

## Agenda

### REVISED

(Added an announcement and Item No. 11)

## THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, September 11, 2006

### 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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7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **Announcements**

- **The North Carolina Department of Transportation (NCDOT) will hold a meeting to allow public comment on the East End Connector project on Tuesday, September 26, 2006, from 4:00 to 7:00 p.m. at Living Water Church (located at Lynn Road and US 70).**

4. **Minutes**
  - a. August 14, 2006 Regular Session
  - b. August 28, 2006 Regular Session
5. **Ketner Award Recognition for Rapid Response Homes**

On September 8, at the North Carolina Association of County Commissioners' Annual Conference in Winston-Salem, Durham County's "Rapid Response Homes" initiative was awarded a coveted Ralph Ketner productivity award and a check for \$1,000. The Ketner Awards recognize the best productivity enhancements implemented in county government throughout the state each year. This project was ranked as one of the ten highest of the applications received.

The Durham Center, Durham County Department of Social Services, and Department of Juvenile Justice and Delinquency Prevention developed the Rapid Response Homes program in response to

the community's need for readily accessible alternatives to high-cost, inflexible, and often ineffective options for dealing with youth in need of an immediate placement outside their homes. This out-of-home placement may be the result of a crisis situation at home due to mental health, abuse or neglect risks, a pending criminal charge in urgent need of intensive treatment, or a child's need for immediate safety and support while awaiting access to a more structured and therapeutic setting. Through the program, children are able to remain in the community, attend their home schools, and maintain supportive contact with their families and peers throughout the crisis period instead of being placed in a detention center or other more restrictive setting.

Team members include:

Ellen Holliman, Director, The Durham Center

Sammy Haithcock, Director, Department of Social Services

Chuck Harris, Deputy Director, Department of Social Services

Donnie Phillips, Director, Department of Juvenile Justice and Delinquency Prevention

Martha Kaufman, The Durham Center

Beth Lewis-Sorenson, Caring Family Network

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate the Rapid Response Homes team for its success and for this outstanding program.

6. **Consent Agenda**

- a. **Approval of Bid for RFP 07-001 (approve the SunTrust bid at the fixed rate of 3.84% for vehicle and small equipment financing and authorize the Manager to execute the required documents);**
- b. Budget Ordinance Amendment No. 07BCC000005—Public Health (recognize \$28,600 in revenue from the NC Division of Public Health, Children and Youth Branch, via Lincoln Community Health Center for contracted services to be provided by the Nutrition Division);
- c. Budget Ordinance Amendment No. 07BCC000006—Public Health (recognize \$1,062 from the Department of Health and Human Services for the Environmental Health Division to purchase supplies and equipment);
- d. Budget Ordinance Amendment No. 07BCC000007—Public Health (recognize \$40,000 from the Department of Health and Human Services for the Environmental Health Division for the childhood lead poisoning prevention program); and
- e. Service Contract with Downtown Durham Inc. (approve for economic development services in the amount of \$55,000).

7. **Public Hearing on the Draft FY 2005-2006 Consolidated Annual Performance and Evaluation Report (CAPER)**

The City of Durham's Department of Community Development requests that the Board of County Commissioners hold a public hearing to receive public comments on the City's draft Consolidated Annual Performance and Evaluation Report (CAPER). The purpose of the hearing is to provide citizens an opportunity to review and comment on the City's use of Community Development Block Grant (CDBG) funds, Home Investment Partnerships Program (HOME) funds, and Emergency Shelter Grant (ESG) funds between July 1, 2005 and June 30, 2006 (FY 2005-2006). The U.S.

Department of Housing and Urban Development (HUD) provided these funds to address housing and community development needs throughout the City.

The City's FY 2005-2006 total CDBG allocation was \$2,184,027, while the HOME allocation was \$1,387,951. In the FY 2005-2006 Annual Action Plan, these funds were allocated primarily for housing construction, housing rehabilitation, code enforcement, and public service activities. FY 2005-2006 was the City's first time administering ESG funds, whose allocation was \$85,888 and was used primarily for operations, essential services, and homeless prevention activities.

While federal regulations do not require a public hearing for the CAPER, the Department of Community Development considers this an opportunity to gain additional public input. Another public hearing has been scheduled before the Durham City Council for September 18, 2006. A draft of the FY 2005-2006 CAPER was available for public review beginning September 1, 2006. In addition to the Department of Community Development's website (<http://www.ci.durham.nc.us/departments/housing>), the draft FY 2005-2006 CAPER is available at City Hall – Customer Information Area, City and County Clerks' Offices, Department of Community Development, and Durham County Main Library.

HUD requires that the final document be submitted to its office no later than 90 days after the end of the fiscal year.

Mike Barros, Director of the City of Durham's Department of Community Development, has reviewed this request and recommended that the Board of County Commissioners hold a public hearing on the draft FY 2005-2006 Consolidated Annual Performance and Evaluation Report (CAPER).

Resource Person(s): Associate Director Larry Jarvis

**COUNTY MANAGER'S RECOMMENDATION: HOLD A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE DRAFT FY 2005-2006 (CAPER).**

8. **Preliminary Plat—Quail Ridge Subdivision (D04-644)**

The Board is requested to approve a Preliminary Plat for "Quail Ridge Subdivision" submitted by JDavis Architects PLLC on behalf of Worman Development L.C. for 86 single-family residential lots on a 91.425-acre site zoned RS-20. [The property is located south of West Cornwallis Road, east of Kerley Road and north of Erwin Road. PIN 0802-03-40-1503 and 0801-01-38-5292.]

This item was continued by the Board of Commissioners at the June 26, 2006 meeting to July 24, 2006, and was then continued to September 11, 2006. The second continuance was to request that the Health Department and NCDOT provide additional comments. The Health Department provided additional comments, but no comments were provided by NCDOT.

The Development Review Board recommended approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends approval.

9. Ordinance Regulating Time of Construction Activities

The Board of Commissioners directed that an ordinance be prepared regulating the hours buildings could be constructed. An ordinance regulating this activity has been prepared. The proposed ordinance is consistent with the City of Durham's regulations.

Resource Person(s): Chuck Kitchen, County Attorney

**COUNTY MANAGER'S RECOMMENDATION: APPROVE THE ORDINANCE REGULATING TIME OF CONSTRUCTION ACTIVITIES SO THAT THE REGULATIONS GOVERNING TIMES OF CONSTRUCTION WILL BE THE SAME IN THE CITY AND THE COUNTY.**

10. Refund of Excise Tax Stamps

A deed, which should have been recorded in Orange County, was recorded in error in Durham County. Excise stamps were paid to the Register of Deeds when the deed was recorded; the amount of the stamps was \$1,054.00. The Board is requested to authorize the refund of the amount of the stamps retained by the County of \$527.00. It is further requested that the Clerk to the Board be ordered to send a copy of the order to the State, so that the party may recover the remainder of the amount paid.

Resource Person(s): Chuck Kitchen, County Attorney

**COUNTY MANAGER'S RECOMMENDATION: ADOPT THE ORDER SO THAT THE EXCISE TAX MAY BE REFUNDED.**

11. Approval of Items for NCACC's State Legislative Agenda

10 min.

On August 22 and September 7, the Board held a series of discussions with staff regarding several statewide legislative initiatives to propose to the North Carolina Association of County Commissioners (NCACC) for inclusion in its 2007 Legislative Agenda. September 15 is the deadline for submitting items to the NCACC. Following the final discussion, staff has drafted items detailing both the goal and rationale for the issues to be sent for NCACC's consideration.

Final items will be on the Agenda by the NCACC membership in January 2007 at its Legislative Conference.

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

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2 hrs. 1