

REVISED

(Deleted Item Nos. 9 and 10)

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

Monday, June 12, 2006

Durham County Government Administrative Complex, Commissioners? Room (2nd Floor)
200 E. Main Street, Durham, NC 27701

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.

Public Meeting to Discuss the Triangle Parkway

June 20, 2006, 4:00 8:00 p.m.

Sigma XI, 3106 East NC 54, RTP, NC 27709

4. **Minutes**

5 min.

- a. January 4, 2006 Closed Session
- b. January 9, 2006 Closed Session
- c. January 23, 2006 Closed Session
- d. February 6, 2006 Closed Session
- e. February 13, 2006 Closed Session
- f. February 27, 2006 Closed Session
- g. April 10, 2006 Closed Session
- h. May 22, 2006 Regular Session
- i. May 23, 2006 Budget Worksession
- j. May 24, 2006 Budget Worksession

5. **Presentation of Outstanding County Program Award from the North Carolina Association of County Commissioners** 5 min.

Durham Faith Web is a volunteer program designed to help connect citizens with unmet needs with the faith community. The program combines local government professionals devoted to their

community with a faith community willing to assist those in need. The Durham Faith Web program has been recognized by the North Carolina Association of County Commissioners with an Outstanding County Program Award for 2005. The program was developed through the work of Durham's Community Collaborative, a community wide group of private providers, human service agencies, and citizens who work together to help children and families succeed.

The intent of the Outstanding County Program Awards is to recognize and share information with other counties about programs that involve a uniquely innovative process, solution, or idea to address a county or multi-jurisdictional issue and/or to prevent a future problem from developing.

Mr. Ed Wooters of the North Carolina Association of County Commissioners will present the award to Martha Kauffman, System of Care Development Specialist, and members of the team.

County Manager's Recommendation: Congratulate the team members for receiving the recognition for this successful program.

6. **Consent Agenda** 20 min.

(*Note: Due to the volume of public hearings, any item removed for discussion will be placed at the end of the agenda.)

- a. Office of the Sheriff and City of Durham Police Department Acceptance of 2006 Edward Byrne Memorial Justice Grant (JAG) (accept the grant award from JAG in the amount of \$143,662 that will be shared fifty-fifty with the City of Durham);
- b. Declaration of Surplus Personal Property and Approval of Resolution to Donate to Nonprofit Corporations (declare the personal property as surplus; authorize the donation of the personal property to Freedom House Inc., Threshold, Housing for New Hope, Dominion, and Community Choices on the condition that said property be used for a public purpose; and authorize the County Manager to enter into an agreement which reflects the terms of the conveyance as set forth herein);
- c. Service Contract and Lease for the Operation of the Animal Shelter (authorize the County Manager to execute a one-year contract with the Animal Protection Society of Durham Inc. for \$516,898 and extend the term of the lease agreement for one year);
- d. Appointment NACo Annual Conference Voting Delegate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate and County Commissioner Michael D. Page as the alternate);
- e. Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services (approve the Home and Community Care Block Grant Funding Plan as presented);
- f. BUDGET ORDINANCE AMENDMENT NO. 06BCC000066?RECOGNIZE ADDITIONAL SMART START REVENUE (APPROVE BUDGET ORDINANCE AMENDMENT NO. 06BCC000066 IN THE AMOUNT OF \$27,000);
- g. Budget Ordinance Amendment No. 06BCC000067?Changes to the Capital Financing Fund and the Debt Service Fund (decrease the total budget for the Debt Service Fund \$1,565,594 and the Capital Financing Fund \$1,390,293);
- h. ADOPTION OF THE 10 YEAR PLAN TO END HOMELESSNESS IN DURHAM (ADOPT THE PLAN);
- i. Offer to Purchase County Surplus Properties (106 Hillside Avenue and 606 East Umstead Street) (pursue the upset bid process for the sale of 606 East Umstead Street and 106 Hillside Avenue);
- j. Final Qualifying Bid to Purchase County Surplus Property at 4413 Denfield Road (accept the offer from Jin Grant to purchase 4413 Denfield Road [Parcel ID #172523] for \$25,000 and have a non-warranty deed prepared for the Chairman's signature); and
- k. Declaration of 300 East Main (Eligibility Building) and 306 East Main Streets (vacant) as Surplus Properties (determine that 300 East Main [Eligibility Building] and 306 East Main Street are no

longer needed for any County purpose and to direct the staff to make them available as a package for private purchase via the upset bid process).

7. Public Hearing on the 2006-07 Recommended Budget

30 min.

The Board of County Commissioners will conduct a public hearing to receive citizen input on the FY 2006-07 recommended budget. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker; however, the time limit may be adjusted at the discretion of Chairman Reckhow.

County Manager's Recommendation: The Manager recommends that the Board receive input from speakers and incorporate in the deliberations prior to finalization of next fiscal year's budget.

8. Public Hearing Zoning Map Change Joven Northeast Creek (P04-46) 20 min.

To approve a request for a zoning map change for a 188.24-acre site located at the northeast quadrant of the Ellis Road and NC 147 interchange. PINs: 0749-01-09-9724; 0749-01-19-5052, 0749-01-19-7702, 0749-01-19-9044; 0749-01-27-0832, 0749-01-27-6503; 0749-01-38-2639, 0749-01-27-7106; 0749-01-47-0432; 0840-03-20-2161, 0840-03-20-2161, 0840-03-20-3215

Request: IL to PDR 4.84, CG(D)and IL(D)

To approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the *Southeast Durham Plan* and that the request 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 *Southeast Durham 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 the consistency with the *Southeast Durham Plan* and the information contained within the staff report.

Planning Commission Recommendation and Vote: Denial, 6-6, based on a finding that the request is not consistent with the *Durham Comprehensive Plan*.

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 Zoning Map Change Sauternes (Z05-33)~~ 25 min.

~~To approve a request for a zoning map change for 422.6-acre site located on the east side of Dec 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.~~

10. Public Hearing Zoning Map Change Scott Mill (Z05-35) 20 min.

~~To approve a request for a zoning map change for 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~~

~~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 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: 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 it, if appropriate, based on the comments received.~~

11. PUBLIC HEARING FOR ECONOMIC DEVELOPMENT INVESTMENT FUNDS FOR PARATA SYSTEMS 10 MIN.

Parata Systems, which designs and manufactures automated prescription fulfillment systems, is in the process of acquiring the McKesson Automated Prescription Systems business unit of Rapides Parrish, Louisiana and Pittsburgh, Pennsylvania. The acquisition will more than double Parata's current operation and workforce. Within the next few weeks, Parata Systems will make the decision whether to consolidate the expanded company in Durham County, Rapides Parrish, or Pittsburgh. Officials from Parata Systems have stated that incentives are a key consideration in its location decision.

Parata Systems was founded in Durham in 2001 and has grown significantly in the past few years. Currently, there are 140 employees working in Durham's Meridian Park. The proposed investment for the expanded company is estimated to be in excess of \$15.5 million and would include 200 new jobs within five years.

Staff is recommending that the County participate in this economic development project by reimbursing Parata Systems up to one hundred thousand dollars (\$100,000.00) for the costs of expansion, relocation, and employee training.

This public hearing was advertised on Friday, June 2, 2006, as required by Statute.

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

COUNTY MANAGER'S RECOMMENDATION: THE COUNTY MANAGER RECOMMENDS THAT THE BOARD HOLD THE PUBLIC HEARING AND, BASED UPON THE INFORMATION RECEIVED, APPROVE ENTERING INTO THE STANDARD REIMBURSEMENT CONTRACT BETWEEN THE COUNTY OF DURHAM AND PARATA SYSTEMS IN THE AMOUNT OF \$100,000 TO ALLOW FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH EXPANSION, RELOCATION, AND EMPLOYEE TRAINING.

12. **Public Hearing to Receive Comment on the Revised Durham County 2006-2016 10-Year Comprehensive Solid Waste Management Plan (SWMP)** 15 min.

The Department of General Services requests that the Board of County Commissioners conduct a public hearing to receive comment from interested parties on the revised 10-year comprehensive Solid Waste Management Plan (SWMP) for 2006-2016.

North Carolina General Statutes 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other local governments, to develop a ten-year comprehensive SWMP and submit to the North Carolina Department of Environment & Natural Resources (NC-DENR) for approval. In addition, each local government is required to submit a 3-year revision to the SWMP following a public hearing and adoption through resolution by the Board of County Commissioners (BOCC).

On June 23, 1997, the BOCC adopted Durham County's first ten-year comprehensive SWMP for 1997-2006. On June 9, 2003, the plan was last revised and adopted by the Board for 2003-2013. The next revision is due to NC-DENR by July 1, 2006, for the period 2006-2016.

The revised plan includes: new population estimates, residential, commercial and industrial tonnage estimates, and a listing of current programs and intended actions.

At a BOCC regular meeting on May 22, 2006, a public hearing was set for Monday, June 12, 2006, to receive public comment on the revised plan. The appropriate public notices were advertised in the Durham Herald-Sun, The Carolina Times, and The News & Observer newspapers. Copies of the draft SWMP were made available for public viewing beginning May 23, 2006 at the Clerk of Court's office, main branch of the Durham County Public Library, Office of the Clerk to the BOCC, and the Department of General Services. In addition, copies were mailed on May 23, 2006, to all waste collectors serving Durham County.

Prior to the public hearing, staff will briefly summarize revisions to the plan for the Board and be prepared to document comments received from all interested parties.

Resource Person(s): Michael Turner, Director of General Services, and Thomas Bryant, Waste Reduction Manager

County Manager's Recommendation: Receive public comment on the 2006-2016 revised ten-year comprehensive SWMP; adopt a Resolution as required by NCGS 130A-309.09A(b) to approve the Durham County Solid Waste Management Plan subject to the inclusion of public comment; and authorize the County Manager to implement the plan effective July 1, 2006.

13. **Hearing on Request for Refund Excise Taxes** 10 min.

A request for a refund of deed tax stamps has been received, including an affidavit which states that a deed was sent to the Durham County Register of Deeds in error. The property being conveyed by the deed was located in Forsyth County. As part of the recording, excise taxes were paid to the Register of Deeds in the amount of \$90.00. Pursuant to G.S. § 105-228.37, the Board of Commissioners must hold a hearing to determine whether or not a refund is due. The Board is requested to hold this hearing and, if appropriate, order a refund of one-half of the amount paid to the Register of Deeds; this \$45.00 being the amount retained by the County.

Resource Person(s): Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: HOLD THE HEARING AS REQUIRED BY STATUTE AND ADOPT THE REFUND ORDER, IF APPROPRIATE.

14. **Major Site Plan North State Storage Phase II (D05-604)** 10 min.

Civil Consultants Inc., on behalf of North State Storage One, LLC, has submitted a major site plan and buffer reduction request for a 29,000-square-foot addition to an existing self storage facility with seven vehicle parking spaces on a 6.91-acre site, zoned IL(D) and F/J-B and with a request to reduce the eastern buffer to 25 feet from 40 feet. [The property is located at 2015 Mineral Springs Road on the east side of Sherron Road and north of US 70. PINs 0840-04-80-7869, 0840-04-81-8060, 0840-04-81-6250]

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.

2 hrs. 20 min.