

REVISED

(Addition—Announcement and Item No. 13)

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

Monday, March 10, 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. **Announcement** 5 min.

County Commission Chairman Ellen W. Reckhow was presented the Dorothy B. Graham Child Care Leadership Award at the Child Care Services Association’s 8th Annual Triangle Child Care Awards Breakfast which was held on Friday, March 7. Chairman Reckhow was chosen for the award “for making a difference in the lives of young children through leadership and advocacy for high quality child care”. She was recognized for her leadership in establishing the Encore! Middle School After School Program, her efforts to obtain additional child care subsidies from the state when the County was running out of money in 2004; and her work to support the construction of the Jim and Carolyn Hunt Child Care Resources Center.

4. **Recognition of a Durham Soil and Water Conservation District Supervisor for Being Awarded the Supervisor of the Year for North Carolina** 5 min.

The Soil and Water Conservation Department requests that the BOCC recognize Soil and Water District Chairman Talmage Layton for his accomplishments at the county,

state, and federal level. These accomplishments were recognized at the state level as he received the Supervisor of the Year Award for North Carolina. Each year, the NC Association of Soil and Water Conservation Districts recognizes a district supervisor who has made significant contributions to the conservation and proper management of North Carolina's natural resources. Mr. Layton has been a leader in conserving, enhancing, and promoting Durham's natural resources and in addition has established a record of outstanding contributions to the cause of conservation at the state and national levels. The Supervisor of the Year Award was presented in Asheville, NC on January 6. Mr. Layton received a plaque during an awards ceremony before other District Supervisors and staff from across the state.

Resource Person(s): Eddie Culberson, Director of Soil and Water Conservation

County Manager's Recommendation: The Manager's recommendation is that the Board recognize and congratulate Mr. Layton for his accomplishments and contribution to the conservation program.

5. **Social Work Month Proclamation**

5 min.

The White House officially recognized National Professional Social Work Month in 1984. The National Association of Social Workers has used this annual recognition to educate the general public about the important role of social workers and to promote social issues. The theme for 2008 is ***Building on Strengths. Help Starts Here.***

At the Durham County Department of Social Services, the social work staff builds on family strengths. The foundation for growth and change in an individual, family, and a community are their strengths. The "strength-based perspective" is central to the work done at DSS because it emphasizes resources, capabilities, support systems, and motivations to meet challenges and overcome adversity. The DSS staff believes "everyone has strengths" and it is one of our Six Principles of Partnership. At DSS, social workers help people find jobs and develop a career path; assess family strengths and develop plans to protect children from abuse and neglect; provide services to keep elderly and disabled adults safe from abuse, neglect, and exploitation and out of institutional care; provide access to crisis services that keep families from losing their homes and utilities; provide support to help children be ready for and succeed in school; and provide support and services to help people manage their medical care needs. Social workers invest in our community's human capital.

Resource Person(s): Chuck Harris, Assistant Director for Child Welfare and Adult Services and Sammy Haithcock, Director.

County Manager's Recommendation: Recommend approval of proclamation declaring Social Work Month in Durham County and to raise community awareness of the many ways DSS social workers build on strengths to invest in our community's human capital.

6. **Consent Agenda**

20 min.

- a. Cultural Master Plan Spending Request: Public Art Planning Initiative (authorize the spending request for an additional \$2,500 in the Cultural Master Plan to the Public Art Collaborative to further the development of a public art process);
- b. Capital Project Amendment No. 08CPA000014—Appropriation of \$234,411.50 of 2003 GO Bond Issuance Reserved Fund Balance for the Existing C. C. Spaulding Elementary Project (DC079), increasing the total project budget to \$8,105,771.50;
- c. Budget Ordinance Amendment No. 08BCC000062—Results Based Accountability Program Grant to Public Health (recognize \$3,600 in RBA grant funds for Public Health);
- d. Budget Ordinance Amendment No. 08BCC000063—Criminal Justice Resource Center—Recognize \$3,540 Grant Revenue from the NC Department of Corrections, Justice Partnership;
- e. Budget Ordinance Amendment No. 08BCC000065 and Interlocal Agreement—Recognize \$15,000 in Funding from City of Durham for the joint funding of an Assistant District Attorney for Domestic Violence cases;
- f. Approve Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (this has been placed on your consent agenda as it is a recurring grant application and approval process the County participates in each year);
- g. Request for Authorization to Enter into Contract with Advanced Imaging Systems (AIS) (authorize the Register of Deeds to enter into a contract with Advanced Imaging Systems to convert Real Estate Records);
- h. Resolution Approving Lease between the Board of Education and Northgate Mall (approve the Resolution authorizing the operational lease between the Durham Public Schools Board of Education and Northgate Associates Limited Partnership for space located in Northgate Mall which will house the DPS Performance Learning Center);
- i. Approve the Sale of County Surplus Property – 904 Ardmore Drive to Charles Clifford Kroner for \$18,500; 811 & 813 Colfax Street to P.A.P.'s Custom Home Building for \$6,000; and 215 Todd Street to Michael Hamblin for \$3,500;
- j. Hollow Rock/Duke Acquisition CWMTF Grant Agreement and Capital Project Amendment No. 08CPA000015—Appropriation of CWMTF Grant Funds (\$1,000,000) and County Funds (\$14,000) to Duke Acquisition Project (DC085) (appropriate CWMTF Grant Funds [\$1,000,000] and County Funds [\$14,000] to Duke Acquisition Project [DC085] for a total project budget of \$1,564,000; authorize the Manager to execute the Grant Agreement; and authorize an interfund loan from the General fund to the capital project until the CWMTF reimbursement funds are received);
- k. Revision to the 2007 Federal Farm and Ranchlands Protection Grant Cooperative Agreement (approve the Revised Cooperative Agreement between Durham County and Commodity Credit Corporation to add an additional \$670,369 to the existing 2007 Cooperative Agreement and to authorize the County Manager to execute the Agreement);

- l. Adoption of the Seven-Year Review and Updated Work Plan for the Downtown Master Plan;
- m. Offer to Purchase 44 acres on Little River owned by Roger and Patti McClendon (approve the offer to purchase 44 acres owned by Roger and Patti McClendon on Little River for \$10,500 per acre [parcel ID 189198], with \$15,000 earnest deposit; the offer is contingent upon a CWMTF award equaling 50% of the purchase price, a clean Phase I environmental assessment and a closing prior to December 31, 2008);
- n. Approval of Bond Resolutions (approve the resolutions authorizing the issuance of \$12,100,000 General Obligation Public Improvement Bonds, and \$34,090,000 General obligation School Bonds); and
- o. Ambulance Replacement Contract Amendment (approve to amend the contract with Southeastern Specialty Vehicles).

7. **Public Hearing—Street Closing—Hanes Drive (SC07-07)**

5 min.

The Board is requested to conduct a public hearing on the permanent closing of Hanes Drive, a 1,129.05-linear-foot public right-of-way. The right-of-way is located west of Cornwallis Road, between East Institute Drive and West Institute Drive.

Resource Person(s): Steven L. Medlin, AICP, Interim City-County Planning Director, and Phyllis T. Melton, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board adopt an order to close permanently the Hanes Drive public right-of-way.

8. **Public Hearing—Street Closing—West Institute Drive (SC07-08)**

5 min.

The Board is requested to conduct a public hearing on the permanent closing of West Institute Drive, a 249.59-linear-foot public right-of-way. The right-of-way is located west of Cornwallis Road, north of Hanes Drive.

Resource Person(s): Steven L. Medlin, AICP, Interim City-County Planning Director, and Phyllis T. Melton, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board adopt an order to close permanently the West Institute Drive public right-of-way.

9. **Public Hearing—Street Closing—East Institute Drive (SC07-09)**

5 min.

The Board is requested to conduct a public hearing on the permanent closing of East Institute Drive, a 338.95-linear-foot public right-of-way. The right-of-way is located west of Cornwallis Road, south of Hanes Drive.

Resource Person(s): Steven L. Medlin, AICP, Interim City-County Planning Director, and Phyllis T. Melton, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board adopt an order to close permanently the East Institute Drive public right-of-way.

10. **Public Hearing—Zoning Map Change—Epcon Neighborhood (Z07-26)**

20 min.

The Board is requested to approve a zoning map change for a 32.84-acre site located on the west side of Farrington Road, south of Ephesus Church Road, and north of Wendell Road. Request: RS-20 to PDR 4.500.

This item was continued from the February 25, 2008 Board of Commissioners' meeting.

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 contained in this report.

Planning Commission Recommendation and Vote: Denial, 7-5 on December 11, 2007. The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on problems with traffic congestion and inadequate transportation infrastructure.

Resource Person(s): Steven L. Medlin, AICP, City-County Interim Planning Director

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.

11. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Technical Changes IV (TC07-13)**

10 min.

Receive public comments on Text Change – Technical Changes IV (TC07-13) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits, Article 4, Zoning Districts, Article 5, Use Regulations, Article 6, District Intensity Standards, Article 7, Design Standards, Article 8, Environmental Protection, 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, Article 15, Enforcement, and Article 16, Definitions.

Resource Person(s): Steven L. Medlin, AICP, Interim 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. **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
- Public Health Board

Resource Person(s): Vonda Sessoms

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

13. **Closed Session**

20 min.

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

~~1½ hrs.~~
1 hr. 50 min.