

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

**Monday, February 26, 2007**

**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.

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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. January 19, 2007 BOCC/DPS
  - b. February 5, 2007 Worksession
- 4c. **Recognition for Jose Diaz** 5 min.

Durham County EMS asks the Board to recognize the heroism of a young student from Chewning Middle School who is responsible for saving his family from tragedy. According to EMS reports, young Jose Diaz arrived home from school to find his grandmother exhibiting altered mental status due to hypoglycemia. Jose also saw that his grandmother had been cooking something on the stove and it had begun to burn. He immediately called 911. Durham Fire Department employees responded and found the elderly female disoriented and the house filled with smoke. Firefighters promptly took appropriate action.

As a result of Jose's quick thinking and his ability to stay calm, EMS supervisor Jackie Holmes believes he saved his family home, and more importantly, his grandmother's life. “I feel that he should be commended and his actions should be recognized so that others may follow his example,” she concluded in a correspondence to the County Manager’s Office.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager, and Jackie Holmes, EMS Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board recognize Jose Diaz for his bravery and extraordinary efforts to save his grandmother's life and his family home.

5. **Consent Agenda**

20 min.

- a. Tax Interlocal Agreement with City of Durham (approve the renewal of the Tax Interlocal agreement for property tax collections for five years);
- b. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for January 2007 and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. Budget Ordinance Amendment No. 07BCC000049—2006 Emergency Management Performance Grant (EMPG) (recognize \$62,489 in grant revenue received from the North Carolina Division of Emergency Management);
- d. Budget Ordinance Amendment 07BCC000050—County Tax Service Inc.—Contract Amendment (recognize the additional tax revenue in the amount \$100,000 to amend the current contract);
- e. Budget Ordinance Amendment No. 07BCC000051—Cooperative Extension—Recognize Grant Revenue in the Amount of \$18,876 from the N.C. Department of Environment and Natural Resources, Division of Air Quality (recognize \$18,876 in grant revenue to support neighborhood-based energy outreach);
- f. Approval of Construction Contract for the Triangle Wastewater Treatment Plant—Wastewater Collection System Rehabilitation, Bid No: IFB 07-007 (authorize the Manager to execute a contract with Billings & Garrett Inc. for the construction of the Wastewater Collection System Rehabilitation Project in the amount of \$289,413.00 and to execute any other related contracts including change orders, if necessary, not to exceed the construction budget of an additional \$14,471.00 [5% contingency] for a total project budget of \$303,884.00);
- g. Approval to Purchase of Motorola 800 MHz Radio Equipment for Sheriff's Office from the COPS Interoperable Communications Technology Grant Funds (approve the purchase through the North Carolina State Convenience Contract [Contract #725G] in the amount of \$1,821,507.87);
- h. Amend the Service Contract for SAP Consultant Mary London (increase the contract amount by \$26,365, bringing the total contract amount to \$56,365);
- i. Appointment of the 2007 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, and appoint a Chair and Vice Chair);
- j. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 4014 Cheek Road and 924 Ramseur Street; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- k. Street Annexation Petition (adopt the resolution to approve the addition of Hardscrabble Drive [Extension]—1.50 miles; Cavendish Court—.09 miles; Thornberry Circle—.07 miles; Penwick Place—.15 miles; and Burgess Court—.14

miles to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation); and

1. Juvenile Crime Prevention Council (appoint Robert Robinson as the Mental Health Designee to fill an unexpired term).

6. **Public Hearing—Zoning Map Change—Arrowhead (Z06-54)**

45 min.

To approve a request for a zoning map change for a 1,412.0 acre site located east of the Orange County line, west of NC 751, north of Erwin Road and Mt. Sinai Road.  
Request: RS-20 to RR

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.

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: Approval, based on consistency with the *Comprehensive Plan* and the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 12-0 on December 12, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on 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.

7. **Public Hearing for Industrial Revenue Bonds—Memscap Inc.**

10 min.

The Durham County Industrial Facilities and Pollution Control Financing Authority has entered into an Inducement Agreement with Memscap Inc. The Agreement provides for the issuance of Industrial Revenue Bonds by the Authority for expansion of the existing facility. The bonds are solely an obligation of the company and not that of the Authority or the County. By issuing the bonds, the company will be able to avail itself of tax-exempt financing at a lower rate than otherwise possible. The amount of the bonds is up to \$10,000,000. A public hearing is required to be held on the issuance of the

bonds and approval by the Board of Commissioners. The Board is requested to hold a public hearing and adopt the resolution approving the bonds.

Representatives from Memscap Inc. will be present at the public hearing and will explain the expansion.

Resource Person(s): S.C. Kitchen, County Attorney; Mary-Nash Rusher, Hunton & Williams, Bond Counsel; Ron Wages, President, Memscap Inc.; and Christine Schmid, Comptroller Memscap Inc.

County Manager's Recommendation: Hold the public hearing on the issuance of the bonds for the expansion of Memscap Inc. whose manufacturing business is currently located in Research Triangle Park in Durham County. This expansion will add approximately 40 new manufacturing jobs.

8. **Public Hearing—Plan Amendment—Page Road Assemblage (A06-15)**

20 min.

The Board is requested to conduct a public hearing and receive public comment on a Plan Amendment for Future Land Use Map changes.

To approve the requested change to the land use designation for the Future Land Use Map of the *Durham Comprehensive Plan* from Industrial, Commercial and Low Density Residential (4-8 DU/Ac.) to Industrial, Commercial and Low Density Residential (4-8 DU/Ac.)

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

Planning Commission Recommendation - Approval, August 8, 2006 (13-0) based on compatibility with surrounding area

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 A06-11.

9. **Public Hearing—Request for Adoption of Durham County Hazard Mitigation Plan**

15 min.

The Disaster Mitigation Act of 2000 and 44CFR 201.6 mandate counties and municipalities to construct and implement a Hazard Mitigation Plan in order to receive state and federal disaster and mitigation assistance funding. This plan will outline the hazards faced by Durham County and the municipalities located within the County. A rating is given to each hazard for the purpose of prioritizing the mitigation process. This rating is reflective of information from the State of North Carolina and the concerns of Durham County and its municipalities.

Durham County and its municipalities face a number of hazards every day. During the past decade and one half, we have faced the effects of damaging tornadoes, severe winter storms, high winds, freezing temperatures, chemical spills, and more. We have learned from each disaster and each incident. Your emergency services and response forces are better trained and better equipped to deal with these hazards than ever before. Numerous hazard mitigation efforts have been ongoing in Durham County and continue to evolve to this day. As such, this Hazard Mitigation Plan will act as a steering tool to focus future mitigation actions.

In response to these federal requirements, Durham County Emergency Management here submits the Durham County Hazard Mitigation Plan and requests its adoption by the Durham Board of County Commissioners. Once adopted, the Plan will undergo a final FEMA review. This will satisfy FEMA requirements and allow the County to apply for mitigation grants to defray costs associated with mitigation projects undertaken by the County of Durham.

Resource Person(s): Jeffrey L. Batten, Durham County Emergency Management Director, and Mark W. Schell, Emergency Management Coordinator

County Manager's Recommendation: It is recommended that the Durham Board of County Commissioners receive comment during the Public Hearing and adopt the Durham County Hazard Mitigation Plan.

10. **Second Public Hearing on the 2005 Community Block Grant Scattered Site Housing Program**

10 min.

The State Department of Commerce – *Division of Community Assistance* has made available to the County of Durham \$400,000 in grant funds for the purpose of rehabilitating low-income housing. The funds can only be used in the unincorporated areas of the County. The primary objective of the Community Development Block Grant Scattered Site Housing Program is to improve the housing conditions of very low-income households at or below 50 percent of the area median income. Recent changes by the General Assembly now provide that all eligible counties receive these funds every three years on a non-competitive basis. As lead agents, counties will receive funds by submitting a detailed plan describing how funds will be distributed to meet housing priorities. Staff working with the County's consultant, the Leah Consulting Group, has completed the necessary application process with the State to receive the funding.

Staff is requesting that the Board hold the second of two required public hearings for the purpose of receiving citizen comments on the housing rehabilitation program.

Resource Person(s): Wendell M. Davis, Deputy County Manager, and Brian Crawford, President of LEAH Consulting

County Manager's Recommendation: The Manager recommends that the Board hold the second public hearing on the 2005 CDBG Scattered Housing Program and receive public comment.

11. **Board and Commission Appointments**

10 min.

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

- Adult Care Home Advisory Committee
- Animal Control Advisory Committee
- Area Mental Health Board
- Boxing & Wrestling Commission
- Citizens Advisory Committee
- Environmental Affairs Board
- Library Board
- Nursing Home Community Advisory Committee
- Operation Breakthrough
- Raleigh-Durham Airport Authority
- Transportation Advisory Board

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**

15 min.

The Board of Commissioners is requested to adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the terms for the potential acquisition of real properties pursuant to G.S. § 143-318.11(a)(5). The properties and owners are: North Triangle Realty, owner of 7321 Matthews Road; Jonathon Weiner and Elizabeth Livingston, owners of 1202 Trails End Drive; James and Robert E. Lee, owners of 0 Johnson Mill Road; Mishew and Alton B Smith Jr., owners of 8211 Johnson Mill Road; and William and Blanche McFarland, owners of 1403 and 2306 Moores Mill Road.

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2¾ hrs.