

**DURHAM, NORTH CAROLINA**

Monday, July 24, 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.

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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.  
Neighborhood College, a nine-week series of classes to provide information on key City and County services, will begin on Thursday, September 14, 6:00 to 9:00 p.m. in the Commissioners Chambers, with one Saturday morning class. The last day to apply is August 25.
  
4. **Minutes** 5 min.  
  - a. June 15, 2006 Budget Worksession
  - b. June 26, 2006 Regular Session
  
5. **July Anchor Award Winner Priscilla Lewis** 5 min.  
Priscilla Lewis was selected to receive the July Anchor Award. Priscilla was recognized for outstanding leadership while serving as Interim Library Director.

Priscilla stepped into the role of Interim Library Director during an extremely challenging time. There were new construction projects going on (i.e. East and North Regional Libraries), new technology to be evaluated for implementation, new staff to be hired, and a substantial renovation at the Stanford Warren Library. In addition to the projects, she managed the on-going daily operations of the Library system with grace and style, keeping on task all of the initiatives necessary to have a successfully run Library system.

County Manager Mike Ruffin will lead the presentation.

County Manager's Recommendation: The Manager recommends that the July Anchor Award be presented to Priscilla Lewis along with congratulations of the entire organization.

6. **Adoption of a Twenty-Fifth Anniversary Resolution for the North Carolina Association of Zoning Officials**

5 min.

The North Carolina Association of Zoning Officials (NCAZO) is turning 25 and is requesting statewide recognition of the event through the adoption of a resolution by local governments.

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

County Manager's Recommendation: The Manager recommends that the Board adopt the resolution and present to Zoning Enforcement Supervisor Grace Smith.

7. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for June 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 07BCC000002?2005 Emergency Management Performance Grant (EMPG) (approve to recognize \$68,511 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. 07BCC000003?Emergency Management Homeland Security Grants (approve to recognize revenue in the Emergency Management budget for two grants from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management);
- d. Transfer of Durham County Asset to Durham Police Department (authorize the transfer of the used 1999 International 4700LP ambulance [purchased by Emergency Management with Homeland Security Grant funding] to the City of Durham Police Department for use by its Bio-Chemical Emergency Response Team);

- e. Execution of Architectural Design Service Agreement with O'Brien/Atkins Associates, P.A for the Durham County Justice Building and Parking Deck?Capital Project (No: DC066) (authorize the execution of the contract in the amount of \$6,138,590, plus additional services and reimbursable expenses estimated at \$416,500, thus totaling \$6,555,090);
- f. Appointment NCACC Annual Conference Voting Delegate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate to the annual conference in Forsyth County);
- g. Report on Claims Settlement (receive the report as information, and direct that it be included in the minutes); and
- h. Capital Project Amendment No. 07CPA000001?Appropriate \$47,074,040 in 2006 Issued General Obligation Bonds, \$10,647,577 in 2/3rds General Obligation Bonds, and County Contribution Funds of \$1,038,443 to Various Capital Projects.

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

20 min.

The Commissioners are 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 this 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.**

9. **Public Hearing Unified Development Ordinance (UDO) Text Amendment Technical Changes I (TC06-04)**

5 min.

The Board is requested to receive public comment on the Unified Development Ordinance (UDO) Text Amendment Technical Changes I (TC06-04) and approve UDO Text Amendment Technical Changes I (TC06-04), incorporating the technical revisions to Articles 3, 6, 8, 9, 10, 11, 13, and 16 into the UDO.

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 UDO text change and, if appropriate based on the comments received during the hearing, approve the change.

10. **Public Hearing Street Closing for Stone Road (SC04-14)**

5 min.

The Board is requested to hold a public hearing and receive comment on permanently closing a 137-linear-foot portion of Stone Road.

Staff recommends that the Board adopt the order permanently closing a 137-linear-foot portion of Stone Road.

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 street closing and adopt the order permanently closing a 137-linear-foot portion of Stone Road, if appropriate, based on comments received and the information included in the staff report.

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

10 min.

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 four hundred thousand dollars (\$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, July 14, 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 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.

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

45 min.

The Board is requested to approve a Preliminary Plat for ?Quail Ridge Subdivision?, submitted by JDavis 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.

13. **Settlement of 2005 Property Taxes and the Charge of 2006 Property Taxes to the Tax Collector**

5 min.

As required by G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2004 property taxes.

G.S. 105-373 (h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within 10 years of said taxes becoming due.

Furthermore, pursuant to G.S. 105-321 (b), the Board of County Commissioners charges the Tax Collector with the 2004 Property Tax Receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitation of 10 years and those vehicles that are more than two (2) years past due. This request is consistent with last year's settlement, which was authorized by the Board.

Resource Person(s): Kenneth L. Joyner, RES, Tax Administrator

County Manager's Recommendation: Receive and approve the 2005 Property Tax Settlement Report. Charge the Tax Collector with 2006 Property Taxes. Authorize the relieving of taxes that are more than 10 years past due and motor vehicles taxes that are more than 2 years past due.

#### 14. **Board and Commission Appointments**

10 min.

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

- Alcoholic Beverage Control Board
- Animal Control Review Board
- Bicycle and Pedestrian Advisory Board
- Cable TV Advisory Board
- Durham Convention & Visitors Bureau/Tourism Development Authority
- Environmental Affairs Board
- Juvenile Crime Prevention Council
- Library Board
- Nursing Home Community Advisory Committee

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.

#### 15. **Closed Session**

20 min.

The Board of Commissioners is requested to adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the material terms for the acquisition of real properties pursuant to G.S. ? 143-318.11(a)(5). The properties and owners are:

Greater Life Outreach Church, owner of 510 E. Peabody St.; GWC Properties, owner of 500 E. Peabody St.; James & Betty Willoughby, owners of 201 and 203 S. Dillard St; Ernest & Doris Brandt, owners of 111 S. Dillard Street, 515 E. Peabody St., and 519 E. Peabody St.; Betty Bunn, owner of 400 N. Elizabeth St., 525 E. Peabody St., and 507 Ramseur St; and Church of God, owner of 520 E. Peabody St.

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2 hrs. 50 min.