

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

February 24, 2003

AGENDA

4:00 P.M. - 6:30 P.M.

**Joint Session-Board of County Commissioners and
Durham Public Schools Board of Education**

7:00 P.M. Regular Session

1. **Opening of Regular Session**-Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
 - a. September 23, 2002 Regular Session Minutes
 - b. October 7, 2002 Worksession Minutes
 - c. October 28, 2002 Regular Session Minutes
 - d. January 28 & 29, 2003 Annual Retreat Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the above Minutes as submitted.

The motion carried unanimously.

Chairman Reckhow thanked the staff for expanding the October 7, 2002 Worksession Minutes to include requested information.

4. **Resolution for "Black Church Week of Prayer for the Healing of AIDS" for Durham Chapter of Delta Sigma Theta Sorority Inc.**

Durham County is ranked 4th in the state in the rate of HIV/AIDS cases, and African-Americans represent 85 percent of people reported as living with HIV/AIDS in Durham County. A resolution has been prepared for the Durham Alumnae Chapter of Delta Sigma Theta Inc. in recognition of the observance of "Black Church Week of Prayer for the Healing of AIDS." From March 2 to March 8, the Durham community will be invited to attend daily church services designed to educate and highlight the role that churches are playing in addressing the growing AIDS crisis.

County Manager's Recommendation: The Manager's recommendation is to present the resolution to Delta Sigma Theta representatives and other members of the committee sponsoring the "Black Church Week of Prayer for the Healing of AIDS" event.

Commissioner Cousin read the resolution into the record.

Commissioner Jacobs thanked the sorority for its work to educate the community regarding this dreaded disease.

No official action was required.

5. Proclamation for National Athletic Training Month

The North Carolina Athletic Training Association (NCATA) was started in 1974 to support athletic trainers and to advance the profession of athletic trainers in North Carolina. Mr. Ken Brown of Northern High School, who represents District 3 of NCATA, has requested that March be proclaimed "National Athletic Training Month" in Durham County. He represents Durham County athletic trainers working with Durham Public Schools, North Carolina Central University, Duke University, and other sports-related agencies.

County Manager's Recommendation: The County Manager's recommendation is that the Board approve the proclamation and present it to Mr. Brown.

Chairman Reckhow read the proclamation into the record.

No official action was required.

6. Consent Agenda

- a. Property Tax Releases and Refunds for Fiscal Year 02-03 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Appointments-Criminal Justice Partnership Act Advisory Board (appoint the following applicants to the board: Defense Attorney-John Fitzpatrick; Employment and Training-Joyce (Robin) Odom; Victim Services-Marcia Owen; Superior Court Judge-Kenneth C. Titus);
- c. AAA Ambulance Service Franchise Renewal (approve the three-year ambulance franchise renewal request. This is the second request for approval which is required by law. The Board of County Commissioners approved the first request on February 10, 2003);
- d. State Contract Purchase of Vehicle Modems for Sheriff's Office New Vehicles (approve the purchase of forty [40] Motorola Vehicle Radio Modems through the North Carolina State Convenience Contract [Contract #204B] using the appropriated vehicle equipment lease funding for FY 2002-03); and
- e. Street Annexation Petition-South Forty Road (Country Knoll Subdivision) (adopt the resolution to approve the addition of South Forty Road to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda items 6(a), (c), (d), and (e).

The motion carried unanimously.

Consent Agenda item 6(b) was pulled for discussion. Dr. Lavonia I. Allison suggested placing a reformed juvenile offender on the Criminal Justice Partnership Act Advisory Board. Ms. Gudrun Parmer, Director of the Criminal Justice Resource Center provided background membership information for Dr. Allison.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve Consent Agenda item 6(b).

The motion carried unanimously.

7. FY 2003-2004 Consolidated Action Plan Needs Public Hearing

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2003-2004 Consolidated Action Plan Needs public hearing on February 24, 2003 to receive citizen comments. The Citizen Participation Plan contained in the adopted Durham 2000-2005 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Consolidated Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

Durham anticipates receiving approximately \$1,306,000 in FY 2003-2004 HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus in target neighborhoods, including existing homeowner rehabilitation and new homebuyer rehabilitation activities. Approximately \$275,000 in non-federal funds will be needed from the HOME Consortium as a matching funds requirement of the FY 2003-2004 HOME program.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners hold the FY 2003-2004 Consolidated Action Plan Needs public hearing on February 24, 2003.

Resource Person(s): Michael Pullum, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board hold the FY 2003-2004 Consolidated Action Plan Needs public hearing on February 24, 2003 to receive citizen comments.

Chairman Reckhow opened the public hearing, which was properly advertised. One person signed to speak:

Dr. Lavonia Allison, spoke regarding the declining homeownership rate among African-Americans in Durham County.

Ms. Charlene Montford, Director of City of Durham Department of Housing and Community Development, addressed Dr. Allison's concerns and acknowledged the statistics.

Ms. Montford answered questions for Commissioners Bowser and Heron.

No official action was needed. The draft plan will follow at a later date.

8. **Budget Ordinance Amendment No. 03BCC000043-Eastway Elementary Head Start Facility Change Orders**

For the past two years, Operation Breakthrough, in conjunction with Smart Start and the County of Durham, have collaborated on a plan to move the Head Start population out of the aged, inappropriate Whitted School. Since inception of this plan, three sites were identified in an effort to decentralize the Head Start population to the neighborhood level. The three identified sites were Lyon Park, a new modular facility on the Eastway Elementary School campus, and potentially the vacated Downtown YMCA Childcare Center.

With funding from the Smart Start Program, a ten-classroom facility has been constructed on the Eastway Elementary School campus and will accommodate 170 Head Start children. As the project is near completion, Operation Breakthrough has change orders in the amount of \$20,610 for the following five items:

1. City required change in detention basin
\$ 8,540
2. City required regarding and replanting of trees

- 4,270
- 3. 3. Ice storm damage to playground
3,100
- 4. 4. Vandalism
- 3,600
- 5. 5. Industrial gutter system

4,100

\$20,610

Operation Breakthrough does not have the capacity within its existing budget to pay for these change orders and is requesting that the County amend its contract in the amount of \$20,610 to complete the project and relocate 170 Head Start children.

Resource Person(s): Executive Director Charles Chapman, Operation Breakthrough

County Manager's Recommendation: The Manager's recommendation is that the Board approve Budget Ordinance Amendment No. 03BCC000043 amending the nonprofit contract with Operation Breakthrough to pay for change orders associated with the Eastway Elementary Head Start facility in the amount of \$20,610. The Board is also being asked to authorize the Manager to sign the amended contract. Funding is available in the Commissioners' contingency. The remaining contingency balance is \$234,390.

The current fiscal year history of spending from Commissioners contingency is as follows:

Amendment #	Increase	Decrease	Balance	Description
Approved Budget			\$380,000	Starting Budget
03BCC000003		\$125,000	\$255,000	Transfer to American Tobacco Capital Project
03BCC000043		\$20,610	\$234,390	Transfer to Eastway Elem. Head Start Facility

Operation Breakthrough Executive Director Charles Chapman spoke regarding this agenda item. Completion of the project is behind schedule due to change orders to meet various added requirements.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to amend the contract in the amount of \$20,610 to complete the project and relocate the 170 Head Start children.

The motion carried unanimously.

9. **Appointment of the 2003 E&R Board Members**

In February 2002, the Board adopted a resolution per North Carolina General Statue 105-322 to appoint a special Board of Equalization and Review to hear tax appeal matters. The Board of County Commissioners is to determine membership for the Board of Equalization and Review by the first Monday in March. The Board of County Commissioners shall also appoint the Chair and Vice Chair for this special Board and set the rate of compensation.

The rate of compensation for the 2002 Board of Equalization and Review was \$50.00 per session plus \$15.00 an hour for any hour over the three-hour session. A session consists of a three-hour block of time that Board members actually attend official meetings.

Resource Person(s): Kenneth L. Joyner, Tax Administrator

County Manager's Recommendation: The Manager's recommendation is that the Board appoint a

special Board of Equalization and Review, designate membership to this Board, appoint the Chair and Vice Chair, and establish the rate of compensation for serving on this Board at \$50.00 per session and \$15.00 per hour after the three-hour session.

***Commissioner Heron moved, seconded by Commissioner _____
to approve the appointments.***

The motion carried unanimously.

THE BOARD ADJOURNED TO CLOSED SESSION AT APPROXIMATELY 8:30 P.M.

10. **Closed Session**

The Board of Commissioners is requested to adjourn to closed session to discuss the performance of a County Officer and to maintain the attorney-client privilege pursuant to G.S. §. 143-318.11(a)(6).



Last updated: May 3, 2006

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