

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

Monday, December 14, 1998

5:30 P.M. - 6:30 P.M.

**Quasi-Judicial Public Hearing**

**AGENDA**

1. **Case M98-3 SpectraSite Communications Inc.: Major Special Use Permit for a 240? Lattice Telecommunications Tower, Equipment Building, and Four Co-Location Sites Within a 100-Foot by 100-Foot (10,000-Square-Foot) Lease Parcel**

SpectraSite Communications Inc. is requesting the granting of a Major Special Use Permit for a 240? lattice telecommunications tower, equipment building, and four co-location sites within a 100-foot by 100-foot (10,000-square-foot) lease parcel.

The site is located on the west side of Glenn, north of Dodge Avenue, and south of Jeffries Road. Tax Map 685-9-13. Hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case.

After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions)--To direct the Planning Director to prepare a decision granting with conditions the use permit in Case M98-3. (The Commissioners should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for the Board?s next meeting for action).

Motion B: (Disapproval)--To direct the Planning Director to prepare a decision denying the use permit in Case M98-3. (The Commissioners should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for the Board?s next meeting for action).

Steve Medlin, Senior Planner will present the case and answer questions.

County Manager?s Recommendation: Hold the public hearing and evaluate the evidence presented.

2. **Case M98-1 Gearon Communications: Major Special Use Permit for a 280? Lattice Telecommunications Tower, Equipment Building, and Five Co-Location Sites Within a 100-Foot by 100-Foot (10,000-Square-Foot) Lease Parcel**

Gearon Communications is requesting the granting of a Major Special Use Permit for a 280? lattice telecommunications tower, equipment building, and five co-location sites within a 100-foot by 100-foot (10,000-square-foot) lease parcel. At the public hearing on November 17, 1998, the Board of County Commissioners directed staff to prepare an Order for approval. The site is located on the north side of Old Hope Valley Road and the Durham/Chatham County line, east of Farrington Mill Road, and west of Kennebac Drive.

Steve Medlin, Senior Planner, will be present to answer any questions of staff.

County Manager?s Recommendation: Adopt the Order.

3. **Case M98-2 Gearon Communications: Major Special Use Permit for a 300? Lattice Telecommunications Tower, Equipment Building, and Five Co-Location Sites Within a 100-Foot by 100-Foot (10,000-Square-Foot) Lease Parcel**

Gearon Communications is requesting the granting of a Major Special Use Permit for a 300? lattice telecommunications tower, equipment building, and five co-location sites within a 100-foot by 100-foot (10,000-square-foot) lease parcel. At the public hearing on November 17, 1998, the Board of County Commissioners directed staff to prepare an Order of denial. The site is located on the east side of Moores Mill Road and US 501, south of Hill Forest Road (State Forest Road), and north of Quail Roost Road.

Steve Medlin, Senior Planner, will be present to answer any questions of staff.

County Manager's Recommendation: Adopt the Order of denial.

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7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. a. October 26, 1998 Regular Session
  - b. b. November 2, 1998 Worksession
  - c. c. November 9, 1998 Regular Session

4. **Public Health--Recognition of Van Tanner as Laboratorian of the Year**

The Health Department requests recognition of Van Tanner as North Carolina Public Health Association Laboratorian of the Year. Mr. Tanner worked as Laboratory Supervisor at Durham County Health Department from October 25, 1993 through July 17, 1998. He is presently pursuing certification as a Physician's Assistant at Duke. Mr. Tanner's many accomplishments include: saving the County more than \$45,000 through negotiating volume discounts for outside laboratory tests; implementing on-line, real-time computerized laboratory reporting to eliminate duplication of staff time in record retrieval; and initiating lab services for Durham County Mental Health to provide more rapid results and generate increased revenue. He has also volunteered to draw blood in the Jail infirmary to eliminate the need to transport prisoners for this service, and has established chlamydia testing at remote sites in the County. Mr. Tanner successfully attained compliance certification for the Laboratory under the Clinical Laboratory Improvement Act of 1988 (CLIA 88) and coordinated the Durham County blood drive for the last two years. He has earned the enduring thanks and gratitude of the 200 Health Department employees with his continued enthusiasm for "Doing the Right Thing for the Right Reason."

Janice D. Stratton, MD, Assistant Health Director, is the resource person for this item.

County Manager's Recommendation: The Manager is pleased to join the Commissioners in congratulating Mr. Tanner for his accomplishments in receipt of this award.

5. **Presentation of Finalist Award to Durham County Government by the Greater Durham Chamber of Commerce for ? Education: Top Priority"**

Education: Top Priority is a partnership between the Chamber of Commerce and Durham Public Schools. The program is intended to improve the schools, prepare for a more vibrant economic future, and encourage employees to pursue a higher level of education. Employees in area businesses offer volunteer services in the areas of tutoring, mentoring, and other educational programs to the schools. Each year the program focuses on one project to help schools. This year, employee volunteers, including Durham County employees, are tutoring students at five elementary schools with the poorest reading levels (based on 1996-97 ABC test results). The Chamber would like to take this opportunity to recognize the County for its continuing contribution to this community effort.

Resource Persons: Harry Land, Chairman; Thomas J. White, President and CEO

County Manager's Recommendation: The Board of County Commissioners has continuously emphasized the importance of the involvement of employees as volunteers in the Durham Public Schools system. This award is an indicator that County employees have embraced being actively involved as volunteers. Accept this award on behalf of our employee family.

6. **Consent Agenda**

- a. a. Untimely application for property tax exemption?Christian Assembly Church (support the Tax Administrator's recommendation to accept the untimely application for exemption and release the 1998 property taxes for Christian Assembly Church);
- b. b. Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- c. c. Vehicles?General Services, Animal Control, Fire Marshal, Mental Health, and Sheriff's Departments (authorize the County Manager to enter into a contract with University Ford Inc. for \$755,544 and Bobby Murray Chevrolet for \$21,348.24 for the procurement of 41 vehicles);
- d. d. Property imaging services (authorize the County Manager to negotiate and enter into a contract with Mobile Video Services Inc. in an amount of \$129,563.05 for the services. The

- County Manager also requests authority to make adjustments to this contract if the scope of work changes as per the needs of the reappraisal.);
- e. e. FY 1998-99 Budget Ordinance Amendment No. 99BCC000020 (Public Health?recognize grant revenue [\$3,374] for promotion of the Health Choice Insurance Program for Children);
  - f. f. FY 1998-99 Budget Ordinance Amendment No. 99BCC000021 (Public Health?recognize grant revenue [\$2,380] for the Breast and Cervical Cancer Control Program in Health Education);
  - g. g. FY 1998-99 Budget Ordinance Amendment No. 99BCC000022 (Public Health?recognize grant revenue [\$1,000] for the STD/HIV Risk Reduction Program in Health Education);
  - h. h. FY 1998-99 Budget Ordinance Amendment No. 99BCC000023 (Public Health?recognize grant revenue [\$20,000] to provide health education for Carolina Access II enrollees);
  - i. i. FY 1998-99 Budget Ordinance Amendment No. 99BCC000024 (Public Health?recognize funds received [\$14,512] in the General Health Clinics of the Health Department);
  - j. j. FY 1998-99 Budget Ordinance Amendment No. 99BCC000025 (encumbrances?approve budget amendment as submitted);
  - k. k. Contract?two new ambulances?Emergency Medical Services (authorize the County Manager to proceed with a contract to Wheeled Coach Inc. for \$142,500);
  - l. l. Contract?two ambulance remounts?Emergency Medical Services (authorize the County Manager to proceed with a contract to TransMed Inc. for \$88,563);
  - m. m. Approval of electrical renovations contract for the James A. Whitted School building (authorize execution of the contract to Advanced Electrical Technologies Inc., the low bidder, in the amount of \$150,000 and authorize the County Manager to execute change orders, if necessary, not to exceed \$160,000);
  - n. n. Closed Session Minutes?approval of minutes to be opened (approve the following Closed Session Minutes:
    - Tuesday, June 4, 1996
    - Tuesday, September 3, 1996
    - Monday, October 7, 1996
    - Monday, November 25, 1996
    - Monday, January 13, 1997
    - Monday, January 27, 1997
    - Monday, February 10, 1997
    - Monday, April 14, 1997
    - Monday, April 28, 1997
    - Monday, May 5, 1997
    - Monday May 12, 1997
    - Tuesday, June 3, 1997
    - Monday, August 4, 1997
    - Monday, November 10, 1997
    - Monday, June 15, 1998
    - Monday, November 23, 1998);
  - o. o. Resolution to release funds to Triangle J Council of Governments (approve the resolution in the amount of \$2,481.89);
  - p. p. Coordinated Transportation/DSS?1998-99 Work First Transitional/Employment Transportation Assistance (authorize Cooperative Extension and Department of Social Services to apply and accept SFY1998-99 Work First Transitional Transportation Assistance funds from the state of North Carolina);
  - q. q. Standard non-reimbursable utility contract for extension of the County sanitary sewer system (authorize execution of the standard non-reimbursable utility contracts for extension of the County sanitary sewer system); and
  - r. r. Appointments?boards and commissions (appoint Beth Froehling to the Animal Control Advisory Committee to represent the District Attorney?s Office per the Animal Control Ordinance).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of

the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

7. **Public Hearing to Consider Allocating Economic Development Investment Funds to AISIN AW COMPANY, LTD.**

AISIN AW COMPANY, LTD is considering locating a 250,000-square-foot automotive components assembly facility in Treyburn Corporate Park which is located in the northern part of Durham County. The value of this facility will be at least \$75 million. Upon completion, the facility will assemble torque converters, oil pumps, clutches, and stampings for Toyota. AISIN AW expects to create at least 150 new production jobs within the first year of operation.

AISIN AW is in the process of making the final decision on the proposed facility location. Staff is aware of a backup site in another North Carolina county which is being considered for this investment. AISIN AW has communicated to the County Manager and staff that Durham County's financial support for this project will be a key consideration in the final decision. AISIN AW is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading, and the extension of water and sewer utilities.

Staff is recommending that the County participate in this economic development project by reimbursing AISIN AW up to \$2,000,000 for the costs of site preparation activities, extending water and sewer utilities to the site, and associated development fees. The reimbursement payments would be made in equal installments over a five-year period with revenues from the County's General Fund beginning the fiscal year *after* construction of the new facility has been completed.

County Manager's Recommendation: Approve the contract between Durham County and AISIN AW COMPANY, LTD to allow for the reimbursement of costs associated with site preparation activities and extending water and sewer utilities to the proposed facility. According to the contract, AISIN AW will need to construct an automotive parts assembly facility with a value of at least \$75 million and create at least 150 new jobs prior to receiving reimbursement payments.

8. **Triangle Township Plan Amendment**

The Triangle Township Plan adopted by the Board in October of 1993 is under review for amendment. The amendment would change the land use designation shown on the Triangle Township Plan Future Land Use map of an area east of Page Road and south of Globe Road in eastern Durham County from Office to Industrial. The area in question abuts the border with Wake County. The amendment is in response to a ruling of the County Attorney regarding the plan.

Paul Norby, Durham City/County Planning Department, will be present to present this item.

County Manager's Recommendation: Adopt the amendment to the Triangle Township Plan A98-1.

9. **Public Hearing--Brier Creek Associates, LP (Rezoning Case P98-43)**

P98-43 (Brier Creek Associates, LP) was deferred by the Board on November 23 to allow the Triangle Township PAC to review the request and amend the Triangle Township Plan to match this rezoning request. In addition, the request was deferred by the Board on October 26 for the applicant to submit a development plan. Because of a scheduling hardship on the project, the applicant declined to attach a development plan to the rezoning because of the additional time required to prepare and process a new development plan with this rezoning request.

Staff supports the original request without the development plan because the site does not impact sensitive environmental resources or neighborhoods on or adjacent to the site. In addition, major

development of this type is underway adjoining this site in Wake County and along Chin Page Road in Durham County.

Gail Sherron, Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

10. **Public Hearing for Approval of Standard Reimbursable Utility Contract for Extension of County Sewer to Service Highway 54 at Berrington Place**

The Utility Division requests approval of the County's Standard Reimbursable Utility Contract for the extension of an extra 182 lineal feet of 8" sanitary sewer. Petula Associates, LTD is building the system to serve the Berrington Flex Space on the east side of Highway 54 just south of Emperor Blvd. This extra sewer line will allow sanitary sewer service to the west side of Highway 54 to the Wake County line. The total reimbursable amount is \$5,701.49. The Sewer Connection Application shows that the reimbursement will be taken out of the Line Frontage Fees due for the project.

Notice of Public Hearing was published in the Durham Herald Sun on November 30.

Chuck Hill, Utility Division, Environmental Engineering Office, will be present to discuss staff's recommendation to the Board.

County Manager's Recommendation: The County Manager recommends that the Board authorize execution of the above reimbursable utility contract for 182 LF of extra sanitary sewer construction for \$5,701.49.

11. **Southeast Durham Plan**

Southeast Durham is one of fifteen small areas that comprise Durham County. The planning area is approximately 29 square miles and is located between NC 147, NC 98 and the Durham-Wake County line, and T. W. Alexander Parkway. Southeast Durham is a mix of rural, suburban, and urban neighborhoods with a growing industrial base on the edge of the Research Triangle Park.

The Southeast Durham Plan is a detailed guide for future land use and development in the area based on the adopted *Durham 2020 Comprehensive Plan*. Outside of the Urban Growth Area, the plan recommends rural land uses. Inside the Urban Growth Area, the plan calls for new suburban housing areas, new commercial centers along major roads, and new employment centers near the Research Triangle Park. The first segment of Eno Drive scheduled to be constructed traverses the planning area and will significantly improve access to the area. Future public sewer services in the Lick Creek basin will likely stimulate demand for new housing and commercial development. The Southeast Durham Plan seeks to accommodate new development while protecting the integrity of existing neighborhoods.

At the request of the Board, Planning staff conducted another meeting with citizens in the Southeast Durham area and reviewed changes proposed for the draft plan since the last community meeting. In addition, staff discussed citizens' concerns about parks facilities in the Southeast Durham area. Mr. Ford, City Parks and Recreation Director, asked community members to assist in developing a parks master plan. Citizens requested that an additional statement be included in the plan to reflect their concerns. Planning staff concurs.

Keith Luck was the principal planner for the small area plan and will present this item to the Board.

County Manager's Recommendation: Adopt the March 4, 1998 Draft Southeast Durham Plan with the modifications indicated on the October 23, 1998 Addenda.

12. **Appointments?Transportation Advisory Committee (TAC)**

Mark D. Ahrendsen, Chairman, Transportation Advisory Committee, requests on behalf of the Durham-Chapel Hill Carrboro Metropolitan Planning Organization that the Board of County Commissioners reaffirm its current appointments to the TAC or appoint new members and/or alternates.

Currently, Commissioner Heron is the Commissioner representative and Vice-Chairman Reckhow is the alternate.

13. **Designation of Voting Delegate to the Legislative Goals Conference**

The Board of County Commissioners is asked to designate a Commissioner or other official as the voting delegate to the North Carolina Association of County Commissioners Legislative Goals Conference at the Sheraton Imperial Hotel in Research Triangle Park, North Carolina on January 14-15, 1999.

County Manager's Recommendation: Traditionally, the Board has designated the Chairman as the voting delegate and the Vice Chairman as the alternate.

14. **14. Cancellation of the December 28, 1998 Board of County Commissioners' Regular Session**

As per the Chairman of the Board, the County Commissioners will discuss the cancellation of the December 28, 1998 Regular Session.

15. **Closed Session: Potential Expansion of an Existing Industry**

The Board of County Commissioners will go into Closed Session to discuss the potential expansion of an existing industry in Durham County pursuant to North Carolina General Statute 143-318.11(a)(4).