

REVISED

(Deleted Consent Agenda Item Nos. 8m and 8n)

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

Monday, January 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. **State of the County Address** 30 min.

County Commission Chairman Ellen Reckhow will deliver the County's Annual State of the County Address chronicling the accomplishments of County Government in 2007.
3. **Agenda Adjustments** 5 min.
4. **Announcements** 5 min.
5. **Minutes**

January 7, 2008 Worksession
6. **Recognition of Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for FY2007-2008 Durham County Budget Document** 5 min.

In August 2007, the Budget & Management Services Department submitted Durham County's FY2007-2008 Budget document for consideration to GFOA for its Distinguished Budget Presentation Award. In order to receive the award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

Durham County received notification at the end of December that a panel of independent reviewers had completed their examination of Durham County's budget document and voted to award to Durham County the GFOA Distinguished Budget Presentation Award. This is the fourth year in a row that Durham County has applied for and received this award, which is the only national awards program in governmental budgeting.

Congratulations to the entire Budget & Management Services staff which includes: Kimberly Connally, Kevin Etheridge, Gene Hodges, Keith Lane, Minora Sharpe, and Pam Meyer.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners acknowledge the receipt of the GFOA Distinguished Budget Presentation Award for the current Fiscal Year 2007-2008.

7. **Recognition of 5 years of service by Kenneth Joyner**

5 min.

Durham County Board of Commissioners will recognize former Tax Administrator Kenneth Joyner for his five years of outstanding service to Durham County. He is credited with achieving record-setting collection rates and for making customer service in the office a priority. Joyner joined the faculty of the UNC School of Government earlier this month following his outstanding tenure with Durham County.

County Manager's Recommendation: The Manager's recommendation is that the Board present Mr. Joyner with a recognition plaque in honor of this visionary leadership while serving as Durham County's Tax Administrator.

8. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for December 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 08BCC000051—Public Health—Recognize \$12,000 in Grant Funding from the N.C. Department of Health and Human Services, Division of Public Health, Office of Healthy Carolinians, to Support the Work of the Partnership for a Healthy Durham;
- c. Budget Ordinance Amendment No. 08BCC000052—Public Health—Recognize \$112,647 in Revenue from the Epidemiology, HIV/STD Prevention and Care Branch (recognize revenue for the Lincoln Community Health Center—Ryan White Part C, Early Intervention Clinic);
- d. Budget Ordinance Amendment No. 08BCC000053—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services, Office of Public Health Preparedness and Response, in the amount of \$20,000 for the Local Public Health Preparedness Program;

- e. Budget Ordinance Amendment No. 08BCC000054—Public Health—Recognize One-Time Family Planning Title X Bonus Funds in the Amount of \$833 from the NC Department of Health and Human Services to purchase miscellaneous supplies for the Family Planning Clinic;
- f. Budget Ordinance Amendment No. 08BCC000055—Public Health—Recognize \$10,000 in Grant Funding from Kate B. Reynolds Charitable Trust to support the initial phase of the strategic outreach campaign planned by the Partnership for a Healthy Durham;
- g. Budget Ordinance Amendment No. 08BCC000056—Public Health—Recognize \$4,080 in Grant Funding from the Health and Wellness Trust Fund Commission to Support the Work of *Teens Against Consuming Tobacco*;
- h. Budget Ordinance Amendment No. 08BCC000057—Turner Business Appraisers Inc.—Contract Amendment (recognize additional tax revenue in the amount \$650,000);
- i. Capital Project Amendment No. 08CPA000013—Decreasing Seven Completed Durham Public School Projects and Closing Six Completed DPS Projects (decreasing \$234,412 of 2003 GO Bond funds from seven projects, officially closing six projects, and reserving the unspent bond proceeds of \$234,412 as Reserved Fund Balance for future appropriations to DPS Capital Projects);
- j. Ambulance Replacement (authorize the Manager to enter into a contract with Southeastern Specialty Vehicles in the amount of \$227,753 for the purchase of a replacement vehicle for Redwood Volunteer Fire Department and Durham County EMS, and one remount for Durham County EMS);
- k. Execution of Consulting Service Contract Amendment with ECS Carolinas LLP for Additional Services for the Geotechnical Evaluation at the Proposed Durham County Justice Center—Project No.: DC066 (authorize the execution of a design contract amendment for \$18,394.70, thus increasing the total compensation for the consulting services to \$65,134.70);
- l. Execution of Design Contract Amendment with Cherry Huffman Architects, P.A. for the Expansion and Renovation of the Durham County Southwest Branch Library. RFQ 07-005 Project No.: DC075-67 (authorize the execution of a contract amendment in the amount of \$18,000, thus increasing the total compensation for the basic design services, additional services, and reimbursement to \$392,150);
- m. ~~Execution of Architectural Design Service Contract with Swanson + Stewart Architects for the Renovation of the EMS Area and Space Planning Evaluation of the Lincoln Community Health Center. Project No.: DC095-69 (authorize the execution of a contract with Swanson + Stewart Architects, P.A., in the amount of \$30,672.00, plus additional services and reimbursable expenses estimated at \$3,000 for a combined total of \$33,672);~~
- n. ~~Durham City County HOME Consortium Agreement Extension (execute the Joint Cooperation Agreement Extension for the Durham City County HOME Consortium having an effective period ending June 30, 2010);~~
- o. Professional Services for the Architectural Programming and Master-Planning for the Detention Center Expansion: Project No: DC086 (authorize execution of a contract with O'Brien/Atkins Associates, P.A. to provide professional services for the programming and master planning of the Detention Center Expansion, in the amount of \$226,970, plus a reimbursable amount of \$2,500, thus totaling \$229,470 and

- execution of any other related contracts, if necessary, not to exceed the estimated budget of \$300,000);
- p. Johnston Ambulance Service Franchise Renewal (accept the three-year ambulance franchise renewal request, and schedule the request for a second and final approval on February 11, 2008); and
 - q. Approval of Resolution for Exemption of Architectural, Engineering, and Surveying Services when the Estimated Professional Fee is less than \$30,000 (approve the resolution and authorize the County Manager to negotiate and sign contracts).

9. **Advance Public Comments on the FY2008-2009 Budget**

15 min.

On this date, the Board will hold an Advance Public Comment session to receive public comments for the FY2008-2009 Budget. As county staff begins the preparation of the fiscal year 2008-2009 budget, public input is being solicited on issues which may need to be addressed during the budget process.

The County Manager's Recommended FY2009 Budget will be presented to the Board of Commissioners on May 27, 2008, with individual budget worksessions with the Board to be scheduled for the period May 22-June 13, 2008. Final adoption of the FY2008-09 Budget Ordinance is scheduled for Monday, June 23, 2008.

Additionally, comments can also be e-mailed to commissioners@durhamcountync.gov.

Resource Person(s): Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The Manager recommends that the Board hold the Advance Public Comment session on the Fiscal Year 2008-2009 Budget.

10. **FY 2008-2009 Annual Action Plan "Needs" Public Hearing**

15 min.

The Citizen Participation Plan contained in the adopted 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on housing and community development needs. The purpose of the second public hearing is to receive citizen comments on the draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. The City of Durham will hold its "Needs" public hearing on January 22, 2008.

As an entitlement city, Durham has been the recipient of CDBG funds since 1975 and HOME Consortium funds since 1992. CDBG funds have primarily been used for housing activities, public services, code enforcement, and public infrastructure. HOME Consortium funds have been used for affordable housing activities as required by HOME program regulations. Durham has also been a recipient of Emergency Shelter Grant (ESG) funds from HUD, which have been used to provide assistance to individuals and households who are homeless or at risk of becoming homeless.

The Annual Action Plan is Durham's application to the U.S. Department of Housing and Urban Development for the upcoming fiscal year's funding and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2005-2010 Five Year Consolidated Plan. Comments received from the "Needs" public hearing will be incorporated into the draft FY 2008-2009 Annual Action Plan that will be presented to the Board of County Commissioners for adoption in April 2008.

Mike Barros, Director of the City of Durham Department of Community Development, has reviewed this request and recommends that the Board of County Commissioners hold a public hearing on January 28, 2007 to receive comments related to Community Development needs. Mr. Barros and/or Associate Director Larry Jarvis will attend the meeting to answer questions.

Resource Person(s): Mike Barros, Director of the City of Durham Department of Community Development

County Manager's Recommendation: Hold a public hearing on January 28, 2008 to receive citizen comments on housing and community development needs.

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

20 min.

To conduct a 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-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less).

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 and, if appropriate based on the comments received, approve Plan Amendment A07-13.

12. **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 approve it, if appropriate, based on the comments received.

13. **Public Hearing—Plan Amendment—Angier Haven II (A07-10)**

10 min.

To conduct a public hearing on a plan amendment for Angier Haven II (A07-10); and to approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Commercial to Low-Medium Density Residential (4-8 DU/Ac.).

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

Planning Commission Recommendation: Approval, 9-3, November 13, 2007, 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

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 A07-10.

14. **Public Hearing—Unified Development Ordinance (UDO) Text Change—
Conservation Subdivision Technical Change (TC07-16)**

5 min.

Receive public comments on Text Change—Conservation Subdivision Technical Change (TC07-16) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 6, District Intensity Standards.

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.

15. **NCDOT Public Hearing for the FY 2008-2009 Community Transportation Grant—
Application Request**

10 min.

The Board authorizes the submission of the FY2008-2009 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.

The revenue from this grant and expenditures required of the County will be budgeted in the FY2008-2009 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 \$215,751 from NCDOT. The Department of Transportation requires a local match of \$26,498 to be appropriated in FY 2008-2009 budget. This represents a \$4600 increase from fiscal year 2007-2008.

Requested Budget	
• Administrative	\$98,451
Transportation Coordinator, Administrative Assistant and administrative supplies and support	
• Capital Expenditures	\$117,300
Three Vehicles	
Total	\$215,751

Resource Person(s): Delphine Sellars, Cooperative Extension Service Director; and Johnny Ford, Transportation Access Coordinator

County Manager’s Recommendation: Approve the resolution authorizing Durham County Cooperative Extension to submit the FY2008-2009 Community Transportation

Program Grant to the North Carolina Department of Transportation. The Board of Commissioners commits \$26,498 for inclusion in the County's FY2008-2009 budget to meet local match requirements.

16. **Regulation of Solicitation on the Streets and Highways of Durham County**

10 min.

After receiving information regarding the possible adoption of an ordinance regulating solicitation in the rights-of-way outside the municipal limits of cities in Durham County, the Board passed on January 14, 2007 an ordinance regulating solicitation on a 4-1 vote. As the ordinance was not passed by a unanimous vote of the Board, the ordinance is required to be passed on a second vote.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Adopt the Ordinance as presented.

17. **Closed Session**

20 min.

The Board is requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(5) to instruct the staff on the position to be taken concerning the acquisition of real properties. The properties and owners are Roger and Patti McClendon, owners 7408 Big Horn Drive; Neil and Catherine Frank, owners of 2306 Moores Mill Road; Roger and Lisa Tilley, owners of 1811 Tilley Farm Road; and the Aids Community Residence, owners of 4404 Guess Road.

3 hrs. 15 min.