

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

Monday, May 12, 2008

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 Michael D. Page, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Reckhow

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

**Announcements**

Chairman Reckhow made the following announcements:

- County Manager Mike Ruffin will present the 2008-2009 Recommended Budget to the Board of County Commissioners on Tuesday, May 27, at 7:00 p.m.;
- The Joint City-County Committee meeting for May 13 has been postponed and will be rescheduled for early June;
- Several Durham officials presented on the Results Based Accountability initiative at the 2008 National Smart Start Conference held last week; and
- A group consisting of the ten County Commissioner candidates, two District Attorney candidates, one DPS Board of Education candidate, one NC Senator candidate, and two statewide candidates participated in a unified effort where TROSA was hired to remove the campaign signs. Signs not picked up this week by candidates will be recycled.

Chairman Reckhow thanked the General Services department for recycling campaign poster boards and metal stakes.

**Minutes**

Commissioner Heron requested a follow-up on discussions held during the April 28 meeting with the School Board.

Commissioner Heron moved, seconded by Commissioner Cheek, to approve as submitted the April 28, 2008 BOCC/Durham Public Schools and April 30, 2008 BOCC/Legislative Delegation Minutes.

The motion carried unanimously.

**DSS Recognition—Food and Nutrition Services Achievement of 100% Accuracy**

Chairman Reckhow reported that for the first time, the Department of Social Services' Food and Nutrition Services (Food Stamps) has maintained a 100% Quality Accuracy Rate, which covers the Quality Control (QC) review period of October 2006 – July 2007. She stated that this is a significant achievement on behalf of clients and taxpayers of Durham County. During February, a record 23,279 people in Durham had food on their tables due to the hard work of the Food and Nutrition Services staff. Achieving this 100% Accuracy Rate represents attention to detail and a high level of accountability under extraordinary circumstances. During the same time period, Durham has seen major increases in the number of people served in the program even with a high staff turnover rate.

Chairman Reckhow stated that the Board of County Commissioners is pleased to extend congratulations to Program Manager Pinkie Davis-Boyd and the entire Food and Nutrition Services Team.

Rhonda Stevens, Assistant Director, DSS, reported that Durham was one of four large counties that reached the 100% Quality Accuracy Rate. She commended Ms. Davis-Boyd and the Food and Nutrition Services staff for their excellent work.

Ms. Davis-Boyd thanked the Board for the recognition and for acknowledging the hard work of her staff.

Chairman Reckhow called signed speaker Victoria Peterson, PO Box 101, Durham 27702, forward for comments.

Ms. Peterson requested that Food and Nutrition Services consider grandparents who are rearing their grandchildren, as they are not receiving enough food.

Chairman Reckhow informed Ms. Peterson that her comments would be taken under advisement.

**Consent Agenda**

Chairman Reckhow noted a revised contract for Consent Agenda Item No. f.

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

- \*a. Budget Ordinance Amendment No. 08BCC000071— Cafeteria Fund Adjustment (approve to reduce the Cafeteria Fund budget from \$13,750,000 to \$1,424,723); ***Susan Tezai, Deputy Finance Director, briefly explained that the \$12,325,277 reduction is due to a change in the accounting method;***

- \*b. Budget Ordinance Amendment No. 08BCC000072—Social Services—Direct Medical Funds (approve with a total increase of \$50,000);
- c. Lease Amendment for 501 Willard Street for The Durham Center (authorize the Manager to sign the lease amendment to continue to lease 501 Willard Street for the Durham Center staff for three additional years with one option lease renewal term);
- d. BAN Financing/General Obligation Bonds (accept the Bank of America bid);
- f. Contract with Unity Business Systems (approve the contract with UBS in the amount of \$41,700 and authorize the Manager to execute the contract);
- g. Approve the Reappointment Request of The Durham Center Mental Health, Developmental Disabilities, and Substance Abuse Authority; and
- \*h. Approve the Resolution in Support of a Regional Shared-Use, Value-Added, Food and Agricultural Processing Center.

The motion carried unanimously.

Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 08BCC000071—Cafeteria Fund Adjustment (approve to reduce the Cafeteria Fund budget from \$13,750,000 to \$1,424,723).

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000071

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>CAFETERIA PLAN FUND</u>			
General Government	\$13,750,000	(\$12,325,277)	\$1,424,723

Expenditures:

<u>Function</u>			
<u>CAFETERIA PLAN FUND</u>			
Other Revenues	\$13,750,000	(\$12,325,277)	\$1,424,723

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

This the 12<sup>th</sup> day of May, 2008.

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Consent Agenda Item No. b. Budget Ordinance Amendment No. 08BCC000072—Social Services—Direct Medical Funds (approve with a total increase of \$50,000);

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000072

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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> Contributions & Donations	\$1,219,930	\$50,000	\$1,269,930

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$419,090,367	\$50,000	\$419,140,367

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

This the 12<sup>th</sup> day of May, 2008.

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Consent Agenda Item No. h. Approve the Resolution in Support of a Regional Shared-Use, Value-Added, Food and Agricultural Processing Center.

RESOLUTION TO SUPPORT A PIEDMONT REGIONAL SHARED USE, VALUE  
ADDED, FOOD AND AGRICULTURAL PROCESSING CENTER

WHEREAS, the recent tobacco buyout program has left many farmers seeking economically profitable alternative enterprises to allow them to remain farming; and

WHEREAS, the proximity of Alamance, Chatham, Durham, and Orange Counties to markets for value-added products is significant given existence of local farmers' markets, grocers, restaurateurs, and food service managers that buy local farm products; and

WHEREAS, value-added products provide a means to retain economically viable, thriving farms in Alamance, Chatham, Durham, and Orange Counties, benefiting our rural character and agricultural heritage, and contributing to the health and high quality of life; and

WHEREAS, shared-use, value-added processing centers require careful planning and strong collaborations to be successful; and

WHEREAS, a feasibility study funded by Alamance, Chatham, Durham, and Orange Counties, as well as Weaver Street Market and Whole Foods, was completed in November 2007; and

WHEREAS, the survey respondents included 36 percent fruit and vegetable growers, 27 percent livestock producers, and 28 percent specialty food producers, caterers, or restaurateurs, who together currently produce 74 food items, and, in the future, desire to produce 112 distinct products; and

WHEREAS, the feasibility study indicates client use at the facility can reach 142 production hours per week in one year and would generate more than \$150,000 in fees in years two and three of operation, and gross income generated by clients using the facility would be between \$800,000 and \$1.2 million per year; and

WHEREAS, the feasibility report detailed 13 action items that will ensure that the center can open in 2009:

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

- 1) Agree to participate in a regional, multi-county value-added, shared-use, food and agricultural processing center, subject to the approval of an interlocal agreement;
- 2) Agree to Orange County's decision to allocate formally the former Orange Enterprise Building on Valley Forge Road in Hillsborough for development of a regional value-added, shared-use, food and agricultural processing center; and
- 3) Recommend that the agricultural processing center be organized as a nonprofit entity in accordance with Section 501 of the Internal Revenue Code.

This the 12<sup>th</sup> day of May, 2008.

**Consent Agenda Item Removed for Discussion**

Consent Agenda Item No. e. Accept the 2007 Annual Report of the Durham Planning Commission.

Chairman Reckhow pulled this item per a request by Commissioner Heron.

Commissioner Heron stated that she requested to pull this item to inform the public of the diligent hours the Durham Planning Commission dedicates to its work.

Chairman Reckhow invited George Brine, Chair of the Durham Planning Commission, to come forward and give a brief overview of the Commission's annual report.

Per Chairman Reckhow's request, Mr. Brine expounded on case deferrals.

Commissioner Heron commended Mr. Brine and the Durham Planning Commission for their superior work.

Chairman Reckhow expressed appreciation to the Commission for the report and its efforts. She asked Mr. Brine to convey the Board's thanks to the Commission.

Commissioner Heron moved, seconded by Commissioner Cheek, to approve the 2007 Annual Report of the Durham Planning Commission.

The motion carried unanimously.

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Commissioner Heron inquired about the County's financial contribution regarding Consent Agenda Item No. h.

Chairman Reckhow informed Commissioner Heron that the County is seeking outside funding for a regional shared-use, value-added, food and agricultural processing center.

County Manager Mike Ruffin noted that No. 1 in the processing center resolution was modified to state that Durham County's participation is "subject to the approval of an interlocal agreement".

**Public Hearing—Zoning Map Change—Joven Northeast Creek Revisions (Z07-46)**

Steven L. Medlin, AICP, City-County Planning Director, requested that the Board approve a zoning map change for a 189.25-acre site located on the north side of Ellis Road, east of the Durham Freeway, and south of Stone Road. Request: Industrial Light (IL[D]), Commercial General (CG[D]) and Planned Development Residential 4.840 (PDR 4.840) to Industrial Light (IL[D]), Commercial General (CG[D]) and Planned Development Residential 4.840 (PDR 4.840)

Mr. Medlin reported that Planning staff recommends approval, based on consistency with the Comprehensive Plan and considering the information provided in the report. The Durham Planning Commission recommended and voted 9-2 for approval on February 12, 2008. The Commission found that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Commissioner Heron inquired about streams flowing into Northeast Creek.

Mr. Medlin responded, "There are a few small tributaries that are impacted by this site. It is important to remember that the overall project is fairly large in size. It is a little less than 200 acres. However, the development plan did show that those environmentally sensitive areas were being protected by the appropriate measures, and the development was being emphasized away from those areas. That is, in fact, what the site plan that has been submitted is referencing for the multi-family portion that is currently under review."

Commissioner Heron asked if the developer is considering energy-efficient buildings.

Chairman Reckhow opened the public hearing that was properly advertised. She called Leonard Shaffer, the developer, 3532 Friendship Road, Apex 27502, forward to respond to Commissioner Heron's question.

Mr. Shaffer replied that he is not responsible for constructing buildings; therefore, he cannot guarantee that the buildings will be energy-efficient.

Commissioner Heron inquired about school proffers made by the developer.

Mr. Medlin stated that a school proffer has been made, stating, "At the time of the building permit, the applicant shall pay a voluntary school impact fee of \$1,000 per single-family lot and \$300 per multi-family unit, with credit given appropriate against any other impact fees that may be in place."

Chairman Reckhow asked if a mechanism has been created to ensure that the payments are made.

Mr. Medlin responded in the affirmative.

Chairman Reckhow directed the County Manager to request an accounting from Durham Public Schools (DPS) at the end of each calendar year of how much impact fees have been collected.

Commissioner Heron emphasized the importance of maintaining an accounting of the impact fees.

Chairman Reckhow requested that the Planning Department submit a list to the Board of what has been proffered and compare the list to proffer monies DPS has received.

As no one else signed up to speak, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve the Zoning Map Change—Joven Northeast Creek Revisions (Z07-46).

The motion carried unanimously.

**Public Hearing—Unified Development Ordinance (UDO) Text Change—FEMA FIRM Update (TC0800002)**

Planning Director Steve Medlin requested that the Board receive public comments on Text Change—FEMA FIRM Update (TC0800002) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 8, Environmental Protection.

Chairman Reckhow opened the public hearing that was properly advertised. As no one signed up to speak, she closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve Unified Development Ordinance (UDO) Text Change—FEMA FIRM Update (TC0800002).

The motion carried unanimously.

For the record, Mr. Medlin notified the Board that staff certifies that both prior public hearing notifications have been made in accordance with the appropriate standards.

**Public Hearing—Reallocation of the 2002 CDBG Scattered Site Housing Program Grant Project Fund for the Purpose of Removing Lead-based Paint**

Brian Crawford, President of Leah Consulting, reported that in 2002, Durham County was awarded \$400,000 in CDBG Scattered Site Housing funds. He stated that the County has completed rehabilitation on 13 properties since instituting the program. As a condition of closing out the 2002 grant, the State Inspectors conducted recent site visits at four properties and determined that one of the four needed to have additional lead-based paint removed prior to closing out the grant. The County, per its last allocation from the State, has residual funds in the amount of \$58,236.50 remaining in the Local Option Project Budget in line items entitled “clearance”, “relocation assistance”, and “administration” activities. These funds can be reallocated to line item entitled “rehabilitation-private dwellings” activity, which could be used to remove lead-based paint from the property of Ms. Patricia Painter located at 1311 Thompson Road, Durham, NC. The estimated cost of removing the lead-based paint from the subject property is undetermined at this point; however, the County may allocate the residual.

Mr. Crawford stated that in order to reallocate funding from the 2002 grant to remove the lead-based paint, the State requires the Board of Commissioners to hold a public hearing. He requested that the Board hold a public hearing and approve reallocating to the 2002 CDBG Scattered Site Housing Program Grant Project Fund in the amount of \$58,236.50. This will result in an increase of \$58,236.50 for general housing rehabilitation to include the property belonging to Ms. Patricia Painter. Once the lead abatement has been performed on the Painter property, the County will return the remaining 2002 grant funds to the State.

Commissioner Heron asked if Thompson Road is outside of Durham City limits.

Mr. Crawford replied that Thompson Road is located outside of the City. He stated that this program is specifically for properties located outside of the City limits.

Commissioner Heron asked that the remaining 2002 grant funds be used to rehabilitate the home of Ms. Basket, an elderly woman, whose house on Felicia Street was damaged during Hurricane Fran.

Mr. Crawford agreed to consider Commissioner Heron’s request.

Wendell Davis, Deputy County Manager, communicated to Commissioner Heron that approximately 100 citizens are currently on the County’s waiting list for property rehabilitation; Ms. Basket is not one of them.



Commissioner Heron stated that subsequent to several conversations she has had with Deputy County Manager Davis regarding Ms. Basket's property, Ms. Basket's name should have been added to the waiting list.

Mr. Davis explained the process to Commissioner Heron. He stated that the County was awarded \$400,000 in CDBG funds, which can rehabilitate approximately 12-13 properties. Citizens must sign up to determine their eligibility. Once they are eligible, then their name is added to the waiting list. Mr. Davis stated that he will check to see if Ms. Basket is on the waiting list. If she is not, then she must go through the process to determine her eligibility for use of the funds.

Commissioner Heron reiterated her request to use the remaining 2002 grant funds to fix Ms. Basket's house.

Chairman Reckhow commented that Ms. Painter's property must be completed or new money cannot be spent. Once the property is completed, then the County will see how Ms. Basket is prioritized on the waiting list, if she is eligible.

Commissioner Heron expressed concern that Ms. Basket was not on the list.

Commissioner Cheek suggested that Mr. Davis follow up with the City Department of Community Development regarding its promise to utilize additional CDBG funds within the county for housing rehabilitation.

Mr. Davis briefly discussed the possibility of using an emergency rehabilitation fund for such cases as Ms. Basket's property.

Commissioner Heron offered to take anyone who is interested on a tour of Ms. Basket's house.

Chairman Reckhow opened the public hearing that was properly advertised and recognized signed speaker Victoria Peterson, PO Box 101, Durham 27702, for comments.

Ms. Peterson requested that the funds not be returned to the State. She asked 1) how much is being spent on each property, 2) when will the new monies be available, and 3) why has it taken six years to expend the funds.

Mr. Davis addressed Ms. Peterson's questions. He stated that 1) per the State's guidelines, each home can receive an allocation up to \$29,999; 2) new monies will be available this year; and 3) a "problem" property was encountered which required additional time and funding for rehabilitation. Mr. Davis stressed that 2008 funding cannot be awarded until the 2002 CDGB grant is closed.

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

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve the reallocation of \$58,236.50 from the 2002

CDBG Scattered Site Housing Program Grant and use some portion of those funds to remove lead-based paint from the property of Ms. Patricia Painter.

The motion carried unanimously.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 7:50 p.m.

Respectfully Submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board