

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

Monday, May 23, 2005

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.

7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Minutes** 5 min.
 - a. February 28, 2005 BOCC/City Council
 - b. April 18, 2005 CIP Worksession
 - c. May 2, 2005 Worksession
 - d. May 9, 2005 Regular Session
4. **Recognition of Victoria Revelle as North Carolina 4-H Public Speaking Gold Medalist**
5 min.

The Board is requested to recognize and salute Victoria J. Revelle, a student at Durham School of the Arts, as the winner of the North Carolina 4-H Youth Development Public Speaking Competition. Victoria was recognized during the North Carolina 4-H Congress for her presentation on diversity in schools. Her speech, entitled "Mix it Up, Let's Get Something Started", promoted the importance of getting to know and respect students of different cultures. Victoria distinguished herself, as well as Durham County, as a winner among over 850 youth and volunteer leaders participating in this year's 4-H Congress. Victoria's hard work and enthusiasm is evident not only through her 4-H endeavors, but also as an excellent student and Teen Court participant.

Resource Person(s): Cheryl L. Lloyd, County Extension Director, and Theresa Clark, 4-H Youth Development Agent

County Manager's Recommendation: The Manager's recommendation is that the Board recognize Ms Revelle's outstanding accomplishment and her willingness to set an example for other youth in our community.

5. **FY 2005-2006 Recommended Budget**
30 min.

Durham County Manager Michael M. Ruffin will formally present the recommended budget for FY 2005-2006 to the Board of County Commissioners. This is in accordance with N.C.G.S. 159-12(b), the Local Government and Fiscal Control Act.

Resource Person(s): Michael M. Ruffin

County Manager's Recommendation: The Manager recommends that the Board receive his presentation.

6. **Consent Agenda** 20 min.
 - a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for April 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
 - b. Budget Ordinance Amendment No. 05BCC000055?Criminal Justice Resource Center, "A New Day" Juvenile Day Reporting Center (approve a \$200 donation from a private citizen and \$900 awarded to "A New Day" from the Durham Giving Project);
 - c. Budget Ordinance Amendment No. 05BCC000056?Criminal Justice Resource Center (approve \$4,477 in reallocation funds from the NC Department of Corrections, Criminal Justice Partnership Program);
 - d. Budget Ordinance Amendment No. 05BCC000057?Cooperative Extension: Juvenile Crime Prevention Council(approve \$32,841);

- e. Budget Ordinance Amendment No. 05BCC000058?Social Services?Recognize Additional Child Care Funds (approve \$70,000 in Community Development Block Grant funds and \$38,000 in Smart Start funds);
- f. Budget Ordinance Amendment No. 05BCC000059?To Fund FY 2004-05 Civic Center Capital Items (approve the transfer of \$59,950 from Non-Departmental contract services to the Civic Center account to pay for the County?s share of capital items);
- g. FY 2005-2006 Juvenile Crime Prevention Council Funding Recommendations (approve the recommended local funding plan for allocating \$561,475 in State DJJDP funding for FY 2005-2006);
- h. Sale of the White Cross Community Center (approve the private sale at the negotiated price of \$10.00 subject to the terms of an agreement for the preservation of the property and structure; authorize the Manager to execute a contract with Historic Preservation Society of Durham to share in the proceeds of the sale); and
- i. Approve the County?s Revised 10-Year Capital Improvements Program (CIP)? FY 2006?FY 2015.

7. Public Hearing?Coordinated Transportation: FY 2005-2006 Rural Operating Assistance Program (ROAP) Grant?Application Approval

15 min.

The Cooperative Extension Service is requesting Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program, and the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First. The Rural General Public funds will be used to supplement existing routes that currently serve the County.

The application proposes \$88,501 of governmental revenue to be allocated to support transportation for Durham County Elderly and Disabled residents, through the Elderly and Disabled Transportation Assistance Program (EDTAP), and \$12,730 for Work First Transitional/Employment. These funds require no Local match. The \$40,803 for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares. These programs help support the transportation needs of citizens through County and nonprofit, human service agencies. The NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$142,034 for FY 2005-2006.

Funds shall be used to provide services for the noted agencies:

- Council of Senior Citizens
- Dept. of Social Services (Adult)
- Durham Exchange Club Industries
- Retired and Senior Volunteer Program
- Services for the Blind

Resource Person(s): Cheryl Lloyd, County Cooperative Extension Director, and Johnny Ford, Transportation Access Coordinator

County Manager?s Recommendation: The Manager recommends approval of the ROAP application for submittal to NCDOT.

8. Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees for Fiscal Year 2005-2006

15 min.

As required by the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing, nonprofit organizations constructing affordable housing in Fiscal Year 2005-2006 seeking an impact fee voucher, must submit an application for nonpayment of impact fees ?at the time of submission of the County?s annual budget, non-departmental funding requests." Applications were due to the Impact Fee Administrator by April 1, 2005. Pursuant to G.S. 158-7.1, as stated in the above referenced policy, a public hearing shall be held by the Board of Commissioners on all requests for payment. These requests are for new residential construction that will occur between July 1, 2005 and June 30, 2006.

The following nonprofit organizations have submitted requests:

- Habitat for Humanity of Durham in the amount of \$10,000 (five single family homes)
- Self-Help, Inc. in the amount of \$12,000 (six single family homes)
- TROSA in the amount of \$9,240 (eight multi-family dwelling units)

The total amount requested in impact fee affordable housing vouchers for FY 2005-2006 is \$31,240.00.

Applications and evaluation checklists are included for your review.

Resource Person(s): Heidi Duer, Assistant County Manager/Impact Fee Administrator; and Chuck Kitchen, County Attorney

County Manager's Recommendation: Conduct the public hearing to review the requests for payments of School Impact Fees for Affordable Housing projects in Fiscal Year 2005-2006 and authorize the Impact Fee Administrator to grant payment vouchers as the Board deems appropriate.

9. Public Hearing?Zoning Map Change?Daniel Road Subdivision (Case Z05-04)

15 min.

To approve a request for a zoning map change for two parcels totaling 9.151 acres located on the east side of Valmet Drive, north side of Daniel Road, and south side of Chunky Pipe Creek Road. PIN 0851-02-58-1574, 0851-01-49-8050.

Request: R-20; F/J-B to PDR 3.5; F/J-B

A development plan is submitted as part of the rezoning request. Staff recommends approval. The Durham Planning Commission conducted a public hearing on April 12, 2005 and recommended approval with a vote of 9-1.

The public hearing for this request was advertised on May 6 and 13, 2005 in the *Durham Herald-Sun*.

Resource Person(s): Frank M. Duke, AICP, Planning Director

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

10. 911 Service Tax?House Bill 1638

20 min.

Commissioner Heron has requested that the Board go on record opposing House Bill 1638. The bill would eliminate the landline and wireless 911 surcharges. The County has budgeted revenues of \$1,166,222 from the two 911 surcharges for FY 06. These monies can only be used for the provision of 911 services. The proposed bill, which is attached, would authorize a new 911 Service Tax which would be assessed and collected by the County. The proposed tax could not be assessed until the 911 fund balance is depleted, and then the tax would not be effective until 120 days after adoption of an ordinance imposing the tax. These provisions acting together will almost certainly ensure that no tax will be collected in the ensuing year. Further, the bureaucracy, which would have to be created to assess and collect the special tax, would make the tax undesirable. As a practical matter, the convoluted nature of the bill would result in a repeal of the 911 surcharge and replace it with an increase in the property tax rate.

Resource Person(s): Jim Soukup, Director of Emergency Communications, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that a letter be sent to the Durham County Legislative Delegation opposing the passage of House Bill 1638.

11. Presentation and Request to Appoint Steering Committee for Durham's Ten-Year Plan to End Homelessness

15 min.

Durham County and Durham City Government have committed funding to develop a Ten-Year Plan to End Homelessness. As part of this process, a select group of citizens from a wide spectrum of the population is being asked to serve on the Steering Committee to help us develop a Plan in our community. Though the numbers of homeless people in Durham are growing, the numbers are not as overwhelming as many other larger metropolitan areas. Solving the homeless problem in Durham is doable. Currently, several successful efforts are underway in our city that address homelessness and provide much needed services to our citizens. Over 100 cities across the country have or are currently in the process of developing a plan to end homelessness; the federal government strongly supports these efforts. The Ten-Year Plan to End Homelessness in Durham will move us from managing homelessness to preventing and eliminating homelessness. We need all stakeholders at

the table to develop a plan of action, including the health care community; the faith community; the business sector; educational institutions; city and county governments; private foundations; civic and professional organizations; and those who are homeless or previously homeless.

The list of names is requested for appointment by the Board of Commissioners to serve on the Steering Committee for the Ten-Year Plan to End Homelessness.

Resource Person(s): Terry Allebaugh, Executive Director, Housing for New Hope, and Ruth Anne Peebles, Project Manager, Durham's 10 Year Plan to End Homelessness

County Manager's Recommendation: The Manager's recommendation is that the Board approve the appointment of the Steering Committee for Durham's Ten Year Plan to End Homelessness.

12 Board and Commission Appointments

10 min.

Yvonne Gordon, Deputy Clerk to the Board, will distribute ballots to the Commissioners to vote on appointments to the following:

- Board of Adjustment
- City-County Appearance Commission
- Durham County Hospital Corporation Board of Trustees
- Durham Planning Commission
- Durham-Wake Counties Research and Production Service District
- Nursing Home Community Advisory Committee
- Women's Commission

Resource Person(s): Yvonne Gordon

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

13. Closed Session

20 min.

Pursuant to G.S. § 143-318.11(a)(5), the Board is requested to adjourn to Closed Session to instruct staff concerning the position to be taken on the terms of possible acquisition of 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home.

3 hrs.