

Revised
(See Item No. 9)

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

Thursday, March 12, 2009

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.

4:30 P.M. Special Session

Revisions to the Manager’s Recommended FY2010-2019 Capital Improvement Program (CIP)

On February 2, 2009, the Manager presented a recommended 10-year plan to the Board of County Commissioners for the FY 2010-2019 CIP. The Board received presentations on various CIP projects at its meetings on February 2, 16, and 23. As a result of these review sessions, the Manager and staff have made revisions to the FY 2010-2019 CIP and will present those changes for review and approval by the Board. Staff will present the Capital Finance Plan which supports the Revised CIP program.

Resource Person(s): Mike Ruffin, County Manager; Pam Meyer, Director Budget & Management; and Keith Lane, Senior Budget Analyst

County Manager’s Recommendation: The Manager recommends that the Board review the recommended changes to the CIP and move the item to the March 12, 2009 Regular Meeting agenda for public comment and approval.

Commissioner Discussion Regarding Revised Agendas

Commissioner Becky M. Heron has requested time on the agenda to discuss the number of revisions/additions that are made to the Board of County Commissioners meeting agendas.

Resource Person(s): Commissioner Heron

County Manager's Recommendation: The County Manager recommends that the Board discuss and make recommendations as appropriate.

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.

Another “Conversations with Commissioners” will be held on Tuesday, March 24, from 7:00 to 9:00 p.m. in the Fellowship Hall at White Rock Missionary Baptist Church, 3400 Fayetteville Street.
4. **State of the County Address** 30 min.

County Commission Chairman Michael D. Page will deliver the County’s Annual State of the County Address chronicling the accomplishments of County Government in 2008.
5. **Minutes** 5 min.
 - a. February 9, 2009 Regular Session
 - b. March 3, 2009 “Conversations with Commissioners”
6. **Consent Agenda** 20 min.
 - a. Amendment of Contract with Tax Management Associates Inc. (amend the contract to include Department Outsourcing and Discovery Services; the contract amount is not to exceed \$75,000);
 - b. Approve the Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (this is a recurring grant application and approval process the County participates in each year);
 - c. Durham Cooperative Extension—Approve the Memorandum of Understanding between the Board of County Commissioners (BOCC), North Carolina Cooperative Extension Service (NCCES), North Carolina State University (NCSU), North Carolina Cooperative Extension Program (NCCEP), and North Carolina A&T State University (NCA&T);
 - d. Durham Public Schools—Approve the Acquisition of Real Property for Hamlin Road Central Services Facility;
 - e. Approval of the Cultural Master Plan project funding proposals for new projects;

- f. Durham Public Schools—Utility Easements—Creekside and Mangum Elementary (approve the two Right-of-Way Agreements and authorize the Manager to execute the agreements);
- g. Durham Public Schools Design Contract for Club Boulevard Elementary School Renovation (approve that the Board exempt itself from the requirements N.C.G.S. Chapter 143 Article 3D for the architectural/engineering services of BJAC, P.A. for work at Club Boulevard Elementary School; approve the Design Consultant contract with BJAC, P.A. for design work related to the renovation of the school in an amount not to exceed \$317,499; and authorize the Manager to execute the contracts);
- h. Budget Ordinance Amendment No. 09BCC000055 and Contract Amendment—Urban Ministries of Durham (approve in the amount of \$25,000 and authorize the Manager to execute a contract amendment to reflect the additional \$25,000 to Urban Ministries of Durham); and
- i. Durham Public Schools Gym Addition at Lakeview School (that the Board exempt itself from the requirements N.C.G.S. Chapter 143 Article 3D for the design services of FANNING/HOWEY Associates for work at Lakeview School; approve the Design Consultant contract with FANNING/HOWEY Associates for design work at Lakeview School in an amount not to exceed \$154,950; and authorize the County Manager to execute the contract).

7. **Public Comment—2010-2019 Capital Improvement Program (CIP)**

20 min.

The Board of County Commissioners has completed its review of proposed revisions to the ten-year capital improvement program for Durham County. \$789.6 million in projects have been proposed. Based on the revised plan, one referendum will be held in November of 2010 for \$174.1 million to fund projects for Durham Public Schools, the Main Library, Open Space and Farmland Protection, and the North Carolina Museum of Life and Science.

Resource Person(s): Mike Ruffin, County Manager; Pam Meyer, Director of Budget and Management Services; Keith Lane, Senior Budget Analyst

County Manager's Recommendation: The Manager recommends that the Board receive public comment, advise the staff if additional changes are necessary, and place the item on the March 23, 2009 agenda for adoption.

8. **Public Hearing—Zoning Map Change—New Middle School—Treyburn (Z0800034)**

20 min.

The Board is requested to approve a zoning map change for approximately 117 acres of a 150.25-acre site located north of Snow Hill Road, west of Vintage Hill Parkway (the remaining area is in the City's jurisdiction). Request: PDR 2.240; F/J-B (partial) and M/LR-A (partial) to RR; F/J-B (partial) and M/LR-A (partial); and

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, 14-0 on December 9, 2008. 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, City-County Planning Director, and Amy Wolff, Planner

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.

9. **Public Hearing on Health & Human Services Financing**

10 min.

The County is attempting to secure financing for the construction of the Health and Human Services Complex along with other projects. The financing will be in an amount not to exceed \$117,835,000. This request is for the BOCC to adopt the final Resolution and approve the documents for this transaction.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The Manager recommends the adoption of the resolution and the authorization to execute the required documents ~~upon approval by the Local Government Commission.~~

2 hrs.