

REVISED

Addition of Consent Agenda Item No. 9(i) and Announcements

THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, February 25, 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.
 - The Durham Board of County Commissioners solicits applicants to fill positions on the Adult Care Home Community Advisory Committee. For additional information, please contact the Clerk to the Board's office at 560-0025 or visit our website at www.co.durham.nc.us.
 - **At its annual report to the community last Thursday morning, the Durham County Cooperative Extension Service presented Durham County with a check for \$1,595,571 to represent all grants received by the agency from June 30, 2006 through December 2007. A second check for \$260,050 was also presented by Director Delphine Sellars which represented 15,260 volunteer hours donated from July 1 2006 through June 30 2007. The County Commissioners appreciate all of the fine work of our outstanding Cooperative Extension Service and its positive impact in the community.**
4. **Minutes** 5 min.
 - a. February 4, 2008 Worksession
 - b. February 11, 2008 Regular Session

5. **Recognition of David Goldston for Academic Achievement with the North Carolina Property Mappers Association**

5 min.

The North Carolina Property Mappers Association was formed in 1980. Its purpose was to help state and local government officials whose work involved mapping and land records management. As time progressed it became evident that the importance of qualified mappers was essential to state and local governments. In 1994 North Carolina General Statutes were enacted that required all persons who are employed by a local government and are responsible for creating and maintaining cadastral maps to be certified through the Office of the Secretary of State.

The North Carolina Property Mappers Association has sponsored mapping schools for 28 years. In an effort to recognize those who continue to excel in the field of mapping, the Association implemented the Academic Achievement Award. The purpose of this award was to recognize a student who attended mapping school and achieved the highest level of academic excellence on the final exam. Durham County Tax Administration is pleased to announce that David Goldston, GIS Supervisor, is the recipient of the 2007 Academic Achievement Award. David was one of three students who scored the highest grade of 95 on the exam for Certified Mapper.

Resource Person(s): Kimberly Simpson, Interim Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board recognize David Goldston for his attainment of the Academic Achievement Award from the NC Property Mappers Association.

6. **Resolution Celebrating 100 Years of County Unity in Recognition of the North Carolina Association of County Commissioners' Centennial Celebration**

5 min.

This year the North Carolina Association of County Commissioners is calling on all 100 counties to join in celebrating the Centennial Anniversary of the organization's founding. NCACC is an advocacy and service organization representing county commissioners and officials in all 100 counties. The first session of the unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where Craven County Commissioner C.E. Foy was elected as president its first presidents.

When the Association was formed in 1908, there were 97 counties and fewer than 300 county commissioners. Counties still elected coroners, and commissioners typically served as county managers. Now there are 572 county commissioners in the state, and almost every county has a full-time, professional manager to lead the day-to-day activities of the county.

The group is now led by Executive Director David F. Thompson, who coincidentally is a former Durham County Manager.

Resource Person(s): County Commission Chairman Ellen W. Reckhow

County Manager's Recommendation: The Manager's recommendation is that the Board approve the resolution celebrating 100 years of the North Carolina Association of County Commissioners.

7. **Durham County's 2007 Triangle Business Journal "Space Awards" Recognition for Economic Development Award for Existing Industry**

5 min.

Each year the Triangle Business Journal honors the Triangle's most innovative commercial real estate leaders and projects. Chairman Ellen Reckhow, representing Durham County Government, was among winners of the 2007 Triangle Business Journal Space Awards recognizing Commercial Real Estate Deals of the Year. The presentation was made for the Quintiles Transnational Corporation project. Also recognized were Dennis Gillings of Quintiles, Ted Conner of Durham Chamber of Commerce, and Vivian Powell of North Carolina Department of Commerce. The award was made for an existing industry.

County Manager's Recommendation: Receive the plaque and extend congratulations to all involved in coordinating the successful Quintiles project.

8. **North Regional Branch Library—Presentation of Design with Brick Honor Award**

5 min.

The Board is hereby requested to accept the 2007 Design with Brick Honor Award, a North Carolina Architectural Competition sponsored by Brick SouthEast for the recently completed North Regional Branch Library project. A representative of the Freelon Group will present the award.

The Freelon Group, P.A. provided the architectural design services for this project and the building was opened to the public on January 30, 2007.

Resource Person(s): Skip Auld, Director of Library Services; Ademola Shobande, Assoc. AIA, Senior Project Manager, Engineering Department; and Zena Howard, AIA, The Freelon Group.

County Manager's Recommendation: The Manager recommends that the Board accept this award and recognize the project team for winning the 2007 Design with Brick Honor Award for the North Regional Library.

9. **Consent Agenda**

15 min.

- a. Appointment of the 2008 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, and appoint a Chair and Vice Chair);
- b. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for January 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);

- c. EMS—Clinical Patient Data Collection System (authorize the Manager to enter into a service contract with Zoll Data Systems in the amount of \$281,815 and with SunGard Public Sector Inc. (OSSI) in the amount of \$76,911);
- d. Budget Ordinance Amendment No. 08BCC000060—County Tax Service Inc.—Contract Amendment (approve the budget ordinance amendment to recognize additional tax revenue in the amount of \$400,000 and authorize the Manager to amend the contract);
- e. Budget Ordinance Amendment No. 08BCC000061—Approval of a Grant Agreement with Project Access of Durham County for a Coordinated Specialty Care Access Program for the Uninsured and Appropriate \$112,594 to be transferred from the Community Health Trust Fund to the General Fund to support the start-up and operational costs for March 1, 2008 –June 30, 2008;
- f. Animal Control Offices Project—Right of Way and Easement Dedication and Plat (approve the right of way and easement dedications and corresponding Final Plat to be recorded in the Durham County Register of Deeds Office);
- g. Resolution Authorizing the Durham County Register of Deeds to Temporarily Transfer Records to Off-Site or Out-of-County Location for Reproduction, Repair, or Preservation of Real Estate and Vitals Records in Accordance with North Carolina General Statutes §131-8 and §153A-436;
- h. Appoint County Commissioner Lewis A. Cheek to the Project Access Board of Directors; and
- i. **Deed Easement at the St. Philip’s Episcopal Church for Additional Underground Utility Service at the Durham County Community Shelter for H.O.P.E. (accept the utility easement from The Wardens and Vestry of St. Philip’s Episcopal Church.**

10. **Public Hearing—Plan Amendment, Epcon Neighborhood (A07-13)**

20 min.

To continue the public hearing on a plan amendment for Epcon Neighborhood (A07-13); and to approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Low Density Residential (4 DU/Ac. or Less) to Low-Medium Density Residential (4-8 DU/Ac.).

City-County Planning Department Recommendation: Denial, based on the request not being justified and not meeting one of the four criteria for plan amendments.

Planning Commission Recommendation: Denial, 5-6, November 13, 2007, based on information provided in the staff report, the request not being justified and not meeting one of the four criteria for plan amendments.

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

County Manager’s Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed plan amendment A07-13 and deny it, if appropriate, based on the comments received. The developer was instructed by the BOCC to meet with the County Attorney prior to this matter coming back to the Board. As of February 18, 2008 the meeting had not occurred.

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

15 min.

To approve a request for 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.

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 denial, based on inconsistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 5-7 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 deny it, if appropriate, based on the comments received. The developer was instructed by the BOCC to meet with the County Attorney prior to this matter coming back to the Board. As of February 18, 2008 the meeting had not occurred.

12. **Public Hearing—Plan Amendment—Hebron Road/Elementary School E (A07-17)**

10 min.

To conduct a public hearing on a plan amendment for Hebron Road/ Elementary School E (A07-17); and to approve the requested change from Industrial to the Recreation/Open Space and Institutional land use designations on the Future Land Use Map of the *Durham Comprehensive Plan*.

City-County Planning Department Recommendation: Approval based on the justification and meeting the criteria for plan amendments.

Planning Commission Recommendation: Approval, 13-0, January 8, 2008, based on information provided in the staff report, the justification, and meeting the criteria for plan amendments.

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A07-17.

13. **Public Hearing—Plan Amendment—Page Road Corporate Center (A07-16)**

10 min.

To conduct a public hearing on a plan amendment for Page Road Corporate Center (A07-16); and to approve the requested change from Medium Density Residential (6-12 DU/Ac.) to the Office land use designation on the Future Land Use Map of the *Durham Comprehensive Plan*.

City-County Planning Department Recommendation: Approval based on the justification and meeting the criteria for plan amendments.

Planning Commission Recommendation: Approval, 13-0, January 8, 2008, based on information provided in the staff report, the justification, and meeting the criteria for plan amendments.

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

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A07-16.

14. **Public Hearing on General Obligation Bond Orders**

10 min.

The Board of Commissioners is requested to hold a public hearing on the Orders authorizing school bonds, library facilities bonds, and public building bonds. The initial orders were adopted by the Board at its February 5, 2008 meeting. The bond orders, along with the notice of the public hearing, were duly advertised in accordance with law.

Following the public hearing, each of the bonds is proposed to be approved by the Board.

Resource Person(s): Chuck Kitchen, County Attorney; George K. Quick, Finance Director

County Manager's Recommendation: Hold a public hearing and, if appropriate, approve each bond order separately.