

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

Monday, May 10, 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 Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

**Opening of Regular Session**—Pledge of Allegiance

**Agenda Adjustments**

Per County Manager Mike Ruffin's request, Chairman Page amended the agenda to discuss potential dates to hold the Highway 751 Assemblage public hearing.

**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. 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.
- The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization would host its final community workshop tomorrow, May 11, 5:00 p.m. to 8:00 p.m. to present the recommendation developed for mobility and development in the NC-54/I-40 corridor. The event would be held at the Friday Center for Continuing Education in Chapel Hill. This corridor is a critical gateway linking the City of Durham, Chapel Hill, and the University of North Carolina at Chapel Hill.
- Effective immediately, the Durham County Register of Deeds would temporarily remove various documents on a rotating schedule to restore, conserve and digitize all vital records. This affects birth, death and marriage records. The process would continue through October. Citizens may visit the office or call (919) 560-0495 if they need copies of these records during this period.
- Durham County Library would host a Grand Open House celebrating the opening of Southwest Regional Library on Monday, May 24, 2010. The ribbon cutting ceremony would take place from 10:00 – 10:30 a.m. Members of the Southwest community and beyond would take part in an open house from 10:30 a.m. to 2:00 p.m. that includes

choirs from local elementary and middle schools, demonstrations of library programs from story-times to Salsa dancing, a visit from the Museum of Life and Science, music, games, puppets, a scavenger hunt, and tours of the library. A special family hour would be held in the evening from 6:30 – 8:00 p.m. featuring Wii bowling for all ages. Join the Library and the community in celebrating the renovation, expansion and long-awaited reopening of the Southwest Regional Library at 3605 Shannon Road. Visit the Library's website, [www.durhamcountylibrary.org](http://www.durhamcountylibrary.org), for more information.

Commissioner Heron announced that “The Harlem Children's Zone—Can It Happen in Durham?”, sponsored by the Durham County Library and GlaxoSmithKline, would be held on Sunday, May 16, at 3:00 p.m. at the Holton Career and Resource Center, 401 North Driver Street. She invited citizens to attend and participate in a discussion led by Paul Tough, *New York Times Magazine* Editor and Author of Whatever It Takes: Geoffrey Canada's Quest to Change Harlem and America.

Vice-Chairman Reckhow added that Mr. Tough would be available at the “Can It Happen in Durham?” event to sign copies of his book.

Vice-Chairman Reckhow polled the Commissioners on who planned to attend the event.

Commissioner Bowser, Chairman Page, and Commissioner Howerton recapped their visits to several Durham County schools and thanked the faculty and staff for their assistance and hard work with the students.

Commissioner Bowser praised Karlene Fyffe, Library Youth Services Manager, and the Durham County Library for Ms. Fyffe's coordinating with schools to allow an illustrator from New York to showcase his work to the students.

### **Minutes**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve as submitted the April 15, 2010 Special Session and April 26, 2010 Regular Session Minutes of the Board.

The motion carried unanimously.

### **Proclamation for Mental Health Month**

Chairman Page recognized May as Mental Health Month in Durham County. He read the following proclamation into the record:

#### PROCLAMATION

WHEREAS, mental health is essential to everyone's overall physical health and emotional wellbeing; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race ethnicity, religion, or economic status; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of untreated and mistreated mental illnesses to American businesses, governments, and families has grown to over \$100 billion annually; and

WHEREAS, community-based services, incorporating a System of Care approach, that respond to individual and family needs have proven cost-effective and beneficial to consumers and the community:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of May 2010 as

“MENTAL HEALTH MONTH”

in Durham County. I call upon the citizens, government agencies, public and private institutions, businesses, and schools in Durham County to recommit our community to increasing awareness and understanding of mental illness and to providing for appropriate and accessible services for all people who have mental illnesses.

This the 10<sup>th</sup> day of May, 2010.

/s/ Michael D. Page, Chairman

Chairman Page saluted the Mental Health Department for the services it provides to the community.

**Older Americans Month Proclamation**

The Department of Social Services, Health Department, the Durham Partnership for Seniors, Triangle J, and the Council for Senior Citizens requested that the Board of Commissioners declare May as Older Americans Month in Durham County and help to promote this observance to Durham residents.

Chairman Page read the following resolution to acknowledge May as Older Americans Month:

PROCLAMATION

WHEREAS, Durham County is home to more than 35,000 residents 60 years of age or older; and

WHEREAS, the older residents of Durham County represent a dramatic trend in our nation's demographic makeup; and

WHEREAS, older persons are diverse, respected citizens who continue to contribute to our nation's social and economic well-being; and

WHEREAS, a growing number of baby boomers are rapidly joining the population of older residents, and the number of individuals providing care to family members and friends is expanding significantly; and

WHEREAS, the Department of Social Services provides in-home services for more than 700 older residents to allow them to remain independent at home and prevent institutional placements; and

WHEREAS, 857 Durham residents live in 31 adult care homes that are monitored for safety by the Department of Social Services; and

WHEREAS, more than 400 referrals are made to the Department of Social Services annually for evaluation of abuse, neglect or exploitation of adults; and

WHEREAS, 2,013 grandparents are raising grandchildren in Durham County; and

WHEREAS, grandparents and other older adults are served by Medicaid, Food and Nutrition Services and emergency assistance programs; and

WHEREAS, the opportunities and challenges that lie ahead require the Durham County community to think differently about health and long term care, and work together to rebalance and modernize our current systems so that we may adequately plan for and address the needs of current and future generations; and

WHEREAS, older persons are entitled to lives of dignity and independence through:

- Streamlined access to information and community services,
- Information about cost-effective prevention practices and activities that will improve health and quality of life, and
- Innovative, affordable option for care and support that will provide an array of choice about how and where to live:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2010, as

“OLDER AMERICANS MONTH”.

I commend this observance to our residents and urge all citizens, community agencies, faith-based groups, medical facilities, and businesses to join with the Department of Social Services, Council for Senior Citizens, and Durham's Senior Adult Results Based Accountability Committee to honor older adults, and those who care for them, during May and throughout the year. I urge all to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

This the 10<sup>th</sup> day of May, 2010.

/s/ Michael D. Page, Chairman

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Bob Wallace, Program Manager, Adult and Crisis Services, DSS, thanked the Board for the proclamation and its support of the services DSS provides to older adults. He invited the Commissioners to attend the annual Celebration of Life luncheon for DSS Adult Services clients ages 70+ on May 20 at St. Philips Episcopal Church.

Lois Deloatch, Durham Partnership for Seniors, Joan Pelletier, Triangle J, and Gail Souare, Council for Senior Citizens, expressed remarks of appreciation to the Board for the proclamation.

Chairman Page presented the proclamation to Mr. Wallace.

### **National Foster Care Month Proclamation**

In Durham County on April 29, 2010, 203 children and youth were in foster care. Foster Care Month is an opportunity to educate the community about the need for more foster parents and to celebrate the commitment foster parents make to improve the lives of vulnerable children and youth.

Commissioner Bowser read the proclamation into the record as follows:

#### PROCLAMATION

WHEREAS, the family, serving as the primary source of love, identity, self-esteem, and support, is the foundation of our communities and our state; and

WHEREAS, over 463,000 American children are in foster care because their own families are in crisis and unable to provide for their essential wellbeing; and

WHEREAS, in Durham County, there were 203 children and youth in foster care on April 29, 2010 being provided with a safe, secure, and stable home along with the compassion and nurture of a foster family; and

WHEREAS, foster families, who open their homes and hearts and offer help to children whose families are in crisis, play a vital role helping children and families heal and reconnect and launching children into successful adulthood; and

WHEREAS, the growth in the foster care population results in a greater need for more foster families; and

WHEREAS, the Durham County Department of Social Services is joined by numerous individuals and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of

foster parents, and the foster care “system” is only as good as those who choose to be part of it; and

WHEREAS, older Americans, particularly grandparents, provide care for thousands of children in North Carolina and thousands more across the nation, thereby providing children the homes they need when parents cannot; and

WHEREAS, the Durham County foster care system depends on the active support and involvement of the Durham community:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2010 as

**FOSTER CARE MONTH.**

I commend this observance to our community and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

This the 10<sup>th</sup> day of May, 2010.

/s/ Michael D. Page, Chairman

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Montina Swift, Social Work Supervisor, remarked on the importance of citizens getting involved with foster care. She invited the Board to attend the *Foster Parent Appreciation Celebration* on Thursday, May 20, at 6:30 p.m. at St. Phillips Episcopal Church 403 East Main Street, Durham.

Gerri Robinson, DSS Director, extended thanks to the Board for its support of the foster care program.

Jovetta Whitfield, Program Manager, Child Placement and Supportive Services, thanked participants and contributors of the foster care program. She further thanked Sandra Reddish, Social Worker and Organizer of *Walk for the Children*, which was held on Saturday, May 8.

Chairman Page presented the proclamation to the DSS staff and commended them for their hard work.

Commissioner Bowser thanked Ms. Reddish for her work with *Walk for the Children*.

**Proclamation—EMS Week in Durham County**

Chairman Page introduced the proclamation to recognize Emergency Medical Services Week in Durham County, which brings together local communities and medical personnel to publicize safety and honor the dedication of those who provide the day-to-day lifesaving services of medicine's "front line." This year's theme is “When Seconds Count,” which underscores the commitment and dedication of the 750,000 EMS providers who serve the community. Durham County EMS has been in service for 35 years.

Chairman Page read the following presentation into the record:

#### PROCLAMATION

WHEREAS, Durham County Emergency Medical Services and the Durham County EMS System partners provide Basic Life Support, Advanced Life Support, and First Responder services to the Durham Community; and

WHEREAS, the Durham County EMS system, which covers all 299 square miles of Durham providing emergency medical services, is a vital public service on which the public depends; and

WHEREAS, the Durham County EMS system responded to nearly 33,000 calls for service last year, and the demand increases with the population growth; and

WHEREAS, throughout our nation, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others who give themselves selflessly for the health and safety of others; and

WHEREAS, advances in and access to quality emergency medical care greatly improve both the recovery and survival rates of those who suffer from unexpected illness and injury; and

WHEREAS, Durham County EMS System providers are well trained to care for our citizens; and

WHEREAS, the theme of this year's observance is "When Seconds Count":

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim

#### EMERGENCY MEDICAL SERVICES WEEK

in Durham, North Carolina during the week of May 17-22. I urge all citizens to observe this week and celebrate the vital role that emergency medical service workers play in the healthcare continuum.

This the 10<sup>th</sup> day of May, 2010.

/s/ Michael D. Page, Chairman

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Commissioner Bowser commended EMS and Durham City Fire Department staffs for their quick and professional responses to emergency calls.

Commissioner Heron recapped her positive experience with EMS.

Mike W. Smith, Durham County EMS Director, thanked the Board for the proclamation and elaborated on the success of the Durham County EMS System.

Chairman Page announced that EMS was interviewed on “In Touch with Durham County” and would be featured on the show for the month of June.

Chairman Page presented the proclamation to Mr. Smith and asked him to relay thanks to his staff for their contributions to the EMS System.

### **Bow Hunting Resolution**

Chairman Page reported that the State was considering changes to wildlife regulations to allow bow hunting on private lands on Sundays. The proposal was raised by the North Carolina Wildlife Resources Commission during its rulemaking process. This is an annual process in which a number of proposed rule changes are sent to the General Assembly for legislative action. He stated that per Representative W. A. Wilkins’s request, Durham County was asked for its view on the issue. This matter would be considered during the 2010 General Assembly Session. If no objections were raised, the rule would become law. Several communities in the state weighed in on the matter.

Vice-Chairman Reckhow read the resolution into the record as follows:

#### RESOLUTION

WHEREAS, the North Carolina Wildlife Commission Rules Review process has referred a number of proposed rule changes to the General Assembly, and as a consequence of written opposition, it is an action required under state law; and

WHEREAS, within the Wildlife Commission Rules Review process, legislators have 30 days from the start of session to propose a bill disapproving their rules, and if no bill is proposed, the rules automatically go into effect for the 2010-11 season; and

WHEREAS, one proposal—to allow bow hunting on Sundays on private lands only—raises broad safety concerns, especially among persons living in urban counties such as Durham County; and

WHEREAS, it is recommended that no changes be implemented to current state law that would encourage an extension in the number of days of the hunting season:

NOW, THEREFORE, BE IT RESOLVED that we, the Durham County Board of Commissioners, do hereby go on record opposing implementation of the N. C. Wildlife Commission’s regulatory recommendation to allow bow hunting on private lands on Sundays.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the members of the North Carolina General Assembly who represent Durham County.

This the 10<sup>th</sup> of May, 2010.



/s/ All Five Commissioners

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Deborah Craig-Ray, Assistant County Manager, elaborated on the proclamation.

Commissioner Howerton moved, seconded by Commissioner Heron, to approve the Bow Hunting resolution and forward a copy to members of the Durham County Legislative Delegation.

The motion carried unanimously.

Commissioner Heron urged the viewing public to contact their legislators to oppose bow hunting on private lands on Sundays.

### **Consent Agenda**

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the following consent agenda items:

- \*a. Approve a resolution authorizing the Durham County Register of Deeds to establish a cut-off time of 4:45 pm for filing and recording documents in the Register of Deeds Office and the issuing of vital records and the performance of Genealogy research in the Vital Records Division;
- b. Approve the amendments to the Bylaws of the Library Board of Trustees;
- c. Authorize the County Manager to enter into a contract amendment to increase the existing contract with Midwest Tape, LLC by \$43,000.00 for a total amount not to exceed \$230,000.00. Also, authorize the County Manager to enter into another contract with Midwest Tape, LLC for a total not to exceed amount of \$291,400.00;
- d. Authorize the County Manager to enter into a contract with Baker & Taylor Inc. for the acquisition of audiovisual materials and cataloging/processing services for a total amount not to exceed \$400,000.00;
- \*f. Approve Budget Ordinance Amendment No. 10BCC000077 for the Department of Social Services to recognize Food and Nutrition Services Administrative Contingency Funds in the amount of \$236,314;
- g. Approve the Annual Funding Plan for FY 2010-2011 as recommended by the Durham County Juvenile Crime Prevention Council; and
- \*h. Approve Budget Ordinance Amendment 10BCC000078—Reduction of General Fund Budget for Direct Payments/Pass-

Through Funding to Individual Recipients by the State from  
Federal and State Monies in the amount of \$368,752,979.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. a. Approve a resolution authorizing the Durham County Register of Deeds to establish a cut-off time of 4:45 pm for filing and recording documents in the Register of Deeds Office and the issuing of vital records and the performance of Genealogy research in the Vital Records Division.

RESOLUTION AUTHORIZING THE DURHAM COUNTY REGISTER OF DEEDS TO  
ESTABLISH A CUT-OFF TIME OF 4:45 P.M. FOR FILING AND RECORDING  
DOCUMENTS IN THE REGISTER OF DEEDS OFFICE AND THE ISSUING OF VITAL  
RECORDS AND THE PERFORMANCE OF GENEALOGY RESEARCH IN THE VITAL  
RECORDS DIVISION

WHEREAS, N.C.G.S 153A-94(b) and N.C.G.S. 161-8 authorize the Durham County Board of County Commissioners to fix the hours during which the office of the Register of Deeds must be open; and

WHEREAS, The Register of Deeds office requires sufficient time in which to complete the processing of documents filed for recording on the same day they are received by setting a cut-off time for receipt of documents; and,

WHEREAS, In order to assure the complete processing, recording, and indexing of documents on the same day they are received, the Register of Deeds office must receive a document no later than 4:45 p.m. Documents received after 4:45 p.m. shall be processed on the next official business day. For all other purposes, the office shall remain open to the public until 5:00 pm. on all official business days; and,

WHEREAS, the implementation of said policy would reduce the overtime hours of the employees in the office of the Register of Deeds,

WHEREAS, the Vital Records Division of the office would also benefit by having sufficient time in which to complete the processing of records by the abiding by these same rules as stated above,

WHEREAS, the performance of genealogy in the Vital Records Division would also be governed by the cut-off time,

WHEREAS, the Register of Deeds does not close for lunch and shutting down the recording stations and the marriage license stations would still provide 8½ hours of operation for those who wish to record documents or to obtain vital records, and/or other services provided by the Register of Deeds; therefore,

NOW, THEREFORE, BE IT RESOLVED, by the Durham County Board of Commissioners that:

In accordance with N.C.G.S 161-8 and 153A-94(B), permission is hereby granted for the Register of Deeds to establish a cut-off time of 4:45 pm. The cut-off time is established for filing and recording documents in the Register of Deeds office, and issuing Vital Records documents, licenses and certificates and for performance of Genealogy research. For all other purposes the office shall remain open to the public until 5:00 pm.

This the 10<sup>th</sup> day of May, 2010.

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Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 10BCC000077 for the Department of Social Services to recognize Food and Nutrition Services Administrative Contingency Funds in the amount of \$236,314.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000077

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$450,368,241	\$236,314	\$450,604,555

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,768,734	\$236,314	\$483,005,048

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

This the 10<sup>th</sup> day of May, 2010.

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Consent Agenda Item No. h. Approve Budget Ordinance Amendment 10BCC000078—Reduction of General Fund Budget for Direct Payments/Pass-Through Funding to Individual Recipients by the State from Federal and State Monies in the amount of \$368,752,979.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000078

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$450,604,555	(\$368,752,979)	\$81,851,576

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$483,005,048	(\$368,752,979)	\$114,252,069

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

This the 10<sup>th</sup> day of May, 2010.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. e. Budget Ordinance Amendment No. 10BCC000076—Economic Development—Pass-through of One NC Funds from State of North Carolina to Quintiles Transnational Corporation in the amount of \$500,000.

Chairman Page called signed speaker Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, forward for comments.

Deputy County Manager Carolyn Titus addressed Ms. Peterson's questions regarding the numbers of jobs created and Durham County residents hired.

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

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000076

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,868,241	\$500,000	\$450,368,241

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic & Physical Development	\$5,806,519	\$500,000	\$6,306,519

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

This the 10<sup>th</sup> day of May, 2010.

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Consent Agenda Item No. i. Approve Budget Ordinance Amendment No. 10BCC000079—Durham Public Schools Board of Education Movement of \$1 million of Capital Outlay Funding to Current Expense Funding for Durham Public Schools (DPS).

Commissioner Heron requested to pull the item to inquire about DPS's plan for next year in terms of using additional designated Capital Outlay funds to alleviate an operating budget deficit.

Hugh Osteen, Assistant Superintendent Operational Services, responded to Commissioner Heron's question.

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

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2009-10 Budget Ordinance  
Amendment No. 10BCC000079

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Durham Public Schools			
Current Expense	\$99,807,663	\$1,000,000	\$100,807,663
Capital Outlay	\$2,370,000	(\$1,000,000)	\$1,370,000

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

This the 10<sup>th</sup> day of May, 2010.

**Public Hearing—Public Health—Public Hearing on Proposals for Purchase made for the Durham County Home Health Agency dba Visiting Nurse Service of Durham**

Deputy County Manager Carolyn Titus relayed the Health Department's request for the Board to conduct a public hearing on proposals for purchase that have been made for the Durham County Home Health Agency dba Visiting Nurse Service of Durham pursuant to N.C.G.S. §131E-13. Copies of the 10 proposals received had been available to the public in the office of the Clerk to the Board since April 30, 2010 as required by law. Notice of the public hearing was published in The Herald-Sun on April 30, 2010. No other action was necessary by the Board.

Chairman Page opened the public hearing that was properly advertised and called the following signed speakers forward to comment:

Todd Kaestner, representing Innovative Senior Care, Subsidiary of Brookdale Senior Living Inc.,  
111 Westwood Place, Brentwood TN 27027

Neil L. Pruitt, representing United Health Services of Georgia Inc. (UHS-Pruitt-Parent Entity),  
1626 Jeurgens Court, Norcross, GA 30093

Lee Ann Fein, representing Innovative Senior Care, Subsidiary of Brookdale Senior Living Inc.,  
111 Westwood Place, Brentwood TN 27027

Chairman Page closed the public hearing and referred the matter back to the Board.

Commissioner Howerton moved, seconded by Commissioner Bowser, to direct staff to continue negotiations and authorize the County Manager to enter into a letter of intent and confidentiality agreement, if necessary.

The motion carried unanimously.

Mr. Pruitt responded to Commissioner Heron's question regarding UHS's facility on Erwin Road.

**Public Hearing and Approval of the Draft FY 2010-2015 Consolidated Plan and 2010- 2011 Annual Action Plan**

Mike Barros, Director of the City of Durham Department of Community Development (DCD), introduced Wilma Conyers, Federal Programs Coordinator, DCD, to present the FY 2010-2015 Consolidated Plan and 2010- 2011 Annual Action Plan.

Ms. Conyers stated that the Citizen Participation Plan contained in the 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive citizen comments on housing and community development needs and that public hearing was held on January 11, 2010. The purpose of the second public hearing was to receive citizen comments on the City's Draft Consolidated/Annual Action Plan, which specifies the allocation of CDBG, HOME, and ESG funds. Of these three allocations, only

HOME funds may be used outside of the corporate city limits. The Consolidated plan would be a five-year strategy for addressing the housing and non-housing community needs in Durham.

As an entitlement city, Durham had been the recipient of CDBG funds since 1975 and HOME Consortium funds since 1992. CDBG funds had primarily been used for housing activities, public services, code enforcement and public infrastructure. HOME Consortium funds had been used for affordable housing activities as required by HOME program regulations. Durham had also been a recipient of Emergency Shelter Grant (ESG) funds from HUD, which had been used to provide assistance to individuals and households who are homeless or at risk of becoming homeless.

The Consolidated/Annual Action Plan was Durham's application to the U.S. Department of Housing and Urban Development for the upcoming fiscal year's funding and outlines the actions Durham was taking with HUD-awarded funds to meet the goals as described in the Draft 2010-2015 Consolidated Plan/2010-2011 Annual Action Plan. HUD regulations require that the City submit the Council-approved Consolidated/Annual Action Plan by May 15.

In reference to Page No. 1-2 (Section II. A. Population) of the Consolidated Plan, Vice-Chairman Reckhow noted a discrepancy in the 2009 Durham County population reported in the 2010-2015 Consolidated Plan (265,670) and in the population reported by State Planning Department (274,000).

Ms. Conyers consented to researching the discrepancy.

Chairman Page opened the public hearing that was properly advertised. He called signed speaker Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, forward for comments; however, she was not present when her name was called. As no one else signed up to speak, Chairman Page then closed the public hearing and referred the matter back to the Board.

Commissioner Bowser suggested that the wording on Page No. 1-2, Section II. A. Population reflect that City of Durham residents are also Durham County residents.

Mr. Barros and Ms. Conyers addressed the following questions and concerns posed by the Commissioners:

- Approval of the proposed projects
- Working with the 10-Year Plan to End Homelessness
- Individual Development Program Account (Page 6-21)
- Community workshops for applicants
- Recommended Emergency Shelter Grant Allocations (Page 6-22)
  - Urban Ministries of Durham—this year's allocation vs. last year's

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the Draft FY 2010-2015 Consolidated and 2010-2011 Annual Action Plan.

The motion carried unanimously.

Mr. Barros requested to present the Department of Community Development's draft plan of the south side revitalization project at the August worksession.

Vice-Chairman Reckhow requested an update on the Whitted School property as well at the August worksession and asked Mr. Barros to work with the County Manager prior to his presentation.

**Discussion on Setting a Date for the Highway 751 Assemblage Public Hearing**

County Manager explained that the Planning Department requested a deferral of the public hearing for a zoning map change for a 166.8-acre site located at 9414 NC 751 Highway, on the west side of NC 751 Highway, south of Chancellor's Ridge Drive and opposite Fayetteville Road; the public hearing was originally scheduled for May 24. He stated that 30 days is granted for the deferral; therefore, the public hearing must be held by June 23.

After a lengthy discussion, the Board reached a consensus to hold the public hearing on Monday, June 14, 2010, at 4:00 p.m.

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Yvonne R. Jones".

Yvonne R. Jones  
Deputy Clerk to the Board