

(Revised – removed item #9)

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

Monday, April 23, 2012

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 pm. Regular Session

1. **Opening of Regular Session - Pledge of Allegiance (5 min)**
2. **Agenda Adjustments (5 min)**
3. **Announcements (5 min)**
 - “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - Two important environmental review workshops on the proposed 17 mile Durham – Orange Light Rail Transit project will be held next month at the following locations:
 - May 2nd from 4-7pm at Extraordinary Ventures, 200 E. Elliot St in Chapel Hill
 - May 3rd from 4-7pm at the Durham Armory, 212 Foster St here in DurhamEach of the public sessions will be in an Open House format. Public transit access is available at both locations. For more information, contact 919 485-7433.
 - The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) programs state and federal transportation projects in our region. The DCHC MPO plans to adopt a set of goals and population and employment growth assumptions to guide its future plans. Citizens are encouraged to review and comment on the draft goals and socioeconomic data. The public comment period will be from Wednesday, March 28,

2012 through Thursday, May 31, 2012. For additional information, go to www.dchcmpo.org or call or email Andy Henry at E-mail: andrew.henry@durhamnc.gov
Phone: (919) 560-4366, ext. 36419

4. Minutes (5 min)

April 2, 2012 Worksession/Nonprofit Comments
April 9, 2012 Regular Session

5. Proclamation of May 6-12 as Children's Mental Health Awareness Week (5 min)

The National Federation of Families for Children's Mental Health declares the first full week in May as National Children's Mental Health Awareness Week. This week is dedicated to increasing public awareness about the triumphs and challenges in children's mental health and emphasizing the importance of family and youth involvement in the children's mental health movement.

In Durham County, we seek to join national efforts to promote positive mental health, well-being and social development for all children and youth by the observance of Children's Mental Health Awareness Week.

Resource Person: Ellen Holliman, Area Director, The Durham Center

County Manager's Recommendation: The Manager recommends that the attached proclamation be adopted.

6. Recognition of Retiring Veterans Services Officer Lou Washington (5 min)

The Board of County Commissioners is requested to recognize Veterans Services Officer Lou Washington as he retires from Durham County Government. Since February 2002, Mr. Washington has enjoyed an outstanding and productive career with Durham County Government. He used his vast knowledge of the VA benefits process to provide extensive outreach to veterans of current and past wars. His compassionate service to all Durham County veterans will be missed.

Resource Person: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board present the resolution to Mr. Washington along with well wishes as he begins retirement.

7. Resolution Honoring The Durham Chorale's 25th Anniversary (5 min)

The Durham Chorale began in 1987 as a place for people who may not have sung in a choir for the long period, but can sing well. The group has become known for its eclectic mix of music in its performances. The Durham Chorale performs two concerts a year and a smaller group sings at retirement homes, churches, hospitals, Durham Arts Council events and other venues. The group is directed by Melody Zentner. On Sunday, April 25th, The Durham

Chorale will celebrate its 25th anniversary with a concert in the Carolina Theatre. The Board of County Commissioners is requested to approve the attached resolution.

Director Melody Zentner will speak briefly about the group and its upcoming anniversary concert.

Resource Person: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve resolution and present to Director Melody Zentner and members of the Durham Chorale.

8. Proclamation –Week of the Young Child (5 min)

Each year in April, a week is celebrated nationally as the Week of the Young Child. Durham's Partnership for Children, a Smart Start Initiative, and Child Care Services Association, have collaborated to present a proclamation to locally declare the week of April 22-28, 2012 the Week of the Young Child. This year's national theme is 'Early Years Are Learning Years.' The attached proclamation has been prepared for the Board's approval. In addition, a short Public Service Announcement will be shown during the meeting.

Resource Person: Laura Benson, Executive Director, Durham's Partnership for Children

County Manager's Recommendation: The County Manager recommends that the Board approve the attached proclamation and present to Ms. Benson.

9. ITEM REMOVED

10. Consent Agenda (15 min)

- a. Accept the property tax release and refund report for March, 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. Amend the contract with Tax Management Associates, Inc. for property value discoveries and approve Budget Ordinance Amendment No. 12BCC000071 in the amount of \$150,000. Payment is made to TMA only after the County has collected the tax, at a rate of 30% of the amount collected. There is no additional cost to the County whereas this fee is deducted from new revenue collected;
- c. Receive the annual report of the Design District Review Team;
- d. Receive the annual report of the Durham City-County Appearance Commission;
- e. Receive the certified annual report of the Historic Preservation Commission;

- f. Approve Budget Ordinance Amendment No. 12BCC000072 to recognize \$62,500 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management;
- g. Approve the attached Six-Mile Bahama Fire Insurance District Map;
- h. Approve the requested fees for replacement of 1099 and W-2 forms;
- i. Approve the Joint Resolution with Wake County to establish a multi-county area authority to manage mental health, substance abuse and developmental disability services for Durham and Wake counties, in order to complete the legal requirements of this action as outlined in NC General Statutes.

11. Public Hearing and Approval of the Draft FY 2012-2013 Annual Action Plan (15 min)

The Citizen Participation Plan contained in the adopted 2010-2015 Consolidated Plan requires that two (2) public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on housing and community development needs and that public hearing was held on February 13, 2012. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. Of these three allocations, only HOME funds may be used outside of the corporate city limits.

Durham anticipates receiving approximately \$767,896 in HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus on target neighborhoods, including existing homeowner rehabilitation and first-time home homebuyer activities. Approximately, \$172,776.60 in non-federal funds will be needed from the HOME Consortium for the matching funds requirement of the HOME program.

The Annual Action Plan is Durham's application to HUD for FY 2012-2013 and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2010-2015 Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15th.

Resource Persons: Reginald J. Johnson, Interim Director of the City of Durham Department of Community Development; Larry Jarvis, Assistant Director

County Manager's Recommendation: The Manager recommends that the Board hold a public hearing on April 23, 2012 to receive citizen comments and approve the draft FY 2012-2013 Annual Action Plan.

12. Quasi-Judicial Public Hearing: Transportation Special Use Permit – Merck Warehouse Expansion and Boiler Enclosure (T1200001) (15 min)

The Board is requested to hold a quasi-judicial public hearing to consider a Transportation Special Use Permit for the expansion of the Merck Manufacturing Facility at 5325 Old Oxford Road; and to direct the Planning Director to prepare an order for adoption, for 1) approval, 2) approval with conditions or 3) 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. The item includes the attached Staff Report, with the following attachments:

1. Context/vicinity map
2. Aerial photo
3. Application
4. City of Durham Transportation Impact Analysis memo
5. NCDOT Transportation Impact Analysis memo
6. Site plan reductions

Resource Persons: Steven L. Medlin, AICP, Planning Director; James D. Morris, ASLA, Planner; William E. Judge, PE, City Transportation Department

County Manager's Recommendation: The Manager recommends that the Board conduct a quasi-judicial public hearing on the proposed Transportation Special Use Permit and approve it, if appropriate, based on the testimony received.

13. Merck Warehouse Expansion and Boiler Enclosure (D1100203) (10 min)

The Board is requested to approve a major site plan for a 65,400 square foot warehouse expansion with mezzanine and a 1,642 square foot boiler enclosure addition to an existing pharmaceutical facility.

[The property is located at 5325 Old Oxford Road, on the west side of Old Oxford Road, north of Red Mill Road, south of Jock Road. PIN 0845-02-58-9355]

This Agenda Action Form includes the following three attachments:

Attachment 1, Major Site Plan Report

Attachment 2, Context Map

Attachment 3, Site Plan Reduction

Resource Person: Steven L. Medlin, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board approve the site plan for a 65,400 square foot warehouse expansion with mezzanine and a 1,642 square foot boiler enclosure addition to an existing pharmaceutical facility.

14. Board Appointments (10 min)

Michelle Parker-Evans, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Hospital Corporation Board of Trustees
- Nursing Home Community Advisory Committee
- Transportation Advisory Board

Resource Person: Michelle Parker-Evans, Clerk to the Board

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

15. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)

16. Closed Session (30 min)

1) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

2) The Board is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

County Manager's Recommendation: The County Manager recommends that the Board adjourn into Closed Session, and instruct staff accordingly.