

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

Monday, December 11, 2000

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

County Attorney Chuck Kitchen requested an item be added relative to farmland preservation.

Chairman Black said the item would be discussed prior to the consent agenda.

Commissioner Bowser requested an item be added to the agenda concerning the Sanford performing arts center. Commissioner Bowser asked that the Commissioners write a letter of support to build the museum in Durham.

Commissioner Bowser wished to give the Commissioners an update on the Durham County Alcoholic Beverage Control Board.

Chairman Black placed the Sanford arts center as agenda item No. 14 and the ABC Board update as item No. 15.

Commissioner Heron asked to talk to the County Attorney about an ordinance relative to the firing of guns across county roads.

Announcement

Chairman Black reminded the Commissioners and the public about the Tuesday, December 12, 2000 meeting with the Durham Delegation, Durham Public Schools Board of Education, Durham City Council, and the County Commissioners at 8:30 a.m. at the Civic Center Mariott. Legislative matters will be discussed.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the November 13, 2000 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Consent Agenda

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items:

- * (a) Budget Amendment No. 01BCC000029—Library—Grants from the Gates Foundation and the NC Public Library Internet Initiative Fund (approve Budget Amendment No. 01BCC000029 for the Library to receive grants from the Gates Foundation and the NC Public Library Internet Initiative Fund to support the extension of public computing resources); and
- * (b) Amendments to the Sedimentation and Erosion Control Ordinance (approve the proposed amendments to correct the clerical errors).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(a). Budget Amendment No. 01BCC000029—Library—Grants from the Gates Foundation and the NC Public Library Internet Initiative Fund (approve Budget Amendment No. 01BCC000029 for the Library to receive grants from the Gates Foundation and the NC Public Library Internet Initiative Fund to support the extension of public computing resources).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000029

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Culture & Recreation	\$ 7,196,343	\$124,547		\$ 7,320,890
<u>Revenues</u>				
Intergovernmental	\$198,597,057	\$ 4,500		\$198,601,557
Other Financing Sources	\$ 13,201,919	\$120,047		\$ 13,321,966

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of December, 2000.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Vice-Chairman Reckhow formally recognized the Durham County Library for the two grants it received to support the extension of public computing resources.

Consent Agenda 5(b). Amendments to the Sedimentation and Erosion Control Ordinance (approve the proposed amendments to correct the clerical errors).

The ordinance follows:

ORDINANCE AMENDING THE DURHAM CITY/COUNTY SEDIMENTATION
AND EROSION CONTROL PROGRAM

WHEREAS, the North Carolina Legislature has, through Article 4 of Chapter 113A of the North Carolina General Statutes established a Sedimentation Pollution Control Act and vested the North Carolina Department of Environment and Natural Resources with the authority to promulgate regulations further defining same which are set forth at Subchapter 4 of Title 15A of the North Carolina Administrative Code; and,

WHEREAS, the North Carolina Legislature has, through N.C.G.S. §113A-60 authorized local governments, acting individually, or jointly, to establish local programs which meet or exceed the requirements of that Act; and,

WHEREAS, the City and County of Durham have established a joint program which is administered by the County of Durham; and,

WHEREAS, the County of Durham amended the local ordinance, Article III of Chapter 14, which controls same on October 23, 2000; and,

WHEREAS, upon further review it has been determined that technical and substantive amendments to the local ordinance are necessary for its proper enforcement and implementation.

WHEREAS, the North Carolina Legislature has, through N.C.G.S. §§ 113A-60, 153A-102, 153A-121, and 153A-123, vested the Board of County Commissioners with the authority to make these amendments to that Article.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:

1) That section 14-52 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 14-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accelerated erosion means any increase over the rate of natural erosion as a result of land-disturbing activity.

Act means the North Carolina Sedimentation Pollution Control Act of 1973, as amended, and all rules and orders adopted pursuant to it.

Adequate erosion control measure, structure or device means one which controls the soil material within the land area under responsible control of the person conducting the land disturbing activity.

Affiliate means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

Being conducted means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Borrow means fill material which is required for on-site construction and is obtained from other locations.

Buffer zone means the strip of land adjacent to a lake or natural watercourse.

Coastal counties means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

Commission means the state sedimentation control commission.

Completion of construction or development means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Department means the state Department of Environment and Natural Resources.

Director means the director of the division of land resources of the Department of Environment and Natural Resources.

Discharge point means that point at which runoff leaves a tract of land.

District means the Durham Soil and Water Conservation District created pursuant to G.S. ch. 139, and as amended.

Energy dissipator means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion means the wearing away of land surface by the action of wind, water, gravity or any combination thereof.

Ground cover means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

High quality water (HQW) zones means areas in the coastal counties that are within 575 feet of high quality waters and, for the remainder of the state, areas that are within one mile and drain to HQW's.

High quality waters means those classified as such in 15A NCAC 2B.0101(e)(5) – General Procedures, which is incorporated herein by reference to include further amendments pursuant to N.C.G.S. § 150b-14(c).

Lake or natural watercourse means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land-disturbing activity means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Local government means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns and cities, acting through a joint program pursuant to the provisions of the Act. The Durham County Engineering Department, Sedimentation and Erosion Control Office, is the action agent for purposes of taking action under this article, which implements the joint program established by the City and County of Durham. Wherein this article specifies action will be taken by the local government, that is the intended office, except where the context clearly indicates otherwise.

Natural erosion means the wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

Parent means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Permit means a land-disturbing authorization issued by the sedimentation and erosion control office in accordance with this article.

Person means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Person conducting land-disturbing activity means any person who may be held responsible for a violation of the Act or this article unless expressly provided otherwise by this article, the Act, or any order adopted pursuant to this article or the Act.

Person responsible for the violation, as used in this article and N.C.G.S. § 113A-64, means:

- (1) The developer or other person who has, or holds himself out as having, financial or operational control over the land-disturbing activity; or
- (2) The landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of this article, the Act, or any order adopted pursuant to this article or the Act which imposes a duty upon him.

Phase of grading means one of two types of grading, rough or fine.

Plan means an erosion and sedimentation control plan.

Protective cover. See "Ground cover."

Receiving watercourse means a lake, natural watercourse or other natural or manmade area into which stormwater runoff flows from a land-disturbing activity.

Sediment means solid particulate matter, both mineral and organic, that has been, or is being, transported by water, air, gravity or ice from its site of origin.

Sedimentation means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Siltation means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

Storm drainage facilities means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater runoff means the direct runoff of water resulting from precipitation in any form.

Subsidiary means an affiliate that is directly or indirectly through one or more intermediaries, controlled by another person.

Ten-year storm means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest, under average antecedent wetness conditions.

Tract or site means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Twenty-five year storm means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Uncovered means the removal of ground cover from, on, or above the soil surface.

Undertaken means the initiating of any activity, or phase of activity, which results, or will result, in a change in the ground cover or topography of a tract of land.

Velocity means the average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Waste means surplus materials resulting from on-site construction and disposed of at other locations.

Working days means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken, as determined by the Sedimentation and Erosion Control Officer, or their designee, except where the context clearly indicates otherwise.

(1) That section 14-65 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 14-65. Permits.

(a) No person shall undertake any land-disturbing activity subject to this article without first obtaining a permit therefor from the Sedimentation and Erosion Control Officer, or their designee, except that no permit shall be required for any land-disturbing activity:

- (1) For the purpose of fighting fires;
- (2) For the stockpiling of raw or processed sand, stone or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage; or

- (3) That is less than 12,000 square feet in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

(b) A land-disturbing permit may be obtained upon submitting the fee, zoning compliance check-off issued by the Durham City-County Planning Department, statement of financial responsibility and ownership, approved sedimentation and erosion control plan, if required, security deposit, if required, certification that tree protection fencing has been installed, if required, by obtaining approval of the proposed project by the city or county as necessary. The applicant shall submit three (03) copies of the plan, if required, to the Sedimentation and Erosion Control Officer, or their designee, at least 30 days prior to commencement of the proposed activity. The Sedimentation and Erosion Control Officer, or their designee, shall review permit applications for land disturbing activities of one acre or less and, within 14 calendar days of receipt thereof, shall notify the person submitting the application that it has been approved, approved with modifications, or disapproved. No permit shall be issued until such time as the local government is assured that the proposed land-disturbing activity will be carried out in accordance with this article and the approved sedimentation and erosion control plan, if required. A land-disturbing permit application may be disapproved for the same reasons that an erosion control plan may be disapproved, as set forth in section 14-66(i) of this ordinance.

(c) The fees charged for the administration and enforcement of this article shall be as prescribed by the county board of commissioners.

(d) This section shall not require ground cover on cleared land forming the future basin of a planned reservoir.

(e) When deemed necessary by the Sedimentation and Erosion Control Officer, or his designee, a preconstruction conference may be required.

(f) Land-disturbing activities exceeding 12,000 square feet undertaken without first obtaining a land-disturbing permit, but which are required by this article to obtain a land-disturbing permit, shall be subject to a permit fee of 200 percent of the current applicable fee, in addition to any civil penalty assigned per section 14-69.

(g) Display of permit. A land-disturbing permit issued under this article shall be prominently displayed until all construction is completed and all permanent sedimentation and erosion control measures are installed and the site has been substantially stabilized, as required.

(h) Improvement security. The Sedimentation and Erosion Control Officer, or their designee, shall require security to assure performance of the conditions of the permit whenever a land-disturbing activity is in excess of five acres or whenever the

Sedimentation and Erosion Control Officer determines the activity may result in significant off-site damage. The applicant shall be required to file with the local government an improvement security in the form of a performance bond or performance guarantee(s) approved by the County Attorney. The amount shall be deemed sufficient by the Sedimentation and Erosion Control Officer, or their designee to cover all costs of protection or other improvements required for conformity with standards specified in this article. The security shall be released when the Sedimentation and Erosion Control Officer, or their designee, has certified that all of the requirements of this article have been met. Forfeiture of the improvement security shall not release the person conducting the land disturbing activity of their obligation to install and maintain necessary erosion control measures, to stabilize the site, or any other obligation of this article, the Act, or any rule or order promulgated in furtherance thereof.

(i) Conveyance of the property subject to the permit, in whole or in part, shall not terminate the permit holder's obligations under this article until such time as a substitute, or succeeding, permit is approved by the Sedimentation and Erosion Control Officer, or their designee.

(j) To encourage the use of larger, more efficient sediment trapping riser-type basins, the Sedimentation and Erosion Control Officer, or their designee is authorized to charge a reduced fee for all land disturbing in excess of ten acres on a given project. To qualify for the reduced fee, which shall be as prescribed by the Board of County Commissioners, the project or development must meet the following criteria:

- (1) Fee reduction areas must be tributary to the basin.
- (2) Basin shall be designed to settle the 40-micron particle with minimum settling efficiency of 70 percent during the two-year storm event and design must be based on all up stream disturbed areas and tributary drainage area.
- (3) Basin may not be installed in a live stream.
- (4) Existing ponds and lakes may not be used as a sediment basin.
- (5) One party must retain operational control of the basin and all land qualified for fee reduction. Sold outparcels must be permitted separately. Sale of land between the basin and other disturbed areas disqualifies upstream areas for the reduced fees.
- (6) Performance bond may be adjusted as the amount of disturbed area changes.

- (7) Additional areas may be added per the criteria enumerated in this subsection only as long as the basin is properly installed and maintained.

Permit revocation and/or other enforcement activity for failure to maintain the basin will affect all upstream land-disturbing activities.

- (k) A land-disturbing permit shall lapse at the end of:
 - (1) One year from the date of issuance if no land-disturbing activity has been undertaken in that period. No land-disturbing activity may take place until the person responsible has applied for, and received, a new land-disturbing permit. The fee for the new permit shall be 100 percent of the current applicable fee.
 - (2) A two-year period, unless it is extended by the sedimentation and erosion control officer upon written request of the permit holder. The request for extension shall include reasons for incompleteness of the work. After review of the original plan and an on-site inspection of the completed work, the permit may be extended effective for a period not to exceed six months from the date of expiration of the original permit. The fee for the extended permit shall be 25 percent of the current applicable fee. If work cannot be completed and the site permanently stabilized prior to expiration of the permit or permit extension, then a new land-disturbing permit must be applied for and obtained as described in this section.
- (3) These amendments are effective upon enactment.

(The ordinance amendment recorded in Ordinance Book _____, page _____.)

Submittal of Grant Application With the Conservation Trust of North Carolina to Acquire Funds Which will be used to Purchase Conservation Easement for the Herndon Property

Consider the submittal of a grant application with the Conservation Trust of North Carolina to obtain funds to purchase a conservation easement for the Herndon property.

Resource Person(s): Craven Hudson, Nancy Herndon

County Manager's Recommendation: The Manager recommends that the Board receive and discuss the grant application, and if appropriate, approve the submittal of the grant application with the Conservation Trust of North Carolina.

Deputy County Attorney Lowell Siler presented the Commissioners an overview of the grant application with the Conservation Trust of North Carolina to obtain funds to purchase a conservation easement for the Herndon property.

Chairman Black asked if any County funding will be required.

Mr. Siler responded that we hope that there will be no need for County funding on this project.

Mr. Wayne Cash, Chairman, Durham County Farmland Preservation Board, said there a risk that some County funding will be needed to help purchase the conservation easement.

The Commissioners congratulated and praised the Herndon family for their willingness to preserve the Herndon family farm with the easement.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the agenda item and to submit the grant application with the Conservation Trust of North Carolina.

The motion carried unanimously.

Resolution for Selden B. Aylsworth

Commissioner Becky Heron requested that a resolution honoring Mr. Selden B. Aylsworth be prepared. Mr. Aylsworth is a remarkable man who has spent a lifetime working with Boy Scouts in six states, including North Carolina. He is 100 years old, lives alone, and recently voted in his 20th presidential election.

County Manager's Recommendation: Approve the resolution and present to Mr. Aylsworth, along with sincere congratulations for his years of outstanding service.

Commissioner Heron read the following resolution into the record:

RESOLUTION

WHEREAS, Selden B. Aylsworth is a 100-year-old resident of Durham County who recently voted in his 20th Presidential election; and

WHEREAS, Mr. Aylsworth first learned about Boy Scouts of America in 1910 and, along with his brother, helped to found a troop near his Pennsylvania home; and

WHEREAS, when his family moved to New Jersey in 1916, he became fully immersed in the challenges, the skills, and the friendships associated with the world of scouting; and

WHEREAS, throughout his life he has worked with scouting efforts in six states, serving in nearly every scouting role that exists from Scout Master to Scouting Executive; and

WHEREAS, he and his family relocated to Durham County more than 20 years ago and since that time he has continued his passionate participation with area Boy Scout troops; and

WHEREAS, in 1983 he earned the Silver Beaver service scouting award, and at the age of 80 he obtained the wood badge, which some say is the Ph.D. of Scout leading, and;

WHEREAS, Selden Aylsworth is thought to be one of the country's oldest registered Boy Scouts; and

WHEREAS, his philosophy on scouting is simple—"once you're in, you're in it for life."

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby recognize

Selden B. Aylsworth

for his lifelong dedication and innumerable contributions to scouting, and for the positive impact he has made in the lives of so many during his 100 years.

This the 11th of December, 2000.

/s/ Five Commissioners
Durham County Commissioners

Mr. Aylsworth made brief remarks about his life and his 80 years in the Boy Scouts.

The Scoutmaster of Troop 486 said the troop comprises 50 members. The troop is working on the citizenship in the community. The Scoutmaster said Mr. Aylsworth is active in his troop and is very much a part of the boys' upbringing.

The Commissioners were thanked for the resolution.

Public Hearing—Rezoning Case P00-45—The Dilweg Companies

The Dilweg Companies presented to the Board of County Commissioners a request to rezone 9.44 acres at 5220 S. Alston Avenue, PIN #0737-01-38-9224 and 0737-01-37-

7863 (542B-01-09 and 010). Request: RD (Rural District) & NC (Neighborhood Commercial District) to OI-2(D) (General Office and Institutional District). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on November 14, 2000 and voted 7-0 to recommend approval.

Case Planner: Sheila Stains-Ramp

The public hearing for this request was advertised on November 24, 2000 and December 1, 2000 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager recommends that the Board receive the presentation by the applicant, hold the public hearing, and if appropriate, based upon the information received, approve the rezoning request.

Mr. Standerfer presented the Commissioners an overview of the rezoning case.

The Commissioners asked questions and made comments about the request to which Ms. Stains-Ramp responded.

Mr. Ron Horvath of R.L. Horvath Associates Inc., representing the Dilweg Companies, responded to Commissioner questions and comments prior to the public hearing.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Rezoning Case P00-45—The Dilweg Companies.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Public Hearing--Cimland, LLC, Applicant (Rezoning Case P00-46)

Cimland, LLC presented to the Board of County Commissioners a request to rezone 12.85 acres at the end of Camberley Drive off of Alameda Street, west of Glenn Road. (Tax Map 686, Block 2, Lots 1A and 1B) Request: RD (Rural District) to PDR 1.56

(Planned Density Residential-1.56 units/acre). 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 November 14, 2000 and voted 7-0 to recommend approval.

Case Planner: Vonda Frantz

The public hearing for this request was advertised on November 24 and December 1, 2000 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager recommends that the Board receive the presentation by the applicant, hold the public hearing, and if appropriate, based upon the information received, approve the rezoning request.

Mr. Standerfer presented the Commissioners an overview of Rezoning Case P00-46.

The Commissioners asked questions about the school population figures to which Ms. Stains-Ramp responded.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Rezoning Case P00-46.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Public Hearing—RDSK, LLC, Applicant (Rezoning Case P00-47)

RDSK, LLC presented to the Board of County Commissioners a request to rezone 19.91 acres on the north side of Carpenter Road between Ferrell and Cheek Roads, PIN #0852-01-18-9756 (Tax Map 719-01-001C). Request: RD (Rural District) to PDR 1.82 (Planned Density Residential-1.82 units/acre); F/J-B; UGA. The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on November 14, 2000 and voted 7-0 to recommend approval.

Case Planner: Cassandre Haynesworth

The public hearing for this request was advertised on November 24 and December 1, 2000 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager recommends that the Board receive the presentation by the applicant, hold the public hearing, and if appropriate, based upon the information received, approve the rezoning request.

Mr. Standerfer presented the Commissioners an overview of Rezoning Case P00-47.

Commissioner Heron asked a question about stream buffers to which Mr. Ron Horvath responded.

Vice-Chairman Reckhow asked about the 50-foot easement that will be granted on the abandoned CSX railroad line.

Mr. Horvath said the easement will be clarified. He has no problem with the easement.

Attorney Kitchen said the plat should note that it is an easement being dedicated to the public for access.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve rezoning request P00-47 with the stipulation that there be a 50-foot easement granted on the abandoned CSX railroad line.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Budget Ordinance Amendment No. 01BCC000030--Youth Coordinating Board YouthLink Program (Unified Client Tracking System)

In March 1999, the Youth Coordinating Board facilitated meetings with representatives from Durham Public Schools, the Durham Center, Duke University's Center for Child

and Family Policy, and Sheriff and Police Departments to develop and submit a grant to the US Departments of Education, Justice, and Health/Human Services. The \$2,835,881 grant for a Safe Schools/Healthy Students Initiative was a comprehensive plan to address school safety and develop healthy students in Durham Public Schools. Durham was approved in June 2000 for \$7.8 million over a three-year period. One component of the grant was for the Youth Coordinating Board to develop a unified client tracking system to increase communication and service coordination between human service agencies. Chief District Court Judge Kenneth Titus entered an Administrative Order in 1999 allowing agencies to share information regarding youth who are subject to the jurisdiction of Juvenile Court. The system, YouthLink, will be modeled after the Jason Network which was established in Winston-Salem four years ago. Agencies that will be part of this network include Mental Health, Durham Public Schools, Department of Social Services, Juvenile Justice, Sheriff, and Police. Additional agencies (Criminal Justice Resource Center, Youth Home, and Health Department) will be added in subsequent years.

Authorization was requested to recognize \$96,510 in revenues from the Durham Public Schools Safe Schools/Healthy Students grant. The revenue will be used to hire a project manager, computer hardware, client management software, and other equipment/materials required to make the system operational. The amendment requires no additional County funding. If approved, the project manager position will be established as a "provisional position," thus it would expire at the end of the three-year grant period.

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

County Manager's Recommendation: The Manager recommends that the Board approve Budget Amendment No. 01BCC000030 in the amount of \$96,510 for the Youth Coordinating Board to develop YouthLink, a unified client tracking system for high risk juveniles. In addition, the Manager recommends that the Board approve the establishment of the project manager position as a "provisional position."

Ms. Daniels-Kenney presented the Commissioners an overview of the YouthLink system.

The Commissioners asked questions and made comments about the system to which Ms. Daniels responded.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the agenda item.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000030

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Youth Coordinating Board.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$235,506,312	\$96,510		\$235,602,822
<u>Revenues</u>				
Intergovernmental	\$198,601,557	\$96,510		\$198,698,067

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of December, 2000.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Budget Ordinance Amendment No. 01BCC000031—The Durham Center (Mental Health)—Safe Schools Grant

The Durham Center has received a \$584,100 Durham Public Schools Board of Education Safe Schools Grant. The grant provides funding to assist the school district and its community partners in accomplishing the goals of helping children and adolescents develop the skills necessary to engage in pro-social behavior, prevent violent behavior and drug use, and to help students develop the skills necessary to promote positive mental health. To serve the target population, there are three Social Worker II, three Clinical Social Worker, two Substance Abuse Counselors II, and one Processing Assistant III positions associated with these funds. The new professional positions will directly provide alcohol and other drug/mental health interventions for suspended students, and provide school and community-based mental health preventative and treatment services. In-Home Family Counseling, Case Management, and Multi-Systemic Therapy for children and adolescents who have been abused or neglected and those who have been witnesses to or victims of violence are also provided. The clerical position will provide office support and administrative services.

The grant, a product of a national safe schools initiative, was initially estimated at \$500,000, and the budget was adopted with the majority of the estimated grant budgeted

for using professional contracted services. Between the start of the budget year and the grant award date of October 31, 2000 by the Durham Public Schools Board of Education, the primary professional service provider declined to participate due to financial difficulties within its organization. As the time increased between the anticipated grant start date and the grant award date, other prospective service providers withdrew their interest in providing contracted services. The Durham Center was requesting approval of a budget amendment to recognize an overall increase of \$84,100 in intergovernmental revenues and the establishment of nine positions. The Durham Center Area Board approved this amendment at its November 20, 2000 meeting. The budget represents funding from 07/01/00 through 06/30/01. No additional local funds are requested and no subsequent year impact is anticipated.

Resource Person(s): Tanya Tatum, Deputy Area Director, Finance and Systems, will be available as a resource person for this agenda item.

County Manager's Recommendation: The County Manager recommends that the Board approve Budget Amendment No. 01BCC000031 to recognize an overall increase in intergovernmental revenues of \$84,100 from the Durham Public Schools Safe School Grant to implement a safe schools initiative. Furthermore, the Manager recommends that the Board approve the nine new positions enumerated above as "provisional positions" which would expire at the end of the three-year grant funding.

Ms. Tatum gave the Commissioners an overview of the Safe Schools Grant. She requested the Commissioners approve the budget amendment in the amount of \$84,100.

The Commissioners asked questions and made comments to which Ms. Tatum responded.

County Attorney Chuck Kitchen and Deputy County Manager Titus also responded to questions and comments.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve Budget Ordinance Amendment No. 01BCC000031 to recognize an overall increase in intergovernmental revenues of \$84,100 from the Durham Public Schools Safe School Grant to implement a safe schools initiative. Also approved were the nine new positions enumerated above as "provisional positions" which would expire at the end of the three-year grant funding.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000031

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for The Durham Center (Mental Health).

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$235,602,822	\$84,100		\$235,611,232
<u>Revenues</u>				
Intergovernmental	\$198,698,067	\$84,100		\$198,782,167

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of December, 2000.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Award of Bid for Third-Party Administrator for Workers Compensation

The self-funded workers compensation program of the County is administered by a third party working in cooperation with the Risk Management Division of the County Attorney's Office. The current provider of this service is R. E. Pratt & Company.

A request for proposals (RFP) was done as part of the County's normal process to ensure competition in the provision of services. A committee comprised of Jackie Knight, Human Resources Director; Cathy Whisenhunt, Risk Manager; and Chuck Kitchen, County Attorney, reviewed the proposals. In addition, reference checks were done on the companies with the best proposals. As a result of the review, the committee recommended the County contract with Compensation Claims Solutions. Considering the base bid along with the additional charges, Compensation Claims Solutions was the lowest proposer.

Resource Person(s): Cathy Whisenhunt, Risk Manager; Chuck Kitchen, County Attorney; Jackie Knight, Human Resources Director

County Manager's Recommendation: Award the contract to Compensation Claims Solutions in order to help stabilize the rising cost of workers compensation claims.

Ms. Whisenhunt presented the Commissioners an overview of the bid award for the third-party administrator for workers compensation.

Commissioner Heron moved, seconded by Commissioner Bowser, to award the contract to Compensation Claims Solution.

The motion carried unanimously.

Cancellation of the December 25, 2000 Board of County Commissioners' Regular Session and Rescheduling the January 1, 2001 Worksession

As per the Chairman of the Board, the County Commissioners discussed the cancellation of the December 25, 2000 Regular Session and the rescheduling of the January 1, 2001 Worksession due to the New Year's holiday.

Commissioner Heron moved, seconded by Commissioner Bowser, to cancel the BOCC December 25, 2000 Regular Session and reschedule the January 1, 2001 Worksession to January 2, 2001 at 9:00 a.m.

The motion carried unanimously.

Designation of Voting Delegate to the Legislative Goals Conference

The Board of County Commissioners was asked to designate a Commissioner or other official as the voting delegate to the North Carolina Association of County Commissioners Legislative Goals Conference at the Pinehurst Resort and Country Club in the Village of Pinehurst, North Carolina on January 11 – 12, 2001.

Commissioner Bowser moved, seconded by Commissioner Cousin, to designate Chairman Black as the voting delegate to the North Carolina Association of County Commissioners Legislative Goals Conference at the Pinehurst Resort and Country Club in the Village of Pinehurst, North Carolina on January 11 – 12, 2001.

The motion carried unanimously.

Commissioner Bowser moved, seconded by Commissioner Cousin, to designate Vice-Chairman Reckhow as the alternate voting delegate to the North Carolina Association

of County Commissioners Legislative Goals Conference at the Pinehurst Resort and Country Club in the Village of Pinehurst, North Carolina on January 11 – 12, 2001.

The motion carried unanimously.

Sanford Performing Arts Project

Commissioner Bowser said there has been considerable discussion regarding the construction of a performing arts center in memory and honor of North Carolina's ex-governor and ex-senator Terry Sanford. A committee was formed last year to consider a location for the center. The decision was made to build the facility in Raleigh. Many Durham citizens feel that the arts center should be built in Durham since Mr. Sanford's "roots" are here. Governor Hunt wants the center to be built in Raleigh at a site other than the one selected by the committee.

Commissioner Bowser said the center should be built in Durham, not only for Durham's benefit, but also due to the fact that Mr. Sanford lived in Durham.

Commissioner Bowser asked the County Commissioners to go on record supporting that the center be located in Durham by writing a letter to Governor Hunt and the committee chairman.

Vice-Chairman Reckhow concurred with Commissioner Bowser's remarks. She wrote a letter to the editor of the Durham Herald Sun and the News and Observer promoting the smart growth concept of the project. If the center is built in downtown Durham, it would help spur the development and infrastructure that currently exists. There is an alternate mode of transportation within walking distance of the Durham site which is consistent with smart growth.

The proposed letter should include the comments of Commissioner Bowser and Vice-Chairman Reckhow.

The Commissioners held a general discussion about the letter.

The Commissioners concurred to draft a letter to Governor Hunt with copies to the Durham Delegation and Council of State members. A thank you letter will be sent to Harlan E. Boyles, State Treasurer, for his position to build the arts center in Durham.

Alcoholic Beverage Control Board

Commissioner Bowser addressed the personnel problem that has been ongoing for two months in the ABC system. The problem seems to be escalating and something must be done. Commissioner Bowser hopes the ABC Board will remedy the situation; it appears

that solutions are forthcoming. The Commissioners should attend the next regular ABC Board meeting to keep abreast of the situation. If no action is taken, the situation will worsen.

Chairman Black said she has talked with the ABC Board Chairman and the ABC Board Attorney, George Miller. They both expressed that positive steps are being taken to correct the problems. They are going to keep in touch with Chairman Black regarding the progress.

County Attorney Chuck Kitchen has also discussed the situation with Attorney Miller to obtain details for the Commissioners to review.

Commissioner Heron wished to know the role of the County Commissioners in this particular situation. Should we become involved at this time or should we let the ABC Board solve the problems?

County Attorney Chuck Kitchen said if the problem concerns an ABC Board member, the Commissioners could become involved by attending the open meetings. Discussion cannot be held in closed meetings. Mr. Miller has been asked to look into various allegations, which he is doing at the present time. The report (oral or written) will be forthcoming. I will send further information to you. That is where we are now.

Bethesda School

Commissioner Bowser said he visited the school today and the principal said that many students are arriving to school without jackets. Commissioner Bowser wished to know if the County can help supply these youngsters with jackets.

Chairman Black said several clothing projects exist in the area. Perhaps the principal could ask for donations from these projects.

Chairman Black asked staff to contact the principal to get coat sizes and ask if the Commissioners can help with any other student needs.

Local Ordinance for Firing Guns

Commissioner Heron said a request has been made by a citizen to see if the County can pass an ordinance to prohibit the shooting of firearms across county roads.

Commissioner Heron asked County Attorney Chuck Kitchen to look into the problem to see if there is anything that can be done.

County Attorney Kitchen said some research has been done, but he will look into it further.

Nursing Home Community Advisory Committee

Chairman Black commented she received a letter from Cochair Ruth Wallace requesting that the Board appoint a replacement for Ms. Betty Howell due to sickness. Ms. Wallace also wishes to increase the membership by two to fill orientation positions.

County Attorney Chuck Kitchen said he will look at legal issues to determine what can be done to fulfill the request.

Board and Commission Appointment

Garry E. Umstead, Clerk to the Board, distributed ballots to make an appointment to the Durham County Hospital Corporation Board of Trustees.

The following votes were cast to make the appointment:

Durham County Hospital Corporation Board of Trustees
One initial term (expires August 31, 2001).

Robert A. Gutman, MD—no votes

Penelope A. Keadey—Black, Bowser, Cousin, Heron, and Reckhow

Peggy P. Norton—no votes

County Manager's First Meeting

Newly appointed County Manager Michael R. Ruffin attended his first Commissioner meeting.

Adjournment

Chairman Black adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board