

REVISED

(Addition—Item No. 9r & 14)

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

Monday, December 14, 2009

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

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. **Announcements** 5 min.

Neighborhood College

Applications are now available for the Durham Neighborhood College 2010 Spring Term. This nine-week program is co-sponsored by the City and County of Durham and helps residents learn about government operations directly from the department heads and managers responsible for providing key services. Applications are available on the City or County websites and in the Clerk to the Board's office. The deadline to apply is January 11. Call 560-0008 for more information.

In Touch with Durham County

“In Touch with Durham County,” the Durham County Television show airs on Cable TV Channel 8 at 8:00 a.m. and 12 noon daily, 5:00 p.m. on Mondays, and 6:00 p.m. Tuesday-Saturday.

Census

Durham's Local Census Office will officially open its doors to the public and host an "Open House/Ribbon Cutting" event on Tuesday, January 5th from 10 am until noon. Make plans to join us and learn more about the 2010 CENSUS activities that are so vital to our community. Congressman David Price is expected to make brief remarks.

Nonprofit Agency Funding Process

The FY 2010-2011 Nonprofit Agency Funding process will begin on December 15, 2009 with the opening of the agency pre-qualification period. All Durham community nonprofits interested in applying for FY 2011 nonprofit funding must first submit a Pre-qualification Questionnaire no later than 5:00 pm on January 15, 2010. All nonprofits who meet the eligibility criteria outlined in the County's nonprofit policy will then be invited to apply for FY 2011 funding. The Pre-qualification Questionnaire and the Nonprofit Agency Funding Program policy will be available on the County's website from December 15, 2009 through January 15, 2010. Early submission of the Pre-qualification Questionnaire is encouraged. For additional information, please contact Minora Sharpe in the Budget and Management Services Department at 560-0062.

4. **Minutes**

5 min.

- a. November 2, 2009 Worksession
- b. November 4, 2009 Special Session
- c. November 9, 2009 Regular Session
- d. November 23, 2009 Regular Session

5. **Recognition of Retiring General Services Director, Michael O. "Mike" Turner**

10 min.

One of Durham County's longest serving department heads will retire at the end of the year. In his 33-year tenure, Michael O. Turner has worked with every Durham County Manager except the first, D. W. Newsome, and has served with distinction working on behalf of the citizens of Durham County. During his noteworthy career, he has been respected as a top notch administrator and for going above and beyond what was required to successfully complete work assignments. He instilled that strong service commitment within his department employees.

County Manager's Recommendation: Recommend that the Board extend sincere congratulations to Mr. Michael O. Turner and wish him well as he commences his well deserved retirement.

6. **Recognition of Retiring Durham Convention and Visitor's Bureau President and CEO Reyn Bowman**

5 min.

Reyn Bowman holds the distinction as the first President and Chief Executive Officer of the Durham Convention and Visitor's Bureau. He has provided exemplary service as this community's advocate and promoter of Durham's unique sense of place. Under his dynamic leadership, DCVB received a record 26 Best Practice Innovation Awards. Mr.

Bowman culminates a long and distinguished career of more than 40 years in destination marketing as he retires on December 31, 2009.

County Manager's Recommendation: Recommend that the Board of Commissioners extend sincere congratulations to Mr. Reyn Bowman and wish him well as he commences his well earned retirement at the end of the month.

7. **Proclaim December 21 as National Homeless Persons' Memorial Day**

5 min.

December 21 has been designated as "National Homeless Persons' Memorial Day" by the National Coalition for the Homeless and the National Health Care for the Homeless Council. Officials with Durham's 10-Year Plan to End Homelessness have requested that a local proclamation be issued in recognition of the countless persons who have died on the streets in our community this year. Lloyd Schmeidler, Community Education Specialist with the 10-Year Plan to End Homelessness, will be available to address this issue and to receive the proclamation.

County Manager's Recommendation: Recommend that the Chairman issue a proclamation and present it to Mr. Schmeidler on behalf of the Board of County Commissioners.

8. **Installation of Clerk to the Board**

10 min.

The Oath of Office will be administered to the newly appointed Clerk to the Board V. Michelle Parker-Evans.

9. **Consent Agenda**

15 min.

- a. Approve Budget Ordinance Amendment No. 10BCC000037—Social Services to recognize \$107,347 in Crisis Intervention Payments (CIP) and Child Welfare Worker Visit Revenue;
- b. Approve Budget Ordinance Amendment No. 10BCC000038—Cooperative Extension to recognize Revenue (\$16,926) for a Sustainability Community Project Funded by North Carolina A&T State University;
- c. Approve Budget Ordinance Amendment No. 10BCC000039—Public Health to recognize Grant Funds in the amount of \$18,594 from the NC Department of Health and Human Services for In-School Influenza Vaccine Clinics;
- d. Approve Budget Ordinance Amendment No. 10BCC000040—Public Health to recognize Grant Funds from the NC Department of Health and Human Services in the amount of \$33,028 for Family Planning Initiative;
- e. Approve Budget Ordinance Amendment No. 10BCC000041—Public Health to recognize Grant Funds from the NC Department of Health and Human Services for the amount of \$20,000 for Diabetes Today-Project REACH Initiative;
- f. Approve Budget Ordinance Amendment No. 10BCC000042—Public Health to recognize Grant Funds from the Tobacco Prevention and Control Branch, Chronic Disease and Injury Section, Division of Public Health and Human Services for the

- Amount of \$8,030 for the Implementation of North Carolina's New Smoke-free Restaurant and Bar Law;
- g. Approve Budget Ordinance Amendment No. 10BCC000043—Technical Adjustment: Reclassification of Transfers (\$2,872,440 and \$436,320) to Appropriate Fund Center in the General Fund and Reclassification of Estimated Benefit Expenditure Budget to Social Services (DSS) and Mental Health (MH) Fund Centers in the Benefits Plan Fund;
 - h. Approve Sheriff's Office Budget Amendment 10BCC000044—Procurement of Explosive Ordinance Disposal Robot Remotec Model F6A; and authorize the Sheriff's Office to accept the award in the amount of \$172,971.00 from the Department of Homeland Security Grant Program via North Carolina State Emergency Management;
 - i. Adopt the Durham County Agricultural Development and Farmland Preservation Plan;
 - j. Approve the Durham Board of County Commissioners' 2010 Meeting Schedule;
 - k. Approve the renewal of the Tax Interlocal Agreement with the Town of Chapel Hill and the City of Raleigh;
 - l. Authorize the Tax Assessor to grant extensions for taxpayers, required by North Carolina General Statutes to list business personal property, who request an extension and show good cause during the month of January 2010 and file by means of the County's electronic listing of business personal property as defined in G.S. 105-304(a1) until April 15, 2010. For all other taxpayers required by North Carolina General Statutes to list business personal property, request an extension and show good cause during the month of January 2010 until March 15, 2010;
 - m. Authorize the execution of the Construction Contract with Gleeson Snyder Constructors, LLC in the amount of \$2,193,000.00 (Base Bid plus Alternates) and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$2,521,950.00 for the Renovation of the Criminal Justice Resource Center. Project No: DC080, Bid No: IFB 10-009;
 - n. Create an RBA Advisory Board;
 - o. Approve the Resolution endorsing the "Reality Check Principles for Quality Growth;
 - p. Approve the Hollow Rock Master Plan Report;
 - q. Reappoint Mayor William V. Bell to the Triangle Transit Authority Board of Trustees for a four-year term expiring November 30, 2013; and
 - r. **Approve the Revised Bill of Rights Defense Resolution.**
10. **Quasi-Judicial Public Hearing—Transportation Special Use Permit—Elementary School E (T0900002)**

15 min.

Hold a quasi-judicial public hearing to consider a Transportation Special Use Permit for traffic impact in association with consideration of a major site plan for development of an elementary school, located at 1417 Old Oxford Highway, and within the IL zoning district and F/J-B overlay. PIN 0833-02-69-9788.

Direct the Planning Director to prepare an order for adoption for 1) approval, 2) approval with conditions, or 3) denial, or to continue the hearing to a specified later meeting.

Resource Person(s): Steve Medlin, City-County Planning Director; Michael Stock, Senior Planner; and William E. Judge, City Transportation Division

County Manager's Recommendation: Recommend that the Board conduct a quasi-judicial public hearing on the proposed Transportation Special Use Permit and approve it, if appropriate, based on the testimony received.

11. **Families First Audit**

10 min.

Commissioner Bowser requested that this item be placed on the December 14, 2009 agenda for comment.

Resource Person(s): Joe Bowser, County Commissioner

County Manager's Recommendation: Recommend that the Board receive the comments and advise the staff if additional action is necessary.

12. **Major Site Plan—New Elementary School E (D0800321)**

10 min.

If the Transportation Special Use Permit (T0900002) is approved, then approve a Major Site Plan for “New Elementary School E” submitted by Coulter Jewell Thames RA, on behalf of Durham Public Schools for a 107,600 square foot, one-story elementary school on a 25.067-acre site zoned Industrial, Light (IL) and Falls/Jordan Protected Area (F/J-B).

Resource Person(s): Steve L. Medlin, City-County Planning Director, and Danny Cultra, Planner

County Manager's Recommendation: Recommend approval of the site plan if the transportation special use permit is approved.

13. **Board and Commission Appointments**

10 min.

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Adult Care Home Community Advisory Committee
- Animal Control Advisory Committee
- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Public Health Board

Resource Person(s): Michelle Parker-Evans, Clerk to the Board

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

14. Closed Session

10 min.

The Board is requested to adjourn to closed session pursuant to G.S. § 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of IBM Credit Corporation Case No. COA 08-1514 (N.C. Property Tax Commission No. 01 PTC 544).

~~1 hr. 50 min.~~ **2 hrs.**