

REVISED

(See Item No. 7n

Addition of Consent Agenda Item Nos. s & t)

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

Monday, June 25, 2007

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.

4:00 – 6:00 P.M.

Closed Session—Personnel Matters

The Board of County Commissioners will adjourn to Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

4:00 p.m. to 4:30 p.m.	Tax Administrator Kenneth Joyner
4:30 p.m. to 5:00 p.m.	Sheriff Worth Hill
5:00 p.m. to 5:30 p.m.	Register of Deeds Willie Covington
5:30 p.m. to 6:00 p.m.	County Attorney Chuck Kitchen

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.
4. **Minutes** 5 min.
 - a. June 4, 2007 Worksession
 - b. June 11, 2007 Regular Session

5. intentionally left blank

6. **Resolution Requesting the Budget for the State of North Carolina to be approved by July 1, 2007**

5 min.

North Carolina General Statute 159-8(b) requires counties to adopt a balanced budget ordinance each year by July 1. To assist Durham County in completing its budget according to State Statutes, the Board of Commissioners is requested to approve this resolution requesting that the Governor of North Carolina has the State's budget approved by July 1.

Resource Person(s): Vice-Chairman Becky Heron

County Manager's Recommendation: Approve the resolution.

7. **Consent Agenda**

20 min.

- a. Durham County Detention Center Planned Maintenance Contract (authorize the County Manager to enter into a \$414,266 contract with Aramark Facility Services to supply planned/preventive maintenance services at the Durham County Detention Center for one year, renewable up to four additional years; the total contract will not exceed \$414,266);
- b. Approval of Contract for Medical Services for the Durham County Detention Facility and the Youth Home (RFP # 07-012) (authorize the execution of a one-year contract with Correct Care Solutions Inc. to provide comprehensive health care services for persons in the custody of the Sheriff and the youth detained at the Youth Home; the contract will be for an amount not to exceed \$2,598,800 plus a per diem charge of \$2.78 per inmate for any month with an average daily population greater than 620);
- c. Budget Ordinance Amendment No. 07BCC000072—Social Services (recognize an increase of \$59,781 from Child Care Services Association to award community scholarship funds for child care related expenses);
- d. Street Closing—Set Public Hearing for Valetta Road (SC07-04) (adopt the resolution to set a public hearing for July 23, 2007 to consider the proposed public right-of-way closing);
- e. Service Contract and Lease for the Operation of the Animal Shelter (authorize the Manager to execute a one-year contract with the Animal Protection Society of Durham Inc. for the operation of the Durham County Animal Shelter for \$571,997 and to extend the Term of the Lease Agreement for one year upon the same terms and conditions of the exiting Lease Agreement);
- f. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for May 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);

- g. Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services (approve the Funding Plan which has been incorporated into the Manager's proposed FY 2008 Budget);
- h. Approve the sale of County Surplus Property—2230 North Oak Ridge Boulevard to Jennifer Cole for \$17,900; 2422 Barry Street to Briscoe Enterprises for \$3,000; 723 Eva Street to Briscoe Enterprises for \$3,000; and 2804 Cannada Avenue to Tewonda Farrar for \$1,000;
- i. Federal Farm and Ranchlands Protection Grant Agreement (approve the Cooperative Agreement between Durham County and the United States by and through the Commodity Credit Corporation for receipt of \$927,109 towards permanent farmland conservation easements);
- j. Budget Ordinance Amendment No. 07BCC000074—Durham County Coordinated Transportation—Approve Gap Funding in the amount of \$26,000 for the Durham County Access Public Transportation Program;
- k. Adopt the Resolution to Endorse the Durham County Project Priority List for the FY 2009-2015 Transportation Improvement Program;
- l. Appointment of Cooperative Extension Services Director (approve the appointment of Ms. Delphine Sellars as Director of Cooperative Extension Services for Durham County effective July 2, 2007);
- m. Appointments (approve the recommended appointments to the Juvenile Crime Prevention Council);
- n. Approve the License Agreement by and among Durham County, the Durham County Stadium Authority, and Shaw University for the use of **80,000** sq. ft. of open space adjacent to the Memorial Stadium for use as a practice field through September 1, 2008;
- o. Approve amendments to the three leases for property located at 523 E. Peabody St., 510 E. Peabody St., and 528 E. Main St., which would extend the leases through July 31, 2007, and authorize the Manager to execute the lease amendments;
- p. Approve the closing of the Equipment Leasing Fund; forgive any remaining payments to the fund by the departments; transfer the capital outlay to the fund in which the departments reside that purchased and used the assets; and transfer the remaining equity to the General Fund;
- q. Budget Ordinance Amendment No. 07BCC000075 and Capital Project Amendment No. 07CPA000010—Official Closing of Completed Capital Projects and the Closing of the Related General Ledger Capital Project Funds;
- r. Durham Public Schools—Construction Contract for Lowe's Grove Middle School (approval to enter into a contract for the renovation of Lowe's Grove Middle School with DeVere Construction Co. Inc. for \$7,620,000);
- s. **Approve the Amendment to the Sublease and the form of the Release for Durham Regional Hospital subject to final revisions by the County Attorney; and**
- t. **Capital Project Amendment No. 07CPA000009—Creation of Mental Health Crisis Center Renovation Project (47302635-DC091) and Execution of Architectural Design Service Contract with DTW Architects and Planners Ltd. for the Renovation of the Oakleigh Building (authorize the renovation project with a budget of \$500,000 from Duke University funds, and the execution of an**

architectural design contract in the amount \$195,000 plus additional services and reimbursable expenses estimated at \$2,000 for a combined total of \$197,000.

8. **Public Hearing—Proposed Secondary Road Construction Program for Durham County (2007-2008)**

15 min.

Tasha Johnson, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2007—2008). Division Engineer Wally Bowman, P.E., and Division Maintenance Engineer Brandon Jones, P.E., will accompany Ms. Johnson.

Resource Person(s): Tasha Johnson, P.E., North Carolina Department of Transportation, Division of Highways, Division Five

County Manager’s Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Construction Program and hold the public hearing. Note that any changes to the priorities will affect others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

9. **Public Hearing—Plan Amendment—South Lowell Road Open Space (A07-02)**

10 min.

To conduct a public hearing on a plan amendment for South Lowell Road Open Space (A07-02) and approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Rural Density Residential (0.5 DU/Acre or less) to Recreation/Open Space.

Planning Department Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments.

Planning Commission Recommendation: Approval, 12-0, May 8, 2007, based on the staff recommendation and request from the Board of Commissioners.

Resource Person(s): Frank M. Duke, AICP, 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 A07-02.

10. **Public Hearing—Plan Amendment—Hollow Rock Open Space (A07-03)**

20 min.

To conduct a public hearing on a plan amendment for Hollow Rock Open Space (A07-03) and approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Very Low Density Residential (2 DU/Ac. or Less) to Recreation/Open Space.

Planning Department Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments.

Planning Commission Recommendation: Approval, 11-0, May 8, 2007, based on the staff recommendation and request from the Board of Commissioners.

Resource Person(s): Frank M. Duke, AICP, 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 A07-03.

11. **Public Hearing—Plan Amendment—Tilley Farm Agriculture (A07-04)**

10 min.

To conduct a public hearing on a plan amendment for Tilley Farm Agriculture (A07-04) and approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Rural Density Residential (0.5 DU/Ac. or Less) to Agriculture.

Planning Department Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments.

Planning Commission Recommendation: Approval, May 8, 2007 (12-0), based on the staff recommendation and request from the Board of Commissioners.

Resource Person(s): Frank M. Duke, AICP, 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 A07-04.

12. **Public Hearing—Plan Amendment—Angier Haven (A07-05)**

10 min.

To conduct a public hearing on a plan amendment for Angier Haven (A07-05) and 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, 12-0, May 8, based on information provided in the staff report and the previous Planning Commission action to approve a similar request; and 11-1 that, if this plan amendment is approved, the Board of Commissioners should initiate a plan amendment for the land on the east side of Angier Avenue between these two sites from Commercial to a more appropriate residential use.

Resource Person(s): Frank M. Duke, AICP, 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 A07-05.

13. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Outdoor Lighting Standards (TC06-13)**

10 min.

To receive public comments on Text Change – Outdoor Lighting Standards (TC06-13).

To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 7 to amend the standards for outdoor lighting.

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

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.

14. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Tech Changes III (TC06-18)**

10 min.

Receive public comments on Text Change - Tech Changes III (TC06-18) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 9, Landscaping and Buffering; and Article 16, Definitions.

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

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. **Adoption of FY2007-2008 Budget Ordinance**

15 min.

The Durham County Manager will present the FY2007-2008 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director Budget & Management Services Department

County Manager's Recommendation: The County Manager recommends that the Board approve the FY2007-2008 Budget Ordinance.

16. **Introduction of Bond Orders**

10 min.

The Board of Commissioners is requested to introduce the three proposed bond orders for a possible referendum for this November. The actual projects for which the bonds are to be issued were attached to the preliminary bond resolution which was passed at the Board's last meeting. The Board is further requested to set the public hearing on the proposed bond orders for your regular meeting to be held on July 23, 2007. In addition, George Quick, as Finance Director, will file the sworn statement of debt.

A set of proposed minutes has been prepared by Bond Counsel for the meeting.

Resource Person(s): Chuck Kitchen, County Attorney, and George Quick, Finance Director

County Manager's Recommendation: Introduce the proposed bond orders, receive the sworn statement of debt, and set the public hearing as requested.

17. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to the Board to vote on appointments to the following boards and commissions:

- Bicycle & Pedestrian Advisory Committee
- Board of Adjustment
- Citizen's Advisory Committee
- City-County Appearance Commission
- EMS Advisory Council
- Environmental Affairs Board
- Industrial Facilities & Control Pollution Authority
- Jury Commission
- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Open Space & Trails Commission
- Planning Commission
- Public Health Board
- Women's Commission
- Workforce Development Board

Resource Person(s): Vonda Sessoms, CMC

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

18. **Closed Session**

15 min.

The Board is requested to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

3 hrs.