

**REVISED**

(Deleted—Item No. 10[o])

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

Monday, September 27, 2010

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.

“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. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.

4. **Minutes** 5 min.

September 13, 2010 Regular Session

5. **Commissioners' Community Circle Award**

5 min.

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

This year Habitat for Humanity of Durham celebrates its 25<sup>th</sup> year anniversary with building their 250<sup>th</sup> home in Durham. Despite our country's tough economic times, Habitat for Humanity of Durham continues to build 20 homes annually and repair an additional 20 through its a Brush with Kindness program. Habitat for Humanity's influence on Durham has enabled many families to have a home they can call their own. Their work is made possible with volunteers, partnership agencies and the people of Durham who are committed to Habitat's programs, like **Pay it Forward**. Pay it Forward involves a group of Durham citizens that challenge themselves and other citizens to raise funds to sponsor a \$50,000 Habitat home. Families, friends, neighbors and coworkers across Durham have helped to secure a home for two families since spring of 2010.

The BOCC celebrates Habitat for Humanity of Durham for their efforts to build roofs for families and enabling those families to have a safe, decent and affordable home. Habitat for Humanity of Durham and its many programs and initiatives are applauded by the BOCC this evening.

Resource Person(s): Jeanette Stoltzfus, Communications Manager for Habitat for Humanity of Durham and Chairman Michael D. Page

County Manager's Recommendation: The Manager recommends that the Board present the Commissioners' Community Circle Award to a representative from Habitat for Humanity of Durham.

6. **Resolution – Dr. Cleveland Hammonds, Jr.**

5 min.

Dr. Cleveland Hammonds, Jr., former Superintendent of Durham City Schools passed earlier this 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.

A resolution has been prepared at the request of Chairman Michael D. Page. Following adoption, a copy will be provided to his widow, Mrs. Yvonne Hammonds who now resides in Belleville, Illinois.

Resource Person(s): Michael D. Page, Chair

County Manager's Recommendation: The Manager recommends that the Board approve the Resolution and send to the family of Dr. Cleveland Hammonds, Jr.

7. **Recognition – D. W. Newsom**

15 min.

Durham County celebrated its 80th anniversary of the Commission-Manager form of government on August 8, 2010. County Commissioner Dallas Walton Newsom was 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.

Resource Person(s): Michael Page, Chairman; Mike Ruffin, County Manager; Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board commemorate the occasion by recognizing the family of Mr. Dallas Walton Newsom.

8. **Recognition for Employers of Work First Participants**

10 min.

The Board of Durham County Department of Social Services would like to recognize employers that have provided employment opportunities for Durham County Department of Social Services (DCDSS) Work First customers. These employers attended the August 17, 2010 Work First Program Roundtable Event.

These 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 in these challenging economic times. As a result of that discussion, we would like to recognize the twenty employers that attended.

Each of the employers that attended will receive a Certificate of Appreciation from the Durham County Board of Social Services at the September 27, 2010 BOCC meeting.

Resource Person(s): Gerri Robinson, DSS Director, Rhonda Stevens, Assistant Director and Alberta Barrett, Work First Employment Services Supervisor.

County Manager's Recommendation: The County Manager recommends that the Commissioners recognize employers that attended the August 17, 2010 roundtable event for their support of the Work First Program.

9. **Proclamation – Project Homeless Connect & Stand Down Day**

5 min.

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.

Durham's fourth annual PHC will be held on October 7, 2010, and for the first time will be held in collaboration with a Durham County Veterans Stand Down, an event designed to increase access to services for homeless veterans. In these difficult economic times, PHC anticipates serving as many as 450 people, a 50% increase over 2009, and needs the support of the Durham community to help our neighbors in need.

The Board is requested to proclaim October 7, 2010 as Project Homeless Connect and Durham County Veterans Stand Down Day in Durham.

Resource Person(s): Lloyd Schmeidler, Community Education Specialist, The 10-Year Plan to End Homelessness in Durham

County Manager's Recommendation: The County Manager recommends that the Board present the proclamation to representatives of Project Homeless Connect & Stand Down Day.

10. **Consent Agenda**

20 min.

- 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;
- 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;
- 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;
- k. Approve the attached 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. Recognize the SAMSHA grant award, approve Budget Ordinance Amendment No. 11BCC000018 appropriating \$542,492 of SAMSHA grant funds to the Mental Health budget, and approve the creation of two full time positions and three half time positions related to the grant;~~
- p. Appoint members to the Criminal Justice Partnership Act Advisory Board, according to NC General Statutes;
- 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;
- 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;
- 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.

11. **Public Hearing - Fifth Annual Evaluation and Assessment Report of the Durham Comprehensive Plan (A1000004)**

30 min.

The Board is requested to conduct a public hearing and receive public comments on the Annual Evaluation and Assessment Report of the Durham Comprehensive Plan. The Board is also requested to 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.

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed Durham Comprehensive Plan Amendment and, if appropriate based on the comments received during the hearing, adopt a resolution to approve the amendment.

12. **Public Hearing - Zoning Map Change - Glenn School Commercial (Z0900019)**

30 min.

The Board is requested 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.

The Board is requested 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 accompanying 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: Denial with additional committed elements, 11-1 on August 10, 2010. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. However, the Commission believes the request is not reasonable nor in the public interest and recommends 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.

**RESOURCE PERSON(S)**: Steven L. Medlin, AICP, City-County Planning Director and Amy Wolff, Planner

**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.

13. **Board and Commission Appointments**

10 min.

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Adult Care Home Community Advisory Board
- Area Mental Health Board
- Audit Oversight Committee
- Citizen Advisory Committee
- Criminal Justice Partnership Act Advisory Board
- Industrial Facilities & Pollution Control Financing Authority
- Raleigh-Durham Airport Noise Abatement Committee

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

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

14. **RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA**

20 min.

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2 hrs. 50 min.