support the Durham Planning Commission's recommendation of denial. She voiced her concern with the presentation of an incomplete development plan.

Commissioner Bowser asked Mr. Horvath if he was aware of the proprietors contacting commercial developers to purchase their properties.

Mr. Horvath responded in the affirmative; however, he explained that no action was taken due to the uncertainty that developers would be able to build on the properties.

Commissioner Bowser inquired about the developer considering inexpensive gas stations to build on the sites presented in the plan.

Mr. Horvath explained that the current lots are zoned neighborhood commercial, which only allows for four gas pumps, and are too small to accommodate a gas station such as Sheetz and Wilco, which require at least eight pumps.

In response to Chairman Page's question, Mr. Horvath stated that the developer's intention for the sites was explained to the Durham Planning Commission. He explained why the plan presented was vague in specifics, stating that any changes to the site plan would require another rezoning application to be submitted.

Chairman Page questioned whether the proposed development plan would change the atmosphere of the surrounding area.

Mr. Medlin and Mr. Judge addressed Board questions regarding the following:

- Watershed protection meeting Unified Development Ordinance (UDO) and stormwater requirements
- Northern Durham Parkway location
- Durham Planning Commission concerns
- Protected area surrounding commercial area
- CG (Commercial General) zoning request submission requirements per the UDO

County Manager Mike Ruffin replied to Commissioner Bowser's question, stating that fuel does not include sales tax.

Commissioner Howerton moved, seconded by Chairman Page, to approve Zoning Map Change—Glenn School Commercial (Z0900019).

The motion carried with the following vote:

Ayes: Bowser, Howerton, Page,

Noes: Heron and Reckhow

Items Removed from the Consent Agenda for Discussion

Consent Agenda Item No. a. Approve permission to issue \$30,000,000 in BABS (taxable) and \$30,000,000 General Obligation Bonds (tax exempt) to be used to pay off current outstandings under our BANs note with Bank of America; approve the Refunding not to exceed \$70M in series 2004 A & B and 2006A&B bonds; and authorize the Manager and Finance Director to execute the appropriate documents to close the two transactions once the Local Government Commission approval is received.

George Quick, Finance Director, explained the revisions made to the resolutions providing issuance of the general obligation bonds.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. a.

The motion carried unanimously.

(Please note: Resolutions will be included in the official Board of County Commissioners Minutes of the Board Book No. 40 due to their extensive lengths.)

Consent Agenda Item No. j. Authorize execution of contracts with Edge Office and Price Modern for the purchase of Training Tables, Conference Room Furnishings, and Seating from the U.S. Communities & GSA Buying Programs for Phase I and II of the Durham County Human Services building, in the total amount of \$1,585,868.40 and to execute any other related contracts, if necessary, not to exceed the budget of \$1,617,585.77.

To address Vice-Chairman Reckhow's question regarding the reuse of existing furniture, County Manager Mike Ruffin replied that none of the existing furniture from Mental Health, Public Health, and Social Services would be used in the new Human Services building; however, the furniture would be used throughout other County departments.

Chairman Page mentioned that Public Health Director Gayle Harris informed him that new furniture must be used due to varying differences in the office space configurations.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. j.

The motion carried unanimously.

Consent Agenda Item No. q. Approve the one month extension with the Durham Affordable Housing Coalition (DAHC) for implementation of the Ten-Year Plan to End Chronic Homelessness and authorize the County Manager to execute the contract amendment.

County Manager Ruffin provided an explanation for the extension request. He stated that due to HUD not releasing the notice of funding availability until last week, DAHC had requested that the deadline be moved from October 31 to November 18 to complete the Continuum of Care application.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. q.

The motion carried unanimously.

Chairman Page inquired about the status of the 10-Year Plan to End Homelessness as no plan had yet to be put in place.

County Manager Ruffin stated that Commissioner Howerton shared the same concern as Chairman Page. He informed the Board that a meeting would be scheduled soon and would include the City and County Managers, Chairman Page, and Councilmember Cora Cole-McFadden. A plan of action would then be presented to the Board at its November worksession.

Chairman Page asked if the plan could be presented at the October Worksession.

County Manager Ruffin responded that City staff was still conducting their research and may not be prepared by the October worksession. He pledged to forward any information he receives regarding the 10-Year Plan to the Board.

Board and Commission Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

The Board made the following appointments; incumbents are underlined:

Adult Care Home Community Advisory Board

Kristopher A. Powell

Gwendolyn D. Price

Martha F. Simpson

Area Mental Health Board

Amir Berhannu (A family member or individual from a citizen's organization composed primarily of consumer of their family members; Recommended by AMHB)

Philip Golden (At-large; Recommended by AMHB)

Audit Oversight Committee

William R. Pierce (CPA)

Manuel L. Rojas (At-large)

Sid Stroupe (CPA; Finance Representative; or At-large)

Citizen Advisory Committee
Da'Neen Weeks

Criminal Justice Partnership Act Advisory Board
Nina Bullock (At-large)

Industrial Facilities & Pollution Control Financing Authority
Edward F. Conner
Charles H. Darwin

Raleigh-Durham Airport Noise Abatement Committee
Miles Simpson

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to set the terms for the Audit Oversight Committee appointees as follows: William R. Pierce—3 years, Manuel L. Rojas—1 year, and Sid Stroupe—2 years.

The motion carried unanimously.

Commissioner Heron announced that the Night for the Stars event would be held on Sunday, October 17, from 5:00 to 8:00 p.m. at the Durham Center for Senior Life. She encouraged the public to attend.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:44 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board