

REVISED

Addition to Closed Session—Item No. 14

THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, January 22, 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.

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **State of the County Address** 30 min.

County Commission Chairman Ellen Reckhow will deliver the County’s First Annual State of the County Address chronicling the accomplishments of County Government in 2006.
3. **Agenda Adjustments** 5 min.
4. **Announcement** 5 min.
 - Please join Durham County Library for the grand opening of the North Regional Library located at 221 Milton Road on Tuesday, January 30, 2007, at 4:00 in the afternoon.
 - The North Carolina Department of Transportation will give a presentation on the results of the alternatives analysis for the East End Connector project. The next public meeting is scheduled for January 30, 2007 from 4:00 to 7:00 p.m. at Living Waters Church at Lynn Road and US 70.
5. **Minutes** 5 min.

January 2, 2007 Worksession

6. **Resolution of Appreciation for Wade and Carolyn Penny**

5 min.

The Board is requested to adopt a Resolution of Appreciation to Wade and Carolyn Penny.

On December 29, 2006, the Penny's donated permanent conservation easements on 29 acres of land they own adjacent to the New Hope Creek Corridor. The easements place severe restrictions on any further development and impervious surfaces for their properties, which helps to protect the water quality and habitat values of the New Hope Creek Corridor that is considered regionally significant by the State of North Carolina. The easements also require the mature woodland to be preserved on the property adjacent to the land that is being acquired by Durham and Orange Counties on the north. The donation of these easements helps to preserve the scenic views in the area and from the future park, and therefore enhances the investment that Orange and Durham Counties are making in this area at no additional up-front cost to the two counties.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager, and Jane Korest, Open Space and Real Estate Manager

County Manager's Recommendation: The Manager recommends that the Commissioners approve the Resolution and offer their appreciation to the Penny's for their significant contribution to the New Hope Creek effort.

6a. **Resolution Recognizing Martha Carlson Kaufman**

5 min.

A Resolution has been prepared in recognition of Martha Carlson Kaufman, a leading pioneer of Durham's System of Care. Ms. Kaufman, who will be moving to join her family in Texas, has worked tirelessly over the past five years to help change the way Durham's network of community resources works with families and children.

Resource Person(s): Ellen W. Reckhow, Chairman, and Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: Present the resolution along with best wishes and sincere thanks for outstanding service to Durham County.

7. **Resolution in Recognition of Cooperative Extension Director Cheryl Lloyd**

5 min.

A resolution has been prepared in recognition of Cooperative Extension Director Cheryl Lloyd. Ms. Lloyd is leaving Durham County after holding the position for 10 years.

County Manager's Recommendation: Present the resolution along with best wishes and sincere thanks for 10 years of outstanding service to Durham County Government.

8. **Proclamation in Recognition of National Mentoring Month in Durham County**

5 min.

Durham County is committed to helping its young people reach their full potential. Hundreds of youth in the County are in need of positive adult role models and can greatly benefit from a mentoring relationship.

A proclamation has been prepared in recognition of National Mentoring Month.

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

County Manager's Recommendation: The Manager recommends that January be recognized as National Mentoring Month in Durham County.

9. **Consent Agenda**

15 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for November 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for December 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. Budget Ordinance Amendment No. 07BCC000039—Turner Business Appraisers Inc. Contract Amendment (authorize the Manager to amend the contract and approve the amendment to recognize additional tax revenue in the amount of \$60,000);
- d. Budget Ordinance Amendment No. 07BCC000040—Durham County Library (recognize grant revenue from the State Library of North Carolina in the amount of \$15,000 for strategic planning);
- e. Budget Ordinance Amendment 07BCC000041—Recognize Additional Revenue for the Department of Social Services (approve an increase of \$386,548 for Crisis Intervention payments);
- f. Budget Ordinance Amendment 07BCC000042—County Tax Service Inc.—Contract Amendment (approve in the amount of \$75,000 and authorize the Manager to amend the contract);
- ~~g. Lease Agreement between the Department of Social Services and Genesis Home (approve and authorize the execution of the agreement);~~
- h. Contract with Cox & Company (approve the contract to enhance the ability of the software to provide efficient form processing for the Tax Administration Department; not to exceed \$49,500);
- i. Resolution to Change the Trustee for the Durham County Commissioners Governmental Retirement Plan (approve the Resolution appointing Marqueta Welton as Successor Trustee to the County's 401(a) Money Purchase Governmental Retirement Plan);
- j. Declaration of 2415 State Street as Surplus Property (determine that 2415 State Street is no longer needed for County purposes, declare the property surplus, and direct the staff to solicit offers for private purchase via the upset bid process);

- k. Offer to Purchase County Surplus Properties (2230 North Oak Ridge Boulevard and 1206 Linwood Avenue) (pursue the upset bid process for the sale; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- l. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize execution of the contract with Keystone Crossings, LLC to extend the County sanitary sewer system to serve Keystone Crossings Subdivision—Phases 2 through 7); and
- m. Amendment to Policy for Conveying Real Property for Affordable Housing (approve the proposed change in the Board’s policy on conveying certain surplus property to nonprofit organizations for affordable owner-occupied housing and affordable rental housing to special needs populations).

10. **Advance Public Hearing on the FY 2007-2008 Budget**

20 min.

The Board is requested to hold an Advance Public Hearing to receive public comments for the FY 2007-2008 Budget. As County staff begins the preparation of the fiscal year 2007-2008 budget, public comment is being solicited on issues which may need to be addressed during the budget process.

The County Manager’s Recommended FY 2008 Budget will be presented to the Board of Commissioners on May 21, 2007, with individual budget worksessions with the Board to be scheduled for the period May 22 - June 18, 2007. Final adoption of the FY 2007-08 Budget Ordinance is scheduled for Monday, June 25, 2007.

Resource Person(s): Pam Meyer, Director of Budget and Management Services

County Manager’s Recommendation: The Manager recommends that the Board hold the Advance Public Hearing on the Fiscal Year 2007-2008 Budget.

11. **Public Hearing—Unified Development Ordinance (UDO) Text Change—RS-M Revisions (TC06-16)**

10 min.

The Board is requested to receive public comments on Text Change—RS-M Revisions (TC06-16) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 6 to revise open space requirements for RS-M developments.

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.

11a. Hold the First “Needs” Public Hearing for the FY 2007-2008 Annual Action Plan

15 min.

The U.S. Department of Housing and Urban Development (HUD) requires participating jurisdictions to submit an Annual Action Plan (Plan). The Annual Action Plan describes how the City of Durham and the Durham County Consortium will utilize funding and resources to address priority needs identified in the “2005-2010 Five-Year Consolidated Plan.” Those priority needs identified were: 1) neighborhood stabilization and revitalization; 2) special needs housing; 3) homeownership; and 4) housing rehabilitation and repair. A Citizen Participation Plan was included in the “2005-2010 Five-Year Consolidated Plan” and requires two (2) public hearings be conducted prior to submitting the Annual Action Plan to HUD.

The Annual Action Plan is also the City’s application for HUD’s Community Development Block Grant (CDBG) funds, Emergency Shelter Grant (ESG) funds, and Home Investment Partnerships Program (HOME) funds. The Annual Action Plan must be prepared in accordance with the process prescribed by HUD, which requires opportunity for citizen comment and citizen participation.

The purpose of the first public hearing is to receive citizen comments on how CDBG, ESG, and HOME funds can be used to address housing and community development needs in Durham. Comments received from the public hearing will be incorporated into the draft FY 2007-2008 Annual Action Plan. The second public hearing will allow citizens the opportunity to comment on the City’s proposed use of CDBG, ESG, and HOME funds during fiscal year 2007-2008. The FY 2007-2008 Annual Action Plan will be brought before the Durham City Council and Durham Board of County Commissioners for adoption in April 2007. The Plan must be submitted to HUD no later than May 15th.

Durham has received an average of \$1,500,000.00 in CDBG funds each year since 1975, an average of \$83,000.00 in ESG funds since 2005, and an average of \$900,000.00 in HOME funds each year since 1992. HOME funds have been primarily used for housing activities in Durham with a special focus on target neighborhoods; including existing homeowner rehabilitation and new homebuyer rehabilitation activities. HUD requires HOME funds to be matched by 25% of non-federal dollars.

Resource Person(s): Mike Barros, Director of the City of Durham’s Department of Community Development, has reviewed this request, and recommends that the Board of County Commissioners vote to hold the first “needs” public hearing for the FY 2007-2008 Annual Action Plan on January 22, 2007. Associate Director Larry Jarvis and the Federal Programs Coordinator, Karmisha R. Wallace, will attend the meeting to answer questions.

County Manager’s Recommendation: Hold the first “needs” public hearing for the FY 2007-2008 Annual Action Plan on January 22, 2007 to receive citizen comments on the City’s housing and community development needs.

12. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Swimming Pool Fencing (TC06-12)**

10 min.

The Board is requested to receive public comments on Text Change—Swimming Pool Fencing (TC06-12) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5 to amend the enclosure requirements for swimming pools on residential 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 UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

13. **Public Hearing—Unified Development Ordinance Text Change—Technical Changes II (TC06-06)**

10 min.

The Board is requested to receive public comments on Unified Development Ordinance Text Change—Technical Changes II (TC06-06) and to approve UDO Text Change—Technical Changes II (TC06-06).

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 public hearing, approve the change.

14. **Closed Session**

75 min.

The Board is requested to adjourn to closed session to consult with an attorney and preserve the attorney-client privilege and to discuss **County v. Mansour, 6CVS 6649**, DOT v. County, 04 CVS 6391 and In Re MK, 02J87; to discuss matters relating to the location of businesses in the area served by the County; and to instruct staff concerning the position to be taken in negotiating the terms for the potential acquisition of real properties pursuant to N.C.G.S. §§ 143-318.11(a)(3), (4), and (5).

(The properties and owners are: North Triangle Realty, owner of 7321 Matthews Road; James and Robert E. Lee, owner of 0 Johnson Mill Road; Mishew and Alton B Smith Jr., owner of 8211 Johnson Mill Road, and John and Marjorie Oxaal, owner of 0 Becky Drive.)

3¾ hrs.