

REVISED

(Addition—Item No. 3)

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

Monday, July 23, 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.

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.
 - **Durham Neighborhood College is seeking applicants for the fall term. Applications may be obtained from the Clerk to the Board’s office or by visiting the Durham County website at www.durhamcountync.gov. The deadline is August 13, 2007.**
4. **Minutes** 5 min.
 - a. May 29, 2007 Regular Session
 - b. June 11, 2007 Budget Worksession
 - c. June 25, 2007 Regular Session
5. **Chester J. “Chet” Dobies Resolution** 5 min.

A resolution has been prepared in recognition of Chester J. “Chet” Dobies, Durham's chief magistrate and a former Durham County Sheriff's chief deputy.

County Manager's Recommendation: The Manager recommends that the Commissioners pay tribute to Mr. Dobies for his outstanding contributions to the Durham County Sheriff's Office.

6. **Resolution from the Sheriff's Office Honoring the Life of Chester J. "Chet" Dobies**

5 min.

The Office of the Sheriff has prepared a resolution to honor the life and work of Chester J. "Chet" Dobies. Mr. Dobies was Durham's chief magistrate and a former Durham County Sheriff's chief deputy. He will long be remembered for his dedication and public service to the Durham community.

On behalf of Durham County Sheriff Worth Hill and the entire department, the presentation will be made by Captain Paul Martin.

County Manager's Recommendation: The Manager recommends that the resolution be read and presented to the wife and family of Chester J. "Chet" Dobies.

6a. **Introduction of Internal Audit Director**

5 min.

Richard Edwards was appointed Internal Audit Director for Durham County Government, effective July 16, 2007. County Manager Mike Ruffin will introduce Mr. Edwards to the Board of County Commissioners.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends the Board extends its welcome Mr. Edwards.

7. **Consent Agenda**

20 min.

- a. Contract with American Solutions for Business (renewal contract for the Tax Administration Department; not to exceed \$190,000 for postage and \$100,000 for design, printing, and mailing);
- b. Contract with Cox & Company (renew to provide support and updates to the Tax Administration Department; not to exceed \$55,000 for support services);
- c. 2006 Annual Report of the Durham Open Space and Trails Commission (receive the report);
- d. 2006 Annual Report of the Durham Historic Preservation Commission (receive the report);
- e. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for June 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- f. Cultural Master Plan Spending Request (approve \$25,000 for the Durham History Museum Initiative);

- g. Capital Project Amendment No. 08CPA000001—FY 2008 Appropriations of Approved County Contribution Funds for Multiple Capital Projects (appropriate budgeted funds for Boardroom Technology Upgrade [\$650,000], Judicial Building Renovations [\$471,600], Animal Control Facility [\$677,126], Open Space Land Acquisition [\$550,000], Durham Technical Community College—Northern Durham Exp. [\$580,000], Main Library Renovations [\$300,000], New Hope Creek Preserve [\$50,000], and Civic Center [\$245,000], totaling \$3,523,726);
- h. Budget Ordinance Amendment No. 08BCC000003 and Capital Project Amendment No. 08CPA000002—Advancement of \$4,500,000 in General Fund- Fund Balance for the Durham County Memorial Stadium Renovations Project (DC092) and Reimbursement Resolution for Financing of General Statute 160A-20 in Spring 2008;
- i. Budget Ordinance Amendment No. 08BCC000001—Sheriff’s Office—Accept the Award in the amount of \$127,046 from the Bureau of Justice Assistance (BJA) and Renew the Contract;
- j. Budget Ordinance Amendment No. 08BCC000002—Sheriff’s Office—Appropriate Reserved Funds in the amount \$1,006,954;
- k. Approve the Sale of County Surplus Property (approve the sale of 3500 Carr Road to J. Kenneth Edwards of Southview Developers for \$2,150, and 818 Red Oak Avenue to Ms. Gail Bell for \$1,888);
- l. Budget Ordinance Amendment No. 07BCC000076—approve for FY2007 in the amount of \$24,757 to appropriate fire district fund balance to Bethesda and Lebanon Fire Districts to satisfy the final payment to the General Fund for reimbursement of volunteer salaries);
- m. Offer to Purchase County Surplus Properties (904 Ardmore Drive, 509 Mallard Avenue, 1412 N. Hyde Park Avenue, 1214 Moreland Avenue, 3046 Ruth Street, 406 Canal Street, 0 Colfax Street, 237 Rippling Stream Road and 5 Edgestone Place) (pursue the upset bid process for the sale of nine surplus properties; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process); and
- n. Receive the Liability Claims and Subrogation Recovery Report for FY 06-07.

9. **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, community college bonds, and museum bonds. The initial orders were adopted by the Board at its June 25, 2007 meeting. The bond orders, along with the notice of the public hearing were duly advertised in accordance with law. A copy of the suggested proceedings of the Board is attached. Also attached is a copy of each of the bond orders which will be published provided the Board approves them.

Following the public hearing, each of the bonds is proposed to be approved by the Board, and the Board is requested to call a referendum on the bonds for the November election.

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 of the bond orders separately, and then approve the Resolution Calling a General Bond Referendum.

9. **Public Hearing—Zoning Map Change—1411 Old Oxford Highway (Z07-19)**

5 min.

To conduct a public hearing and receive public comments on the UDO zoning map change for 1411 Old Oxford Highway (Z07-19);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-19 out of RS-20; F/J-B and placing same in and establishing same as IL; F/J-B; and

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 accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Board adopts as support for its action 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 accompanying agenda materials.

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

10. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Floodplain Fill (TC07-05)**

10 min.

Receive public comments on Text Change - Floodplain Fill (TC07-05) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 8, Environmental Protection; Article 14, Nonconformities; 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.

11. **Public Hearing—Plan Amendment—Evaluation and Assessment Report (EAR) Amendments (A07-07)**

10 min.

To conduct a public hearing on a plan amendment Evaluation and Assessment Report (EAR) Amendments (A07-07) and take the following three actions:

- 1) To approve the Evaluation and Assessment Report (EAR);
- 2) To rectify the Future Land Use Map of the *Durham Comprehensive Plan* by approving the amendments adopted by the City, including:
A06-01 900 Davidson Avenue,
A06-03 Lowes of South Durham,
A06-07 Highgate II,
A06-10 Fayetteville Road Senior Community,
A06-12 Foster/West Geer Street,
A06-13 Treyburn Village,
A06-16 2902 South Miami Boulevard, and
A06-17 5601 Fayetteville Road; and
- 3) To amend the *Durham Comprehensive Plan* by defining the Downtown Tier as the central business district for purposes of NCGS 160A-458.3.

Planning Commission Recommendation: Approval, 12-0, May 8, 2007

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 A07-07.

12. **Public Hearing—Unified Development Ordinance (UDO) Text Change—FIRM Technical Changes (TC07-09)**

10 min.

Receive public comments on Text Change - FIRM Technical Changes (TC07-09) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 8, Environmental Protection.

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.

13. **Public Hearing—Street Closing—Valetta Road (SC07-04)**

5 min.

Conduct a public hearing on the closing of a 250-linear-foot portion of Valetta Road, on the west side of Koback Drive, north of Torredge Road and south of Palimino Lane; and

To adopt an Order permanently closing a 250-linear-foot portion of Valetta Road, on the west side of Koback Drive, north of Torredge Road and south of Palimino Lane, conditioned on the recombination of lots.

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 street closing and, if appropriate, based on comments received during the hearing, approve the request.

14. **Public Hearing—Proposed 2008 Revaluation Schedule of Values**

10 min.

To conduct a public hearing on the proposed schedules of values, standards, and rules pursuant to North Carolina General Statute 105-317.

Resource Person(s): Kenneth L. Joyner, RES, Tax Administrator

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comment on the proposed schedule of values, standards, and rules.

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

15 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 April 9, 2007 an ordinance regulating solicitation at its last meeting on a 3-1 vote. As the ordinance was not passed by a unanimous vote of the Board, it was required to be passed on a second vote. However, due to the length of time since the first vote, the ordinance is again on the Board's agenda for consideration as a first introduction. A copy of the ordinance is attached.

Resource Person(s): Chuck Kitchen, County Attorney

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

16. **Settlement of 2006 Property Taxes and the Charge of 2007 Property Taxes to the Tax Collector**

30 min.

As required by G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2006 property taxes.

G.S. 105-373 (h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within 10 years of said taxes becoming due.

Furthermore pursuant to G.S. 105-321 (b), the Board of County Commissioners charges the Tax Collector with the 2007 Property Tax Receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitation of 10 years and those vehicles that are more than two (2) years past due. This request is consistent with last year's settlement, which was authorized by the Board.

Resource Person(s): Kenneth L. Joyner, RES, Tax Administrator

County Manager's Recommendation: Receive and approve the 2006 Property Tax Settlement Report. Charge the Tax Collector with 2007 Property Taxes. Authorize the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due.

17. **Board and Commission Appointments**

10 min.

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

- Alcoholic Beverage Control Board
- Design District Review Team
- Durham Technical Community College Board of Trustees
- EMS Advisory Council
- Library Board of Trustees
- Nursing Home Community Advisory Committee
- Planning Commission

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

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2 hrs. 50 min.