

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

Monday, May 8, 2000

AGENDA

5:00 P.M. – 5:45 P.M.

1. Durham Regional Hospital—Financial Condition Update

During the December 13, 1999 County Commissioners' meeting, the Board requested that Charles Blackmon, Chairman, Durham County Hospital Corporation Board of Trustees, and Trustee Gary Wilson, Chair of the Finance/Planning Committee, Durham County Hospital Corporation, come back in the early part of Year 2000 to give the Commissioners a financial condition update of Durham Regional Hospital.

Mr. Richard Myers, Chief Executive Officer, Durham County Hospital Corporation, and Trustee Wilson will present the financial condition update as requested by the Commissioners.

Resource Person(s): Chairman MaryAnn E. Black and Commissioner Joe W. Bowser, Board Liaison to the Durham County Hospital Corporation Board of Trustees and member of the Corporation's Finance/Planning Committee.

County Manager's Recommendation: Receive the report from Mr. Myers and Mr. Wilson of the Durham County Hospital Corporation Board of Trustees.

2. Planning Departmental Staff Reporting, Streamlining and Organizational Restructuring

For several of the past meetings, the Board has raised concerns about staff reports for rezoning and site plan projects submitted by the Planning Department to the Board for consideration. At the March 13, 2000 meeting, the Board agreed to have a discussion with Planning staff in order to provide direction for future staff reports. In addition, the Planning Director will present the Board with departmental initiatives to streamline and restructure the organization.

Resource Person(s): Norman Standerfer, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board provide direction to staff in preparing future rezoning and site plan staff reports.

6:00 P.M. – 7:00 P.M.

3. Closed Session

The Board is requested to adjourn to closed session to discuss *In Re Miller*, BOA B00-16, and to preserve the attorney-client privilege pursuant to N.C.G.S. § 143-318.11(a)(3).

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance

2. **Agenda Adjustments**

3. **Minutes**

- a. February 28, 2000 Closed Session and Regular Session
- b. March 27, 2000 Regular Session
- c. April 24, 2000 Regular Session

4. **Consent Agenda**

- d. Library Budget Amendment No. 00BCC000048 to Recognize and Expend Unbudgeted Contribution (approve budget amendment in the amount of \$9,000 to recognize and expend unbudgeted contributions to the Durham County Library);
- e. Approval of Sublease to Kaiser Permanente (approve the sublease and direct the County Attorney to send the lease to the Durham County Hospital Corporation Board for its consideration);
- f. Budget Amendment to Recognize \$212,000 of additional Governor's Crime Commission Grant Revenue (approve the budget amendment to recognize \$212,000 of additional revenue this fiscal year from the Governor's Crime Commission (No. 00BCC000049);
- g. Durham Technical Community College Pay-As-You-Go Project Allocation (recommend that the Board of County Commissioners approve Capital Budget Amendment No. 00CPA000015 to establish the Durham Technical Community College pay-as-you-go project);
- h. Bridges Housing Corporation FY 2000-01 Budget Request (support the Bridges Housing Corporation HUD 811 application through the commitment of a \$4,000 allocation in FY 2000-01. This commitment is contingent upon the receipt of the HUD 811 grant for the Bridges Pointe Project. The County Manager also recommends that the Board convey this commitment through a letter to Bridges Housing Corporation);
- i. Standard Non-Reimbursable Utility Contract for Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract for this addition to the County sanitary sewer system);
- j. Resolution Approving Sale of 2/3 Bonds (approve the necessary resolution to effectuate sale of the bonds);
- k. Offer to Purchase County Property (612 Bingham Street) (pursue the upset bid process and approve the resolution to offer the property in an "upset bid" sale. The Board will have the authority to accept or reject any offer at the conclusion of the upset bid process if it so desires); and
- l. Appointment—Animal Control Advisory Committee (appoint James E. Hardin Jr. to the Animal Control Advisory Committee to represent the District Attorney's Office).

5. **Update from the Board of Elections on Precinct Changes**

On May 2, 2000, the County held its Primary Elections. During Primary Election day, numerous citizens raised concerns about the changing of voting precincts since the last election. The Board of Elections Director will be present to brief the Board on recent precinct changes and to discuss the process for those changes along with the notification procedures.

Resource Person(s): Carol Booth, Director of Board Elections

County Manager's Recommendation: The Manager's recommendation is that the Board accept the presentation as information.

6. Public Hearing--NRP Group--Alston Village (Rezoning Case P00-03)

At the April 3, 2000 meeting, the Board heard a presentation from County Attorney Chuck Kitchen, Mary Nash Rusher of Hunton & Williams, and Brad Parker of NRP Alston Village, L.P. The purpose of the discussion was to receive information from bond counsel as to the purpose and process of issuance of Housing Revenue Bonds for Alston Village. The proposed project will be located in the Research Triangle Park at 5400 South Alston Avenue and will consist of 312 apartments. The intent of the tax-exempt issue is to provide affordable housing for the residents of Durham County.

At the April 10, 2000 meeting, the Board adopted a resolution supporting Multi-Family Revenue Bonds for Alston Village to provide additional affordable housing units for working people who cannot otherwise afford to pay market rates for housing in Durham County.

NRP Group will present to the Board of County Commissioners a request to rezone 41.84 acres located on the east side of Alston Avenue, north of T. W. Alexander Drive. (Tax Map 542B-1-11 & 12; 543-3-5A; PIN #0737-36-1996; 0737-37-7399; 0737-36-1054.) The specific request is to rezone I-2 (Light Industrial District), NC (Neighborhood Commercial) & RD (Rural District) to RM-12 (D) (Multifamily Residential District with Development Plan).

The proposal is in conformance with the adopted small area plan and the 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on April 11, 2000 and voted 3-4 to recommend denial, principally because of concerns with the ability of the school infrastructure to accommodate additional students.

Case Planner: Dwight Yarborough

The public hearing for this request was advertised on April 21 and 28, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails and Norman Standerfer, Planning Department

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing and approve, if appropriate, based upon public comment.

7. Ellerbee Creek-Falls Reservoir Survey

The Gorman Community Association discovered that the methodology used by the Corps for locating the extent of the normal pool on Ellerbee Creek was different than that used for the other Falls Reservoir tributaries. The Durham County Board of Commissioners authorized \$6,500 to have a professional survey firm conduct a survey of Ellerbee Creek. On November 18, 1999, representatives from the Corps, the Gorman Community Association, and the Planning staff met at the Red Mill Road over Ellerbee Creek to observe the survey work.

The survey indicates that the Falls Reservoir extends up the Ellerbee Creek tributary to a point approximately 1,800 feet eastward (or downstream) of the point identified in 1992 by the Corps as the extent of the normal pool. Using this delineation would result in the arcs that identify the boundary of the Critical and Protected Areas moving toward the reservoir by the same amount. However, Durham's change of delineation of the normal pool based on better technical information would require a change in the NC Administrative Code in order to maintain compliance with State rules.

Planning staff recommends that Durham City and County accept the survey as more accurate and better information about the location of the Falls Reservoir normal pool on the Ellerbee Creek tributary. Planning staff also recommends that Durham City and County petition the NC Environmental Management Commission to amend the NC Administrative Code to acknowledge this more accurate and better technical information about the location of the Falls Reservoir normal pool on the Ellerbee Creek tributary.

Resource Person(s): Keith Luck, Senior Planner, Durham City-County Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board accept the survey as more accurate and better information about the location of the Falls Reservoir normal pool on the Ellerbee Creek tributary. The Manager further recommends that the County join with the City to petition the NC Environmental Management Commission to amend the NC Administrative Code to acknowledge this more accurate and better technical information about the location of the Falls Reservoir normal pool on the Ellerbee Creek tributary.

8. Presentation on Safe Schools/Healthy Students Initiative

On June 1, 1999, Durham Public Schools submitted an application for \$2,835,881 to the US Department of Education for a Safe Schools/Healthy Students Initiative. Recently, notification was received that Durham is one of 23 communities across the country that was awarded a grant in the amount of \$2.6 million.

The Youth Coordinating Board facilitated the first meetings between the required participant agencies (Public Schools, Sheriff, Police, and Mental Health) to determine their interest in pursuing the grant. Ms. Donna Smith, Assistant Superintendent for Durham Public Schools (the required applicant agency), and Anita Daniels-Kenney coordinated future meetings and expanded the group to include Durham's Partnership for Children, Duke University, and Durham Health Department. This group developed a comprehensive plan for Safe Schools/Healthy Students. We identified three general levels of service needed to create this comprehensive system. They are: **Universal**: Programs/services (chiefly preventive in nature) to be available to all youth or schools. **At-risk**: Prevention and early intervention programs/services that are provided to students considered at-risk for academic failure, substance abuse, mental health problems, or involvement in violence (offender, victim, or witness). **Involved**: Intervention programs/services for youth who have already become involved in the justice system, who are abusing substances, who have been suspended from school, or have demonstrated serious mental health problems.

The six categories of the Safe Schools/Healthy Students Initiative are: Safe School Environment, Alcohol and Other Drugs and Violence Prevention/Early Intervention, School & Community Mental Health Prevention/Treatment Services, Early Childhood Psychosocial/Emotional Development, Educational Reform, and Safe Schools Policies. YouthLink, a unified database to link agencies that serve the same children (similar to Winston-Salem's Jason Network) is included in the grant and will be managed by the Youth Coordinating Board. Also, as a part of this grant, Mental Health will provide

substance abuse treatment and prevention staff to be housed in the schools. Additionally, Mental Health will expand MST (intensive in-home counseling services) to high-risk children and families. The Health Department will expand its Teen Outreach Program to more schools.

The Youth Coordinating Board, in its role of providing coordination on grant proposals and oversight on the implementation of funded programs, will serve as the advisory/oversight board to the Safe Schools/Healthy Students Leadership Team.

Resource Person(s): Anita A. Daniels, MSW, Youth Coordinating Board Director

County Manager's Recommendation: Accept the Youth Coordinating Board's report and congratulate the participating county departments, Durham Public Schools, and other community agencies for working collaboratively to receive the grant.

9. Resolution Supporting House Bill 1396--An Amendment to the Constitution of North Carolina to Recognize Health Care as a Fundamental Right of all Residents

A resolution supporting the right of North Carolinians to receive basic health care is proposed to be adopted by the Board of County Commissioners. The proposed bill would amend the Constitution of North Carolina to establish health care as a fundamental right, and additionally would require the General Assembly to develop a plan by May 31, 2004 to implement this provision.

The resolution further recognizes the hardships created by unfunded mandates. Any program developed by the General Assembly should provide funding for any mandates imposed on counties to implement the program.

County Manager's Recommendation: Adopt the Resolution supporting HR 1396, which if passed, would place an Amendment to the North Carolina Constitution on the ballot during the general election of November 2000 to recognize health care as a fundamental right of all residents of North Carolina.

10. To Consider a Resolution Adopted by the Durham Chapel Hill Carrboro Metropolitan Planning Organization [DCHC MPO] Concerning Land Use Changes Within the MPO

On March 8, 2000, the Durham Chapel Hill Carrboro Metropolitan Planning Organization Transportation Advisory Committee passed the resolution concerning land use changes throughout the MPO area. The Transportation Advisory Committee has forwarded the resolution to the Board of Commissioners for consideration.

Resource Person(s): Rosemary Waldorf, Chair of the Transportation Advisory Committee

County Manager's Recommendation: The Manager's recommendation is that the Board accept the presentation of the resolution, approve it if appropriate, and refer the item to staff to determine if there are staffing or other procedural implications.

11. Manager's Update on Board Directives

Please note the updated BOCC directives. Staff has been instructed to continue to bring this list forward at the first regular meeting of the Board each month.

County Manager's Recommendation: Receive for informational purposes.