

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

Monday, November 26, 2007

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 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. October 22, 2007 Regular Session
 - b. November 5, 2007 Worksession
5. **Recognition for MaryAnn Black and Steve Toler, Chairs of "Vote for Learning" Committee** 5 min.

MaryAnn Black, Associate Vice President of Community Relations for Duke University Medical Center, and Steve Toler of Steve Toler LLC enthusiastically co-chaired the "Vote for Learning" committee responsible for the successful marketing of Durham County's \$207.1 million bond referendum on November 6, 2007. This is the second time these individuals have produced winning results for a Durham County bond referendum. They co-chaired the County's \$124 million bond referendum in 2003.

The committee included representatives from Durham Public Schools, Durham Technical Community College, and the Museum of Life & Science, along with additional community partners. Carver Camp Weaver of Square One Marketing Inc. led the marketing efforts.

County Manager's Recommendation: Congratulate Bond Co-Chairs MaryAnn Black and Steve Toler, along with the entire "Vote for Learning Committee" for a successful bond campaign.

6. Recognition of Stuart Albright, Durham Public Schools 2007 Milken Recipient

5 min.

Stuart Albright, an English instructor at Jordan High School, has been named North Carolina's "2007 Milken Family Foundation National Educator" award recipient. The Milken National Educator Awards are called the "Oscars of Teaching". The honor includes an unrestricted financial award of \$25,000 and membership in a network of over 2,300 past recipients across the country. Mr. Albright is one of 80 most recent recipients and the only one from North Carolina this year. He was named Jordan High School's Teacher of the Year for 2006-07 and Durham Public Schools Teacher of the Year for 2006-07.

Selection criteria include exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom and school; exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession; strong, long-term potential for professional and policy leadership; and an engaging and inspiring presence that motivates and impacts students, colleagues, and the community.

Mr. Albright was noted for his ability to establish and nurture a sense of community with each of his classes. He differentiates his instruction and assignments so that each student experiences success in the classroom. His dedication to writing has led to the creation of several creative writing classes where students not only have opportunities to meet authors but become authors themselves and have their work published.

County Manager's Recommendation: Congratulate Mr. Stuart Albright for his dedication to the teaching profession and for receiving this outstanding award.

7. November Anchor Award Winner—Diane Wright

5 min.

Diane Wright, Organizational Development Manager for the Department of Social Services, is the winner of this month's Anchor Award. In her nomination letter, Director Sammy Haithcock notes that she is a leader in the agency's efforts to develop a high performing staff and that she is an excellent ambassador for Social Services as well as Durham County Government.

She is recognized in DSS circles throughout the state for her skills and is frequently invited to provide training at statewide events. She also serves as a faculty member for the Office of State Personnel Certified Training Program.

Diane is particularly recognized for promoting continuous improvement through training and over the past six months, under her leadership, 40 different courses were provided to staff in 100 different classes. Simply put, she directly "touches" every employee in the agency through training other agency committee endeavors.

County Manager's Recommendation: Present the November Anchor Award to Diane Wright, along with the sincere congratulations of the entire organization.

8. Recognition of Jurisdiction Award to Durham County Tax Administration Department by NCAAO

5 min.

The North Carolina Association of Assessing Officers Jurisdiction Award is awarded each year in recognition of a county or counties achievement in areas of property tax assessment and/or collections that enhance the overall effectiveness of a county tax department. The Durham County Tax Administration Department is the winner in the large jurisdiction category. This is the second year for the award in which recognition is presented in large, medium, and small categories. The award was presented last week at the organization's annual conference.

County Manager's Recommendation: Present the Award to Mr. Ken Joyner, Durham County Tax Administrator, along with sincere congratulations from the Board.

9. Recognition Sheriff's Office Designation as 2007 Flagship Agency by the Commission on Accreditation of Law Enforcement Agencies (CALEA)

5 min.

The Commission on Accreditation of Law Enforcement Agencies (CALEA) has designated the Durham County Sheriff's Office as a "2007 Flagship Agency". The Flagship Agency Program was introduced at the 2004 Winter Conference to acknowledge the achievement and expertise of some of the most successful CALEA Accredited public safety agencies, and also to provide "flagship examples" to assist other agencies. Agencies that have met the criteria and completed at least two re-accreditation processes are nominated by the Program Manager to the CALEA Board for selection. The Durham County Sheriff's Office, under the leadership of Sheriff Hill, is proud to accept this honor as the 7th North Carolina agency and only Sheriff's Office in the state to receive this designation.

The Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA®) was created in 1979 as a credentialing authority for law enforcement. The purpose of CALEA's accreditation program is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

County Manager's Recommendation: Congratulate Sheriff Worth Hill and his entire Department for this outstanding national designation.

10. Consent Agenda

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for July 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);

- b. Budget Ordinance Amendment No. 08BCC000036—2007 Emergency Management Performance Grant (EMPG) (recognize \$66,144 in grant revenue received from the North Carolina Division of Emergency Management to be applied to Durham County Emergency Management);
- c. Budget Ordinance Amendment No. 08BCC000037 and Capital Project Amendment No. 08CPA000008—Advancement of \$4,703,550 in County Funds (Fund Balance) for School Capital Projects to be Reimbursed by General Obligation Bond Funds Issued in Spring 2008 (appropriate General Fund fund balance of \$4,703,550 in order to create three new Durham County Public School projects and increase funding for seven existing Durham County Public School projects, with the funds to be reimbursed back to the General Fund per a previously approved Reimbursement Resolution);
- d. Budget Ordinance Amendment No. 08BCC000038 and Capital Project Amendment No. 08CPA000009—\$438,897 Appropriation of Capital Financing Fund Fund Balance to Increase the Durham County Detention Center Expansion Project (No.: DC086) to \$706,090;
- e. Budget Ordinance Amendment No. 08BCC000039—Criminal Justice Resource Center, Pretrial Services (approve in the amount of \$146,723; establish a 1.0 FTE in the Criminal Justice Resource Center for a pretrial specialist; authorize the Manager to expand the current contract with Reliant Management for electronic monitoring services by \$102,870);
- f. Resolution Declaring the Results of the Special Bond Referendum (approve the Resolution declaring the results of the Special Bond Referendum held on November 6, 2007 and direct the Clerk to publish the results in the newspaper);
- g. Request Approval of Right-Of-Way Agreement with Duke Energy Corporation (DEC) for the Fayetteville Street Elementary School project located at 2905 Fayetteville Street, Durham, NC 27701 (authorize the Manager to enter into the agreement);
- h. Exemption of Durham County Detention Center Expansion Projects from RFQ Procedures for Hiring an Architect (exempt the Detention Center expansion projects from the RFQ process to allow the construction schedule to move as quickly as possible and ensure coordination of the projects);
- i. Durham Public Schools—Purchase Surplus Real Property—Dacian Avenue (decline an offer to purchase the property);
- j. Appointment of Interim Tax Administrator (appoint Kim Simpson, Deputy Tax Administrator, to the position of Interim Tax Administrator at a salary of \$96,870, and approve the purchase of Public Official Bond in the amount of \$250,000; the effective date of the appointment is January 1, 2008); and
- k. Resolution of Support for Durham At-Risk Youth Collaborative Request for a Dropout Prevention Grant from the Department of Public Instruction (approve the resolution and forward to Mr. Barker French for inclusion in the Department of Public Instruction Dropout Prevention Grant request from the Durham At-Risk Collaborative).

11. **Public Hearing—Zoning Map Change—3837 Airport Road (Z07-35)**

10 min.

The Board is requested to approve a zoning map change for a 1.296-acre site located at 3837 Airport Road, south and east of Page Road, west of the Wake County line. Request: RR to OI.

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; or 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: Staff recommends approval, based on consistency with the *Comprehensive Plan* and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval, 12-0 on October 9, 2007. 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): Steven L. Medlin, AICP, Interim 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—Zoning Map Change—Page Road Assemblage (Z06-47)**

30 min.

The Board is requested to approve a zoning map change for a 407.27-acre site located on the west side of Page Road and north of Chin Page Road. Request: IL, CC and RR to IL(D), CG(D) and PDR 4.733.

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; or 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: Staff recommends denial, based on inconsistency with the *Comprehensive Plan* Policy 8.1.2o and failure to provide required road improvements as

identified by the TIA in accordance with Unified Development Ordinance Sections 3.5.6C.3m and 3.3.7.

Planning Commission Recommendation and Vote: Approval, 11-2 on October 9, 2007. 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, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.

Resource Person(s): Steven L. Medlin, AICP, City-County Interim Planning Director and Scott Whiteman, AICP, Planning Supervisor

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.

13. Public Hearing—Technical Corrections for Zoning Map Change Case Z05-33 (Sauternes)

10 min.

Adopt the technical corrections for the approved zoning map change case Z05-33; where, the property was taken out of RR and PDR 3.210 and placed the same in and establishing PDR 3.000.

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; or 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: Staff recommends approval, based on consistency with the Comprehensive Plan and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval 12-0 on October 9, 2007. 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): Steven L. Medlin, AICP, Interim 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.

14. **Public Hearing—Unified Development Ordinance (UDO) Text Change—Open Space (TC07-04)**

10 min.

Receive public comments on Text Change—Open Space (TC07-04) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 7, Design Standards, and Article 8, Environmental Protection.

Resource Person(s): Steven L. Medlin, AICP, Interim City-County Planning Director, and Julia Mullen, Planner

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.

15. **Board and Commission Appointments**

10 min.

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

- Bicycle & Pedestrian Advisory Board
- Civic Center Authority
- Criminal Justice Partnership Act Advisory Board
- Design District Review Team
- Emergency Medical Services Council
- Nursing Home Community Advisory Committee
- Open Space & Trails Commission
- Women’s Commission
- Workforce Development Board

Resource Person(s): Vonda Sessoms, CMC, Clerk to the Board

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

16. **Closed Session**

10 min.

The Board is requested to adjourn to Closed Session to consider the fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

The Board is requested to adjourn to closed session to preserve the attorney-client privilege and to discuss County of Durham v. Arec 3, LLC, et al., 06 CVS 847 pursuant to N. C. Gen. Stat. § 143-318.11(a)(3).