

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

Monday, June 12, 2000

**AGENDA**

3:30 P.M. – 6:30 P.M.

**1. Operating Budget and CIP Worksession**

The Board will discuss the FY 2001 Operating Budget and FY 2001-2006 Capital Improvement Plan. Board discussion will include the Interim County Manager's recommendations on the EMS and Fire Districts emergency medical service delivery, the compensation plan, and the Durham Public Schools recommended budget. In addition, staff will provide an update on the Capital Improvement Plan.

Staff is requesting input and direction on these issues from the Board.

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7:00 P.M. Regular Session

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

**2. Agenda Adjustments**

**3. Minutes**

- a. April 3, 2000 CIP Worksession
- b. May 1, 2000 Joint Session—BOCC/Durham Delegation
- c. May 1, 2000 Budget Worksession
- d. May 8, 2000 Regional Hospital Report/Planning Department
- e. May 16, 2000 Joint Meeting—BOCC/City Council

**4. Consent Agenda**

- f. FY 1999-2000 Budget Amendment to Recognize Funds from Office of Juvenile Justice (approve budget amendment to recognize revenues in the amount of \$104,505);
- g. FY 1999-2000 Budget Amendment to Recognize Funds from Wake-Area Health Education Center (Wake-AHEC) Program for the General Health Clinic (approve budget amendment in the amount of \$5,650 to recognize the funds);
- h. FY 1999-2000 Budget Amendment to Establish DSS Income Maintenance Caseworker Position (approve budget amendment in the amount of \$2,671 and authorization to establish the Income Maintenance Caseworker position);
- i. Standard Non-Reimbursable Utility Contracts for Extension of the County Sanitary Sewer System for Grandale Place Subdivision, Indigo Apartments, and Imperial Center (authorize County Manager to execute the utility contracts);
- j. Change in Purchase Limit for Library Contract with Baker and Taylor Company (amend the contract with the Baker and Taylor Company as proposed);
- k. Authorization of Earnest Money for the Purchase of the First Union Building (authorize the County Manager to deposit \$25,000 in earnest money for the acquisition of the First Union Building, which will go toward the purchase of the facility);
- l. Request to Utilize Commissioners' Chambers for District Civil Court Hearings (approve the request with the same restrictions that currently apply, namely that the room will be used for civil motions with judges, attorneys, and their clients);

- m. Resolution Determining Need for Additional Public Parking (approve the resolution);
- n. Resolution Changing Date of Payment of Bonds (adopt the resolution correcting the clerical error); and
- o. Set Public Hearing to Receive Comment on the Three-Year Revision to the County's Ten-Year Solid Waste Management Plan (schedule a public hearing for June 26, 2000 to receive comment on the proposed three-year revision to the Durham County Comprehensive Solid Waste Management Plan).

#### **5. Public Hearing on the 2000-01 Recommended Budget**

The Board of County Commissioners will conduct a public hearing to receive input from citizens on the FY 2000-2001 recommended budget. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker.

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

#### **6. Public Hearing on the 2001-06 Recommended Capital Improvement Plan (CIP)**

The Board of County Commissioners will conduct a public hearing to receive input from citizens on the FY 2001-2006 Recommended CIP. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker.

County Manager's Recommendation: The Manager recommends that the Board receive input from speakers and incorporate in your deliberations prior to finalization of the Capital Improvement Plan.

#### **7. Public Hearing on the Uniform Schedule of Values, Standards, and Rules for the 2001 Revaluation**

North Carolina General Statute 105-286(a) requires that County Government perform a general reappraisal of every parcel of land and its associated permanently affixed structures at least once within an eight-year cycle. In preparation for the eight-year revaluation, staff has spent the past year developing technology and working on the schedule of values for the ensuing reappraisal of property. At the May 22, 2000 meeting, Tax Administrator Steven Crysel delivered to the Board the Uniform Schedule of Values, Standards, and Rules for the 2001 revaluation along with the procedures to adopt the rules and the timetable. The Board is requested to hold a public hearing on the Schedule of Values and receive public comment.

Resource Person(s): Steven Crysel, Tax Administrator, Jay Miller, Deputy Tax Assessor, Teresa Hairston, Revaluation Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive public comment. The revaluation timetable schedule requires that the Board consider for approval the Schedule of Values at the June 26, 2000 meeting.

#### **8. Public Hearing--Intelligent Information Systems, Inc. (Rezoning Case P99-79)**

Intelligent Information Systems Inc. will present to the Board of County Commissioners a request to rezone 9.84 acres located at the southwest corner of the intersection of Alexander Drive and Hopson Road (Tax Map 543, Block 3, Lot 5, and Block 1, Lots 2 and 3); PIN #0737-01-35-7466, 0737-01-35-7325, and 0737-01-35-4558 Request: RD (Rural District), NC (Neighborhood Commercial District), RSCH (Research Park District) to OI-2 (D) (General Office and Institutional District) with Development Plan) (F/J-B). Site development is proposed at a maximum 63,500 square feet of office space. The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on May 9, 2000 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on May 26 and June 2, 2000 in the Durham Herald-Sun.

Resource Person(s): Norman Standerfer, Planning Director, Sheila Stains-Ramp, Senior Planner, Vonda Frantz, Case Planner

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

#### **9. Public Hearing to Consider Amendments to Improve the Efficiency of the Zoning Ordinance**

The Board of County Commissioners is requested to adopt the following amendments to:

- a. Revise Section 7 [Supplementary Standards] to provide additional standards for day care centers [TC 98-00];
- b. Revise Section 8 [Performance Standards] regarding standards for lighting under canopies and site lighting [TC 99-00]; and
- c. Revise Sections 7 and 8 [Supplementary Standards and Performance Standards] regarding standards for vehicle repair sites, heavy equipment sites, vehicles for sale in residential areas, and storage of vacant manufactured homes in residential areas [TC 101-00].

Resource Person(s): Bonnie Estes, Planning Manager, Norm Standerfer, Planning Director

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

10. (Left out intentionally)

#### **11. Request to Approve Durham's Home and Community Care Block Grant Funding Plan**

The Home and Community Care Block Grant (HCCBG), as authorized in G.S. 143B-181.1(a)(11), is designed to improve the planning and coordination of in-home and community based services provided to North Carolina's older adults. It is also intended to promote the visibility of aging programs at the local level by giving counties increased flexibility with respect to funding aging services available through the Block Grant. The majority of funding comprising the HCCBG is authorized by the federal Older Americans Act. There are federal mandates and priorities established by the Older Americans Act. However, the legislation provides for state and local discretion in the funding of particular services and programs.

The organizations with co-lead responsibility for planning and coordinating Durham County's HCCBG funding plan are the Council for Senior Citizens and the Department of Social Services. This recommended FY 2001 HCCBG plan is basically a continuation of the FY 2000 plan, including little change in funding from the previous year. Durham's total FY 2001 grant is \$794,198 with a required local match of \$88,244. The Durham County DSS share is \$303,970, and the Council for Senior Citizen's share will be \$490,228. Durham's Keeping in Step Committee, an advisory committee that provides citizen input to service planning for Durham's older citizens, approved this plan on May 12, 2000. Services to be funded through the FY2001 HCCBG include home delivered meals, in-home aide, adult day care, information and case assistance, transportation, senior center operation, and congregate meals.

Resource Person(s): Diane Wright, Chairperson, Durham County Keeping in Step Committee; Joan Pelletier, Executive Director, Durham Council for Senior Citizens; and Gloria Green, Adult Services Program Manager for Durham DSS

County Manager's Recommendation: The County Manager recommends approval of the Home and Community Care Block Grant Funding Plan as presented. Funding for the plan has already been incorporated into the Manager's proposed FY 2001 Budget.

#### **12. 2000-2001 Proposed Secondary Road Construction Program for Durham County**

**(Follow-up from the April 3,2000 Public Hearing)**

Mr. Rodney H. Cooper, P.E. and District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2000 – 2001). Division Engineer Jon Nance P.E., Division Maintenance Engineer Ricky E. Greene Jr., P.E., and County Maintenance Engineer Aaron S. Horton, P.E will accompany Mr. Cooper.

This item came before the Board at the April 3, 2000 meeting. The Board raised questions about whether the maps and house count were correct for the 1.4-mile section of Hampton Road. Staff from NCDOT has investigated these concerns and will provide the Board with their findings.

Resource Person(s): Rodney H. Cooper P.E., North Carolina Department of Transportation, Division of Highways, Division Five.

County Manager's Recommendation: The Manager recommends that the Board receive the information requested from the April 3, 2000 meeting on the Proposed Secondary Road Program. If there are no additional requests of the state, the Manager further recommends that the Board approve the 2000-2001 Secondary Road Program. *(Note that any changes to the priorities impact others on the priority listing.)*

### 13. **Southpoint Area Land Use Plan Presentation**

Development interest in the NC 54/I-40 corridor has required that staff review the adopted land use plans for the area. The study area covers portions of three Small Area plans, which includes South Durham, Southwest Durham, and Triangle Township. The Southpoint subarea of the NC 54/I-40 Corridor Study is the focus of this report.

Staff worked with Paton-Zucchini consulting firm to speed the planning process. The team reviewed the adopted area plans and existing conditions and held community meetings with the stakeholder to develop the land use plan. The plan directs non-residential land uses along NC 54 and I-40. It also tapers residential density to one unit per acre at the Urban Growth Boundary. The closing of Fayetteville Road at its intersection with Scott King Road is a part of the proposal. The plan provides for development in the area while protecting existing neighborhoods and the environment. Planning staff recommends adoption of the Southpoint Area Land Use Plan.

Resource Person(s): T.E. Austin, Senior Planner, Durham City/County Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board accept this presentation as an informational item.

### 14. **Opposition to Tax Exemption**

Recently, the County won a case before the Property Tax Commission in which Charles Meeker represented the apartment complex which had been financed with tax-exempt bonds issued by the City of Durham pursuant to Section 42 of the Internal Revenue Code. The rents charged on these apartments are reduced in exchange for tax credits by the Federal Government. Mr. Meeker sought to have the property taxes calculated on the reduced rents without taking into consideration the tax credits. This would have reduced the property taxes far below what comparable property owners would have to pay. The Property Tax Commission rejected the argument of Mr. Meeker and ruled in favor of the County. The time for appealing the case has not run.

The County has been furnished correspondence from Mr. Meeker seeking to have the legislature amend the tax laws to provide a break for corporations who own these types of apartment complexes; in essence, to accomplish through the legislature what he has not been able to do through the courts.

The Board is requested to authorize the administration to send a letter to the legislative delegation representing the County and the North Carolina Association of County Commissioners opposing this attempt to reduce the tax base and give a tax break to wealthy corporations at the expense of the ordinary taxpayer.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: Authorize a letter to be sent opposing the further erosion of the property tax base.

15. **SFX Contract**

The City, County, and Pavilion Partners (SFX) have negotiated a contract in which the three parties can explore the possibility of constructing a 5000-seat theater in proximity to the American Tobacco Historic District. The contract provides for a period of 120 days during which the parties would explore the feasibility of constructing the theater and negotiating a "Definitive Agreement." During this period, SFX, the City, and the County would not have discussions with other parties concerning the possibility of constructing a theater. The City and County would be furnished with confidential documents developed by SFX, as well as a determination by SFX as to site suitability.

Should the parties be unable to reach agreement during the 120-day period, there would be no liability created. After this time period, each party would be free to negotiate with other parties if a Definitive Agreement is not developed.

Resource Person(s): S. C. Kitchen, County Attorney; Carolyn P. Titus, County Manager

County Manager's Recommendation: Approve the agreement in order that the County can determine if further pursuit of a theater is warranted.