

**Revised**  
(Remove Item No. 10b  
Addition—Item No. 16)

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

Monday, March 23, 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.

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3:30 P.M. Special Session

**Jordan Lake Boundary Watershed Boundary Line Amendments**

The Board has requested a worksession to determine the process for amending the Official Zoning Map(s) to reflect an approved change to the normal pool elevation of Jordan Lake. The action is precipitated by a February 4, 2009 decision by the Division of Water Quality (DWQ) to approve a survey submitted by Durham County on November 13, 2008. The County Attorney has opined that any maps delineating the approved changes are a part of the Unified Development Ordinance (UDO), and as such, require approval by the Board of County Commissioners in accordance with the process outlined in Section 3.5 of the UDO. Mr. William J. Brian Jr., attorney for the Southern Durham Development Company, has opined that the UDO expressly delegates the authority to City-County Planning Director to make the changes to the Official Zoning Map(s).

Resource Person(s): Steve Medlin, City-County Planning Director, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board review and discuss the matter and advise the staff as to the course of action it desires to pursue.

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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.

Another “Conversations with Commissioners” will be held on Tuesday, March 24, from 7:00 to 9:00 p.m. in the Fellowship Hall at White Rock Missionary Baptist Church, 3400 Fayetteville Street.

4. **Minutes** 5 min.
  - a. February 16, 2009 CIP
  - b. February 23, 2009 Regular Session

5. **March Anchor Award Winner—Jane Korest** 5 min.

Durham County Open Space and Real Estate Manager Jane Korest is the March Anchor Award Winner. Jane joined Durham County in 2003 following 18 years with the Durham City-County Planning Department. She was instrumental in establishing the Open Space and Real Estate Division in the Engineering Department. According to Glen Whisler, County Engineer and Jane’s supervisor, she has been “energetic and creative in searching our opportunities to leverage Durham County funds available for open space and farmland preservation”. Over the past four years, she has worked on 11 different projects, totaling \$11,962,000. For these projects, she has helped to leverage over \$9,068,000 in outside funding.

Because of her efforts, Durham County is regarded as a leader in the state in both open space and farmland preservation.

Resource Person(s): Glen Whisler, Durham County Engineer

County Manager’s Recommendation: Present the March Anchor Award to Jane Korest along with the sincere congratulations of the entire organization.

6. **Child Abuse Prevention Month Proclamation** 5 min.

Child Abuse Prevention month is celebrated annually across the nation in April. This celebration provides the opportunity to raise awareness and educate the community about the many ways to support families and prevent abuse and neglect. The theme for this year’s celebration is “Oh, how we grow!” These words challenge us to work to grow a better Durham and North Carolina for years to come. Growing healthy, happy kids is not just about having healthy, happy kids today; it is about building a healthier, more prosperous, more successful community for all of us.

We are responding to an urgent call: Science now tells us that experiences in childhood build the architecture of a child's brain and lay the foundation for a child's future. The "toxic stress" of abuse and neglect impairs brain development, causing lifelong health, cognitive, emotional, and behavioral problems. When we prevent abuse, we are creating happier, healthier children now, as well as creating a stronger community down the road—one with fewer incarcerations, instances of abusive behaviors, and unintended pregnancies; one with less heart disease, liver disease and obesity; and one with more caring, contributing adults.

Our children are growing. How they grow up is up to all adults. When you support children and families by reaching out, advocating for, and providing evidence-based programs in our community and helping spread awareness, you are enduring that today's children are healthy and have the opportunity to lead our community to a great future.

Wearing Blue Ribbons is a visible way you can show that you support families and children. We are encouraging Durham residents to make their neighborhoods "Blue Ribbon Communities" by developing effective networks of support for parents and caregivers. Parents are encouraged to learn tips for effective discipline, read about child development, get advice from the child's pediatrician or childcare provider, and utilize community services when needed. The attention of a caring adult can make a big difference in the life a child.

Durham County DSS is celebrating Child Abuse Prevention month to raise awareness about ways to prevent abuse and educating the community about how to identify child maltreatment and to make a report of abuse or neglect. In addition to the proclamation, staff members are distributing blue ribbons in support of Child Abuse Prevention Month, holding the annual "A Good Parent Is" art contest in Durham Public Schools on April 23, holding the annual Child Abuse Prevention Walk, and dedicating the *Investing in Human Capital: DSS Partnership Series* workshop on April 29 to sharing information on the child welfare system.

DSS Staff will present Commissioners, staff and meeting attendees with blue ribbons to wear throughout April to raise awareness of Child Abuse Prevention.

Resource Person(s): Sammy R. Haithcock, DSS Director; and Gail Angle, Child Protective Services Program Manager.

County Manager's Recommendation: Recommend approval of proclamation declaring National Child Abuse Prevention Month in Durham County and to raise community awareness of the many ways to support parents and children.

7. **Proclaim April 2009 as Earth Month**

5 min.

Durham County is a leader in sustainability initiatives in North Carolina. Durham's efforts to address climate change and other pressing environmental issues are worthy of recognition and celebration. During the month of April, there are numerous

environmentally-themed activities happening in Durham that will be highlighted through the City-County Sustainability Office as part of Earth Month in Durham.

Citizens of Durham are encouraged to make a personal and collective commitment to take steps to protect and preserve diversity in the natural environment through education, partnerships, and positive actions. Durham County citizens, staff, and elected officials are encouraged to work together to develop and implement regulations, ordinances, and programs specifically designed to preserve and improve Durham's fragile ecosystems and the quality of life therein.

Resource Person(s): Tobin L. Freid, Manager for the City-County Sustainability Office.

County Manager's Recommendation: The Manager's recommendation is that the Board proclaim April 2009 as Earth Month in Durham.

8. **Presentation of the Commissioners Community Circle Award**

5 min.

The Commissioners Community Circle Award, created by Michael D. Page, 2009 Chairman of the Durham Board of County Commissioners (BOCC), is designed as a way to recognize county departments, local non-profit organizations, and programs for the extraordinary services they provide to Durham's citizens.

The Commissioners Community Circle Award is based on three areas of selection criteria including productivity, creativity, and the commitment to Durham County's citizens. At each BOCC Regular Session meeting, the Chairman of the BOCC will recognize a chosen organization and provide the recipient with the Commissioners Community Circle Award.

The Nutrition Division of Durham County's Health Department will receive the very first Commissioners Community Circle Award at the March 23 BOCC meeting. The Nutrition Division will be awarded with the Commissioners Community Circle Award due to their record of delivering nutrition services at the least expensive cost to the County; providing innovative nutritional services that improve the overall goals of the Durham County Nutrition Services Division; and cultivating the development and improvement of citizen's nutritional competence and well-being.

Resource Person(s): Michael D. Page, Chairman of the Durham Board of County Commissioners.

County Manager's Recommendation: The Manager's recommendation is that the Board congratulates the Durham County Health Department's Nutrition Division for their receipt of the Commissioners Community Circle Award.

9. **Resolve to Support a Partnership between Durham County and the 2010 Census**

5 min.

The planning process to partner with the 2010 Census started in January 2009. Durham County Government has met with representatives from the 2010 Census to begin

preliminary planning to ensure that each resident of Durham is counted. With Durham County Government's census participation, residents are encouraged to participate in events and initiatives that will raise overall awareness of the 2010 Census and increase participation among all populations.

Resource Person(s): Laura Strickland McClettie, partnership specialist and team leader for North Carolina for the 2010 US Census Bureau

County Manager's Recommendation: The Manager's recommendation is approve the resolution and support efforts to ensure that all Durham County residents are counted.

10. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for February 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- ~~b. Budget Ordinance Amendment No. 09BCC000055 and Contract Amendment—Urban Ministries of Durham (approve in the amount of \$25,000 and authorize the Manager to execute a contract amendment to reflect the additional \$25,000 to Urban Ministries of Durham);~~
- c. Budget Ordinance Amendment No. 09BCC000056—Economic Development—Pass-Through of One NC Funds from State of North Carolina to Quintiles Transnational Corporation in the amount of \$500,000;
- d. Capital Project Amendment No. 09CPA000015—Durham Public Schools General Obligation Bond Project Budget Adjustments (Approval to move \$576,760 from three completed 2003 GO Bond funded DPS capital projects [New Elementary “D” (Pearson), Githens Middle School, and 2003 Bond Management] to four other 2003 GO Bond funded DPS capital projects [Lowes’ Grove Middle School, Durham School of the Arts, Northern High School, and Jordan High School]);
- e. Appointment—Criminal Justice Partnership Act Advisory Board (approve the recommended appointment of B. J. Council [Police Chief or Designee]);
- f. Durham County and Town of Cary Interlocal Agreement for Wastewater Treatment and Amendment to Chapter 26 of the Durham Code of Ordinances—Utilities (approve the proposed interlocal agreement, the additional FTE, and the ordinance amending chapter 26 of the Durham Code of Ordinances);
- g. Drainage Easement Related to the Durham County South Regional Branch Library (authorize the purchase of a 443.41-square-foot permanent Drainage Easement from Charlotte Maynor and children located at the northeastern most corner of 4524 South Alston Avenue for the purchase price of \$5,000); and
- h. Approval of the FY 2010-2019 Capital Improvement Plan (CIP).

11. **Public Hearing—Zoning Map Change—New Middle School—Treyburn (Z0800034)**

30 min.

To approve a request for a zoning map change for approximately 117 acres of a 150.25 acre site located north of Snow Hill Road, west of Vintage Hill Parkway (the remaining

area is in the City's jurisdiction). Request: PDR 2.240; F/J-B (partial) and M/LR-A (partial) to RR; F/J-B (partial) and M/LR-A (partial); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

*Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report.*

Planning Commission Recommendation and Vote: Approval, 14-0 on December 9, 2008. The Planning Commission finds 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.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Amy Wolff, Planner

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

12. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Hotel Location (TC07-15)**

5 min.

Receive public comments on Text Change – Hotel Location (TC07-15) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Julia Mullen, Planner

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

13. **Public Hearing—Unified Development Ordinance (UDO) Text Change—  
Development Plans (TC07-10)**

10 min.

Receive public comments on Text Change – Development Plans (TC07-10) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 1, General; Article 2, Review Authority; Article 3, Applications and Permits; Article 6, District Intensity Standards; Article 9, Landscaping and Buffering; and Article 16, Definitions.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Julia Mullen, Planner

County Manager’s Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

14. **Public Hearing on Coordinated Transportation—2009-2010 Community  
Transportation Grant Application Request**

15 min.

The Cooperative Extension Service is requesting Board authorization to submit the FY 2009-2010 Community Transportation Program grant to the North Carolina Department of Transportation (NCDOT). Durham County’s Community Transportation Program provides transportation services for elderly and disabled citizens and for transitional Work First and general public employment transportation needs for Durham County.

The revenue from this grant and expenditures required of the County will be budgeted in the FY2009-2010 budget for Coordinated Transportation. Cooperative Extension has applied for these grant funds annually through NCDOT since 1999 to purchase vehicles and to subsidize the administrative costs associated with the Community Transportation Program. A public hearing is required for this application.

The Community Transportation Program grant application requests \$210,951 from NCDOT. The Department of Transportation requires a local match of \$26,018 to be appropriated in FY 2009-2010 budget. This represents a \$480 decrease from fiscal year 2008-2009.

Requested Budget

• Administrative	\$98,451	( local match \$14,768)
Transportation Coordinator, Administrative Assistant and administrative supplies and support		
• Capital Expenditures	\$112,500	( local match \$11,250)
Vehicles		
Total	\$210,951	(local match \$26,018)

Resource Person(s): Delphine Sellars, Cooperative Extension Service Director, and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: Approve the attached resolution authorizing Durham County Cooperative Extension to submit the FY2009-2010 Community Transportation Program Grant to the North Carolina Department of Transportation.

15. **Board and Commission Appointments**

10 min.

Vonda Sessoms, 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
- Juvenile Crime Prevention Council
- Transportation Advisory Board
- Workforce Development Board

Resource Person(s): Vonda Sessoms

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

16. **Closed Session**

15 min.

**The Board is requested to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).**

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2½ hrs.