

Agenda

THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, August 28, 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.

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **Announcements**
4. **Proclamation Recognizing September as Alcohol and Drug Addiction Recovery Month in Durham County**

The Board is requested to adopt the proclamation naming September as Alcohol and Drug Addiction Recovery Month in Durham County.

Resource Person(s): Ellen Holliman, Area Director, The Durham Center

County Manager’s Recommendation: The Manager recommends that the Board adopt the proclamation of September as Alcohol and Drug Addiction Recovery Month in Durham County.

5. **August Anchor Award Winner—Jacqueline Boyce**

Jacqueline Boyce was selected to receive the August Anchor Award. She is being recognized as an exceptional manager, leader, and motivator.

- Ms. Boyce has been the Purchasing Manager since September 2003. During this time, she has orchestrated numerous improvements to the procurement process for Durham County government, ensuring that all Federal, State, and Local laws and ordinances are observed with great integrity, in the pursuit of effective and efficient governmental purchasing practices.

Chairman Ellen Reckhow will lead the presentation.

Resource Person(s): Yolanda Moore-Gaddy, Business Development Manager

County Manager's Recommendation: The Manager recommends that the August Anchor Award be presented to Ms. Jacqueline Boyce, along with congratulations of the entire organization.

6. Recognition of Mike Smith for Achieving 20 Consecutive Years of Being a Nationally Registered Emergency Medical Technician

The National Registry of Emergency Medical Technicians has honored Emergency Medical Services Director Mike Smith for 20 years of national registration. This is an honor held by few, and Durham County Government is grateful for Mr. Smith's dedication to the field and service to our community.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Commissioners extend congratulations and sincere thanks to Mr. Mike Smith for his outstanding service to Durham County and the Durham community as an Emergency Medical Technician.

7. Consent Agenda

- a. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for July 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Request to Award Contract for County of Durham's Disparity Study and Extend Current Minority/Women Business Enterprise Program (approve entering into a contract with Griffin & Strong P.C. in the amount of \$139,495.00 and extend the current M/WBE Ordinance to June 30, 2007);
- c. Budget Ordinance Amendment No. 07BCC000004—Sheriff's Office—Governor's Crime Commission Grant to Expand Justice Xchange Pilot (recognize \$85,000 in revenue to support the Sheriff's Office initiative to provide regional access to the national database, Justice Xchange);
- d. **Approval of Work First Planning Designation (approve the recommendation of the Work First Planning Committee to designate Durham County as a Standard County for the 2007-2009 planning period and that the NC Department of Health and Human Services be notified by August 31, 2006);**
- e. **Gang Assessment Study (approve the proposal in principle and authorize the Manager to prepare an interlocal agreement with the City of Durham and the Sheriff for the implementation thereof);**
- f. **Juvenile Crime Prevention Council (approve the recommended appointments of District Attorney Designee Fungai Muzorewa-Bennett and AMH/DD/SA Director Designee Michelle Zechmann);**
- g. Memorandum of Agreement on the Mountains to the Sea Trail (approve the Memorandum of Agreement on Construction and Operation of the Falls Lake Trail in Durham County);
- h. Approve the Sale of Two County Surplus Properties (approve the sale of 606 East Umstead Street to Mr. E. B. Palmer for \$4,500 and 106 Hillside Avenue to Self Help Credit Union for \$4,510); and
- i. Cultural Master Plan First Round Spending Initiatives (approve for implementation of The Durham Cultural Master Plan).

8. **Public Hearing to Consider Allocating Economic Development Investment Funds to the American Institute of Certified Public Accountants (AICPA)**

The American Institute of Certified Public Accountants (AICPA) is relocating its operational headquarters to Durham County, North Carolina from New York, New York. The proposed investment for the Durham headquarters is estimated to be in excess of \$5 million and would include 320 new jobs within five years.

Staff is recommending that the County participate in this economic development project by reimbursing AICPA up to \$400,000 for the costs of relocation and employee training. The provision of funds is contingent upon AICPA meeting contractual performance standards including the funds for the training of Durham County residents hired by AICPA.

This public hearing was advertised on Friday, August 18, 2006, as required by Statute.

Resource Person(s): Michael M. Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing, and based upon the information received, approve entering into a contract between the County of Durham and the American Institute of Certified Public Accountants in an amount up to \$400,000 to allow for the reimbursement of costs associated with relocation and employee training.

9. **Public Hearing—Zoning Map Change—Scott Mill (Z05-35)**

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

This item was continued from the June 26, 2006 Commissioners meeting to allow the applicant and neighbors additional time to communicate.

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 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, if appropriate, based on the comments received.

10. **Public Hearing—Zoning Map Change—Barbee Chapel Road (Z06-18)**

The Board is requested to approve a zoning map change for a 36.729-acre site located on the south side of Barbee Chapel Road across from Downing Creek Parkway, west of Short Street, and east of the Town of Chapel Hill corporate limits. PINs 9797-02-98-4210 and 9797-02-99-3627. Request: RR to PDR 2.000

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.

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.

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

Planning Commission Recommendation and Vote: Denial, 8-4 on July 11, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on increased traffic congestion, impacts on sensitive environmental areas and Durham Natural Inventory sites, and significant opposition from the community.

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, if appropriate, based on the comments received.

11. **Public Hearing—Plan Amendment—Ephesus Church Road Suburban Transit Station Area (A06-11)**

The Board is requested to hold a public hearing and receive comments on a Plan Amendment for Future Land Use Map changes.

The Planning Department recommends approval based on the request being justified and meeting the criteria for plan amendments.

The Planning Commission recommends approval, 13-0, June 29, 2006, based on relocation of the transit line.

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 A06-11.

12. **Board and Commission Appointments**

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

- Alcoholic Beverage Control Board
- Animal Control Advisory Committee
- Historic Preservation Commission
- Nursing Home Community Advisory Committee
- Women's Commission

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.

2½ hrs.