

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

Monday, June 8, 1998

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black and Commissioners William V. Bell, Joe W.
Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Black stated a resolution requested by Commissioner Heron would be added to the agenda for Board consideration.

Chairman Black said the property transaction involving the Raleigh-Durham International Airport would be added to the consent agenda.

Chairman Black also added the major site plan approval for Trinity School.

Vice-Chairman Reckhow requested that consent agenda item No. 5(a), "Durham Open Space and Trails Commission Matching Grants recommendation (approve FY 1997-98 Capital Projects Budget Ordinance Amendment No. 98CPA000008 in the amount of \$20,000) be pulled from the consent agenda for discussion.

Commissioner Heron requested an item be added to the agenda concerning the hospital merger.

Vice-Chairman Reckhow requested time on the agenda to speak to a News and Observer article relative to graduating seniors.

Resolution—Dedicated Revenue for the NC Housing Trust Fund and Affordable Housing Assistance Funds

Commissioner Joe W. Bowser requested the resolution be placed on the agenda for Commissioner approval.

Commissioner Bowser read the following resolution into the record:

RESOLUTION

WHEREAS, our homes, whether rented or owned, profoundly influence the quality of our lives, our productivity at work and in school, and the health and stability of our families; and

WHEREAS, there are many members of our community who live in unsafe and unsanitary housing or who pay too much for their housing, depriving them of other basic needs and of a reasonable quality of life; and

WHEREAS, nonprofit, for-profit, and governmental organizations need a consistent and predictable source of funding for their bricks and mortar, financing, rental assistance, and emergency repair activities; and

WHEREAS, local nonprofit organizations, in particular, fill a critical gap in meeting the needs of low-wage working families, people with special needs, and other underserved populations, providing them with supportive services and permanently affordable housing; and

WHEREAS, operating support for nonprofit organizations is extremely scarce, keeping them from reaching their full production and service potential; and

WHEREAS, increased and dedicated funding for the NC Housing Trust Fund and support for nonprofit housing organizations will complement each other as they yield jobs, local business opportunities, tax revenues, and a healthier community in addition to decent, safe, and affordable homes:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby urge the North Carolina General Assembly to support

DEDICATED REVENUE FOR THE NC HOUSING TRUST FUND
AND

AFFORDABLE HOUSING ASSISTANCE FUNDS

in the 1998 session, and commend those nonprofit, for-profit, and governmental organizations which strive to meet the basic housing needs of our less fortunate neighbors and fellow citizens.

This the 8th day of June, 1998.

/s/ Five Commissioners
Durham County Commissioners

No official action was taken on the resolution.

Resolution Encouraging the County Manager to Work With the City Manager and the Superintendent of Durham Public Schools to Provide Mutual Support for Goals That Will Benefit Durham's Citizens

The resolution was the result of meetings between Chairman Black, Mayor Tennyson, Chairman Meyers, and the respective chief executive officers. This resolution had been adopted by the City Council and the Board of Education.

Chairman Black read the following resolution into the record:

RESOLUTION ENCOURAGING THE COUNTY MANAGER TO WORK
WITH THE CITY MANAGER AND THE SUPERINTENDENT
OF DURHAM PUBLIC SCHOOLS TO PROVIDE MUTUAL SUPPORT
FOR GOALS THAT WILL BENEFIT DURHAM'S CITIZENS

WHEREAS, each of the three elected bodies in Durham County are served by capable staffs and seek to accomplish goals that will benefit taxpayers; and

WHEREAS, the goals of those bodies are similar, or complementary in many ways; and

WHEREAS, the County Manager, City Manager, and Superintendent of Schools are responsible for finding the most effective and efficient means of reaching the goals:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners encourages the County Manager to work with the other two chief executive/operating officers at every opportunity to provide mutual support for goals that will benefit Durham's citizens and potential savings through reduction in duplication of efforts whenever possible.

Chairman Black called for Commissioner discussion on the resolution.

Vice-Chairman Reckhow said the Commissioners have already adopted a resolution of similar intent.

County Manager Thompson said attempts have been made to convene a meeting with the City Manager, school superintendent, and himself to discuss better utilization of school facilities.

Vice-Chairman Reckhow discussed an article in this morning's News and Observer entitled, "Mysteries of Missing Seniors." Durham County's graduation rate (49 percent) is one of the lowest in the state. The statewide average is 61 percent. She urged the Board to talk about this issue and determine additional ways the community can help the young people.

Chairman Black said the Board also must discuss juvenile crime.

Commissioner Heron said a young adult should be required to attend school until he/she is 18 years of age. The legislature should take immediate action to raise the age limit.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the resolution.

The motion carried unanimously.

Resolution—"Prevent a Litter" Year

Mr. Vladimir J. "Larry" Salava, Animal Control Advisory Committee member, read the following joint resolution into the record:

JOINT RESOLUTION

WHEREAS, the irresponsibility of some dog and cat owners, demonstrated by allowing uncontrolled breeding of their animals, has created a dog and cat overpopulation problem in Durham County; and

WHEREAS, the dog and cat overpopulation problem results in the destruction of thousands of dogs, cats, puppies, and kittens each year in Durham County; and

WHEREAS, the dog and cat overpopulation problem results in cruelties to dogs, cats, puppies, and kittens caused by neglect, abandonment, starvation, and injury; and

WHEREAS, the cruelties inflicted on these dogs and cats result not only in lost animal lives but in lost resources spent in our community caring for neglected displaced animals while trying to find permanent suitable homes; and

WHEREAS, the dog and cat overpopulation problem can be solved only by the active promotion of an owner responsibility program that includes spaying and neutering of dogs and cats, proper care and treatment of these animals, and compliance with animal control regulations; and

WHEREAS, the people of Durham County should commit themselves to preventing the needless destruction of dogs, cats, puppies, and kittens by practicing responsible ownership and by spaying and neutering their dogs and cats as a means of combating our problem of overpopulation:

NOW, THEREFORE, BE IT RESOLVED by the members of Durham City Council and the Durham County Board of Commissioners that the year 1998-99 is designated as

“PREVENT A LITTER” YEAR

as a statement of affirmation to prevent the needless suffering and destruction of dogs, cats, puppies, and kittens in Durham County.

This the 8th day of June, 1998.

/s/ MaryAnn E. Black, Chairman
Board of County Commissioners

/s/ Nicholas Tennyson, Mayor
City of Durham

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the joint resolution, changing the year to 1998-99 and dating the resolution June 8, 1998.

The motion carried unanimously.

Consent Agenda

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items:

- * (b) Public Health (approve FY 1997-98 Capital Projects Budget Ordinance Amendment No. 98CPA000009 in the amount of \$72,751);

- * (c) Public Health (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000040 in the amount of \$5,000);
- * (d) Social Services (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000041 in the amount of \$470,879);
- * (e) Mental Health (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000042 in the amount of \$144,200);
- * (f) 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); and
- (g) Property transaction involving Raleigh-Durham Airport Authority (approve property transaction).

*The documents related to these items follow:

Consent Agenda 5(b). Public Health (approve FY 1997-98 Capital Projects Budget Ordinance Amendment No. 98CPA000009 in the amount of \$72,751).

The capital projects budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Capital Projects Budget Ordinance
Amendment No. 98CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
Public Health Clinic	\$186,000	\$67,751		\$253,751

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of June, 1998.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

The bid tabulation follows:

BIDDER	LICENSE NO.	BID BOND	M/WBE PARTICIPATION	TOTAL BID
Capital Building Co. PO Box 99351 Raleigh, NC 27624-9351	No Response			
D. W. Ward Construction Co. PO Box 15157 Durham, NC 27702	#7244	Yes	Yes	\$296,546
D. K. Construction 4300 Hickory Drive Raleigh, NC 27616	No Response			
Force Construction 3006 Cheek Road Durham, NC 27704	#32761	Yes	Yes	\$253,751
Gerald T. Stay 255 Great Arrow Ave. Buffalo, NY 14207	No Response			
L. A. Downey PO Box 1688 Durham, NC 27702	No Response			
W. T. Lawrence Guess Road, Ste.102 Durham, NC 27705	#371997	Yes	Yes	\$366,309
Zain Inc. 4557 Antique Lane Raleigh, NC 27612	No Response			

Consent Agenda 5(c). Public Health (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000040 in the amount of \$5,000).

DURHAM COUNTY, NORTH CAROLINA
 1997-98 Budget Ordinance
 Amendment Number 98BCC000040

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1997-98 budget ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intgov'l	\$176,213,867	\$5,000		\$176,218,867
<u>Expenditures</u>				
Human Svcs	\$208,524,443	\$5,000		\$208,529,443

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of June, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(d). Social Services (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000041 in the amount of \$470,879).

DURHAM COUNTY, NORTH CAROLINA
1997-98 Budget Ordinance
Amendment Number 98BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1997-98 budget ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intgov'l	\$176,218,867	\$470,879		\$176,689,746
<u>Expenditures</u>				
Human Svcs	\$208,529,443	\$470,879		\$209,000,322

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of June, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(e). Mental Health (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000042 in the amount of \$144,200).

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000042

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Mental Health.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Revenues</u>				
Intergovernmental	\$176,689,746	\$144,200		\$176,833,946
<u>Expenditures</u>				
Human Services	\$209,000,322	\$144,200		\$209,144,522

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of June, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(f). 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).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the reports detail releases and refunds for the month of April 1998.

For current FY 97-98, releases and refunds amounted to \$43,908.94 in taxes for real property, \$6,718.61 in taxes for personal property, \$34,551.18 in taxes for registered motor vehicles, \$525.00 in City vehicle fees, and \$225.00 in solid waste fees.

For FY 98-99, releases and refunds amounted to \$43,111.60 in taxes for real property, \$7,846.00 in taxes for registered motor vehicles, \$185.00 in City vehicle fees, and \$90.00 in solid waste fees.

For prior years, releases and refunds amounted to \$12,573.28 in taxes and fees.

(Recorded in Appendix A in the Permanent Supplement of the June 8, 1998 Minutes of the Board.)

Consent Agenda Items Removed for Discussion

Consent Agenda 5(a). Durham Open Space and Trails Commission Matching Grants recommendation (approve FY 1997-98 Capital Projects Budget Ordinance Amendment No. 98CPA000008 in the amount of \$20,000).

The Durham Open Space and Trails Commission (DOST) received six applications for Matching Grants Program funds to assist nonprofit community organizations with recreational and open space projects. After careful consideration of each proposal by the Matching Grants Committee, the commission recommended to the Board of County Commissioners that three of the projects be funded at a total of \$100,000 using the construction and land portion of funds requested under the "Pay-As-You-Go Capital Program." The three projects recommended for funding follow:

The Eno River Association Land Purchase Project	\$70,000
The Mangum Primary School PTA Playground Project	\$25,000
The Triangle Rails to Trails Mapping Project	\$ 5,000

Resource persons for this item were Chris Brown, DOST Chair, and Bill Renfrow, County staff.

County Manager's Recommendation: Members of the Durham Open Space and Trails Commission diligently studied and evaluated this year's applications for matching funds to assist community nonprofits with providing recreational opportunities and preserving open spaces for the citizens of Durham County. In the past two years, less than half of the available funds were allocated but this year's recommendation to allocate all funds set aside for open space grants indicates the exceptional quality of proposals for funding and the gain to the County of \$206,110 as the three nonprofits' share of the projects.

The County Manager recommended Board approval of the three projects for funding and allocation of the \$100,000 "Pay-As-You-Go Capital" funds.

Chairman Black asked Vice-Chairman Reckhow to lead the discussion.

Vice-Chairman Reckhow expressed concern that the \$5,000 Triangle Rails to Trails Mapping Project fails to follow the guidelines. The guidelines are clear that the projects to be funded are land acquisition and capital improvements to serve the recreational needs of our community. The Triangle Rails to Trails Mapping project represents a deviation from those guidelines.

County Manager David F. Thompson said he and staff concur that this project does not fit the established guidelines. Mr. Thompson suggested the mapping project be treated as a nonprofit application. The Commissioners could review this project along with the other nonprofit requests. The committee can confer with our Geographic Information System (GIS). Mr. Thompson advised that the Commissioners go forward with the two projects and withdraw the third project.

Commissioner Heron suggested the applicant for the mapping project talk with Triangle Greenways about mapping the trails.

Chris Brown, Chairman, Durham Open Space and Trails Commission, stated the \$5,000 mapping project was taken from the Eno River land purchase project. Some discussion was held to decide whether the Eno River land project should be given the \$5,000 as part of its match.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Eno River Association Land Purchase Project receive \$75,000 and the Mangum Primary School PTA Playground Project receive \$25,000 as recommended by the Durham Open Space and Trails Commission.

The motion carried unanimously.

The following capital projects budget ordinance amendment is necessary to provide the additional \$20,000 in the Pay-As-You-Go program for the Durham Open Space and Trails Commission projects.

The capital projects budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Capital Projects Budget Ordinance
Amendment No. 98CPA000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for Durham Open Space and Trails Commission Matching Grants.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Open Space and Trails	\$80,000	\$20,000		\$100,000

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of June, 1998.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Public Hearing: Revision of Durham County's Animal Control Ordinance

On July 1997, an Ordinance Review Committee (ORC) was appointed by the County Manager and charged with identifying all outstanding issues with the existing Durham County Animal Control Ordinance, the need for additions and deletions, and with the drafting of a proposed revision to the ordinance for BOCC review and consideration. The ORC comprises representatives from Animal Control, the Animal Protection Society, the Animal Control Advisory Committee (ACAC), the County Attorney's Office, and the District Attorney's Office. Since its first meeting on August 12, 1997, the committee has worked very diligently incorporating all members' issues and concerns into the proposed revised ordinance. On March 11, 1998, at a special called meeting, the ACAC received and reviewed the ordinance, and on April 20, 1998, unanimously approved the proposed ordinance.

On Monday, May 4, 1998, during a regularly scheduled BOCC Worksession, the ACAC and ORC presented the proposed ordinance and answered questions.

On Monday, May 11, 1998, the BOCC scheduled a public hearing for Tuesday, May 26, 1998, for the general public to comment on the proposed ordinance. Copies of the ordinance were made available for review and comment by the public on May 11, 1998, at all Durham County Libraries, the Clerk to the Board's Office, the Animal Control Office on Broad Street, the Animal Shelter on Club Boulevard, and the General Services Department at 310 South Dillard Street.

Resource persons for this item were Michael Turner, Director of General Services, and Simone Alston, Assistant County Attorney. Members from ORC and ACAC were available to receive public comment and answer questions for the BOCC.

County Manager's Recommendation: Receive public comment and approve the proposed revisions to the Durham County Animal Control Ordinance subject to the incorporation of specific changes as directed by the Board.

Mr. Turner made introductory remarks and commented on the public hearing process.

Ms. Alston presented an overview of the questions and comments staff received from Ms. Sandra Wilson and Ms. Barbara Elliott, residents of Durham County.

The Commissioners asked Ms. Alston questions about the proposed changes to the ordinance.

Chairman Black opened the public hearing that was properly advertised.

The Clerk to the Board called for Ms. G. Kay Bishop, 1020 Hale Street, 27705 to speak.

Ms. Bishop spoke about Section 4-13, Paragraph 21, Subparagraph (i) which addresses nuisance behavior. She presented 12 reasons why the definition of nuisance behavior must be revised. She also addressed Article VI, Section 4-137, Paragraph 1 by asking the Commissioners to insert the word hearing in the phrase "offensive to the sight or smell."

The next speaker was Ms. Barbara G. Elliott, 313 Alcona Avenue, 27703 who urged the Commissioners to delete the provision for a general kennel license. Ms. Elliott suggested money be spent to strengthen efforts for all animals to be vaccinated against rabies, to keep the rabies vaccination up to date for all animals in the licensing system, and to investigate better ways to encourage owners to spade and neuter their pets.

As no one else asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

The Commissioners asked questions and made comments about the proposed ordinance changes to which staff responded.

Chairman Black asked Ms. Alston to review the ordinance with respect to the comments heard at the public hearing and the public safety concern raised by Commissioner Bowser.

Vice-Chairman Reckhow stated that Commissioner Bowser's concern may be addressed in the definition section of the ordinance.

Public Hearing to Consider an Amendment to the Zoning Ordinance Regarding Standards for Accessory Dwellings (TC75-98)

To adopt Zoning Ordinance Amendment TC75-98 regarding Accessory Dwellings.

Bonnie Estes, Planning Manager, was at the meeting to present this item.

Ms. Estes introduced the amendment.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve An Ordinance to Amend the Durham Zoning Ordinance to Revise Standards for Certain Accessory Dwellings in the RD Zoning District (TC 75-98).

The motion carried unanimously.

The Zoning Ordinance Amendment follows:

TC 75-98 Adopted BOCC 6/8/98

**AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
TO REVISE STANDARDS FOR CERTAIN ACCESSORY DWELLINGS
IN THE RD ZONING DISTRICT**

WHEREAS, the Durham Board of County Commissioners wishes to amend the Zoning Ordinance; and

WHEREAS, the zoning ordinance establishes standards for development of accessory dwellings; and

WHEREAS, these standards are intended to allow for the development of accessory dwellings in a manner which is compatible with the existing development pattern; and

WHEREAS, the zoning ordinance limits the size of accessory dwellings; and

WHEREAS, there may be certain situations in the RD zoning district where it would be appropriate to allow larger accessory dwellings:

NOW THEREFORE, BE IT ORDAINED:

SECTION 1

That the Subsection titled, "Accessory Dwellings" of Section 7 [Supplementary Requirements] of the Durham Zoning Ordinance be amended to add Paragraph 8 which shall read as follows:

"8. Accessory dwellings in the RD district may exceed the maximum floor area of 30% of the floor area of the primary dwelling on lots of 4 acres or larger. In such cases, the square footage of the accessory dwelling may be up to 50% of the square footage of the primary dwelling. All other requirements regarding accessory dwellings shall apply.

SECTION 2

That the ordinance be renumbered to accommodate this change.

SECTION 3

That this ordinance become effective upon adoption.

(Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Work First Plan Update

The April monthly update on the annual plan for Work First was presented.

Dan Hudgins, Director of Social Services, answered questions for the Commissioners.

WORK FIRST

Purpose of Program: Provide eligible families with short-term assistance to facilitate their movement to self-sufficiency through employment.

Primary objective: Increase the number of families that are economically self sufficient through employment as measured by monthly caseload.

Benchmark: July 1: 3,566 families receiving cash assistance (actual)

August 1: 3,560 (actual)

September 1: 3,527 (actual)

<u>Month</u>	<u>Goal</u>	<u>Actual</u>
October 1	3,352	3,291
November 1	3,152	3,084
December 1	2,902	2,937
January 1	2,869	2,919
February 1	2,836	2,930
March 1	2,900	2,867
April 1	2,870	2,630
May 1	2,840	2,503
June 1	2,820	

Strategies

1. Increase number of participants entering employment:

	<u>Goal</u>	<u>Actual</u>
July		30
August		113
September	100	143
October	150	162
November	200	208
December	125	123
January	110	154
February	110	130
March	110	129
April	110	100
May	110	
June	110	

2. Increase number of cases terminated each month:

	<u>Goal</u>	<u>Actual</u>
July		243
August		186
September	350	389
October	350	406
November	400	234
December	225	214
January	225	177
February	225	277
March	220	325
April	220	296
May	220	
June	210	

3. Limit number of cases approved each month:

*The goal for November through June has been adjusted (originally 150) based on the first two-month's experience.

	<u>Goal</u>	<u>Actual</u>
July		241
August		263
September	175	194
October	150	229
November	150	184
December	175	228
January	175	211
February	175	222
March	190	161
April	190	231
May	190	
June	190	

4. Center for Employment Training (CET)

Projected Annual Enrollment	62
Enrollment to date	51

Amendment to Proposal to Expand Parkwood Branch Library

In December, the Board of County Commissioners approved the expansion of the Parkwood Branch Library into space adjacent to the current facility, increasing the space from 6,200 square feet by an estimated 3,500 square feet, for a five-year lease cost of \$8.50 per square foot per year. Included in the cost of the lease was to have been the cost of unfitting the new space, not to exceed \$100,000. The Board authorized the Manager to negotiate the lease for the expanded facility.

Since that action, the estimated costs for the renovations have increased to \$150,000 which is \$50,000 more than was to be covered by the proposed lease agreement.

As a result, Mr. Hawkins amended his lease proposal and increased the proposed lease cost to \$9.00 per square foot. Construction estimates were reviewed by staff from the Library, Project Management, and Property Management. A counter proposal was offered to keep the lease rate at \$8.50 per square foot and extend the term of the lease from five years to seven years. Mr. Hawkins has accepted this proposal and the Board of Commissioners was being asked to authorize the County Manager to negotiate the lease with the extended term at \$8.50 per square foot.

Dale Gaddis, Library Director, and David Powell, Director of Economic Development and Property Management, presented this item and answered questions.

County Manager's Recommendation: Board of County Commissioner approval of the extension of the term of the lease for an expanded Parkwood Branch Library from five to seven years at a cost of \$8.50 per square foot and authorize the Manager to execute the lease with Mr. James Hawkins, owner of the Parkwood property.

Commissioner Heron expressed concern about the lease term changing from the original proposal.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the extension of the term of the lease for an expanded Parkwood Branch Library from five years to seven years at a cost of \$8.50 per square foot and authorize the County Manager to execute the lease with Mr. James Hawkins, owner of the Parkwood property.

The motion carried unanimously.

Durham County Library Advisory Board Recommendation Regarding Change in By-Laws

The Durham County Library Board of Trustees requested approval of the following amendments to the Library Board's by-laws:

1. (Section I of Article I) "Said Board of Trustees shall consist of nine members." Change from "Said Board of Trustees shall consist of seven members."
2. That an additional duty (#6) be added to the Board's charge in Article V as follows: "To present a report at least annually to the Durham County Board of Commissioners on library accomplishments and plans."

These changes were approved by the Library Board at a special meeting held on May 18, 1998 with a unanimous vote of a quorum present. In accordance with the by-laws, the changes had been read and discussed at a prior meeting held on April 20, 1998, with the full Board in attendance.

The purpose of amendment No. 1 is to expand the opportunity for community representation in the development of recommendations regarding library services. Regarding amendment No. 2, the duty to report to the Board of Commissioners is assumed by the current Library Board, but the board considers it an important enough duty that it should be stated in the by-laws.

Resource persons for this item were Library Board Chairman Robert Otterbourg and Library Director Dale Gaddis.

County Manager's Recommendation: That the changes to the by-laws of the Durham County Board of Trustees be approved as recommended by the Library Board.

Ms. Gaddis introduced Mr. Otterbourg to present the recommendation regarding the change in by-laws.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the two changes to the by-laws of the Durham County Library Board of Trustees as recommended by the Library Board.

Vice-Chairman Reckhow asked Library Board members to consider the capital needs of the library system and prepare a cost benefit analysis to determine whether it is best to rent library facilities or construct branch libraries.

County Manager David F. Thompson said Library staff is very capable of constructing a capital facilities plan.

The motion on the floor carried unanimously.

Approval of Purchase of Personal Computers

The Board was requested to authorize the County Manager to enter into a contract with Compaq Computers in the amount of \$76,750 for the purchase of 60 personal computers for the Department of Social Services (DSS) and for Public Health.

Twenty-seven of these computers are for DSS and will be assigned as follows:

- ten for Work First employment staff to replace older computers to permit all Work First staff to participate in a database that will track client outcomes. The ten older personal computers will be used to set up work stations for Work First participants to allow them to practice computer skills, type resumes, etc.;
- nine will be used as part of a customer service improvement project to enhance DSS reception for clients attempting to access DSS services either in person or by telephone; and
- eight will be used to provide personal computers to some of the administrative staff whose work requires computers.

The purchase price of these computers is \$34,973. Funds are available in the DSS FY '98 budget.

The remaining 33 computers are for Public Health. These computers will be used to replace 38 terminals that are currently in use on the AS400. This purchase will conclude the second stage of implementation of a computer network in the Health Department. The

purchase price of these computers is \$41,777. Funds already exist in the Health Department budget and were approved in the FY '98 budget process.

These computers will be the current County standard configuration, and will be purchased through the State of North Carolina Division of Purchase and Contract Term Convenience Contract for Microcomputers and Peripherals (#250-15). This contract was established by the State for use by State agencies and local jurisdictions in facilitating cost-effective computer and peripheral acquisitions. This contract continues to offer the most attractive process for the purchase of personal computers for the County. Bid at the State level with the volume of the State to leverage price, the County continues to find the prices are better than those advertised or available through quotes. The contract is structured to reflect market changes.

Information Services and the Purchasing Department reviewed this request and supported approval of this item.

Perry Dixon, Director of Information Services; Brian Letourneau, Health Director; and Gael Hallenbeck, Assistant Director of DSS, were available to discuss this item.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Compaq Computers for \$76,750 for the purchase of these personal computers for DSS and Public Health.

Mr. Dixon explained the benefits of purchasing the computers.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to authorize the County Manager to enter into a contract with Compaq Computers for \$76,750 for the purchase of personal computers for DSS and Public Health.

The motion carried unanimously.

Approval Of Construction Contract For Sanitary Sewer To Service The Willowhaven/Placid Valley Area, Phase III, Bond Project #33

The Board was asked to authorize the County Manager to enter into a contract with J. F. Wilkerson Contracting Co. in the amount of \$772,374.75 for construction of Phase III of the Willowhaven/Placid Valley Area Sewer Project and to execute change orders if necessary. This was the last scheduled project to be constructed using the 1986 Bond Funds for water and sewer extensions.

The County's requirement for construction of Willowhaven/Placid Valley Area Sewer Phase III was advertised in the local newspaper on April 19, 1998. A pre-bid conference was held on May 12, 1998 at 10:00 a.m. Bids were received, publicly opened, and read on May 21, 1998 at 2:00 p.m. Three bids were received. J. F. Wilkerson submitted the lowest bid of \$1,017,274.75; however, only approximately \$786,000.00 of Bond Funds remain available for this project. The Utility Office has reviewed the bid and was able to reduce the quantities of several items to allow the project to meet current funding. No M/WBE utilization was submitted with the bid; however, the Utility Division is working with J. F. Wilkerson to seek M/WBE utilization to address the County's M/WBE Ordinance.

Chuck Hill, Division Head, Environmental Engineering Office, was present to discuss this recommendation.

County Manager's Recommendation: The County Manager recommended that the Board authorize execution of the above construction contract to J. F. Wilkerson Contracting Co. in the amount of \$772,374.75 and authorize the County Manager to execute change orders if necessary. Staff was instructed to bring forward M/WBE proposed utilization by the vendor to the Board meeting.

Mr. Hill presented the proposal.

The bid tabulation follows:

Contractor	License No.	Addendum	Bid Bond	M/WBE Participation	Total Bid
Billings & Garrett Inc. PO Box 58340 Raleigh, NC 27658	#6370	Yes	Yes	Yes	\$1,152,387.00
J.F. Wilkerson Contracting PO Box 183 Morrisville, NC 27560	#4499	Yes	Yes	No	\$1,017,274.75
Park Construction Corp. PO Box 500 Morrisville, NC 27560	#33029	Yes	Yes	Yes	\$1,133,069.15
Schultz Construction 4601 Six Fork Road Raleigh, NC 27609	No Response				

Mr. Hill explained the quantity reductions to reduce the project cost from \$1,017,274.75 to \$772,374.75.

The quantity reductions follow:

Item 7	16" bores—reduced to 0 LF NCDOT will allow open cut	(\$23,400.00)
Item 9	1" Asphalt Overlay—reduced to 3,000 SY Do not anticipate much overlay due to the condition of existing roads. Resurfacing is scheduled by DOT following the project. 3,000 SY will overlay 12' wide and 2,250' long. 1" overlay was not used in phase II.	(\$31,500.00)
Item 16b	Select Fill Off-Site—reduced to 1,500 CY. Can reduce due to the aerial section and all site work at the pump station was bid Lump Sum by Addendum #2.	(\$15,000.00)
Item 17	Rock—reduce to 1,500 CY. Only 850 CY of rock was used in phase II. More rock is expected for phase III due to the proximity of the project to the Eno River.	(\$175,000.00)
TOTAL ITEM REDUCTION		(\$244,900.00)

CONTRACT BID PRICE \$1,017,274.75

LESS ITEM REDUCTION \$ 244,900.00

ADJUSTED BID PRICE \$ 772,374.75 J.F. Wilkerson Contracting

Adjusted Bid Price for Park Construction-- \$ 993,755.15

Adjusted Bid Price for Billings and Garrett--\$1,020,087.00

County Manager David F. Thompson asked the Commissioners to approve the cost of the project not to exceed \$802,686. (Construction time--210 days.)

A lengthy discussion was held about this project before a vote was taken.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to authorize execution of the construction contract to J. F. Wilkerson Contracting Co. in an amount not to exceed \$802,686 and authorize the County Manager to execute change orders if necessary.

The motion carried unanimously.

Major Site Plan Approval for Distribution Warehouses at Technology Park

J. F. McKinney and Associates, LTD requested approval of a major site plan for distribution warehouses at Technology Park to allow for the construction of three 200,000-square-foot warehouse buildings with amenity areas on 45.887 acres, zoned I-1. The site is located at the southwest corner of Alexander Drive/Southern Parkway and Page Road, west of the Durham County/Wake County line, and south of US Highway 70. (Tax Map 580-1-1C,10)

Alice Wilson, Associate Planner, presented the case and answered questions.

When this site plan came before the Board on May 26, 1998, the decision was made to continue the case to allow staff and the applicant time to reduce the number of parking spaces, to look at the southern buffer area which was reduced to 40 feet at that time, and to increase the tree stay areas.

Ms. Wilson said the parking spaces have been reduced from 985 to 623 spaces. The southern buffer has been increased to 80 feet with the exception of one part which is about 15 percent of the line on the western portion of the site (Building C). The buffer has been reduced to 75 feet with additional plantings to complete the full border and buffer. Reducing the parking spaces increased the tree save areas.

Commissioner Bell requested that larger maps be submitted in the future for easier readability.

Vice-Chairman Reckhow respectfully requested staff to explain and justify a major deviation from the parking requirements in future site plan reports.

Commissioner Heron asked Planning staff to recommend that the Development Review Board be more attentive to parking, tree preservation, buffers, and other environmental concerns rather than meeting the minimum requirements of the Zoning Ordinance.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the major site plan for distribution warehouses at Technology Park.

The motion carried unanimously.

((Tax Map number: 580-1-1c,10; recorded in Ordinance Book _____, page _____.)

Major Special Use Permit (TIA) for Trinity School on Pickett Road

(Hearing on Major Special Use for Traffic Impact, T98-1, Trinity School)

Motion A: (Approval With or Without Conditions)—To direct the Planning Director to prepare a decision granting with conditions the use permit in Case T98-1. (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 T98-1. (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 Board action at its next meeting).

Helen Youngblood, Senior Planner, was present to present this item and answer questions.

County Manager's Recommendation: Conduct the hearing for the major special use permit and take the appropriate action.

Chairman Black said "the hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. All persons who wish to testify in this case should have signed up on the special sheet for this hearing at the Clerk's station. If you wish to speak, please go now to the Clerk's station to be sworn in or to give your affirmation. If you have not signed up and wish to speak, please sign up now and participate in the swearing in. After the swearing in, you may return to your seat. Before opening the hearing, I would like to give Board members a chance to reveal possible conflicts and to withdraw from this proceeding if necessary."

Commissioner Heron said she received a telephone call. The caller said he was very much in favor of the project. No other comments were made.

Commissioner Bell said he received a telephone call to ask if he had questions on this particular item. He told the caller he had not reviewed the agenda item.

Chairman Black stated she received a telephone message about the project. She returned the call and after being told the subject, she informed the caller she would not discuss the item.

None of the Commissioners disqualified him/herself from the hearing.

Chairman Black asked the Commissioners if they had prior exposure to any of the evidence.

There was no prior exposure.

Chairman Black said, "In this hearing, we will first hear from the Planning staff and other County witnesses, then from the applicant and their witnesses, and then from opponents to the request. Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Board to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client's case. Before you begin your testimony, please clearly identify yourself for the record. If you have material for the Commissioners, you may give the material to the Clerk and he will distribute it to the Commissioners. I now open the hearing on Case T98-1 and I ask the Planning staff to come before us and present the case."

Ms. Youngblood presented the item. She stated the Board of Adjustment had approved the use for this site for 900 students at the May 26, 1998 meeting. The site plan was before this Commission recently and was deferred until tonight. The site plan case will be heard after this item.

Testimony from staff included the following information:

Request: Major Site Plan Approval
Project Name: Trinity School
Applicant: John R. McAdams
Owner: Dallas Branch Jr.
Location: The property is located on the west side of Cambridge Road, (a.k.a. state road 1303) at the intersection of Cambridge and Pickett Road. (Tax Map 456 and 457, block 1 lot 10, partial) and 7.16.26, a portion of which lies within Orange County.
Proposal: The applicant is proposing a 131,350-square-foot private school on a 22-acre tract.
Zoning: The property is zoned R-20.

**FINDINGS NECESSARY FOR THE GOVERNING BODY TO GRANT A SPECIAL
USE PERMIT FOR TRINITY SCHOOL ON PICKETT ROAD (CASE T98-1)**

In order to approve a special use permit, the Governing Body shall make all of the following findings. Following each finding is a brief discussion of conclusions drawn from our review of Pickett Road, Trinity School, and Traffic Impact Analysis.

1. The traffic generated by the development and the associated improvements to the street system will not have a significant adverse impact on the surrounding area.

Significant adverse impact shall include: substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or the need to widen local residential streets which would detract significantly from the character or basic function of a nearby street.

The site is accessed via Pickett Road and Cambridge Drive. The Public Works Department, Transportation Division, has identified its transportation concerns on adjacent streets and intersections.

2. Adequate provisions have been made for safe and effective vehicular circulation, parking and loading, and pedestrian access.

It is the opinion of the Transportation Department that if the roadway improvements listed in Attachment A are implemented, the Plan will allow for safe and efficient vehicular circulation. Sidewalks will be required as per the Zoning Ordinance. Internal sidewalks have been addressed as a part of site plan review. Sufficient on-site parking and loading areas are indicated on the site plan.

3. The traffic generated by the development and any improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impact shall include: undue disturbance of floodplain or wetlands, undue concentrations of air pollutants, or excessive noise or vibrations.

The Transportation Department has no means of directly measuring potential pollution, noise, or vibrations. We can only state that by maintaining an acceptable level of service, thereby reducing congestion, pollution from vehicle exhaust will be minimized if roadway improvements are implemented as recommended by the Transportation Department. Furthermore, based on the proposed uses, we have no reason to believe that the traffic generated by the proposed development would cause an undue disturbance of excessive noise or vibrations. No impacts on floodplain or wetlands are expected to result from site generated traffic or necessary roadway improvements.

4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed within the development project. Proposed mitigation measures shall be submitted in writing and shall become conditions of the special use permit. The adopted level of service for the roadway may be considered in the determination of a roadway's ability to accommodate traffic, but it may not be the sole determining factor in the findings of the Governing Body.

Based on the traffic impact analysis, the existing street system, along with mitigation measures by the developer, will accommodate the traffic generated by the development at

an acceptable level of service. Recommended mitigation measures are listed on the memo from Mr. Earl Lewellyn, Transportation Engineer III, City Transportation Department, dated April 22, 1998.

Mr. Lewellyn said, based on the traffic impact analysis and review of the analysis, improvements recommended in the memorandum will result in an acceptable level of service on the network. He asked that road improvements be added to the site plan and added as conditions to the use permit.

Mr. Lewellyn reviewed the traffic impact analysis dated April 22, 1998.

The Commissioners asked questions and made comments about the traffic analysis to which Mr. Lewellyn responded.

Mr. John McAdams, 2525 Meridian Parkway, applicant, said the project needed three permits. We have received the Special Use Permit from the Durham Board of Adjustment. It was a unanimous decision. We need a site plan approval to construct a school on the site. We also need a traffic special use permit because 600 peak hour trips will be generated. If the Board approves the site plan but denies the traffic permit, we could still build the school but not exceed 600 peak hour trips. We came before you because Trinity School faces an investment decision. It is important to know if we can build the fully-envisioned school that is anticipated to grow to 900 students.

Mr. Chip Denton, 509 Colony Wood Drive, Chapel Hill, Headmaster, spoke about the history and organizational structure of Trinity School. The anticipated membership in the next 12 to 15 years is expected to be 450 students. The 900 student population is expected to occur in 15 to 25 years.

Mr. Mike Horn, Kimley-Horn and Associates Inc., 3001 Weston Parkway, Cary, discussed the traffic impact analysis prepared by his company for Trinity School.

The Commissioners asked Mr. Horn questions about his report. Mr. Horn responded to the questions and comments.

Mr. Denton read a letter from Karen Carr, Coordinator, Car Pool System, relative to traffic concerns.

County Attorney Chuck Kitchen ruled that the letter could be read since there are no opponents to object to the letter. However, he advised the Board that it should not make a finding of fact based solely on hearsay evidence.

Mr. Margaret Frothingham, 2723 Winton Road, and Ms. Janine Murphy, 5510 Frenchman Creek Drive, spoke about the Car Pool System.

Mr. McAdams made summary comments about the traffic special use permit presentation and urged the Commissioners to approve the permit.

Mr. Dallas Branch, 2211 Surry Drive, Morgantown, West Virginia, property owner, representing the Branch family, urged the Commissioners to approve the traffic special use permit.

Chairman Black received several exhibits throughout the hearing from staff and the applicant.

There were no opponents to this rezoning request.

Ms. Youngblood told the Commissioners that staff recommended approval of the major special use permit with the summary of roadway improvements.

The roadway improvements read into the record as follows:

Summary of Roadway Improvements

The following improvements are required with the initial phase of development:

1. Construction of a northbound left turn lane on Randolph Road at Erwin Road.
2. Construction of a westbound left turn lane on Erwin Road at Randolph.

The following improvements are required when the enrollment exceeds 600 students.

1. Construction of a northbound left turn lane on Garrett Road at Pickett Road.
2. Construction of an eastbound right turn lane on Erwin Road at Randolph Road.*

*As mentioned above, if the adjacent segment of Pickett Road is paved prior to enrollment exceeding 600 students, the eastbound right turn lane should be constructed on Erwin Road at Pickett Road instead of at Randolph Road.

The frontage in front of the school on Pickett Road will be paved as reflected on the site plan.

Chairman Black referred the matter back to the Commissioners for action.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to direct the Planning Director to prepare the decision granting the use permit subject to the conditions outlined by staff.

The motion carried unanimously.

Chairman Black said the hearing will be continued until the Board meets again at which time staff will have prepared the necessary documents.

(Legal description recorded in Ordinance Book _____, page _____.)

(Evidence recorded in Appendix B in the Permanent Supplement of the June 8, 1998 Minutes of the Board.)

Major Site Plan Approval for Trinity School

John R. McAdams requested approval of a major site plan for Trinity School to allow for the construction of a 131,350 square-foot private school on 22 acres, zoned R-20. The site is located on the west side of Cambridge Road, (a.k.a. state road 1303) at the intersection of Cambridge and Pickett Road. (Tax Map 456 and 457, block 1, lot 10 [partial], and 7.16.26, a portion of which lies within Orange County.)

Helen Youngblood, Senior Planner, was present to present this item and answer questions.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the major site plan for Trinity School.

The motion carried unanimously.

(Tax Map number: 456 and 457, block 1 lot 10 {partial} and 7.16.26; recorded in Ordinance Book _____, page _____.)

Hospital Affiliation Matter

Commissioner Heron brought to the attention of the committee working with Duke Medical Center on the hospital merger that the chief of OBGYN Services at Duke told Durham Regional OBGYN chief that all their patients should be sent to Duke for surgery and delivery of babies as of July 1, 1998. Duke Medical Center will be moving one of its OBGYN residents from Durham Regional Hospital.

Chairman Black said she would check Commissioner Heron's remarks for clarification.

Starting Time for June 22, 1998 Regular Session

Chairman Black announced the June 22, 1998 meeting would begin at 5:00 p.m. to review the budget and hospital merger. The hospital merger would be the first item on the agenda.

Summer Schedule of Meetings

The Commissioners would discuss their summer meeting schedule at their next meeting.

Budget—Public Hearing

The FY 1998-99 Budget Public Hearing would begin on Thursday, June 11, 1998 at 7:00 p.m.

Budget Meeting Schedule

County Manager Thompson would send an updated budget meeting schedule to the Commissioners tomorrow.

Adjournment

Chairman Black adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS