

REVISED

NOTE: Items which have been added to the agenda are in *italics* (6g, 6A, and 7A).

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

Monday, October 23, 2000

7:00 P.M. Regular Session

AGENDA

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

2. **Agenda Adjustments**

3. **Minutes**

- a. September 11, 2000 Regular Session
- b. September 25, 2000 Regular Session

4. **City of Medicine Program—High School Awards**

Chairman MaryAnn E. Black requested the winners and runners-up of the City of Medicine High School Awards be placed on the agenda so the Commissioners can recognize the accomplishments of the four seniors.

Dr. William Anlyan, Chairman of the City of Medicine Board of Directors, will introduce the winners in the categories of medical specialist and allied health and the runners-up in the two categories.

The winner in the medical specialist category is Racquel Foster of Southern High School. The allied health winner is Mary Corrington of Riverside High School. The runner-up in the medical specialist category is Tamrah Parker of Southern High School. Rebecca McIlmoyle of Southern High School is the runner-up in the allied health category.

5. **Proclamation for "United Nations Day"**

Vice Chairman Ellen W. Reckhow has asked that a proclamation commemorating United Nations Day be issued in observance of the 55th anniversary of the United Nations Charter coming into force. Jerrold Berke, President of the West Triangle Chapter of the United Nations Association, will be present to receive the proclamation.

County Manager's Recommendation: Present the proclamation to Mr. Jerrold Berke and representatives of the United Nations Association.

6. **Consent Agenda**

- a. Budget Amendment No. 00BCC000018 to Recognize Grant Money for the Durham County Teen Court "Let's Talk" Victim Offender Mediation Program (approve the budget amendment);

- b. Property Tax Releases and Refunds (August 2000) (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);
- c. Property Tax Releases and Refunds (September 2000) (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);
- d. Street Annexation Petition—Royal Oaks Drive (Mason Woods Subdivision) (adopt the resolution to approve the addition of Royal Oaks Drive [Mason Woods Subdivision] to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- e. Amendments to the Sedimentation and Erosion Control Ordinance (approve the ordinance as amended); and
- f. Amendments to the Animal Control Ordinance (approve the ordinance as amended).
- g. *Budget Amendment No. 00BCC000017 Durham Public Schools Request for Capital Funds (approve the budget transfer from the County's Human Services function to Education in the amount of \$500,000 to provide the capital match for Durham Public Schools).*

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.

6A. Appointment of Board of Elections Director

Mr. Ron Gregory, Chairman of the Board of Elections will be present to introduce the newly appointed Board of Elections Director and request that the Board set the salary for the position.

Resource Person(s): *Mr. Ron Gregory, Chairman of the Board of Elections*

County Manager's Recommendation: *The Manager's recommendation is that the Board, upon the recommendation of the Elections Board Chairman set the salary of the new Elections Director and welcome him to Durham County.*

7. Public Hearing on Section 42 Financing for Alston Village Apartments

A public hearing is required for the issuance of bonds pursuant to Section 42 of the Internal Revenue Code. An application for Section 42 financing for the Alston Village Apartment project has been approved previously by the Board. The developer, NRP Group L.L.C., has had prepared a financial report showing the financial feasibility of the project. The County's Interim Finance Officer, Susan Fox-Kirk, has reviewed this report.

Following the public hearing, the Board may adopt the resolution. In the suggested resolution, which has been drafted by bond counsel, the Board is requested to make certain findings and approve the financing team.

Resource Person(s): *Mary Nash Rusher, Bond Counsel; Chuck Kitchen, County Attorney; and Susan Fox-Kirk, Interim Finance Officer*

County Manager's Recommendation: *Manager recommends that the Board conduct the public hearing and adopt the suggested resolution if supported by the information received in the agenda package and the information received at the hearing.*

7A. Update on Kentington Heights

At the September 11, 2000 meeting staff presented to the Board the Interim Subarea A Landuse Plan, which is within the NC 54/I-40 Corridor. In an effort to address the need to review the adopted land use plans for the area, staff presented the Subarea A plan, which is the first of three plans for this study area. The study area covers portions of three Small Area plans, which include South Durham, Southwest Durham and Triangle Township.

During the September 11, 2000 meeting several residents from the Kentington Heights Community as well as adjacent property owners from Fern Valley Estate and Massey Chapel Road were present to express their concerns about the proposed Interim Subarea A Landuse Plan, the impacts of the South Point Mall Development and the availability of water and sewer services.

At the conclusion of those discussions, the Board decided to not take action on the plan until several issues could be address that were raised by Kentington Height's residents. Such issues included having staff determine whether Kentington Height's residents had an interest in the community remaining residential if the water and sewer problems could be alleviated. In addition staff was directed to have the Health Department take water samples to determine the safety of the water supply.

Over the past month staff from several departments have been engaged in fact finding related to the Kentington Heights community; Staff efforts have included

- *surveying the community and tallying results of the surveys*
- *conducting analysis of land values in the community based on comparable sales in/around the mall development*
- *examining the counties past history with sewer projects in Kentington Heights*
- *identifying all of the water and sewer projects that were part of the 1986 bond*
- *developing cost estimates for installing water and sewer in Kentington Heights, and;*
- *meeting with the representatives from Kentington Heights in an effort to work through the issues*

Staff will use this opportunity to apprise the Board on the current status of their findings as it relates to issues surrounding the Kentington Heights Subdivision.

*Resource Person(s): Wendell M. Davis, Deputy County Manager, T.E. Alston, Planning Supervisor, City/County Planning, Glen Whisler, County Engineer
Steve Crysel, Tax Administrator, Susan Fox-Kirk, Interim Finance Director*

County Manager's Recommendation: The Manager's recommendation is that the Board accept the presentation and provide staff directives, if any, based on the Board discussion of the Subarea A Plan.

8. Geer Street Subdivision Site Plan/Preliminary Plat

This item came before the Board at its September 25, 2000 meeting. The Board requested that staff evaluate the buffering issues associated with the perennial streams adjacent to proposed development along with other technical requirements. Staff has addressed these concerns in the staff report and the developer has included a revised plan.

East Geer Ventures is seeking approval of a site plan/preliminary plat to construct 350 single-family residential lots with associated infrastructure and open space on a 128.2 acre tract. The property is located on both sides of Geer Street, south of I-85, west of Ferrell Road, and east of Milan Street. (Tax Map 680, Block 01, Parcel 001, PIN number 0842-01-46-1588). The site is zoned PDR 3.36 and F/J-B, and allows for this use. The proposed site plan/preliminary plan conforms to applicable Zoning and Subdivision Ordinance regulations, the approved development plan, and is consistent with the adopted Community Growth Map (CGM) of the Durham 2020 Comprehensive Plan. The Development Review Board, at its meeting on July 17, 2000, recommended approval. Planning staff recommends approval.

Resource Person(s): Steve Medlin, Planning Supervisor, Durham City/County Planning

County Manager's Recommendation: The Manager recommends that the Board accept the revisions to the site plan that were made after the September 25, 2000 meeting. The plan conforms to zoning and subdivision ordinance regulations. The plan is consistent with the Community Growth Map of the 2020 plan and has been recommended for approval by the development review board.

9. Glennstone Subdivision Preliminary Plat

This item came before the Board at the September 25, 2000 meeting. The Board, at that meeting, requested that staff provide a density plan and examine the stormwater issues related to pollution. Staff will be addressing these items during the presentation.

Cimland, LLC is seeking approval of a preliminary plat to construct 163 single-family residential lots with associated infrastructure and open space on a 165.807-acre tract. The property is located on both sides of Glenn Road, west of I-85, and south of Jeffries Road. (Tax Map 687, Block 01, Parcel 003, 003A, 004, 004A, PIN number 0843-02-78-6286, 0843-02-98-2062, 0843-02-67-4651, 0844-04-60-2473). The site is zoned RD, R-10, F/J-A and F/J-B and allows for this use. The proposed preliminary plan conforms to applicable Zoning and Subdivision Ordinance regulations. The Development Review Board, at its August 25, 2000 meeting, recommended approval. The Planning staff recommends approval.

Resource Person(s): Steve Medlin, Planning Supervisor, Durham City/County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board accept the revisions to the preliminary plat that were made after the September 25, 2000 meeting. The plat meets all of the technical ordinance requirements, has been recommended for approval by the development review board, and is recommended for approval by staff.

10. Presentation on Educational Tours by Cooperative Extension for Durham's Elected Officials

The Cooperative Extension Service will present an overview of projects presented on the Neuse Government Officials tour that visited sites from Durham to Kinston on August 27, 2000. Commissioner Bowser attended and requested this summary for the entire Board. Information from the Durham Officials tour of stormwater management sites on September 27 is also featured.

Both tours highlighted partnerships Extension's Neuse Education Team has made with private and public sector entities to establish teaching and demonstration sites promoting water quality best-management practices. Constructed wetlands, riparian buffers, controlled agricultural drainage, permeable pavement, wet ponds, grass swales, bioretention areas, and stormwater sand filters were shown on the tours.

Resource Person(s): Craven Hudson, Area Environmental Education Agent, NC Cooperative Extension

County Manager's Recommendation: Receive the presentation and recognize the efforts of Cooperative Extension's Neuse River Team in developing sustainable and replicable water quality demonstrations across the county.

11. Clean Water Management Trust Fund Grant Agreement for the Proposed Little River Regional Park

In May, the BOCC approved the purchase agreement for Durham's portion of the 391-acre Little River Regional Park site. Durham and Orange Counties have successfully obtained two state grants that will substantially defray the local costs for acquiring the site: In March, the state's Clean Water Management Trust Fund (CWMTF) program awarded up to \$377,000 towards the acquisition, and in July, the State's PARTF grant program awarded \$250,000 towards the project. In September, Durham and Orange counties were fortunate to be awarded a federal Land and Water Conservation grant for \$262,000 to pay for site development costs.

The CWMTF Grant Agreement must be approved before Durham can receive any grant funds. The agreement requires that conservation easements be placed on approximately 130 acres of the site that border the North Fork of the Little River and the perennial streams on the site. The easement restrictions are compatible with the park's intended use as a natural area and ensure water quality benefits in perpetuity. The grant funds are reimbursed on an actual cost basis. Because some acquisition related expenses have cost less than originally budgeted, the grant funds received will total closer to \$350,000.

Resource Person(s): Jane Korest, Senior Planner; Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board authorize the County Manager to execute the grant agreement.

12. Final Offer to Purchase County Property (600 E. Cornwallis Road)

This item came before the Board at the October 10, 2000 meeting. The Board did not take any action on the item because staff was asked to verify whether the tax value was correct on the property. Staff has verified the validity of the tax value on the property and has determined the proximity of water and sewer services. Historically, the Board's policy has been to recover the County's investment that was made as a result of the foreclosure process, not the tax value.

Durham County obtained the property located at 600 E. Cornwallis Road (parcel #174-03-030, PIN: 0820-15-64-8220) through a tax foreclosure sale on April 9, 1984. Ms. Kelly Aguilar-Aleman has submitted a request to purchase the vacant lot for \$470.75 which is the County's investment in the property (taxes and legal costs). This is a .510-acre lot currently zoned Residential 5 District (R-5) and is buildable. This zoning district permits accessory buildings, detached single-family dwellings, family care homes, home occupations, and public parks and playgrounds. The R-5 district was established to provide sites primarily for detached dwellings of a medium density. Public water and sewer service shall be required for all new construction in the R-5 district. Water and sewer utilities are at Fayetteville St. (200 ft. west of the parcel). The cost to bring water to the parcel is \$25 per foot. The cost to bring sewer to the parcel is \$50 per foot.

The 1993 tax value was \$12,000. As public water and sewer are not immediately available and the parcel is located on a paper street (being accessible only by foot), the tax value was reduced

to \$6,000. The lot is located approximately 50' beyond the end of the gravel portion of E. Cornwallis Road.

The Upset Bid Process started August 30, 2000 and ended September 11, 2000. During this period no upset bids were received. Therefore, the final qualifying bid of \$470.75, submitted by Ms. Kelly Aguilar-Aleman, is being presented for the Board's consideration.

Resource Person(s): Wendell M. Davis, Deputy County Manager, and Bill Martin, Real Property Manager

County Manager's Recommendation: The Manager's recommendation is that the Board accept the offer of \$470.75 submitted for 600 E. Cornwallis Road by Ms. Kelly Aguilar-Aleman and prepare a non-warranty deed for Chairman's signature. This action is consistent with the Board's policy of recovering the investment value thus getting the property back onto the tax rolls to compliment the County's tax base.

13. Purchase of Medical Malpractice Insurance

The medical malpractice insurance policy the County purchases for EMS, Mental Health, and Public Health is up for renewal. The Risk Manager had previously been given information from our current carrier, CNA, that the renewal would result in a 10-15 percent increase in the premium. The County had not intended to go out for bids this year on the medical malpractice policy. The Risk Manager has now received the quote for the ensuing year, and the premium has been increased from the current year's cost of \$67,304 to \$104,885. The increase appears to be due to increased "visits" by the three covered agencies, and due to errors in reporting the correct number of visits to the insurance company in prior years.

Due to the sizable increase in the proposed premium, the County's insurance broker procured quotes from other insurance companies. The best quote was from St. Paul which had a premium quote of \$78,772. The limits of coverage would remain the same as the current policy; \$1,000,000 per occurrence, \$3,000,000 aggregate. The Board is requested to approve the change in carriers from CNA to St. Paul.

Resource Person(s): Cathy Whisenhunt, Risk Manager; Chuck Kitchen, County Attorney

County Manager's Recommendation: Approve the change in insurance companies in order to save approximately \$26,000 for the same coverage.

14. Renewal of Excess Worker's Compensation Insurance Policy

Durham County is self-insured for worker's compensation. However, the County purchases excess coverage from an insurance company in case of a catastrophic injury or injuries. The premium is based on the audited annual payroll of the County. The current year's premium rate was approximately \$25,000. The proposed rate for the ensuing year is \$66,600 from the current carrier, Employers Reinsurance. The County's insurance broker received quotes from three other companies. All of the quotes were at least \$20,000 more than the current carrier. The increase in the premium appears also to be due to injuries in two cases which may exceed the prior retention limit of \$100,000 (the amount before insurance begins paying). This affects the "experience rating" the insurance companies give to the County.

The current retention limit is \$250,000. If the County were to increase the retention to \$350,000, the premium would be reduced to \$24,975. If the retention were increased to \$500,000, the premium would be \$17,982. The Board is requested to authorize the renewal of the policy with a

retention of \$350,000, as the savings in the premium offset the increased risk to the County. It is not recommended to increase the retention to \$500,000 as the reduction in premium is small compared to the increased risk to the County.

Resource Person(s): Cathy Whisenhunt, Risk Manager; Chuck Kitchen, County Attorney

County Manager's Recommendation: Approve the renewal of the Excess Worker's Compensation policy with a retention of \$350,000 to achieve the stated savings in premium cost. The increased risk to the County is more than offset by this savings. Keeping the current retention would require a budget amendment to appropriate sufficient funds to pay the premium, whereas increasing the retention will result in a payment within budgeted amounts.

15. **Board Appointment**

Garry E. Umstead, Clerk to the Board, will distribute ballots to make an appointment to the Area Mental Health Board.