

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

Monday, October 9, 2006

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 Ellen W. Reckhow, Vice-Chairman Becky M. Heron,
Commissioners Lewis A. Cheek, and Michael D. Page

Absent: Philip R. Cousin Jr.

Presider: Chairman Reckhow

Motion to Excuse

Chairman Reckhow recommended a motion be made to excuse Commissioner Cousin from the October 9 Regular Session.

Commissioner Cheek moved, seconded by Commissioner Page, to excuse Commissioner Cousin from the meeting.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to excuse Commissioner Page from the November 13 Regular Session.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Minutes

Commissioner Page moved, seconded by Vice-Chairman Heron, to approve as submitted the following Minutes of the Board:

September 7, 2006 Worksession
September 11, 2006 Regular Session
September 25, 2006 Regular Session

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Agenda Adjustment

Chairman Reckhow announced that a reappointment to the Lincoln Community Health Center Board would be added to the end of the agenda.

2006 Outstanding Register of Deeds—Mr. Willie L. Covington

Chairman Reckhow introduced this item, stating that the North Carolina Association of Registers of Deeds recently held its annual conference in Fayetteville. At that time, Durham County Register of Deeds Willie L. Covington was recognized with two honors—the Eunice Ayers Award and the 2006 Outstanding Registers of Deeds Award. Both honors are awarded to the Register who receives a majority of votes from the 100 NC Registers who are members of the Association. (Mr. Covington has served this past year as the organization’s President.)

Chairman Reckhow congratulated Mr. Covington for his outstanding service over the past year and for receiving these two prestigious honors from his peers.

Mr. Covington, Register of Deeds, thanked the Board for acknowledging his accomplishments. He recognized and thanked Register of Deeds’ staff.

Proclamation Honoring “Day of Concern about Young People and Gun Violence”

Commissioner Page thanked staff for preparing the proclamation in a timely manner. He read the proclamation into the record:

PROCLAMATION

WHEREAS, Durham County recognizes our young people as our most important resource; and

WHEREAS, Durham County acknowledges that we, as a society, have a vested interest in helping children live free from fear and violence; and

WHEREAS, America's youth can help chart a new and less violent direction for the entire country by taking individual responsibility for their own decisions and actions; and

WHEREAS, American school children will be invited to take part in a national observance involving millions of their fellow students and will thereby be empowered to see themselves as significant agents of positive social change; and

WHEREAS, Durham's local observance, coordinated by the Durham Police Department's Project Safe Neighborhoods program, will give students the opportunity to make a solemn decision about their future by voluntarily signing a pledge promising that they will never take a gun to school, will never use a gun to resolve a personal problem or dispute, and will use their influence to keep friends from using a gun to settle disputes:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim October 18, 2006 as

“DAY OF CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE”

in Durham County. I encourage all citizens to join together and support the efforts to end violence among our country's youth.

This the 9th day of October, 2006.

Rob Faggart, Project Safe Neighborhood, made brief remarks regarding gun violence.

Commissioner Cheek commented about the importance of the youth in the community, stating that the youth must be encouraged to be safe and to maintain a proper attitude. He expressed appreciation to Commissioner Page for bringing this item to the attention of the Board.

Consent Agenda

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

- *a. Budget Ordinance Amendment No. 07BCC000011—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services, Office of Public Health Preparedness and Response, for \$5,325 and \$20,000 for the Local Public Health Preparedness Program;
- *b. Budget Ordinance Amendment No. 07BCC000012—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services for \$19,373 for the Family Planning Program;
- *c. Budget Ordinance Amendment No. 07BCC000013—Fire Marshal/Emergency Management—State Homeland Security Grant Program—Reappropriate Unspent Grant Balances (approve grant funds of

- \$125,183 received through the NC Department of Crime Control and Public Safety);
- *d. Budget Ordinance Amendment No. 07BCC000014— Additional Current Expense Funds for Durham Public Schools (approve an additional \$1 million in current expense funding for the 2007 Fiscal Year);
 - e. Annual Report for the Durham Board of Adjustment (accept the Durham Board of Adjustment Annual Report for FY05-06);
 - f. ~~Ambulance Replacement (authorize the Manager to enter into a contract with Southeastern Specialty Vehicles for \$360,783 for the purchase of one replacement vehicle for Bethesda Volunteer Fire/Rescue Department, three for Durham County EMS, and one remount for Durham County EMS)~~ (removed);
 - g. Offer to Purchase Properties for the Human Services Complex (approve the purchase of 525 East Peabody Street and 400 N. Elizabeth Street for \$75,200 combined; 507 Ramseur Street for \$27,200; 520 East Peabody Street for \$140,800; and authorize the Manager to execute a lease with Zion Tabernacle New Beginnings Christian Fellowship Church through June 30, 2007);
 - h. Resource Conservation and Development (RC&D) (approval to enter into a resolution for Durham County to become a member of the Piedmont RC&D Council);
 - i. Agreement to Implement the 10-Year Plan to End Homelessness in Durham (approve the Memorandum of Agreement);
 - j. Contract for the Leah Group to Administer the CDBG Scattered Site Housing Program and the Single-Family Rehabilitation Program (approve the contract); and
 - l. Interlocal Agreement with Durham Public Schools (approve the Interlocal agreement for the County to construct schools buildings due to the inability of the school system to recover sales taxes paid by the system).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 07BCC000011—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services, Office of Public Health Preparedness and Response, for \$5,325 and \$20,000 for the Local Public Health Preparedness Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,176,666	\$25,325	\$319,201,991

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,334,698	\$25,325	\$393,360,023

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

This the 9th day of October, 2006.

Consent Agenda Item No. b. Budget Ordinance Amendment No. 07BCC000012—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services for \$19,373 for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,201,991	\$19,373	\$319,221,364

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$393,360,023	\$19,373	\$393,379,396

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

This the 9th day of October, 2006.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 07BCC000013—Fire Marshal/Emergency Management—State Homeland Security Grant Program—Reappropriate Unspent Grant Balances (approve grant funds of \$125,183 received through the NC Department of Crime Control and Public Safety).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$319,221,364	\$125,183	\$319,346,547

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 47,386,085	\$125,183	\$47,511,268

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

This the 9th day of October, 2006.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 07BCC000014—Additional Current Expense Funds for Durham Public Schools (approve an additional \$1 million in current expense funding for the 2007 Fiscal Year).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$20,773,517	\$1,000,000	\$21,773,517

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Education	\$94,805,984	\$1,000,000	\$95,805,984

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

This the 9th day of October, 2006.

Consent Agenda Item Removed for Discussion

Consent Agenda Item No. k. Memorandum of Understanding between Durham County and the North Carolina Cooperative Extension Service (approve and sign the new MOU directing staff to implement the necessary transitions for the Durham County Extension Center).

County Manager Ruffin noted several items in the memorandum agreement that were not applicable to Durham County; the items would be deleted. He asked that the Commissioners consider the revisions in their motion.

Cheryl Lloyd, Cooperative Extension, informed the Board about programs being offered at Cooperative Extension.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Consent Agenda Item No. k with the changes to the Memorandum of Understanding as noted by County Manager Ruffin.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Public Hearing—Unified Development Ordinance Text Change—Nonconformities (TC06-07)

The Board was requested to receive public comments on the Unified Development Ordinance Text Change – Nonconformities (TC06-07) and to approve the Unified Development Ordinance Text Change – Nonconformities (TC06-07) incorporating revisions to Article 14 into the Unified Development Ordinance.

Frank Duke, AICP, City-County Planning Director, stated that the Planning Department, in concert with the City Attorney's office, has developed a language regarding the revision to the Nonconformities section of the Unified Development Ordinance (UDO) for consideration as ordinance amendments consistent with the direction of the Joint City-County Planning Committee (JCCPC) on April 5.

Mr. Duke also stated that the Durham Planning Commission held a public hearing on this item on August 8, 2006 to receive public comment. The Commission passed a motion recommending approval of the item (13-0). The City Council adopted the item (7-0) on September 18, 2006.

Mr. Duke recommended that the Board approve the change.

Chairman Reckhow opened the public hearing. As no one requested to speak to this issue, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Unified Development Ordinance Text Change—Nonconformities (TC06-07).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Public Hearing—Draft of the Work First Block Grant Plan for 2007-2009

Jim Polk, Chairman of the Work First Planning Committee, presented the two-year Work First plan for Durham County. He began by stating that Work First is the primary program in North Carolina for administering the Temporary Assistance for Needy Families (TANF) Program. Since Work First is administered locally in each county, North Carolina law (NCGS 108A-27) requires each county to submit a County Work First Block Grant Plan every two years.

Mr. Polk provided a brief background by commenting that local leaders were appointed from various community agencies and organizations to form the Work First Planning Committee that is responsible for the development of the Work First Block Grant Plan. On August 14, 2006, the Board of County Commissioners approved the list of members for Durham's Work First Planning Committee. On August 28, 2006, the Board of County Commissioners voted to have Durham remain as a standard county.

Mr. Polk remarked that the Committee is submitting this draft to the Commissioners for review and comment and is prepared for discussion. The plan was distributed to the public from October 4 – 9. Mr. Polk informed the Commissioners that the final draft plan would be presented for approval at their October 23 Regular Session and must be submitted to the Department of Health and Human Services by October 31, 2006.

Vice-Chairman Heron expressed delight in reading the information provided by the Work First Planning Committee.

Chairman Reckhow concurred with Vice-Chairman Heron's comments.

In response to Chairman Reckhow's concerns regarding Work First goals, Sammy Haithcock, DSS Director, stated that in Spring 2007, the goals from the State will be available for incorporation into the Work First Plan.

Chairman Reckhow expressed concern regarding the number of children on the childcare waiting list. She asked that data be collected regarding the childcare issue for presentation to the Legislation.

Vice-Chairman Heron requested that in the future the public be given more time to review the materials prior to the public hearing.

Chairman Reckhow opened the public hearing and called signed speakers forward for comments.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27701, expressed concern about evaluating the organizations that have been chosen. She asked that the Board make sure that new companies entering into the area hire individuals through Work First.

Chairman Reckhow closed the public hearing and referred the matter back before the Board.

Chairman Reckhow raised an issue regarding the dropout rate in Durham County, referring to a pertinent article in The Herald-Sun. She stated that the article spoke about raising the compulsory attendance age. Chairman Reckhow suggested that Durham Public Schools Board of Education and the City Council partner with the Board on this matter. She also suggested that this issue be discussed at the Leadership meeting at the end of October.

Chairman Reckhow recommended that a motion be made.

Commissioner Page moved, seconded by Vice-Chairman Heron, to approve the amended list of Work First Planning Committee members.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Lincoln Community Health Center Reappointment

Vice-Chairman Heron moved, seconded by Commissioner Page, to reappoint Commissioner Cheek to the Lincoln Community Health Center Board.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Closed Session

Vice Chairman Heron moved, seconded by Commissioner Page, to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney and to preserve the attorney-client privilege; pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of business or industry; and pursuant to G.S. § 143-318.11(a) (5) to instruct the staff and negotiating agent on the position to be taken concerning the acquisition of the following real property: Ernest & Doris G Brandt, owners of 111 S. Dillard Street, 515 E. Peabody St., and 519 Peabody St.; Canadays Cab Company Inc., owner of 528 E. Main Street; Azem Mansour, owner of 500, 502 and 504 E. Main St; and David Woodall, owner of 522, 524, and 526 E. Main Street.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Reconvene to Open Session

Chairman Reckhow announced that the Board met in closed session; direction was given to staff; no action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 11:17 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board