

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

Monday, September 23, 2002

AGENDA

5:00 P.M.

1. **Request from Board of Elections to Increase the Salary of the Elections Director**

2. **Closed Session**

The Board of County Commissioners is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(5) to instruct the County staff concerning the position to be taken on negotiating a proposed contract for the acquisition of real property.

Regular Session

7:00 P.M.

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

2. **Agenda Adjustments**

3. **Minutes**

- a. a. July 9, 2002 BOCC/City Council Joint Closed Session
- b. b. August 12, 2002 Regular Session
- c. c. August 20, 2002 Special Session?American Tobacco Project
- d. d. August 26, 2002 Regular Session

4. **Recognition of Individuals Who Were Involved With Transitioning the Residents of Hanson Hill when it was Closed by the State on August 30, 2002**

The Board is requested to recognize the efforts of DSS, Public Health, The Durham Center, State Division of Facility Services, and Threshold employees who participated in the successful transition of residents from Hanson Hill when the facility?s license was suspended.

At 11:20 a.m. on August 30, 2002, Ms. Michele Elliott, representing the N.C. Department of Health and Human Services, and Dan Hudgins, Durham County DSS Director, served notice on Mr. Faiger Blackwell, Administrator to Hanson Hill, that the facility?s license was suspended as of 5:00 p.m. on that date. All of the 39 residents of Hanson Hill were relocated on that date as a result of the dedicated and compassionate work of the individuals noted above.

Resource Person(s): Dan Hudgins, Director, Department of Social Services

County Manager's Recommendation: The Manager recommends that the Board commend the Durham County employees, state employees, and Threshold staff who contributed to the smooth transition of the 39 residents who were removed from Hanson Hill on August 30 when the facility was closed by the state.

5. **Recognition of Certification of Register of Deeds Employees**

The Certification Board of the North Carolina Association of Registers of Deeds has certified the following employees of the Durham County Register of Deeds Office:

Sandra N. Thomas
Alesia El-Hamalawi
Carol Jenkins

They each have obtained certification as Deputy Register of Deeds. In her letter regarding this certification, North Carolina Association of Registers of Deeds President Belinda S. White adds, "Continuing education of the register of deeds staff provides a higher level of service to the public." Training includes operations of the office of register of deeds, bonding requirements and liability insurance, recording and indexing real property instruments, recording maps and plats, correcting errors on recorded instruments, canceling deeds of trust, and recording Uniform Commercial Code documents.

County Manager's Recommendation: Extend congratulations to Ms. Thomas, Ms. El-Hamalawi, and Ms. Jenkins for achieving this professional certification.

6. **Presentation on Durham County Safe Communities Project**

The Durham County Safe Communities Project is a program of the Duke Injury Prevention Center and is funded in part by the Governor's Highway Safety Program. The program seeks to reduce the number of motor vehicle-related injuries, including pedestrian and bicycle injuries. The Durham County Sheriff's Office, the Durham County Emergency Medical Services Department, and the Durham County Health Department are "Coalition Members," which assist the organization in reaching its stated goals.

Resource Person(s): Marylu Knight, Project Coordinator, and Dr. Karen Frush, Project Director

County Manager's Recommendation: Receive the report and extend the Board's appreciation for the organization's efforts to reduce injuries and deaths related to motor vehicles, including those involving pedestrians and bicycles.

7. **Consent Agenda**

- a. a. Property Tax Releases and Refunds for Fiscal Year 02-03 (accept the August 2002 property tax release and refund report and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds that are presented for the consent agenda);
- b. b. Budget Ordinance Amendment No. 03BCC000005?Durham Center?Request to Accept Additional Revenue for the Development of an ACTT Team for the Adult Services Unit (approve this budget amendment; appropriation of funds will be in the amount of \$390,125);
- c. c. Budget Ordinance Amendment No. 03BCC000006?Durham Center?Request to Accept Additional Revenue for the Establishment of a Youth Group Home in Durham County (approve this budget amendment; appropriation of funds will be in the amount of \$45,000);
- d. d. Budget Ordinance Amendment No. 03BCC000007?Sheriff's Office?G.R.E.A.T. Grant for Gang Resistance Education (approve this budget amendment; appropriation of funds will not exceed \$10,000);
- e. e. Budget Ordinance Amendment No. 03BCC000009?Soil and Water?Amendment to the Soil and Water Conservation Department's Budget (approve this budget amendment, amend the department's FY 03 Budget, and allow it to retain the additional funds in the amount of \$1,770 received for its operations);
- f. f. Budget Ordinance Amendment No. 03BCC000010?Recognize Deferred Revenue for the Departments of Fire Marshall, Social Services, Public Health, Cooperative Extension, Budget, and Sheriff (approve this budget amendment to recognize deferred revenue in the amount \$551,969);

- g. Budget Ordinance Amendment No. 03BCC000011?FY 2002-2003 Encumbrances (approve this budget amendment; the unrestricted fund balance will not be affected);
- h. Award Construction Contract to Patriot Building Company Inc. for additions to the Durham County Animal Shelter (IFB #003-03) (authorize the execution of a construction contract with Patriot Building Company Inc. in the amount of \$716,500 for additions to the Animal Shelter in accordance with IFB #003-03, \$18,600 allowance for repairs to the existing epoxy floor, and authorize the County Manager to execute change orders, if necessary, not to exceed \$71,650. The total contract will not exceed \$806,750);
- i. Final Offer to Purchase County Property (1015 Fairview Street) (approve the offer of \$16,100 submitted by Ms. Roberts for the real property and prepare a non-warranty deed for the Chairman?s signature; this action is consistent with the Board?s policy of recovering the County?s investment and returns the property to the tax rolls);
- j. Approval of Construction Contract for the Renovations to the Judicial Building Annex Project No: DC068-46, Bid No: IFB 02-046 (authorize execution of construction contracts in the total amount of \$1,166,511.00 and execute any other related contracts including change orders, if necessary, not to exceed the estimated project budget of \$1,241,006.00); and
- k. Preliminary Resolution on Issuance of Revenue Bonds (approve the preliminary resolution so the County can continue the financing portion of this important project).

8. **Public Hearing and Budget Ordinance Amendment No. 03BCC000008?Office of the Sheriff?2002 Local Law Enforcement Block Grant Funds**

The Office of the Sheriff submitted its on-line application for Durham County?s share of the 2002 Local Law Enforcement Block Grant (LLEBG) and received subsequent approval of a \$160,542.00 block grant award from the U.S. Department of Justice?Bureau of Justice Assistance. The purpose of the LLEBG Program is to reduce crime and improve public safety. The award can only be used in accordance with the seven purpose areas described for this grant program.

These intergovernmental funds awarded to Durham County will be used for the purchase of equipment for the Sheriff?s communications and general field deputies.

The Sheriff established an Advisory Board as specified by the grant, which met on September 12, 2002 to recommend the proposed use for these funds. The equipment to be purchased as suggested by the Advisory Board are as follows: scuba equipment for Search & Recovery Team; updating protective gear for SAC/NARC unit; server & hardware enhancements for the Sheriff?s network; protective equipment and supplies for Bomb Squad; video enhancement equipment for Investigations; the addition of biohazard cleanup kits for patrol vehicles; replacement of broken equipment and improvements at the Range; replacement of protective equipment for the Range; addition of 2 radio channel frequencies; replacement of radio phones; addition of accreditation software; addition of a speed trailer and equipment to implement a drunk driving awareness program. Such equipment and technology will enhance and improve the law enforcement abilities of the Sheriff?s Office and the County of Durham.

One of the special conditions of this grant award program is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing has been advertised in the Durham Herald-Sun paper on September 15, 2002 and September 22, 2002 to give proper notification.

No additional County funding is required and no subsequent year budget impact is anticipated. The Office of the Sheriff will provide the required grantee local cash match of \$17,838.00 from its current budget. The total appropriation is for \$178,380.00; the expenditures and revenue recognized is for \$160,542.00 from the grant award.

Resource Person(s): Marcia Margotta, Sheriff?s Comptroller, and Chief Deputy C. Wes Crabtree

County Manager's Recommendation: We congratulate the Sheriff on applying for and receiving another Local Law Enforcement Block Grant to continue these traditional improvements. The

Sheriff's Office has traditionally used the LLEBG funds received the last six years for improving and upgrading the agency's equipment and technological infrastructure. It is recommended to conduct the public hearing to receive public comment, and then approve the Advisory Board's recommendation for the proposed use of the 2002 LLEBG award funds. Approve Budget Ordinance Amendment No. 03BCC000008 to accept grant funding and appropriate program spending.

9. **Public Hearing?Centex Homes, Applicant (Rezoning Case P02-25)**

Centex Homes will present to the Board of County Commissioners a request to rezone 133.3 acres located on the west side of Grandale Drive, north of the Sedwick Road intersection, PIN 0727-01-36-7805 (TM 531-1-6). Request: RD (Rural District) to PDR 2.1; F/J-B (Planned Density Residential-2.1 units/acre) F/J-B. The proposal is in general conformance with the small area plan. Staff recommends approval citing general adopted plan conformance. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 9, 2002 and voted 5-2 to recommend denial, citing school enrollment and stormwater concerns.

The public hearing for this request was advertised on September 6 and 13, 2002 in the Durham Herald-Sun.

Resource Person(s): Frank Duke, 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 upon public comment.

10. **Resolution for a Moratorium on Executions in North Carolina**

Members from the faith community have requested that the Board of Commissioners adopt a resolution supporting a moratorium on executions in North Carolina. According to the website published by People of Faith Against the Death Penalty, 19 local governments in North Carolina, including the City of Durham, the Towns of Chapel Hill, Cary, and Hillsborough, and Orange County, have adopted resolutions.

Resource Person(s): Stephen J. Dear, Executive Director, People of Faith Against the Death Penalty

County Manager's Recommendation: Receive the request and take action as the Board deems appropriate.

11. **Major Site Plan D02-236?Alexander Village at Brier Creek**

The Board is requested to approve a major site plan for a shopping center with 4 out-parcels located at the northeast corner of Page Road and T. W. Alexander Drive. Development Solutions, on behalf of JWH Properties, is proposing a 111,548-square-foot shopping center with 4 out-parcels on a 22.16-acre tract located at the northeast corner of T. W. Alexander Drive and Page Road. The main building is to be occupied by a retail grocery and smaller retail uses. The out-parcel uses are planned to house a tire replacement shop, a pharmacy with a drive-up window, a convenience store with gasoline sales and a two-bay automatic car wash, and a restaurant with a drive-up window.

Resource Person(s): Dennis E. Doty, Planner, and Frank M. Duke, Director

County Manager's Recommendation: The Manager's recommendation is that the Board hear the item and approve the site plan.

12. **Request to Execute a Revocable License Agreement with Durham Regional Hospital**

The Board is requested to authorize the County Manger to execute a Revocable License Agreement between the County of Durham and Durham Regional Hospital for the purpose of utilizing 47,500 square feet of parking located on the North Side Stadium Parking Lot for the purpose of providing overflow parking for nursing students and hospital employees.

Initial authorization was given to the Durham County Hospital Corporation for use of this property on November 22, 1989, via a letter written by Mike Turner, Stadium Manager. Since that time, Durham County Hospital Corporation (now Durham Regional Hospital) has installed additional lights, additional gravel, and has continued to maintain the area at no expense to the County. During the past 12 years, there has been no instance where use of this property has conflicted with Stadium operations.

At a regular meeting of the Durham County Stadium Authority on May 30, 2002, the Authority requested that the County Attorney's office clarify that the property in question is a portion of the Durham County Stadium and the property of Durham County. The Authority also requested that a revocable license agreement be prepared for execution by both parties. On August 14, 2002, the Attorney's office presented the draft license agreement, and the Authority recommended the agreement be forwarded to the Board for final authorization.

The terms of this license agreement shall become effective upon final approval and proper execution by both parties and shall continue in full force and effect thereafter until thirty (30) days after written notice from either party to terminate.

Resource Person(s): Michael Turner, Director of General Services

County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of a Revocable License Agreement between the County of Durham and Durham Regional Hospital for the use of 47,500 square feet on the North Side Stadium Parking Lot for the purpose of providing overflow parking for nursing students and hospital employees.

13. **Board and Commission Appointments**

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

- •Adult Care Home Community Advisory Committee
- •Alcoholic Beverage Control Board
- •Bicycle and Pedestrian Advisory Commission

- •Community Child Protection Team/Child Fatality Prevention Team
- •Industrial Facilities and Pollution Control Financing Authority
- •Women?s Commission
- •Workforce Development Board

Resource Person(s): Garry E. Umstead, CMC, Clerk to the Board