

**REVISED**  
**Additions to Closed Session**

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

**Monday, February 12, 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. **Announcement** 5 min.
4. **Minutes** 5 min.
  - a. December 11, 2006 Regular Session
  - b. January 8, 2007 Regular Session
  - c. January 22, 2007 Regular Session

5. **February Anchor Award Winner—Ms. Salena Speights** 5 min.

Ms. Salena Speights, Durham County Board of Elections, has been selected to receive the January Anchor Award. Ms. Speights is being recognized for her significant contributions to democracy and the citizens of Durham County, and more specifically for her excellent leadership and initiative shown in maintaining the voter registration data base of over 160,000 voters and providing information to the public.

- Ms. Speights receives numerous and daily compliments and kudos for the knowledgeable, friendly, and professional advice and assistance she provides.

- Ms. Speights is equally at ease handling the routine and difficult questions. She provides clarity to the confused and comfort to the combative. Virtually every person that she speaks with on the phone, in person, or via email feels that their experience with Ms. Speights was positive. Her job is not simply to answer questions; it is to give the citizen a positive experience when they reach out to government.
- Ms. Speights has been working for the Board of Elections for over five years. She has earned and continues to earn trust and respect every day. She has become an expert on several computer programs.

Chairman Ellen Reckhow will lead the presentation.

County Manager's Recommendation: Present the February Anchor Award to Ms. Salena Speights along with congratulations of the entire organization.

6. **Recognition of Durham Soil and Water Staff for Receiving the Community Conservation Award from the North Carolina Association of Soil and Water Conservation Districts**

5 min.

The Durham Soil and Water Conservation District Board of Supervisors requests that the BOCC recognize the Soil and Water staff for receiving the Community Conservation Award at the North Carolina Association of Soil and Water Conservation District's Annual Meeting held in Willington on January 7-9. The Community Conservation Award is presented to the District who excels in promoting conservation, improves land use, develops natural resources, and enhances social, economic, and environmental conditions within its District. The Durham staff was selected out of the 96 Soil and Water Districts within the state to receive this prestigious award.

Resource Person(s): Eddie Culberson, Director, Soil and Water Department, and Talmage Layton, Durham Soil and Water District Chair

County Manager's Recommendation: The Manager recommends that the Commissioners congratulate Durham's Soil and Water staff for receiving the award.

7. **Schools to Watch Resolutions**

5 min.

Carrington and Shepard Middle Schools have been named National Schools to Watch winners—two of only eight middle schools in North Carolina to receive this honor. Schools to Watch is a program to identify middle grades schools across the country that are meeting or exceeding a set of strict criteria for excellence.

Julie Spencer, Principal of Carrington Middle School, and Ken Barnes, Principal of Shepard Middle School, will receive the resolutions.

County Manager's Recommendation: The Manager recommends that Carrington and Shepard Middle Schools be recognized for receiving this prestigious honor.

8. **Consent Agenda**

10 min.

- a. Execution of Design Contract Amendment with The Freelon Group, P.A., for the Durham County East and North Regional Branch Libraries—RFQ 02-033 Project No.: DC073-48 (execute the amendment in the amount \$66,871 for additional architectural/construction administration services);
- b. Approval of McDougal Terrace Library Services Plan (approve the recommendation of the Library Director and the proposed hours of operation);
- c. Cultural Master Plan Spending Requests (approve the grants for Bull Durham Blues Festival [\$18,500]; Durham Rising [\$18,500]; Bimbe Festival [\$18,500]; and Swap-O-Rama-Rama [\$4,300] authorizing the expenditure of implementation funds);
- d. Funding Approval for the Contract Between Triangle United Way and the Durham Affordable Housing Coalition for Implementation of the 10 Year Plan to End Homelessness;
- e. Approve the Sale of County Surplus Property (approve the sale of 800 Olive Branch Road to Chad Perry for \$30,000; 109 South Maple to Baldwin Estates LLC for \$14,000; and 304 South Briggs Avenue to Douglas Knight for \$3,000);
- f. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 312 East End Avenue, 1103 Linwood Avenue, 811 Chalmers Street, 2715 Marlin Drive, and 0 Barbee Road);
- g. Public Health—Approve the Establishment of a \$175 Fee for the New Zostavax Vaccine;
- h. Budget Ordinance Amendment No. 07BCC000043—SeeSaw Studio Design Crew Grant (appropriate fund balance of \$8,937; recognize the 2007 grant revenue of \$21,204; and appropriate this revenue for expenditure in FY2006-2007);
- i. Budget Ordinance Amendment No. 07BCC000044—Public Health—Recognize \$15,000 in Additional Revenue from the Department of Health and Human Services for the Environmental Health Division for the childhood lead poisoning prevention program;
- j. Budget Ordinance Amendment No. 07BCC000045—Criminal Justice Resource Center (recognize donation of \$3,000 and CJPP grant revenue of \$2,700)
- k. Budget Ordinance Amendment No. 07BCC000046—Appropriation of School Impact Fee Interest (increase the \$2,370,000 budgeted in the Capital Outlay to \$2,739,432 plus all accrued interest as of February 12, 2007; and authorize the Finance Department to close the Fund as of February 12, 2007);
- l. Budget Ordinance Amendment No. 07BCC000047—Appropriate Reserved Funds from the Register of Deeds Automation Account (appropriate in the amount of \$181,000);
- m. Budget Ordinance Amendment No. 07BCC000048—Consolidation of the Enterprise Long-Term Debt into the Enterprise Fund, Closing the Enterprise Debt Service Fund (approve the change in accounting and reducing the \$3,234,657 budgeted in the Enterprise Debt Service Fund and consolidating the revenues and expenditures into the existing Enterprise Fund);
- n. Feasibility Study for Processing Facility for Local Farm Products (approve participation at an amount not to exceed \$2,500);

- o. Appointments—Juvenile Crime Prevention Council (approve Donald Pinchback—Chief Court Counselor (replacing Donnie Phillips); Rachel B. Larsen—Assistant District Attorney (replacing Fungai Muzorewa-Bennett); and Julia Linehan—Juvenile Defense Attorney); and
- p. Oxford Global Resources, Inc. (approve the increase in the contract with Oxford Global Resources Inc. to \$65,000 from the current level of \$40,000 for consulting services to the Finance Department for the new our SAP financial system; these services are needed to augment the current level of expertise).

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

15 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 first of two required public hearings for the purposes of receiving citizen comment 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 first of two public hearings on the 2005 CDBG Scattered Housing Program, receive public comment, and hold the second public hearing at the February 26, 2007 Board meeting.

10. **Public Hearing—Zoning Map Change—Scott Mill (Z05-35)**

40 min.

The Board is requested to deny a request for a zoning map change for 44.336 acre site located on the south side of Scott King Road, east of Herndon Road and west of Grandale Drive. PINs 0727-03-33-0274, -3487, -5136, and -6917. Request: RR; F/J-B to PDR 1.680; F/J-B

*This case was opened and continued at the June 26, 2006 Board of Commissioners meeting and continued again at the August 28, 2006 Commissioners meeting. The public hearing for this case was closed at the September 25, 2006 Commissioners*

*meeting as a result of proposed changes to the development plan that required review by the Planning Commission. Staff was directed to re-review the item as a result of the proposed changes and process it accordingly. The applicant subsequently has withdrawn the changes proposed at the September 25<sup>th</sup> meeting in order to avoid returning to the Planning Commission and refused to make the changes required for the development plan to meet ordinance requirements, asking that the case go directly to the Board of Commissioners.*

To adopt as support for its action on the proposed zoning map change the determinations 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.

Alternatively, in the event that a motion to deny the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination 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.

Staff Recommendation: Denial, based on the development plan not meeting minimum ordinance standards including 1) failure to show an appropriate buffer around “Wetlands Area ‘A’” on sheet D-1 and 2) internal inconsistencies with the committed elements #4, #5b, and #5c not reflected sheet D-2.

Planning Commission Recommendation and Vote: Denial, 12-0 on April 11, 2006. The Planning Commission finds that the requested revision to the zoning districts of the UDO is consistent with the adopted *Comprehensive Plan*. The commission recommends that the request be denied based on finding that the project will adversely impact sensitive environmental areas, that there is significant opposition from the surrounding community, that the density of the project is inconsistent with the neighboring land uses and densities, 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 deny it, if appropriate, based on the comments received.

11. **Public Hearing—Plan Amendment, Page Road Suburban Transit Area (A06-21)**

10 min.

The Board is requested to conduct a public hearing on a plan amendment for Page Road Suburban Transit Area (A06-21); and to approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Medium Density Residential (6-12 DU/Ac.), and Commercial to Industrial.

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

Planning Commission Recommendation: Approval, January 9, 2007 (12-0), based on 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 A06-21.

12. **Public Hearing—Plan Amendment, US 70 Industrial (A06-22)**

10 min.

The Board is requested to conduct a public hearing on a plan amendment for US 70 Industrial (A06-22); and to approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Industrial to Low Density Residential (4 DU/Acre or less), Low-Medium Density Residential (4-8 DU/Acre), and Commercial.

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

Commission Recommendation: Approval, January 9, 2007 (11-1), based on 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 A06-22.

12a. **Discussion of Proposed 1% Local Option Land Transfer Tax**

15 min.

The Durham County Board of County Commissioners has been asked to support state legislation to enact a 1% Local Option Land Transfer Tax. During last month's meeting with the Durham Delegation, Durham Representative Paul Luebke raised the issue as part of the discussion on a general menu of revenue options. During the 2005 General Assembly session, the Board supported an attempt to get added to House Bill 1062 Orange/Chatham County Transfer Taxes, but the bill was not approved. Chatham County and at least 10 other counties are seeking legislative approval for a land transfer tax, which sellers would pay upon the sale of property. Durham County has been asked to again lend support to the effort.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board discuss the issue and give direction to staff.

13. **Closed Session**

~~30~~ **60** min.

The Board is requested to adjourn to Closed Session to consider the performance of a public officer or employee, **to discuss matters relating to the location or expansion of business or industry, and to consult with an attorney and to preserve the attorney-client privilege and discuss County of Durham v. AREC 3, LLC, et al. 06 CVS 00847** pursuant to G.S. § 143-318.11(a)(3) (4) & (6).

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~~2<sup>3</sup>/<sub>4</sub>~~ **3<sup>1</sup>/<sub>4</sub> hrs.**