

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

Monday, January 28, 2002

7:00 P.M. Regular Session

**AGENDA**

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

2. **Agenda Adjustments**

*Chairman Black added an item regarding the Mental Health Board.*

*County Attorney Chuck Kitchen added a budget ordinance amendment (consent agenda item No. 5[h]).*

*Vice-Chairman Reckhow and Commissioner Bowser added an item regarding I-85 and the Roxboro Road interchange (item No. 13).*

3. **Minutes**

December 3, 2001 Worksession Minutes

*Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the December 3, 2001 Worksession Minutes of the Board as submitted.*

*The motion carried unanimously.*

*The Board agreed to meet with the Mental Health Board at 4:00 p.m. on February 25, 2002 in the Commissioners' Chambers.*

4. **Recognition of Special Efforts of Durham County Departments during Snow Event**

Various employees of Durham County were recognized for their extraordinary work during the January 3 snowstorm and in the days that followed. Many employees left the comfort and safety of their own homes and families to provide critical services and much-needed assistance to Durham County residents.

County Manager's Recommendation: Receive the report and extend congratulations to all of the Durham County employees who performed beyond the call of duty during the snow event.

5. **5. Consent Agenda**

- a. a. Property Tax Releases and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- b. b. NCDOT Community Transportation Grant Approval Request (approve the resolution authorizing Durham County Cooperative Extension Center to submit the FY 2002-2003 Community Transportation Program Grant to the North Carolina Department of Transportation; Board of County Commissioners commit \$29,795 for inclusion in the County's FY 2002-2003 budget to meet local match requirements);
- c. c. Offer to Purchase County Property (0 Kenmore Road) (pursue the upset bid process at this time; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- d. d. Final Offer to Purchase County Property (0 Alben Street) (approve the offer of \$2,622.50 submitted by Mr. William McMillan and prepare a nonwarranty 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);
- e. e. Application to the Public School Building Capital Fund--Durham Public Schools (the County Manager recommends approval of this project application to the Public School Building Capital Fund);
- f. f. Budget Amendment No. 02BCC000045--The Durham Center--to recognize additional state allocations (approve in the amount of \$393,644 as requested);
- g. g. Appoint New Member to the Board of Equalization and Review (appoint Mr. Fred Stell to complete the term for Mr. Charles Smith on the 2001 Board of Equalization and Review); and
- h. h. Capital Projects Amendment No. 02CPA000011 (approve the amendment to transfer capital issuance costs [\$3,100] to the Judicial Building Annex Project Fund and close out the bond projects).

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item Nos. 5(a) through 5(h).***

***The motion carried unanimously.***

6. **Public Hearing on Occupancy Tax**

The public hearing was held on the imposition of an additional 1-percent occupancy tax. The public hearing was advertised as required by law. The Resolution would impose the additional tax. In addition, the other two occupancy taxes (2 percent and 3 percent) must be reenacted along with the additional 1-percent tax. This additional tax, along with the original occupancy taxes, would be effective March 1, 2002.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Hold the public hearing and pass the resolution if the Board decides to impose the additional 1-percent occupancy tax.

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to pass the resolution to impose the additional one-percent occupancy tax.***

***The motion carried unanimously.***

7. **Public Hearing?Mark Galifianakis, Applicant (Rezoning Case P01-38)**

Mark Galifianakis presented to the Board of County Commissioners a request to rezone 135.8 acres north of Chin Page Road, east of Silicon Drive (no public street frontage), PIN 0748-04-94-2121 (Tax Map 581, Block 2, Lot 21).

Request: RD (Rural District) to I-2 (Light Industrial District). The proposal is in general conformance with the small area plan. Staff recommended denial. The Zoning Committee of the Durham Planning Commission conducted a public hearing on December 11, 2001 and voted 7-0 to recommend denial.

The public hearing for this request was advertised on January 11 and January 18, 2002 in the Durham Herald-Sun.

Resource Person(s): Nazeeh Abdul-Hakeem, Acting Planning Supervisor, and Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and deny the rezoning application, if appropriate, based upon public comment.

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow and Commissioner Cousin, to approve rezoning case P01-38.***

***The motion carried unanimously.***

8. **Public Hearing--RDSK LLC, Applicant (Rezoning Case P01-44)**

RDSK, LLC presented to the Board of County Commissioners a request to rezone 57.64 acres on the south side of the intersection of NC 98 and Sherron Road; 16 parcels identified as: 0860-01-19-0146, 0860-01-19-5874, 0860-01-19-0955, 0860-01-09-5743, 0860-01-09-4512, 0861-03-10-6292, 0861-03-10-5204, 0861-03-10-6119, 0861-03-10-0086, 0861-03-00-8412, 0861-03-00-9256, 0861-03-00-8100, and 0861-03-10-3321 (partial), 0861-03-19-6550 (partial), 0861-03-10-2245 (partial); 0861-03-00-3231 (partial); corresponding to Tax Map 665 Block 1, Lots 3 (partial), 6 through 9, 11 (partial), 14 (partial), 16, 17 & 18; and Block 2, Lots 38, 39, 40, 41 51, (partial), & 70.

Request: RD, R-20 & NC to NC, NC(D), SC(D), GC(D) & R-10, F/J-B. The proposal is in general conformance with the small area plan and 2020 Plan. However, it adds commercial in locations not supported by the small area plan. Staff does not support the added commercial and therefore, recommended denial. The Zoning Committee of the Durham Planning Commission conducted a public hearing on November 13, 2001 and voted 7-0 to recommend denial. The plan amendment supports the land uses proposed in the rezoning request.

The public hearing for this request was advertised on January 11 and 18, 2002 in the Durham Herald-Sun.

Resource Person(s): Nazeeh Abdul-Hakeem, Acting Planning Supervisor, and Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing, receive public comment and, if appropriate, deny the rezoning request. The Planning Commission voted to deny approval 7 to 0.

***Vice-Chairman Reckhow moved that the rezoning request be approved provided a pedestrian trail be made available through the open spaces.***

***The motion carried unanimously.***

9. **Public Hearing on the Community Development Block Grant?2002 Scattered Site Housing**

At the November 5, 2001 Worksession, staff informed the Board of an opportunity for Durham County to apply for \$400,000 in grant funds for the purpose of rehabilitating low-income housing through the 2002 Scattered Site Housing Program. The primary objective of the Community Development Block Grant Scattered Site Housing Program is to improve the housing conditions of very low-income households with incomes at or below 50 percent of area median income. Eligible counties receive these funds every three years on a noncompetitive basis. The funds can only be used in the unincorporated areas of the County. As lead agents, counties will receive funds by submitting a detailed plan describing how funds will be distributed to meet housing priorities. The application deadline for receiving funds from the State Department of Commerce--Division of Community Assistance is February 28, 2002. The Commissioners instructed staff to move forward in the application process at the November 5, 2001 Worksession.

A Request for Proposals was published in the newspapers on Sunday, December 9, 2001. Proposals were solicited until January 10, 2002 for the purposes of hiring a consulting firm to administer the Scattered Site Housing Program. Two proposals were received. The Board is requested in an associated agenda action to award a contract for consulting services. Under the North Carolina Community Development Block Grant Program Regulations, two public hearings must be held to comply with the Citizen Participation requirements.

Staff is requesting that this first public hearing be held tonight for the purposes of receiving citizen comments on the County's intentions of receiving these grants and awarding a contract to one of the consulting firms for purposes of administering the Scattered Site Housing Program in Durham County.

Resource Person(s): Wendell M. Davis, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Board hold the first of two public hearings on the 2002 CDBG Scattered Site Housing Program, receive public comment, and hold the second public hearing at the February 11 Board meeting.

***The public hearing was held; however, no one asked to speak to this agenda item.***

10. **Awarding of Consulting Contract for the Preparation of the Application for the CDBG?2002 Scattered Site Housing Program**

The Board is requested to award a contract to Benchmark LLC for consulting services for the preparation of the County's 2002 Community Development Block Grant Scattered Site Housing Program. A Request for Proposals was published in the newspapers on Sunday, December 9, 2001, and proposals were solicited through January 10, 2002 for the purposes of hiring a consulting firm to prepare the application and administer the program. The County received proposals from Holland Consulting Planners Inc. with a bid of \$53,310 and from Benchmark LLC with a bid amount of \$49,937. The State Division of Community Assistance allocates \$3,500 for the preparation of the application. Benchmark agreed not to charge the County \$3,500 for preparing the Scattered Site Housing Program application.

During the November 5, 2001 Worksession, staff informed the Board of the availability of \$400,000 in grant funds for the purpose of rehabilitating low-income housing from the Department of Commerce--Division of Community Assistance. The primary objective of the Community Development Block Grant Scattered Site Housing Program is to improve the housing conditions of very low-income households with incomes at or below 50 percent of area median income.

Eligible counties receive these funds every three years on a noncompetitive basis. The funds can only be used in the unincorporated areas of the County. As lead agent, the County will receive the funds by submitting a detailed plan describing how the funds will be distributed to meet housing priorities. The application deadline for receiving funds from the State Department of Commerce--Division of Community Assistance is February 28, 2002. Once the contract is awarded, the consulting firm of Benchmark LLC will be responsible for preparing the County's application for the funds as well as the administration of the program.

Resource Person(s): Wendell M. Davis, Deputy County Manager  
Heidi Duer, Assistant to the County Manager  
Glen Whisler, County Engineer  
Delphine Powell, Compliance Officer  
Yolanda Moore-Gaddy, MWBE Coordinator  
Karen Wimbush, Purchasing Director

County Manager's Recommendation: The Manager's recommendation is that the Board award a contract to Benchmark LLC for purposes of preparing the application and later administering the 2002 Community Development Block Grant Scattered Site Housing Program. Once the application is complete, the state is scheduled to award grants by June of 2002. At this time, the County will award the administrative portion of the contract to Benchmark LLC.

***Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, approval of this agenda item.***

***The motion carried unanimously.***

11. **Durham County Tax Department Extended Hours**

The Tax Department proposed a four-day workweek for the staff and extended office hours. The Department proposes to begin on February 4, 2002, opening one hour earlier and remaining open one hour later each day. The new office hours would be 7:30 a.m. to 6:00 p.m. 5 days per week.

By extending the hours, the department would allow the general public additional time to take care of tax-related business. Attorneys, real estate agents, appraisers, and other professionals would also have additional hours to access the office and obtain information. And, with staff going to a 4-day workweek, the department is assisting in the compliance of the travel reduction plan. The staff will be traveling at non-peak times and one less day per week.

The proposed schedule is as follows:

**Group A**  
**Group B**  
**Group C**

Off Monday  
Works  
Tuesday  
8:30 AM ? 5:00 PM  
Wednesday - Friday  
7:30 AM ? 6:30 PM  
Off Friday  
Works  
Thursday  
8:30 AM ? 5:00 PM  
Monday-Wednesday  
7:30 AM ? 6:30 PM

Works Monday ? Friday  
8:30 AM ? 5:00 PM

Groups A & B will alternate Mondays and Fridays allowing them to have a four-day weekend every other weekend. All groups will continue to work 37.5 hours per week. This proposed schedule would also allow staff the opportunity to cross-train in different areas of the office.

Resource Person(s): W. Steven Crysel, Tax Administrator

County Manager's Recommendation: The Manager's recommendation is that the Tax Department be allowed to extend its office hours and to allow some staff members to change to a four-day workweek.

***Commissioner Bowser moved, seconded by Commissioner Heron, to approve that the Tax Department extend its office hours and allow some staff members to change to a four-day workweek.***

***The motion carried unanimously.***

12. **12. I-85 and Roxboro Road Interchange**

***Staff was directed to draft a letter for Chairman Black's signature to the secretary of the NC Department of Transportation expressing concern about widening Roxboro Road south of I-85 and its impact on the Duke Park neighborhood and vegetation in the Duke Park area.***