

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, May 22, 2006

Durham County Government Administrative Complex, Commissioners? Room (2nd Floor)

200 E. Main Street, Durham, NC 27701

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.
4. **Minutes**
5 min.
 - a. May 1, 2006 Worksession
 - b. May 2, 2006 BOCC/Legislative Delegation
 - c. May 8, 2006 Regular Session
5. **Recognition of City of Medicine High School Awards**
5 min.

The City of Medicine High School Awards is a program of the Greater Durham Chamber of Commerce and is sponsored by GlaxoSmithKline and Duke University Health System. Additional support is provided by Capitol Broadcasting Company, EMD Pharmaceuticals, and Merck & Company. This is the 11th year of awarding the program, which is designed to reward Durham students seeking to achieve a career in the healthcare industry. Scholarships are awarded to seniors who have demonstrated high academic performance, participated in community service activities, and chosen to pursue a career in the field of medicine.

Recipients of the \$4000 Scholarships are:

Azrealle McClain of Hillside High School

Jason Jones of Southern High School

Van Dang of Jordan High School

Recipients of the Judges? Honorable Mention \$1500 Scholarships are:

Alannah Gore of Southern High School

Akia Gore of Southern High School

Stacey Taylor of Southern High School

Stanley Ugoeke of Southern High School

Resource Person(s): Kathy Hoffmeier, Greater Durham Chamber of Commerce

County Manager's Recommendation: The Manager recommends that the Commissioners extend congratulations to the 2006 City of Medicine Award Winners.

6. National Foster Care Month Proclamation

5 min.

May is ?National Foster Care Month? and the Durham County Department of Social Services would like to take this opportunity to spread awareness on behalf of those affected by the Foster Care System.

Resource Person(s): Montina Swift

County Manager's Recommendation: The Manager recommends that May 2006 be proclaimed ?Foster Care Month? in Durham.

7. FY 2006-2007 Recommended Budget

30 min.

Durham County Manager Michael M. Ruffin will formally present the recommended budget for FY 2006-2007 to the Board of County Commissioners. This is in accordance with N.C.G.S. 159-12(b), the Local Government and Fiscal Control Act.

Resource Person(s): County Manager Michael M. Ruffin

County Manager's Recommendation: The Manager recommends that the Board receive his presentation.

8. Consent Agenda 20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for April 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 06BCC000065?-The Durham Center Acceptance and Allocation of Grant Funds (approve the \$4,550 appropriation of state funds for the Durham Center First in Families program);
- c. Policy for Appointment to Civic Center Authority (adopt the language of the policy as recommended by the City-County Committee);
- d. Set Public Hearing for June 12, 2006 to Receive Comments on the 2006 Three-Year Revision to the County's 10-Year Solid Waste Management Plan;
- e. Execution of Surveying Services Agreement with Stewart Engineering Inc. for the Durham County Human Services Complex Project No: DC070-48 (authorize the execution of a surveying

contract with Stewart Engineering Inc. in the amount of \$58,500, plus additional services and reimbursable expenses estimated at \$3,500, thus totaling \$62,500)

- f. Approval of Bond Resolutions (resolutions providing for the issuance of \$12,230,000 General Obligation Public Improvement Bonds and \$49,225,000 General Obligation Public Improvement Bonds); and
- g. Resolution Supporting State Assumption of County Share of Medicaid (approve the resolution).

9. Public Hearing Zoning Map Change Erwin Oil US 70 (Z06-14)

20 min.

The Board is requested to approve a zoning map change for a 1.05-acre site located on the west side of US 70, south of Lynn Road. PIN 0840-06-47-5791 (partial), 0840-10-47-7017 (partial) Request: CC(D) and CG(D); F/J-B to CG; F/J-B

To adopt as support for its action on the proposed zoning map change the findings that the action is consistent with the Durham Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

To adopt as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Durham Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

The Planning Department recommends approval based on consistency with the Comprehensive Plan and the information contained in the report.

The Planning Commission recommended and voted for denial, 8-5, based on finding that, while consistent with the Durham Comprehensive Plan, the proposed project will have a detrimental impact on the existing traffic infrastructure by increasing traffic congestion and traffic movement conflicts; the request could not be adequately evaluated because of the lack of a development plan; sufficient undeveloped commercially zoned property currently exists within close proximity of this site; this use is inconsistent with adjacent uses; and considering the information in the staff report and comments received during the public hearing.

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 zoning map change and approve it, if appropriate, based on the comments received.

10. Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees for Fiscal Year 2006-2007

20 min.

As required by the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing, nonprofit organizations constructing affordable housing in Fiscal Year 2006-2007 seeking an impact fee voucher, must submit an application for nonpayment of impact fees ?at the time of submission of the County's annual budget, non-departmental funding requests.? Applications were due to the Impact Fee Administrator by April 21, 2006. Pursuant to G.S. 158-7.1, as stated in the above referenced policy, a public hearing shall be held by the Board of Commissioners on all requests for payment. These requests are for new residential construction that will occur between July 1, 2006 and June 30, 2007.

The following nonprofit organizations have submitted requests:

- Habitat for Humanity of Durham in the amount of \$38,000 for nineteen single family homes
- Housing for New Hope, Inc. in the amount of \$11,550 for ten multi-family dwelling units
- Durham Community Land Trustees, Inc. in the amount of \$24,000 for twelve single family homes

- Self-Help, Inc. in the amount of \$28,000 for fourteen single family homes

The total amount requested in impact fee affordable housing vouchers for FY 2006-2007 is \$101,550.00.

Applications and evaluation checklists are included for your review.

Resource Person(s): Heidi Duer, Assistant County Manager/Impact Fee Administrator, and Chuck Kitchen, County Attorney

County Manager's Recommendation: Conduct the public hearing to review the requests for payments of School Impact Fees for Affordable Housing projects in Fiscal Year 2006-2007 and authorize the Impact Fee Administrator to grant payment vouchers as the Board deems appropriate.

11. **Board and Commission Appointments**

5 min.

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

- Durham County Hospital Corporation
- Memorial Stadium Authority

Resource Person(s): Vonda Sessoms

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

12. **Closed Session**

25 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).

In addition, the Board is requested to adjourn to closed session pursuant to N.C. G.S. § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. § 143-318.10(e).

_____ 2½ hrs.