

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

Monday, September 11, 2000

AGENDA

500 P.M. to 7:00 P.M.

Closed Session

The Board is requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or conditions of initial employment of a public officer.

AGENDA

7:00 P.M.

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

2. **Agenda Adjustments**

3. **Minutes**

- a. August 7, 2000 Public Hearing
- b. August 9, 2000 Special Session

4. **Proclamation for National Alcohol and Drug Addiction Recovery Month**

The Chairman has been asked to proclaim the month of September 2000 as "National Alcohol and Drug Addiction Recovery Month" in Durham County. Staff representatives from The Durham Center will be on hand to receive the proclamation and to make comments on upcoming related events.

County Manager's Recommendation: Present the proclamation to representatives of The Durham Center and urge support for efforts to provide effective treatment and support of individuals struggling with addiction.

5. **Resolution in Support of Community College Bond Issue**

The Board has been requested to approve the resolution, which was approved in the Business Session on Saturday, August 12 during the North Carolina Association of County Commissioners annual meeting. This is in keeping with the Association's ongoing support of community colleges.

County Manager's Recommendation: Approve the resolution and send a copy to Ron Aycock, Executive Director, North Carolina Association of County Commissioners.

6. **Consent Agenda**

- a. Street Annexation Petitions—Berwick Place, Old Buggy Trail, Wilsford Court, Lewisham Drive, Treadway Circle, Thistle Trace, Steepleton Court (Hardscrabble Plantation Subdivision) (adopt the resolution to approve the addition of these streets to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- b. Set the date of September 25, 2000 to hold a Public Hearing to receive citizen comment on the 1999-2000 Consolidated Annual Performance and Evaluation Report (CAPER) (as recommended, set the date of September 25, 2000 to hold the public hearing);

- c. Set Public Hearing on Stormwater Management Ordinance (manager recommends that the Board set the public hearing for Tuesday, October 10, 2000 on the proposed ordinance in order to allow for public input before adoption);
- d. Library Budget Amendment to recognize and expend additional Smart Start Funds for the Raise-A-Reader Program (manager recommends that the Board approve Budget Amendment 01BCC000006 in the amount of \$25,049 to recognize funds from Smart Start for the Library's Raise-A-Reader Program);
- e. Library Budget Amendment to recognize and expend schools and libraries Universal Service Deferred Revenues (manager recommends that the Board approve Budget Amendment 01BCC000005 in the amount of \$10,117 to recognize revenues received from its participation in the Schools and Libraries Universal Service Program); and
- f. 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);

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

7. Interim SubArea A Land Use Plan Presentation

Current interest in the NC 54/I-40 Corridor has driven the need to review the adopted land use plans for the area. The study area covers portions of three Small Area plans (South Durham, Southwest Durham and Triangle Township). The SubArea A of the NC 54/I-40 Corridor Study is the focus of this report.

Staff worked in conjunction with a consulting firm to speed the planning process. The team reviewed adopted plans and existing conditions and held stakeholder and community meetings 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. Closing Fayetteville Road at its intersection with Scott King Road is proposed. The plan provides for development in the area while protecting existing neighborhoods and the environment.

The final draft interim plan was presented to the Durham Planning Commission July 26, 2000. The Commission passed a resolution in support of the interim plan with some minor changes. JCCPC discussed the plan and asked staff to meet with the C.A.U.S.E. community group to discuss specific concerns. The interim Plan was presented to City Council at its August 7, 2000 meeting. City Council delayed action on the item for two cycles to give the community a chance to compromise on the land use designation for Kennington Heights. The Plan was presented to the City Council again on September 5, 2000. The City Council approved the interim SubArea Plan with an 8 to 4 vote. Planning staff recommends adoption of the interim SubArea A Land Use Plan.

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

County Manager's Recommendation: The Manager's recommendation is that the Board accept the presentation, discuss the item, and approve if deemed appropriate. The Plan has been approved by the Planning Commission and has been presented to JCCPC. The plan meets all of the technical ordinance requirements.

8. Public Hearing for Robert Witwer/Xanthon, Inc. (Rezoning Case P00-51)

Robert Witwer/Xanthon, Inc. will present the Board of County Commissioners with a request to rezone 59.27 acres located at 104 Alexander Drive at the southwest corner of NC 54 and Alexander Drive, PIN #s 0738-04-51-2248, 0738-03-41-9233, and 0737-02-59-2892 (Tax Map #s 544-04-010, 544-04-010A, 544-04-010B). The specific request is to rezone the tract from RSCH (Research Park District) to RAD (Research Applications District).

The rezoning 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 August 8, 2000 and voted 7-0 to recommend approval.

The public hearing was advertised on August 25 and September 1, 2000 in the Durham Herald-Sun.

Case Planner: Cassandra Haynesworth

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

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. Triangle Land Conservancy Update on Activities in Durham County

Ms. Kate Dixon, Executive Director of the Triangle Land Conservancy, will provide the Board with information about Triangle Land Conservancy's current activities in Durham County. The two specific objectives of the presentation are:

1. To thank the Board of County Commissioners for its leadership on the acquisition of the Little River natural area park and reporting to the Board on the campaign led by the Triangle Land Conservancy and the Eno River Association to raise \$170,000 toward the purchase price.
2. To summarize the findings and recommendations in the Triangle Land Conservancy's recent *State of Open Space 2000 Report* and to describe to the BOCC the recent activities by the Conservancy to help implement the recommendation of the report. The main initiative to date has been working with the Triangle J Council of Governments and the NC Division of Parks and Recreation to organize three one-day workshops of experts on various types of open space such that it can be identified, mapped, and prioritized.

The Open Space Planner from City/County Planning will be an important asset to this process because the Conservancy is seeking to build on rather than reinvent the work, which has already been accomplished by the Counties.

Resource Person(s): Kate Dixon, Executive Director of the Triangle Land Conservancy and Hildegard Ryals

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

10. Resolution Establishing Room Rental Rates for the Durham Civic Center

Under the terms of the Civic Center Management Agreement the owner of the hotel is responsible for marketing and operating the public civic center. There are three primary sources of public revenue: the lease of the publicly-owned air space over the convention center to recognize the use of that space by the private hotel, the public's share of the catering revenues, and the meeting room rentals.

Since the Civic Center was opened in the late 1980's the Center has established a market niche. This niche is the local corporate meeting and the local social events market. In these markets the Civic Center faces competition from both private and public meeting facilities in other communities as well as from private facilities in the city of Durham.

The room rental rates are charged by the Civic Center Manager for the use of the public meeting spaces in the Civic Center. These fees are reviewed and modified by the Civic Center Authority, subject to the approval of the City and the County. Over the last 12 months, revenues from these three sources have increased by 27% relative to the previous 12-month period. Based on the recent success, the Civic Center Manager recently requested that the City Council waive or reduce the fees charged for the rental of meeting space on occasions when that space would otherwise be vacant.

If granted, this request would allow the Civic Center to compete on a more level playing field with other meeting facilities that already waive these fees on certain occasions. This item went to the City Council for consideration and was approved at the June 5, 2000 meeting.

Resource Person(s): Charlie Roberts, Marriott Corporation; Wendell Davis, Deputy County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board approve the attached resolution establishing room rental rates for the Durham Civic Center.

11. Triangle J Council of Governments (TJCOG) Presentation

The Board of County Commissioners is requested to receive a presentation by Mr. Dee Freeman of the Triangle J Council of Governments (TJCOG). Mr. Freeman has recently been appointed to serve as the new Executive Director of TJCOG and would like to make introductory comments to the Board. He will address what he views as the most significant issues facing local governments as well as provide the Board with the current and future initiatives of TJCOG. On behalf of TJCOG, he will address any questions the Board may have and ensure continued partnership efforts.

Resource Person(s): Ellen Reckhow, BOCC Vice-Chairman and Chairman of TJCOG Board of Directors; and Dee Freeman, Executive Director of TJCOG

County Manager's Recommendation: The Manager recommends that the Board receive the presentation on Triangle J Council of Governments and welcome Mr. Freeman as the newly appointed Executive Director.

12. Endorsement of TEEN VOICES Peer Education Program for Planned Parenthood of Orange and Durham Counties (PPOD)

The Planned Parenthood of Orange and Durham Counties (PPOD) is currently applying for NC Adolescent Pregnancy Prevention Funds for their TEEN VOICES Peer Education Program. Attached for your review is a detailed description of the TEEN VOICES Peer Education Program.

As part of the grant proposal process, it is necessary for PPOD to seek endorsement from the Durham County Board of Commissioners. Specifically, the grant proposal is required to provide (1) documentation that a presentation about the project was placed on the Board's agenda; and (2) a letter of endorsement reflecting an official act resulting from formal consideration by the Board.

The Board of County Commissioners is requested to receive a presentation by Planned Parenthood of Orange and Durham Counties regarding the TEEN VOICES Peer Education Program and to offer a letter of endorsement supporting the mission and goals of the program.

Resource Person(s): Robyn Schryer, Peer Education Coordinator for Planned Parenthood of Orange and Durham Counties

County Manager's Recommendation: Receive the presentation about the TEEN VOICES Peer Education Program and, if desired, direct staff to draft a letter of endorsement suitable for the requirements of the grant process.

13. City and County Interlocal Cooperation Agreement for the Durham Environmental Affairs Board

For several years, the City and County have maintained an interlocal agreement establishing the Durham Environmental Affairs Board. The initial agreement was adopted in 1991 and renewed in 1996. At the beginning of last year, the agreement expired and it is appropriate for the City Council and Board of County Commissioners to renew the agreement.

The Planning Staff recommends three minor revisions:

- According to the agreement, EAB appointees represent certain vocations or professions, one of which is "Energy." Since the City has generally had problems recruiting candidates to fill this position, the Staff recommends broadening it to "Energy and/or Transportation."
- The titles of City and County ex-officio members are changed to reflect current positions.
- Lengthen the term of the agreement from three years to five years.

These changes are incorporated into the attached agreement. At its regular meeting on August 2, 2000, the Joint City-County Planning Committee reviewed the agreement with these changes and unanimously recommended it to the elected boards. The Planning Staff recommend that the City and County adopt the attached interlocal cooperation agreement.

Resource Person: Keith Luck, Planning Supervisor, will present this item.

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Interlocal Cooperation Agreement as amended

14. Interlocal Agreement With City of Durham to Share Costs Associated With TDM

During the May 22, 2000 Board of County Commissioners Meeting, the Board approved an interlocal agreement with Research Triangle Regional Public Transportation Authority (TTA) to serve as the Lead Agency pursuant to the Commute Trip Reduction Ordinance (Chapter 24, Article V of the Durham County Code of Ordinances). For the purposes of sharing costs and funding the Lead Agency, TTA, an Interlocal Cooperation Agreement with the City of Durham has been drafted and is attached.

On August 7, 2000, the Durham City Council approved and authorized the City Manager to enter the Interlocal Cooperation Agreement with Durham County regarding administration of the Commute Trip Reduction Program. Therefore, the Board of County Commissioners is requested to approve the attached Interlocal Cooperation Agreement for the funding of Research Triangle Regional Transportation Authority to serve as the Lead Agency pursuant to the Commute Trip Reduction Ordinance.

Resource Person(s): Wendell M. Davis, Deputy County Manager; S.C. Kitchen, County Attorney

County Manager's Recommendation: Approve the Interlocal Cooperation Agreement for the shared funding between the City and County of Durham to be used by TTA in compliance with the Commute Trip Reduction Ordinance.