

**REVISED**  
Addition?Consent Agenda Item No. 6(g)  
**THE BOARD OF COUNTY COMMISSIONERS**  
**DURHAM, NORTH CAROLINA**

Monday, April 12, 2004

**AGENDA**

7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.

2. **Agenda Adjustments** 5 min.

3. **Minutes** 5 min.

a. February 18, 2004 BOCC/Hospital Corporation Board of Trustees

b. March 3, 2004 Worksession

c. March 22, 2004 Regular Session

4. **Proclamation Recognizing ?National County Government Week"** 5 min.

A proclamation naming the week of April 18-24 as "National County Government Week" has been prepared for the Board's approval. Several events are planned to observe the week.

- Monday, April 19?Announce Newsletter naming contest winner
- Tuesday, April 20?Durham, the "County" of Medicine Health Booth on 1<sup>st</sup> Floor
- Wednesday, April 21?Recycle Durham County Booth on 1<sup>st</sup> Floor
- Thursday, April 22?Durham County Trivia Contest
- Friday, April 23?Durham County Paraphernalia Day

**RESOURCE PERSON(S)**: Deborah Craig-Ray, Public Information/Governmental Affairs Director

**COUNTY MANAGER'S RECOMMENDATION**: The Manager recommends that the Board approve the requested proclamation and recognize the work that County employees perform on behalf of the citizens.

5. **Resolution Honoring Mr. Thad Howard** 5 min.

A resolution honoring Mr. Thad Howard has been prepared at the request of Commission Chairman Ellen W. Reckhow. Mr. Howard has provided exemplary volunteer service to the Durham community, especially while serving on the Durham Open Space and Trails Commission. He will be leaving the area next month, relocating to Tennessee.

**COUNTY MANAGER'S RECOMMENDATION**: The Manager recommends that the Board approve the resolution and present it to Mr. Howard, along with sincere thanks of the entire Durham County

community.

6. **Consent Agenda** 20 min.

- a. Budget Ordinance Amendment No. 04BCC0000491?Public Health?Recognize North Carolina Sterilization Grant Revenue in the Community Health Division (approve the budget ordinance amendment for \$20,100 to recognize the North Carolina Sterilization Fund Grant and allow the department to contract with Raleigh Women?s Health to provide the service);
- b. Capital Project Ordinance Amendment No. 04CPA000012?Open Space and Farmland Preservation (approve the capital project ordinance amendment allocating \$300,000 for Open Space and Farmland Preservation activities);
- c. Triangle Wastewater Treatment Plant?Sludge Removal and Disposal? RFP-022 (authorize the County Manager to enter into a service contract with Bio-Nomic Services for the removal and disposal of sludge in an amount not to exceed \$500,000 and to execute annual renewals of this contract as funding becomes available);
- d. Resolutions Providing for the Issuance of \$10,600,000 General Obligation Public Improvement Bonds, Series 2004A, and \$46,600,000 General Obligation Public Improvement Bonds, Series 2004B (approve the two resolutions; separate votes should be held for each resolution);
- e. Mental Health Reform?Governance (extend the Mental Health Area Authority for one year and adopt the resolution);
- f. Approval of Legislative Goals (approve the proposed package of Legislative issues); and
- g. Stormwater Ordinance Amendment (approve the ordinance amendment and direct that it be sent to the State for approval of the program amendment).**

7. **Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees**

10 min.

The Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing provides a procedure for determining the eligibility and payment of impact fees for nonprofit organizations providing affordable housing for renters and first-time homebuyers. According to the policy, those nonprofits constructing affordable housing in Fiscal Year 2003-2004 must submit a request for payment to the Impact Fee Administrator by January 31, 2004. Pursuant to G.S. 158-7.1, as stated in the policy, a public hearing shall be held by the Board of Commissioners on requests for payment.

A public hearing was held at the March 8, 2004 Commissioners? meeting for five nonprofit agencies. AIDS Community Residence Association Inc. was not included in that public hearing. However, because they will be beginning construction prior to June 30 on New Blevins House, a group home for persons below 50% of the median income with disabilities caused by the HIV virus, and their application was received before the January 31, 2004 deadline, this request must be considered for Fiscal Year 2003-04.

**RESOURCE PERSON(S):** Heidi Duer, Assistant to the County Manager and Impact Fee Administrator

**COUNTY MANAGER?S RECOMMENDATION:** The Manager recommends that the Board hold the public hearing to review the request for payment of School Impact Fee for Affordable Housing projects in Fiscal Year 2003-04 and authorize the Impact Fee Administrator to grant a payment voucher, if the Board deems appropriate.

8. **First Amendment to the Interlocal Agreement between the County and the City of Durham Regarding Membership of the Durham Convention and Visitors Bureau**

15 min.

On April 22, 2003, the Board approved an Interlocal Agreement with the City of Durham related to the membership of the Durham Tourism Development Authority, which was required by Session Law 2001-480.

On July 24, 2002, the General Assembly enacted Session Law 2002-36, entitled "An Act to Make Changes to the Durham County Occupancy Tax Provisions". The Act revised Section S.L. 2001-480 to provide that the Durham Convention and Visitor's Bureau shall continue to exist but shall act as a tourism development authority. Therefore, the County and City must amend the Interlocal Agreement to reflect the changes made by S.L. 2002-36.

RESOURCE PERSON(S): Carol W. Hammett, Assistant County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve the First Amendment to the Interlocal Agreement between Durham County and the City of Durham regarding Membership of the Durham Convention and Visitor's Bureau and authorize the Manager to execute the amendment.

#### **9. Durham Public Schools' Right of First Refusal to Purchase Lowe's Grove School Property**

20 min.

The Durham Public Schools Board of Education has declared as surplus the Lowe's Grove School, a 16.062-acre parcel located at the corner of Alston Avenue and Hwy. 54.

Pursuant to North Carolina General Statute §115C-518, the Board of Education must first offer the Board of County Commissioners the opportunity to acquire surplus school property at a fair market price. The price established for this property is \$1,000,000. If the Board of County Commissioners declines the offer, the Board of Education may dispose of the property in accordance with the provisions of the General Statutes.

This property is the recommended site for the location of the South Regional Branch Library, with the potential as a future site for an EMS substation.

If the purchase of the property is approved, it is intended that all structures located on the property will be razed except for Building #1 (as indicated on the Belk report), located on the northern end.

RESOURCE PERSON(S): Michael M. Ruffin, County Manager, and Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board of County Commissioners exercise its right of first refusal and purchase the Lowe's Grove Property from the School Board for \$1,000,000.

#### **10. Career and Technical Education Task Force Report**

15 min.

Vice-Chairman Joe W. Bowser has requested time on the agenda to provide a progress report on the Career and Technical Education Task Force.

RESOURCE PERSON(S): Vice-Chairman Joe W. Bowser

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the report.

#### **11. Closed Session** 1½ hrs.

The Board of Commissioners is requested to adjourn to closed session to consider the performance and

fitness of a public officer or employee, and to instruct the staff concerning the position to be taken in negotiating the material terms for the acquisition of real property owned by Sean P. and Kristi G. Scully, PIN # 0817-03-42-4915, parcel ID# 189217, located on the west side of South Lowell Road, and south side of the South Fork of the Little River, 306 S. Roxboro St. owned by Scarborough and Hargett Funeral Home, and property adjacent to 3605 Shannon Rd. owned by Patty Watson pursuant to G.S. § 143-318.11(a)(5) & (6).

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3¼ hrs.

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**Last updated: July 23, 2006**

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