

REVISED
(See Item No. 13)

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, July 28, 2008

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.

National Bio and Agro-Defense Facility:

The Department of Homeland Security will hold a public meeting for comments on the proposed National Bio and Agro-Defense Facility on Tuesday, July 29, 2008, from 12:30 p.m. to 4:30 p.m. and from 6 p.m. to 10 p.m. at Butner-Stem Middle School, 501 East D Street in Butner, N.C. The meeting will take place in the gymnasium.

Durham Neighborhood College:

The Fall 2008 deadline for Durham's Neighborhood College is Friday, August 1. Interested citizens should submit their applications to the Durham County Clerk to the Board of Commissioners at 200 East Main Street, second floor. Applications can be downloaded from the County website at www.durhamcountync.gov or the City website at www.durhamnc.gov. Those selected for this unique opportunity will learn more about the operations and services of local government.

Public Meeting at Main Library:

On Tuesday, July 29, from 5:30 to 7:00 p.m., Durham County Library will host a public meeting to gather citizen input on the renovation of the Main Library. To determine the needs of the community, the library staff desires to hear your ideas on what you want in

your new library. The public meeting will be held in the auditorium of the Main Library at 300 N. Roxboro Street in Durham.

4. **Minutes**

5 min.

- a. May 28, 2008 Budget Worksession
- b. May 29, 2008 Budget Worksession
- c. May 30, 2008 Budget Worksession
- c. June 23, 2008 Regular Session

5. Left Blank Intentionally

6. **Recognize Tax Administration Staff for Excellent Collections Year**

5 min.

The Tax Department has achieved a collection rate of 98.87% for fiscal year 07-08 compared to a collection rate from the previous year of 98.74% for the County. They also accomplished a collection percentage of 98.70% for the City of Durham compared to the previous year collection rate of 98.59%.

The contribution of all staff members within the Tax Department has ensured that Durham County and Durham City achieved this outstanding collection rate.

Resource Person(s): Kimberly Simpson, Tax Administrator

County Manager's Recommendation: That the Board recognize Tax staff and congratulate them on a job well done.

7. **Consent Agenda**

20 min.

- a. Little Mountain Farm Clean Water Management Trust Fund Grant Agreement (authorize the execution of the CWMTF Grant Agreement, approve the acquisition of CWMTF conservation easements for the riparian buffer portions of the farm at the full appraised value, and authorize an interfund loan from the General fund to the capital project until the reimbursement funds for the project are received from CWMTF and the FRPP program);
- b. Matthews Road Open Space Clean Water Management Trust Fund Grant Agreement (authorize the execution of the CWMTF Grant Agreement and approve the conveyance of conservation easements to the State of North Carolina on the North Triangle Realty property);
- c. Modification to NCHFA Loan Documents (approve the modifications to the Installments Financing Agreements with NCHFA dated April 9, 2001 and the corresponding modifications to the Deeds of Trust; authorize the execution of the modifications to the loan documents);
- d. Approval of a Grant Agreement to Project Access of Durham County for a Coordinated Specialty Care Access Program for the Uninsured (authorize that the County enter into a grant agreement in the amount of \$451,000 to support operational costs for July 1, 2008 – June 30, 2009);

- e. Contract—Turner Business Appraisers Inc. (approve the renewal of the contract to conduct audits and consulting; the contract amount is not to exceed \$50,000);
- f. Contract—County Tax Services Inc. (approve the renewal of the contract to conduct audits and consulting; the contract amount is not to exceed \$77,000);
- g. Contract—American Solutions for Business (approve the contract to design, print, and mail forms for the Tax Administration Department; contract amount is not to exceed \$132,000 for design, printing, and mailing and \$200,000 for postage);
- h. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for June 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- i. Appointment—NCACC Annual Conference Voting Delegate (appoint Commissioner Becky M. Heron as the voting delegate for the annual conference and Assistant County Manager Deborah Craig-Ray as the alternate);
- j. Budget Ordinance Amendment No. 09BCC000001 and Capital Project Amendment No. 09CPA000001—\$426,945 Appropriation of General Fund Mental Health Designated Fund Balance to Increase the Mental Health Crisis Center/Oakleigh Building Renovation (No.: DC091) from \$2,800,000 to \$3,226,945;
- k. Budget Ordinance Amendment No. 09BCC000002—Appropriation of General Fund Fund Balance (\$850,000) to Durham Public Schools for City of Medicine School Academy Lease Payments (to support lease payments through June 30, 2011);
- l. Budget Ordinance Amendment No. 08BCC000077—Bethesda and Lebanon Fire Districts—Appropriation of Fire District Fund Balance (approve in the amount of \$24,400 for FY2008 to appropriate fire district fund balance to Bethesda and Lebanon Fire Districts in order to satisfy the final payment to the General Fund for reimbursement of volunteer salaries);
- m. Revised Interlocal Agreement for Little River Regional Park (approve the Interlocal Agreement between Durham and Orange Counties for the management and operation of the Little River Regional Park);
- n. Approve the Sale of County Surplus Property (approve the sale of 2230 N. Oak Ridge Boulevard to P.A.P.'s Custom Home Building for \$15,000, 1908 Essex Road to P.A.P.'s Custom Home Building for \$6,500, 1750 & 1756 Ruffin Street to P.A.P.'s Custom Home Building for \$6,000, 1200 Grant Street to Sweet Ivory CDC Inc. for \$1,020, and 1101 Hazel Street to Sweet Ivory CDC Inc. for \$728);
- o. Third Amendment to Interlocal Agreement with Durham Public Schools (approve the amendment and authorize the execution of said amendment);
- p. Resolution for Issuance of Bond Anticipation Notes (BANs) (approve this resolution and authorize the execution of the required documents); and
- q. Approve the Work First Planning Committee as recommended by the Department of Social Services.

8. **Public Hearing to Consider Allocating Economic Development Investment Funds to Merck & Co. Inc.**

15 min.

Merck & Co. Inc. is considering an expansion to its pharmaceutical manufacturing facility on its existing 257-acre site located in Treyburn Corporate Park. A new bulk production building would be constructed as well as additions to the warehouse, lab, and administration and utility buildings would be constructed to house this expansion. Merck develops, manufactures, and commercializes pharmaceutical products.

The proposed new investment for the Treyburn campus is estimated to be approximately \$300 million. Upon completion, Merck would manufacture a vaccine for chicken pox. In addition to the capital investment associated with the construction of the building, it is anticipated that there would be approximately 150 new jobs established in Durham County.

Merck officials have stated that Durham County's financial support for the project is a key consideration in finalizing the decision. Merck is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading, and extension of utilities. The competing site in Pennsylvania would not incur such expenses.

Staff is recommending that the County participate in this economic development project by reimbursing Merck & Co., Inc. up to \$2 million for the costs of site preparation activities and extension of utilities.

This public hearing was advertised on Friday, July 18, 2008 as required by Statute.

Resource Person(s): Carolyn P. Titus, Acting County Manager

County Manager's Recommendation: Hold the public hearing, and based upon the information received, approve the reimbursement contract between the County of Durham and Merck & Co. Inc. in an amount up to \$2,000,000 to allow for the reimbursement of costs associated with the site preparation, such as site clearing and grading, and the extension of utilities.

9. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Commercial Neighborhood Minor Special Use Permit (CN mSUP) (TC0700018)**

10 min.

Receive public comments on Text Change – Commercial Neighborhood Minor Special Use Permit (CN mSUP) (TC0700018) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits, and Article 6, District Intensity Standards.

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

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

10. **Resolution Calling an Advisory Referendum on Imposing a Local Prepared Food Tax**

30 min.

The General Assembly has enacted Session Law 2008-116, which authorizes the Durham County Board of Commissioners to call an advisory referendum on levying a prepared food tax of one percent. The Board of Commissioners and the Durham City Council have previously adopted an interlocal agreement which sets forth the

expenditures of revenues which would be generated by the tax. In addition, the County has procured an opinion poll which indicates that a majority of the voters in the County are in favor of a prepared food tax. Presumably, part of this support is because 40 percent of the proceeds of the prepared food tax proceeds are expected to come from out-of-county residents. If the referendum is favorable, then the Board of Commissioners could subsequently levy the tax.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: Adopt the resolution calling for a referendum on the prepared food tax.

11. **Major Site Plan and Preliminary Plat—Bhangoo Property (D06-929)**

10 min.

Approval of Major Site Plan and Preliminary Plat for “Bhangoo Property” submitted by Coulter Jewell Thames, PA, on behalf of Bhangoo Development Company LLC, to develop 51-single-family lots on 25.12 acres zoned Planned Development Residential 2.09 (PDR 2.09) and Rural Residential (RR) and Eno Protected Area (E-B) watershed overlay.

[The site is located on the east side of Guess Road between St. Albans Court and Prologue Road. PINs 0825-01-15-3374, 0825-01-05-9160, and 0825-03-04-6658.]

The Development Review Board recommended approval of the site plan on November 30, 2007 by a vote of 8-0.

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

County Manager's Recommendation: Approval of the site plan and preliminary plat.

12. **Settlement of 2007 Property Taxes and the Charge of 2008 Property Taxes to the Tax Collector**

15 min.

As required by G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2007 property taxes.

G.S. 105-373 (h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within 10 years of said taxes becoming due.

Furthermore pursuant to G.S. 105-321 (b), the Board of County Commissioners charges the Tax Collector with the 2007 Property Tax Receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitation of 10 years and those vehicles that are more than two years past due. This request is consistent with last year's settlement, which was authorized by the Board.

Resource Person(s): Kimberly H. Simpson, Tax Administrator

County Manager's Recommendation: Receive and approve the 2007 Property Tax Settlement Report; charge the Tax Collector with 2008 Property Taxes; and authorize the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than two years past due.

13. **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:

- Alcoholic Beverage Control Board
- Area Mental Health Board
- Citizen's Advisory Committee
- Civic Center Authority
- EMS Advisory Council
- Library Board
- **Nursing Home Community Advisory Committee**
- Women's Commission

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: Vote to appoint members to the above-mentioned boards/commissions.

14. **Closed Session**

30 min.

The Board is requested to adjourn to closed session to consult with an attorney regarding claims and to preserve the attorney-client privilege pursuant to N.C. General Statute § 143-318.11(a)(3) and to discuss matters relating to the location or expansion of business or industry pursuant to 143-318.11(a)(4).

2¾ hrs.