

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

Monday, August 14, 2000

9:00 A.M. to 1:00 P.M.

AGENDA

1. Closed Session—Personnel Matter

The Board is requested to adjourn to closed session from 9:00 a.m. to 1:00 p.m. pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or conditions of employment of a public officer.

7:00 P.M.

1. Opening of Regular Session—Pledge of Allegiance

1a. Agenda Adjustments

2. Minutes

- a. June 5, 2000 Worksession
- b. June 6, 2000 Worksession
- c. June 12, 2000 Budget Worksession
- d. June 12, 2000 Regular Session
- e. June 21, 2000 Worksession
- f. June 26, 2000 Closed Session
- g. June 26, 2000 Regular Session
- h. July 10, 2000 Closed Session and Worksession
- i. July 24, 2000 Merger Worksession

3. Proclamation for "Women's Equality Day"

The Chairman has been asked to proclaim August 26, 2000 as "Women's Equality Day" in recognition of the anniversary of the ratification of the 19th amendment. Ms. Harriette Davis, President of the Durham Association of Educators, will be in attendance to receive the proclamation.

County Manager's Recommendation: Present the proclamation to representatives of the Durham Association of Educators, along with congratulations of the Board of County Commissioners.

4. Consent Agenda

- a. Modification to a Public School Building Capital Fund Project—Durham Public Schools (approve the modification to the title of the project to include "and General Renovations" as it was inadvertently left off the original title and more accurately reflects the originally intended scope of work);
- b. Final Qualifying Bid to Purchase County Property (118 Plantation Drive) (approve the offer of \$8,250 submitted for 118 Plantation Drive by Ms. Sylvia McGhee and prepare a non-warranty deed for the Chairman's signature);
- c. Property Tax Releases and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report for June 2000);

- d. Property Tax Releases and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report for July 2000);
- e. Tax Appraisal Services—Tax Administration Office (authorize the County Manager to enter into a contract with Pearson Appraisal Services in an amount not to exceed \$254,825 to begin work September 1, 2000 due to the importance of this process to the Department's operations and revaluation);
- f. Payment of Vendor Printing Services for Elections (approve payment to Commercial Printing for services rendered in the amount of \$23,050.12);
- g. Office Furnishings for Durham County Social Services (authorize the County Manager to enter into a contract with Storr Office Environments for \$33,547.45, with MacThrift for \$1,535.00, with Prestige for \$414.00, and Triangle Office Equipment for \$39,305.00 for the purchase of equipment for the Department of Social Services at 220 East Main Street and 300 North Duke Street);
- h. Contract with The Upjohn Company (authorize the County Manager to enter into a contract with The Upjohn Company in an amount not to exceed \$40,000 for the purchase of Depo-Provera injections);
- i. Pharmaceuticals for the Public Health Department, Durham County Detention Facility (DCDF), and Emergency Medical Services (EMS) (authorize the County Manager to renew its contract with Bindley Western for the supply of pharmaceuticals for Public Health and DCDF in an annual amount not to exceed \$140,000 and for EMS in an annual amount not to exceed \$30,000); and
- j. Liability Claims and Subrogation Recovery for FY 99-00 (receive the Reports on Claims Paid and recognize the continuing efforts of the County Administration to decrease costs associated with Government operations).

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.

Public Hearings

5. Public Hearing for Rezoning of Research Triangle Foundation & Triangle Transit Authority (Rezoning Case P00-18)

Research Triangle Foundation & Triangle Transit Authority will present to the Board of County Commissioners a request to rezone 26 acres in Research Triangle Park. The site is on the south side of NC 54 adjacent to the NC Railroad and about 500 feet west of the Page Road/Miami Boulevard intersection. The specific request is to rezone RSCH (Research Park District) to OI-2 (General Office and Institutional District). The proposal is in conformance with the adopted small area plan and 2020 Plan. The Planning Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on June 13, 2000 and voted 6-1 to recommend approval.

Case Planner: Nazeeh Abdul-Hakeem

The public hearing for this request was advertised on July 28 and August 4, 2000 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp and Norman Standerfer, Planning Department

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.

6. Quasi-Judicial Hearing on Appeal of Revocation of Land Disturbing Permit #L-2772, Edinborough at the Park

South Atlantic Construction has appealed the action of the Sedimentation and Erosion Control Office in revoking their land disturbing permit on July 19, 2000. This action was taken per Section 14-69 of the Durham County Code of Ordinances. South Atlantic has brought the site into compliance and re-obtained

their permit on July 27, 2000. They are challenging the revocation decision in order to obtain a refund of the re-application fee of \$1,478.25.

Resource Person(s): Charles W. Armbrust, Sedimentation & Erosion Control Technician; Leon Beddingfield, Erosion Control Officer; and Glen Whisler, P.E., County Engineer.

County Manager's Recommendation: The Board of County Commissioners should hear South Atlantic's appeal and take appropriate action based on the information presented.

7. Site Plan for PA3-2000 Addition to Freudenberg Nonwovens--Tufts Division

O'Neal Inc., on behalf of Freudenberg Nonwovens--Tufts Division, has submitted a plan for a 66,000 square foot, five-story, manufacturing and office building addition to an existing facility on ±161.09 acres zoned I-2 and F/J-A. The property is located at the end of Industrial Drive, northwest of Hamlin Road (tax reference 689-1-6, PIN# 0833-03-22-4584). The Board of Commissioners approval is required for site plans greater than 25,000 square feet and for all non-residential projects in the F/J-A. Notice of the governing board consideration of this site plan will be published in the newspaper in accordance with the requirements of the Durham Zoning Ordinance Section 5.5.5.1 for non-residential projects within the F/J-A. A Traffic Impact Analysis is not required for this project. The Planning Staff recommends approval.

Resource Person(s): Teri Danner, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and approve, if appropriate, based upon the comments offered by the Board.

8. Ellerbee Creek Falls Reservoir Survey—Follow-Up

The Board of Commissioners discussed the Ellerbee Creek Survey at its regular meeting on May 8, 2000. At that time, staff recommended that Durham accept the survey as more accurate and better information about the location of the Falls Reservoir normal pool on the Ellerbee Creek tributary, and that Durham petition the NC Environmental Management Commission to amend the NC Administrative Code to acknowledge this new location for the Falls Reservoir normal pool. The Board was generally comfortable with that recommendation but the County Attorney wanted the opportunity to clarify the process for amending the NC Administrative Code, which he did.

In May, Planning Staff noted that Durham uses a one-mile Critical Area, larger than the State minimum of a one-half mile Critical Area. Because the proposed change in the location of the normal pool is small, changing the normal pool location would not violate the State's minimum requirement for Critical Area. It would, however, violate the State's minimum requirement for the five-mile Protected Area. The County Attorney advises that Durham should now amend its zoning maps to reflect the Critical Area change, but not change the Protected Area until NC Administrative Code is amended. If the Board concurs, the Planning Staff will process a Board-initiated zoning map amendment.

Resource Person(s): Keith Luck, Planning Supervisor, will present the item.

County Manager's Recommendation: The Manager's recommendations follow:

- Accept the KCI Technology survey as more accurate and better information about the location of the Falls Reservoir normal pool on the Ellerbee Creek tributary;
- 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; and
- Direct the administration to prepare a Board-initiated zoning map change for the Falls Reservoir Critical Area related to Ellerbee Creek.

9. Appointment of Work First County Block Grant Plan Committee

In 1997, counties developed their first biennial Work First County Block Grant plans. This fall, each county must again develop a Work First Block Grant Plan to be effective July 1, 2001 - June 30, 2003.

NC Law (NCGS 108A-27) requires each county's board of county commissioners to appoint a committee of local leaders to assist in the development of its Work First Block Grant plan. A critical part of each county's plan development is a decision as to whether the county will seek electing county or standard county status.

Each county must notify the NC Department of Health and Human Services (DHHS) by September 29, 2000 of its desire to be either a Standard or an Electing County for Work First. Requests for Standard or Electing County status require County Commissioner approval. If a County chooses to pursue "Electing" status, its application for this status will be evaluated by the NC DHHS with final approval of electing counties to be made by the NC General Assembly. The local Work First Planning Committee will bring a recommendation on selecting Standard or Electing County status to the Board of Commissioners in September.

In order to complete Durham's Work First Block Grant planning process within the defined time frames, we are requesting that the Commissioners begin the appointment process at this meeting.

Resource Person(s): Dan Hudgins, DSS Director, and Arnold Dennis, DSS Assistant Director for Family Self Sufficiency, will be available as resource persons for this request.

County Manager's Recommendation: In the Work First Block Grant Planning process of 1997, each commissioner appointed a planning committee member and the County Manager recommended the remainder of the committee. For the planning process of 2000, the Manager recommends that the Commissioners again each appoint a member and the remaining members be nominated by the current Work First Advisory Committee. The entire committee will be presented to the Board on August 28 for final Commissioner approval of all appointments.

10. Designation of a Board Representative to the Little River Park Advisory Committee

Durham and Orange Counties have jointly agreed to purchase a 390-acre parcel in northern Durham to create the Little River Regional Park. The first portion of the site will be acquired by October 30, 2000, and the remaining portion in July 2001. Durham and Orange Counties have successfully obtained two state grants totaling up to \$627,000 that will substantially defray local costs for acquiring the site. In May, Durham and Orange Counties also submitted a grant proposal for a federal Land and Water Conservation Fund (LWCF) grant to assist with site development costs. The LWCF program is administered by the State of NC, with a modest \$865,000 available this fiscal year. The State recently recommended that the park receive a \$262,000 LWCF grant award. Durham and Orange Counties are very fortunate to receive this recommendation--only six projects were recommended for funding out of 40 projects submitted statewide.

Site development for the joint park will be guided by a Little River Advisory Committee, which will consist of 10 members and include members or designees from the Durham and Orange Board of County Commissioners, the two non-profits, and adjacent neighborhoods. The committee will meet as needed and is envisioned to provide guidance for approximately one year. The committee will need to convene in mid-September to meet the LWCF recommended timeline.

Resource Person(s): Jane Korest, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners appoint a Board representative or designee to serve on the Little River Park Advisory Committee.

11. Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, will distribute ballots to appointments to the following boards:

- Alcoholic Beverage Control Board
- Area Mental Health Board
- Durham Civic Center Authority
- Environmental Affairs Board

- Juvenile Crime Prevention Council
- Library Board of Trustees
- Region J Emergency Medical Services Council