

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

Monday, June 26, 2006

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.

4:00 ? 6:00 P.M.

Closed Session?Personnel Matters

The Board of County Commissioners will adjourn to Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

4:00 p.m. to 4:30 p.m. Register of Deeds Willie Covington

4:30 p.m. to 5:00 p.m. Sheriff Worth Hill

5:00 p.m. to 5:30 p.m. Tax Administrator Kenneth Joyner

5:30 p.m. to 6:00 p.m. County Attorney Chuck Kitchen

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. June 5, 2006 Worksession
 - b. May 31, 2006 Budget Worksession
 - c. June 12, 2006 Regular Session

5. Recognition of NC Council of Community Program Award to Ellen Holliman

5 min.

On May 22, the North Carolina Council of Community Programs recognized Ellen Holliman, Durham Center Area Director, to receive its 2006 Emerging Leadership Award.

The group works to shape the public policies that govern organization, funding, and administration of public mental health, developmental disabilities, and substance abuse services in North Carolina and provides technical assistance to its local member agencies. Ms. Holliman took the helm of The Durham Center in April 2002 and guided the organization through the complex and challenging transition from its role as provider of direct services to one of manager of those services (part of North Carolina's mental health reform initiative).

The Emerging Leader Award recognized Ms. Holliman's commitment to quality community care evidenced by The Durham Center's creation of rapid response homes for children, a 24/7/365 crisis facility, and evidence-based practices for adults, including Assertive Community Treatment, Integrated Dual Disorder Treatment Teams, Illness Management and Recovery, Family Psychoeducation, and Supported Employment. The result of these innovative programs has been a substantial reduction in the use of State institutions for inpatient care and a dramatic reduction in out-of-home placements of children.

County Manager's Recommendation: The Manager recommends that the Commissioners extend congratulations to Ellen Holliman for receiving this prestigious award.

6. Recognition of NC Council of Community Program Award for Doug Wright

5 min.

On May 22, the North Carolina Council of Community Programs recognized Doug Wright, Durham Center Area Board Chair, with its 2006 Area Board Leadership Award.

The group works to shape the public policies that govern organization, funding, and administration of public mental health, developmental disabilities, and substance abuse services in North Carolina and provides technical assistance to its local member agencies. The Council's Area Board Leadership Award recognizes members of local Area Boards whose overall contributions have been important in serving persons with mental, physical, and chemical disabilities. Mr. Wright has chaired the Board of The Durham Center since 2002 and has provided crucial leadership during the organization's transition to a service management role. Under Mr. Wright's leadership, the Board commissioned a thorough Community Substance Abuse Needs Assessment and Plan and a Community Assessment and Plan for Persons with Developmental Disabilities. These Plans involved the input of hundreds of people, including consumers and representatives of other key community agencies.

The Board Leadership Award recognizes Mr. Wright's tireless efforts to assemble a Board of dedicated citizens working actively and collaboratively to formulate good public policy by involving the community and the people it serves, creating a system that is more responsive to people with mental health, substance abuse, and developmental needs.

County Manager's Recommendation: The Manager recommends that the Commissioners extend congratulations to Doug Wright for receiving this prestigious award.

6a. June Anchor Award Winner Tom Dougherty

5 min.

Tom Dougherty, Senior Maintenance Equipment Technician for General Services, was selected to receive the June Anchor Award. Tom was recognized for assisting another County employee during a medical emergency.

While on a work order assignment at the Public Health Center, Mr. Dougherty noticed Penny, an employee, hyperventilating and in tears. He quickly checked her pulse, which was extremely high (exceeding 45 beats in 15 seconds, or 180 per minute) and noticed she was clammy and beginning to change colors. Tom realized this was a medical emergency and called 911. He then alerted the Wackenhut security guard and got a wheel chair to move Penny inside the building. If Tom had not helped Penny, she could have had a heat stroke, or possibly a heart attack.

Chairman Ellen Reckhow will lead the presentation.

County Manager's Recommendation: The Manager recommends that the June Anchor Award be presented to Tom Dougherty along with congratulations of the entire organization.

7. Adoption of FY2006-2007 Budget Ordinance

20 min.

The Durham County Manager will present the FY2006-2007 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director of Budget & Management Services

County Manager's Recommendation: The Manager recommends the Board approve the FY2006-2007 Budget Ordinance.

8. Consent Agenda 20 min.

(*Note: Due to the volume of public hearings, any item removed for discussion will be placed at the end of the agenda.)

- a. Durham Chamber of Commerce Inc. Contract (approve in the amount of \$128,000 for industrial development services);
- b. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for May 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. Contract Amendment - Extension of the Unified Development Ordinance (UDO) Contract (authorize the County Manager to extend a no-cost extension to the UDO contract through June 2007);
- d. Street Closing - Set Public Hearing for Stone Road (SC04-14) (adopt the resolution to set a public hearing for July 24, 2006 to consider the proposed public right-of-way closing);
- e. Durham Public Schools ? Acquisition of Real Property (located at the intersection of Hebron Road and Old Oxford Highway in Northeast Durham; purchase price of \$30,250 per acre, 25.05 acres, for a total of \$757,762.50; final acreage price to be determined by survey but cost not to exceed \$770,000);
- f. 2005 Annual Report of the Durham Environmental Affairs Board (accept the report);
- g. Juvenile Crime Prevention Council (approve the recommended appointments of DSS Director Sammy Haithcock and School Superintendent Designee Eunice Sanders);

- h. Request Approval of Right-Of-Way Agreement with Duke Energy Corporation for Emergency Medical Services Station No. 2 located at 615 Old Fayetteville Street (authorize the Manager to enter into the agreement);
- i. Budget Ordinance Amendment No. 06BCC000068?SeeSaw Studio Design Crew Grant (recognize grant revenue of \$23,323 and appropriate for expenditure in FY2005-2006);
- j. Interlocal Cooperation Agreement between the County of Durham and the City of Durham for Local Matching Funds for Federal Transportation Planning Grants (approve the Interlocal);
- k. Contract with Cox & Company (renew to provide support and updates to the Tax Administration Department; not to exceed \$45,000 for support services);
- l. Contract with American Solutions for Business (approve to design, print, and mail forms for the Tax Administration Department; not to exceed \$190,000 for postage and \$100,000 for design, printing, internet payments, and mailing);
- m. Contract with County Tax Services Inc. (renew to conduct audits and consulting; not to exceed \$100,000);
- n. Contract with Turner Business Appraisers Inc. (renew the contract to conduct audits; not to exceed \$50,000);
- o. Contract with Tax Management Associates Inc. (renew to conduct audits and provide the model building program; not to exceed \$77,000);
- p. Interlocal Agreement with Orange County for CDBG Scattered Site Housing Project (approve to complete the Gentry property and close out the 2002 CDBG Scattered Site Housing Grant; grant the County Attorney the authority to make subsequent changes to the agreement in the event changes are made by Orange County's Attorney);
- q. Approval of Application for Public School Building Capital Fund Monies?\$2,370,000 for Existing Durham Public School Related Debt (authorize the Board Chairperson's signature on a Public School Building Capital Fund application for \$2,370,000; these funds will support County debt service payments related to 2001 General Obligation bonds issued for various Durham Public School projects);
- r. Contract Approval for Reused Wastewater Capital Project Design (authorize the Manager to execute a contract not to exceed \$191,200);
- s. Order Closing the Revaluation Special Revenue Fund (adopt the order to effect the change in the new Budget Ordinance); and
- t. Termination of Contract with Fox Lawson & Associates, LLC (authorize the Manager to send a notice of termination to Fox Lawson to terminate the contract effective immediately).

9. Public Hearing Proposed Secondary Road Construction Program for Durham County (2006-2007)

15 min.

Tasha Johnson, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2006?2007). Division Engineer Jon Nance and Division Maintenance Engineer Joey Hopkins will accompany Ms. Johnson.

Resource Person(s): Tasha Johnson, P.E., North Carolina Department of Transportation, Division of Highways, Division Five

County Manager's Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Construction Program and hold the public hearing. Note that any changes to the priorities affect others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

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

20 min.

The Board is requested to approve a zoning map change for a 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, 0727-03-33-3487, 0727-03-33-5136, and 0727-03-33-6917 Request: RR to PDR 1.990

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 accompanying agenda materials.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan and the information contained in the report.

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 approve it, if appropriate, based on the comments received.

11. Public Hearing Zoning Map Change Sauternes (Z05-33)

30 min.

The Board is requested to approve a zoning map change for a 422.6-acre site located on the east side of Doc Nichols Road, west of Olive Branch Road, and north of Leesville Road. PINs 0769-01-19-6484, 0769-01-28-5750, 9769, 0860-03-11-5310, 0860-03-23-1165, 0860-03-32-3006, 0860-03-34-5218, 0860-03-34-9805 Request: RR and PDR 3.21; F/J-B to PDR 3.00; F/J-B

To adopt as support for its action on the proposed zoning map change the findings that the action is consistent with the Durham 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 finding that has been approved by the Governing Body is to adopt as support for its action on the proposed zoning map change the determination that, notwithstanding, its consistency with the Durham 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.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan and the information contained in the report.

Planning Commission Recommendation and Vote: Approval, 10-2, on April 11, 2006, based on finding that the ordinance is consistent with the adopted *Durham Comprehensive Plan*, 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 approve it, if appropriate, based on the comments received.

12. **Public Hearing Statutory Vested Rights Determination?Triangle Metro Center West and South (VR06-01)**

10 min.

The Board is requested to approve a statutory vested rights determination for a 152.46-acre site located on the north side of Hopson Road, and east and west side of Davis Drive. PINs 0747-03-14-2716; --15-6012; --24-7670; --25-0657; 0747-01-05-2301 and ?15-6880 (partial)

Request: A statutory vested rights determination for the Triangle Metro Center West and South developments for a period of up to five years.

Planning Department Recommendation: Approval

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 statutory vested rights determination and approve it, if appropriate, based on the comments received.

13. **Public Hearing Unified Development Ordinance (UDO) Text Amendment Sedimentation and Erosion Control Revisions (TC06-05)**

10 min.

The Board is requested to receive public comments and approve text amendment TC06-05 to the Unified Development Ordinance, which incorporates Sedimentation and Erosion Control Revisions into the Unified Development Ordinance.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board approve text amendment TC06-05 to the UDO.

14. **Public Hearing Plan Amendment Evaluation and Assessment Report (A06-09)**

10 min.

The Board is requested to hold a public hearing and receive public comment on a Plan Amendment for the policy changes identified in the Evaluation and Assessment Report and on seven Future Land Use Map.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval, April 11, 2006 (12-0) based on direction from the City Council and Board of County 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 A06-09.

15. **Preliminary Plat?Quail Ridge Subdivision (D04-644)**

45 min.

The Board is requested to approve a Preliminary Plat for Quail Ridge Subdivision submitted by Davis Architects, PLLC on behalf of Worman Development, L.C., for 86 single-family residential lots on a 91.425-acre site zoned RS-20. (The property is located south of West Cornwallis Road, east of Kerley Road and north of Erwin Road. PIN 0802-03-40-1503 and 0801-01-38-5292.)

The Development Review Board recommends approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends approval.

16. Major Site Plan and Preliminary Plat Cameron Grove Subdivision (D05-978)

10 min.

The Board is requested to approve a Major Site Plan and Preliminary Plat for Cameron Grove Subdivision submitted by Horvath Associates, PA, on behalf of Bryan Properties Inc., for 136 single-family residential lots on a 97.82-acre portion of a 251.16-acre site zoned PDR 2.240. (The property is located east of Vintage Hill Parkway and northeast of Snow Hill Road. PINs 0846-01-30-5862 and 0845-03-37-2739.)

The Development Review Board recommends approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends approval.

17. Quasi-Judicial Hearing: Major Special Use Permit Colvard Farms Community Water and Sanitary Sewer System (M06-03)

20 min.

The Board is requested to hold a quasi-judicial hearing to consider a Major Special Use Permit for a community water and sanitary sewer system on parcels located within the RR district and F/J-A overlay.

In addition, the Board is requested to direct the Planning Director to prepare an order for adoption, approval, approval with conditions, denial, or to continue the hearing to a specified later meeting. (A draft order for approval with staff-recommended conditions will be available at the meeting.)

Horvath Associates, PA, on behalf of the Colvard Farms Development Company LLC, proposes the extension of a community water and sanitary sewer system from the Chatham County portion of Colvard Farms Conservation Subdivision into the Durham County portion. (PINs: 0717-03-10-9167, 0717-03-00-6276, 0717-03-00-9106)

The Planning Department recommends approval based on technical requirements. A final staff recommendation will be offered following the hearing.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a quasi-judicial hearing and, if appropriate, based on the testimony, make required findings and approve.

18. Board and Commission Appointments

10 min.

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

- Bicycle and Pedestrian Advisory Committee
- Board of Adjustment
- Civic Center Authority
- Juvenile Crime Prevention Council
- Social Services Board
- Women's Commission
- Workforce Development 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.

4¼ hrs.