

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

Monday, January 12, 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.
4. **Minutes** 5 min.
 - a. November 24, 2008 Regular Session
 - b. December 8, 2008 Regular Session
5. **January Anchor Award Winners—Leon D. Wright and Jacob A. Cash** 5 min.

Durham County Sheriff's Deputies Leon Wright and Jacob Cash are being recognized for helping to save the life of a suicidal man who was distraught over his mother being placed in an assisted living home. When the deputies arrived on site, they found an elderly man with a shotgun in his hands. By gaining the man's trust and with patience, they were able to persuade him to lower the gun, at which point Deputy Wright was able to remove the gun. In a communication from EMS Senior Paramedic Gary Witherspoon, the two were also credited with securing the scene for EMS and Durham Police officers who also were responders.

County Manager's Recommendation: Present January Anchor Awards to Deputies Wright and Cash, along with the sincere congratulations of the entire organization.

6. **Support for Community Health Coalition’s “Call to Action” Resolution to Manage and Monitor Blood Pressure**

5 min.

Dr. Elaine Hart-Brothers, local physician and Chair of the Community Health Coalition Inc., has requested that the Board of County Commissioners support the organization’s ongoing efforts to eliminate health racial disparities. In the fall, the group’s Board of Directors approved a resolution that seeks to partner with the County of Durham, City of Durham, health insurance companies, pharmaceutical companies, and health agencies in establishing a community-wide health education program on “Managing and Monitoring Blood Pressure”. The objective is to educate the community on the importance of:

- A) Maintaining healthy blood pressure levels; and
- B) Knowing how to properly monitor and manage blood pressure; thus, reducing or preventing chronic disease such a stroke, kidney disease, and heart attacks.

Dr. Hart-Brothers will attend the meeting to discuss the group’s efforts.

County Manager’s Recommendation: The County Manager’s recommendation is that the Board of County Commissioners endorse the Community Health Coalition’s Resolution and pledge to join with the organization and partners in assisting efforts to spread appropriate information to help eliminate cardiovascular events in the African-American community.

7. **Consent Agenda**

15 min.

- a. Budget Ordinance Amendment No. 09BCC000040—Cooperative Extension—Recognize \$4,200 in Revenue from the North Carolina Department of Insurance as a Partner in the Senior Health Insurance Information (SHIIP) Program;
- b. Budget Ordinance Amendment No. 09BCC000041—Social Services—Recognizing Additional Revenue (Crisis Intervention Payments—\$295,931 increase; and LIEAP and CIP Administration Funds—\$45,923 increase);
- c. Budget Ordinance Amendment No.09BCC000042—Public Health—Recognize Revenue in the Amount of \$44,000 from the Department of Environmental Health and Natural Resources for the Environmental Health Division for the childhood lead poisoning prevention program;
- d. Budget Ordinance Amendment No. 09BCC000043—Public Health—Recognize Aid To County Funds in the amount of \$1,907 From N.C. Department of Health and Human Services for operational expenses to Support the Document Management Project;
- e. Budget Ordinance Amendment No. 09BCC000044—Public Health—Recognize One-Time Funds in the amount of \$16,750 from the N. C. Department of Health and Human Services for the Family Planning Clinic;
- f. Cancel March 9, 2009 Commissioner Meeting and Reschedule for Thursday, March 12, 2009, at 7:00 p.m. in the County Commissioners’ Meeting Room);
- g. Appointment of County Commission Chairman Michael D. Page as Legislative Liaison to the NCACC for the 2009-10 Legislative Biennium;

- h. Department of Social Services One Source Contract (approve the contract amendment for continuation of the Document Management Imaging [DMI] Project in DSS);
- i. Approve the Sale of County Surplus Property—2600 Lincoln Street to Thomas Bailey for \$2,000 and 540 Belt Street Greater Zion Wall Baptist Church for \$968);
- j. Appointments—Cultural Master Plan Advisory Board (appoint Kofi Boone, Joshua Parker, and Michael Schoenfeld);
- k. Approval of Commissioner Assignments to Boards and Commissions;
- l. Termination of Conservation Agreement and Easement (approve the Termination of Conservation Agreement and Easement in consideration of \$75,000 from the Eno River Association); and
- m. Durham Public School Roofing Projects at Neal Middle and Lakewood Elementary (approve the owner/contractor agreements with Baker Roofing Company for roofing work at Neal Middle School and Lakewood Elementary School in the amounts of \$1,075,247 and \$462,926, respectively, and authorize the Manager to execute the agreements).

8. **Recommended Budget Reduction for Durham Public Schools**

30 min.

The County Manager has proposed a 3%, \$3,081,862 reduction to the Current Expense appropriation for the Durham Public Schools. North Carolina law requires that the Board provide the school system with an opportunity to respond to the impact of the proposed reduction before any final action can be taken

Resource Person(s): Mike Ruffin, County Manager, and Dr. Carl Harris, Superintendent

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and advise the staff if any additional information is necessary.

9. **Public Hearing—Zoning Map Change—Radio Transmitter Site (Z0800028)**

10 min.

To approve a request for a zoning map change for a 5.979 acre site located at 242 Nobel Drive, on the south side of Nobel Drive and west of its intersection with South Mineral Springs Road. Request: Regular Session-20; F/J-B to RR; F/J-B

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 the report.

Planning Commission Recommendation and Vote: Approval, 14-0 on November 11, 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.

10. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Unattended Clothing Donation Containers (TC0800004)**

5 min.

Receive public comments on Text Change – Unattended Clothing Donation Containers (TC0800004) 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.

11. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Beekeeping (TC0800005)**

5 min.

Receive public comments on Text Change – Beekeeping (TC0800005) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations, 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.

12. **Fiscal Year 2008-2009 Budget Reduction Recommendations**

15 min.

The County Manager has proposed budget reductions of 3% for all nonprofit appropriations for the current fiscal year.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board approve the requested reductions and authorize the Manager to execute the required contract amendments necessary to reduce the appropriation.

12a. **Request for Release of 2008 Property Tax under N.C.G.S. 105-381 from Edward Dement II, Property Address—3535 Hillsborough Road: Parcel Number 124848**

15 min.

Mr. Edward Dement II has requested, under N.C.G.S. § 105-381 Tax remedies, that the Board of County Commissioners consider his request for release of 2008 property taxes due to a tax imposed through clerical error.

Mr. Dement has indicated that the Durham County Tax Assessor has (1) “erred in the assigning of a 2008 value”; and (2) “the Tax Assessor failed to bother making any sort of hands on appraisal or visit the property”. Mr. Dement further states that “the appraisal is incorrect and he feels the comparable properties used are fine, just applied incorrectly”. In none of his assertions does Mr. Dement identify any clerical error. Instead, Mr. Dement does not agree with the appraisal of his property. He did not file an appeal of his value, but instead alleges a clerical error to rectify his failure to appeal the value in a timely manner.

Resource Person(s): Kimberly Simpson, Tax Administrator, and Chuck Kitchen, County Attorney

County Manager's Recommendation: Deny the request for a refund as no clerical error is present, and the property was correctly valued.

13. **Discussion of Issues for 2009 Durham County Legislative Agenda**

10 min.

The North Carolina General Assembly will convene the 2009 General Assembly Session at noon on January 28 in Raleigh. Following a communication to County department heads and other traditional legislative partners, several items were received as possible legislative proposals to be considered for inclusion in the final 2009 Durham County Legislative Agenda.

Staff will conduct the first discussion of these items with the Board of County Commissioners at the worksession. The goal is to prepare a strategic, focused package of legislative items that can be aggressively supported by members of the Durham Delegation.

In addition, staff will seek direction from the Board to set a joint meeting with the Durham Delegation in the coming weeks.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager, and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board receive the proposed legislative agenda items, discuss, and direct staff.

2¼ hrs.