

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

Monday, March 22, 2010

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.
 - “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - It’s time to be counted! The 2010 Census form is one of the shortest forms in history. There are only 10 questions on the form. Later in this meeting, we will hear an update from our Durham Local Census Manager.
 - All citizens are invited to attend a “Conversation with Commissioners,” tomorrow night, March 23rd, at 7pm at Holton School. The meeting will include a brief introduction from the county and a primary focus on questions from citizens about the upcoming budget. Another session is planned for March 30, 7:00 pm at Jordan High School.
 - I am pleased to announce that we will hold a groundbreaking for the new Durham County Courthouse on Wednesday, March 31, at 2:00pm at 247 South Mangum Street, Durham. That is the former U haul site in downtown Durham. We hope to see you there.

4. **Minutes**

5 min.

- a. February 8, 2010 Worksession
- b. February 8, 2010 Joint meeting with Person County
- c. February 8, 2010 Regular Session
- d. February 22, 2010 Regular Session
- e. March 1, 2010 Worksession

5. **Professional Social Work Month Proclamation**

5 min.

Each year Professional Social Work Month is celebrated in March to recognize the many achievements and contributions of social workers. DSS is requesting that the Commissioners issue a proclamation recognizing the valuable contributions that social workers make in our community – at DSS, in hospitals, schools, community-based organizations and in private practice.

Resource Person(s): Jovetta Whitfield, Child Placement and Supportive Services Program Manager, and Gerri Robinson, Director, Department of Social Services

County Manager's Recommendation: The County Manager recommends that the Board approve a proclamation declaring Professional Social Work Month in Durham County.

6. **Recognition of the Week of the Young Child and Presentation of Proclamation**

5 min.

Week of the Young Child (WOYC), sponsored by the National Association for the Education of Young Children, is held each year to honor young children and thank teachers and all those who make a difference in young children's lives. WOYC 2010 will be celebrated across the nation on April 11-17, 2010. The theme of WOYC 2010 is Early Years Are Learning Years.

The purpose of the Week of the Young Child is to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs.

Durham County's Child Care Services Association will partner with agencies across the Triangle to host six days of events designed to bring the community together to work on behalf of young children. Week-long activities will focus on preventing childhood obesity, fighting hunger in the Triangle, growing fruit and vegetable gardens at home, linking children's physical activity to cognitive and behavioral development, and literacy and nutrition. WOYC will end with Healthy Kids Day.

County Manager's Recommendation: The Manager recommends that the Board proclaim April 11-17, 2010 the Week of the Young Child and present the proclamation to Linda Chappel, Senior Vice President of the Triangle Area Child Care Resource and Referral Division of Child Care Services Association.

6a. **Proclamation - April 2010 as National County Government Month**

5 min.

National County Government Month is celebrated each April by the nation's counties to raise public awareness and understanding about the roles and responsibilities of county government.

The 2010 theme is "Healthy Counties."

Durham County Government will recognize the month-long celebration by hosting planned events.

County Manager's Recommendation: The Manager recommends that the Board proclaim April 2010 as National County Government Month in Durham.

7. **2010 Census Progress Report**

5 min.

Durham County Government is an official 2010 Census Partner. On January 5th, the local Durham office opened its doors to facilitate the ongoing efforts to ensure a strong count in the City and County of Durham. Official confidential Census questionnaires are beginning to go to residents mailboxes. A progress report of Census operations to date in our area will be provided to the Board.

Resource Person(s): Yvonne M. Sanks, Durham Census Office Manager and Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the report and encourage all residents to fill out the Census forms.

8. **Durham County Government Environmental Impact Award – Library Reusable Bag Program**

5 min.

The Durham County Environmental Government Impact Award was created by the Green Team to recognize teams of employees who have a significant positive effect on our environmental performance. To qualify, the team must be instrumental in implementing policies, procedures, or programs beyond what is expected in their every day job that have an effect beyond the team itself. Nominations are accepted on a quarterly basis and are evaluated by a subcommittee of the Green Team.

The inaugural winners of the Durham County Government Environmental Impact award are staff who, on their own initiative, started a reusable tote bag program at our public libraries. The Durham County Library Marketing and Development Division recognized the waste and environmental impact of the plastic bags used by library customers to carry home their checked-out materials. The staff purchased polypropylene tote bags that can be checked out repeatedly and remain in circulation. The tote bags have been very popular with library customers and are helping the library avoid the purchase, use, and disposal of 14,000 plastic bags annually.

The team members are: Gina Rozier, Hitoko Burke, Anastasia Bush, Marian Fragola, Alice Sharpe, and Jill Wagy.

Resource Person(s): Tobin L. Freid, Sustainability Manager; Glen Whisler, P.E., County Engineer; Skip Auld, Director, Durham County Library

County Manager's Recommendation: The Manager recommends that the Board recognize the winning team for the first Durham County Government Environmental Impact Award.

9. **Consent Agenda**

20 min.

- a. Approve Aramark Correctional Services to make final repairs to one of the Axial fan blowers supplying heating and air conditioning to one of the detention cell pods;
- b. Approve Budget Ordinance Amendment No. 10BCC00061 to appropriate a \$1000 LGFCU productivity award to the Tax Department;
- c. Approve Budget Ordinance Amendment No. 10BCC000062 for the Department of Social Services to recognize LIEAP and CIP administration revenue in the amount of \$140,647; Crisis Intervention Payment (CIP) revenue in the amount of \$286,264 and Work First Functional Assessment revenue in the amount of \$2,000;
- d. Amend the contract with Evans & Associates Consulting Group and approve Budget Ordinance Amendment No. 10BC000063 in the amount of \$60,000;
- e. Approve Budget Amendment Ordinance No. 10BCC000064 to recognize one-time funds from the NC Department of Health and Human Services in the amount of \$33,254 for Health Education's Jail Screening program;
- f. Approve Budget Ordinance Amendment No. 10BCC000065 to appropriate a \$3,500 grant award to the Sustainability office;
- g. Approve Budget Ordinance Amendment No. 10BCC000066 to transfer \$46,298 into the Criminal Justice Resource Center budget and to reduce the total allocation in the Juvenile Prevention Council budget by \$28,246;
- h. Accept the property tax release and refund report for February 2010 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- i. Approve the contract amendment between Diana Phillips Consulting and the County of Durham to include additional professional services and to increase the contract to a not to exceed amount of \$52,000;
- j. Approve entering into a contract with Louisiana Binding Services, Inc, for the restoration, conservation, and digitizing of vital records pursuant to Capital Project DC96-Rod Preservation in the amount of \$945,000;
- k. Approve the grant application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program funds in the amount of \$183,064;
- l. Approve entering into contracts with Storr, Alfred Williams, Edge Office and Interior Systems for the purchase of furniture and shelving for the South Regional Library, in the total amount of \$296,051.57 and execution of any other related contracts/services, if necessary, not to exceed the budget of \$325,656.72;
- m. Receive the Annual Report of the Development Review Board.

10. **Public Hearing – Unified Development Ordinance (UDO) Text Change – Downtown Zoning Update (TC07-01)**

10 min.

Receive public comments on Text Change – Downtown Zoning Update (TC07-01) 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 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 9, Landscaping and Buffering; Article 10, Off-Street Parking and Loading; Article 11, Sign Standards; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; and Article 16, Definitions.

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

County Manager’s Recommendation: The County 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 on Coordinated Transportation: FY 2010-2011 Community Transportation Grant Application Request**

10 min.

The Cooperative Extension Service is requesting Board to hold a public hearing on the submission of the FY 2010-2011 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. We are also asking the Board to pass the attached resolution as required by NCDOT.

The revenue from this grant and expenditures required of the county will be budgeted in the FY2010-2011 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 \$148,700 from NCDOT. The Department of Transportation requires a local match of \$18,015 to be appropriated in FY 2010-2011 budget. The NCDOT requires a local match for this grant. The local match will be an increase of \$10,420 from the FY09-10 to the FY10-11 Cooperative Extension Budget. However, in June 2009, Cooperative Extension was awarded an ARRA grant to include capital expenses usually included in the 5311 Community Transportation Grant. The ARRA award required no local match and reduced the local match required for FY09-10 5311 grant. Had we not received the ARRA award, the local match for FY09-10 5311 would have been greater than the local match required for FY10-11 5311 grant.

Resource Person(s): Delphine Sellars, Cooperative Extension Service Director and Johnny Ford, Administrative Assistant, Cooperative Extension Service

County Manager's Recommendation: The Manager recommends that the Board hold a public hearing on the submission of FY2010-2011 Community Transportation Program Grant and approve the attached resolution authorizing Durham County Cooperative Extension to submit the FY 2010-2011 Community Transportation Program Grant to the North Carolina Department of Transportation.

12. Public Hearing on Coordinated Transportation: FY-2010-2011 Targeted Transit Assistance Program Grant Application Request

10 min.

The Cooperative Extension Service is requesting Board to hold a public hearing on the submission of the FY 2010-2011 Targeted Transit Assistance Program (section 5310) grant to the North Carolina Department of Transportation (NCDOT). The Targeted Transit Assistance Program grant will allow for expanded medical-related transportation service to residents of Durham County who are elderly or have disabilities. We are also asking for the Board to pass the attached resolution as required by NCDOT.

The revenue from this grant will be budgeted in the FY2010-2011 budget for Coordinated Transportation. A public hearing is required for this application.

The Targeted Transit Assistance Program (section 5310) grant application requests \$113,876 from NCDOT. The Department of Transportation requires a local match of \$11,388 to be appropriated in FY 2010-2011 budget; however private non-profit organizations participating in this program are required to provide the requisite local match. The partner providing the local match is the American Red Cross Central North Carolina Chapter.

Resource Person(s): Delphine Sellars, Cooperative Extension Service Director and Margaret Scully, Mobility Manager, Cooperative Extension Service

County Manager's Recommendation: The Manager recommends that the Board hold a public hearing on the submission of FY2010-2011 Targeted Transit Assistance Program (section 5310) grant and approve the attached resolution authorizing Durham County Cooperative Extension to submit the FY 2010-2011 Targeted Transit Assistance Program grant to the North Carolina Department of Transportation.

13. Public Hearing – Resolution on Intent to Sell Durham County Home Health Agency

15 min.

The Board will hold a public hearing on the Resolution declaring its intent to sell the Durham County Home Health Agency d/b/a Visiting Nurse Service of Durham according to N.C.G.S. §131E-13. To be compliant with the statute, a legal notice announcing the public hearing was advertised in the Herald-Sun on Saturday, March 6, 2010.

Resource Person(s): Gayle Harris, Health Director and Lowell Siler, County Attorney

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed Resolution and move forward with the sale, if appropriate, based on the comments received.

14. Update for The Durham Center

20 min.

The Durham Center (TDC) Area Director's presentation to the Durham County Board of Commissioners shall consist primarily of a summary of Durham County's continuum of behavioral health crisis services, including the impact of these services on admissions to State-operated facilities and on local law enforcement resources.

Ms. Holliman will also provide an update on Critical Access Behavioral Health Agencies, the State's new direction for agencies providing services to people with mental health, developmental disabilities and substance abuse issues, as well as The Durham Center's progress toward assuming Medicaid utilization review from ValueOptions.

Resource Person(s): Ellen Holliman, Area Director

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners receive this report as information.

15. Discussion of Issues for 2010 NC Legislative Agenda

20 min.

The North Carolina General Assembly will convene the Short Session at Noon on May 12, 2010 in Raleigh. An initial listing of legislative priorities has been prepared by staff for a general discussion by the Board. Following that conversation and with input from the Board, a more complete listing will be developed for final approval prior to the start of the legislative session.

According to the 2009 adjournment resolution, Budget Bills must be submitted no later than 4:00 p.m. on Friday, May 14 to bill drafting and filed in the House or Senate by May 25.

Local Bills must be submitted to bill drafting by 4:00 p.m. on Wednesday, May 19 and filed in the House or Senate by May 26.

In addition, staff will poll the Board and members of the Durham Legislative Delegation for a suitable time to meet and discuss the approved initiatives.

Resource Person(s): Lowell L. Siler, County Attorney and Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the proposed agenda and direct staff.

16. Board and Commission Appointments

5 min.

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

- Farmland Protection Advisory Board
- Juvenile Crime Prevention Council
- Planning Commission
- Workforce Development Board

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

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

17. Closed Session

45 min.

The Board is requested to adjourn into Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

3 hrs. 20 min.