

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

Monday, February 11, 2002

AGENDA

5:00 P.M.

1. **Presentation of Site Considerations for New Library Branches**

The Library and County administration are seeking direction from the Board regarding negotiations for sites for new branch libraries. They will present information on site research that has been conducted over the last year and request to go into closed session to receive authorization from the Board to proceed with negotiations for land purchase. The Library Board has reviewed and approved the recommendations for sites and requests that negotiations be expedited.

Resource Person(s): Wendell Davis, Deputy County Manager; Dale Gaddis, Library Director; Glen Whisler, County Engineer; Bill Martin, County Real Estate Manager; Bessie Carrington, Library Board Chair; and Ann Craver, Library Board Vice Chair

County Manager's Recommendation: The Manager's recommendation is that the Board receive the information presented and have staff address any relevant questions. Staff has further requested a closed session to seek Board direction on site acquisition.

6:00 P.M.

2. **Closed Session**

The Board is requested to adjourn to closed session to instruct the staff concerning the position to be taken regarding the price or material terms for the purchase of real property pursuant to G.S. § 143-318.11(a)(5).

Regular Session

7:00 P.M.

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

2. **Agenda Adjustments**

The County Manager will make a presentation following Item 8 regarding the budget reduction plan due to the state shortfall.

Commissioner Bowser asked to add an item regarding the need for additional post offices in SW Durham and East Durham.

3. **Minutes**

November 12, 2001 Regular Session

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the Minutes of November 12, 2001 as submitted.

The motion carried unanimously.

Vice-Chairman Reckhow asked that the Board receive copies of any letters directed during BOCC meetings to be created.

4. **Presentation of Outstanding County Program Award from the North Carolina Association of County Commissioners**

Durham County has been recognized again with an "Outstanding County Program Award" from the North Carolina Association of County Commissioners for its Library Youth Partners program. The program is run collaboratively by the Durham County Public Library, the N. C. Museum of Life and Science, and two high school media centers. Library Youth Partners lets adolescents earn money while learning to create and deliver story-time presentations to younger children. The program competed against 20 entries in the Public Education/Participation category, and only four winners were chosen. Overall, nearly 100 entries were submitted for participation in this year's Outstanding County Program Award.

Ms. Rebecca Troutman of the North Carolina Association of County Commissioners will make the award presentation.

Resource Person(s): Rebecca Troutman

County Manager's Recommendation: Congratulate staff and participants of the "Library Youth Partners" program for receiving recognition for this successful program.

Ms. Troutman made the presentation to Ms. Dale Gaddis, Director of Libraries.

5. **Recognition for "5 Yes! For Durham's Future" Communications Committee**

Last fall, John Burness, Senior Vice President for Public Affairs and Government Relations at Duke University, and Dr. Phail Wynn, President of Durham Technical Community College, cochaired the committee responsible for successfully marketing Durham County's \$74.4 million bond referendum.

The committee members follow: Carl Webb and Anna Semas?Webb Patterson; Mickey Tezai?Durham County EMS; Dale Gaddis and Pam Jaskot?Durham County Library; Nancy Hester and Michael Yarborough?Durham Public Schools; Tom Krakauer and Kim Shaw?Museum of Life and Science; Alice Alexander?Coordinating Council for Senior Citizens; Kay James and Terry Summers?Durham Public Education Network; Deborah Craig-Ray?staff representing Durham County Government; and Treasurers: Lee Johnson, Mechanics & Farmers Bank, and Lisa Yarborough, Central Carolina Bank.

Commission Chairman MaryAnn E. Black will recognize the work of the participants and present tokens of appreciation.

County Manager's Recommendation: Congratulate members of the "5 Yes! For Durham's Future" committee for a successful bond campaign.

The Board recognized the participants with a paperweight, praise, and thanks.

The Committee's co-chairs, Mr. Burness and Dr. Wynn made comments.

Chairman Black recognized Dr. Lavonia I. Allison for comments on this item.

6. **Recognition of Arnold Dennis, 2002 Chain Link Award Winner**

Arnold Dennis, Assistant Director for Family Self Sufficiency for the Department of Social Services, received the Durham Business and Professional Chain's highest award on January 25. The 2002 "Chain Link Award" was presented to Mr. Dennis for his visionary leadership on the "Rites of

Passage," a nationally-recognized violence intervention program. He was recognized for his excellent leadership and his strong commitment to the development of youth in the Durham community.

This unique mentoring program, which works with young men between the ages of 13-16, is an award-winning endeavor that serves as a model program for young men. Mr. Dennis is one of the founders of the program which began in 1989. With the help of a team of mentors, facilitators, and parents, students in the program receive nine months of training in health, survival skills, social studies, African and African-American history, and entrepreneurship. More than 200 young men have graduated from the program since its inception.

During the awards ceremony, two previous participants in "Rites of Passage" gave moving testimonials about the role Mr. Dennis played in their lives, helping them transform from so-called "trouble-makers" to become focused and goal-oriented young men. Each credited Mr. Dennis' work with "Rites of Passage" to contributing to their current success.

County Manager's Recommendation: Extend sincere congratulations to Mr. Arnold Dennis for this outstanding achievement.

The Board recognized Mr. Dennis. Mr. Dennis spoke regarding the work of the Rites of Passage program, its need for support, and its accomplishments.

7. Recognition of James Fields

Mr. James Fields and his camera equipment have been fixtures at major events of the Durham community and beyond for decades. For the past 10 years, he has coordinated the taping and airing of Durham County Commissioner meetings on the local cable channel.

As part of last month's Martin Luther King observances, Mr. Fields was honored for his work chronicling community activities. Representatives of the Martin Luther King Jr. Steering Committee presented to him their organization's Service Award for "devoted services rendered to the Durham community."

County Manager's Recommendation: Extend sincere congratulations to Mr. Fields for this outstanding community recognition.

Chairman Black read the text of the award and presented the award to Mr. Fields. Mr. Fields thanked the Board for this surprise recognition.

8. Triangle J Council of Governments (TJCOG) Presentation

Mr. Dee Freeman, Executive Director of the Triangle J Council of Governments (TJCOG), will provide an annual report regarding the COG's program of work.

Resource Person(s): Dee Freeman, Executive Director, TJCOG

County Manager's Recommendation: The Manager recommends that the Board receive the presentation on Triangle J Council of Governments.

Mr. Freeman addressed the Board and provided the report.

Item Added?County Manager's Statement?Budget Reduction Plan

The County Manager read a statement regarding the County's upcoming cuts to its current budget. The County will reduce its FY 2001-2002 budget by the state's required \$3.6 million. He advised this crisis will carry over to next fiscal year as well?departments will be required to

include a 5-percent reduction in FY 2002-2003. As of today, \$2.8 million has been found from 27 County departments. County Manager Ruffin advised a list of spending categories which have been frozen for the remainder of this fiscal year.

Chairman Black commented on a letter from the Cumberland County Board of Commissioners to Governor Easley. Cumberland County was forced to lay off 100+ employees as a result of the state shortfall.

9. 9. Consent Agenda

- a. a. Budget Ordinance Amendment No. 02BCC000047?Public Health?To Recognize Revenue for the General Health Clinic (approve Budget Ordinance Amendment No. 02BCC000047 to recognize \$206,150 from the Department of Health and Human Services for the Bioterrorism Response Team);
- b. b. Budget Ordinance Amendment No. 02BCC000048?Public Health?To Recognize Revenue for the Environmental Health Division (approve Budget Ordinance Amendment No. 02BCC000048 to recognize \$55,000 from the Department of Health and Human Services for the childhood lead poisoning prevention program);
- c. c. Board Appointment?Animal Control Advisory Committee (appoint Patricia A. Croom, President of the Board of Directors for the Animal Protection Society, to the Animal Control Advisory Committee to be the official representative of the Animal Protection Society);
- d. d. Department of Social Services?Purchase PCs with Funds Received from State Cost Settlement (authorize the purchase of equipment from Gateway Inc. funded by the State cost settlement with no County dollars needed, in an amount not-to-exceed \$220,362);
- e. e. Amendment to Sublease at Durham Regional Hospital (approve the sublease so that Duke University Health System can proceed with the new CON procedure);
- f. f. Execution of Architectural Design Service Contract with Michael Hining Architects for the Renovation of the Agriculture Building?RFQ 01-031?Project No.: DC068-30 (authorize the execution of an architectural design contract with Michael Hining Architects in the amount of \$38,450 and any other related contracts, if necessary, not to exceed the estimated project budget of \$42,000); and
- g. g. Budget Ordinance Amendment No. 01BCC000049?Accounting Services for Water and Sewer Agreed-Upon Procedures (award the contract to perform the accounting services for the water and sewer agreed-upon procedures to Dixon & Odom in the amount not-to-exceed \$134,900 which represents 50% of the cost of the not-to-exceed amount of \$269,800).

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to approved items 9(a), (b), (c), and (d).

The motion carried unanimously.

Commissioner Bowser made comments regarding 9(e), the amendment to the Sublease. Mr. Liekweg, President and CEO of Durham Hospital Corporation Board of Trustees, made a clarification for Commissioner Bowser.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item 9(e).

The motion carried unanimously.

Commissioner Bowser asked for and received clarification on Consent Agenda Items 9(e) and 9(f) from Glen Whisler, County Engineer, and Wendell Davis, Deputy County Manager.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Items 9(e) and 9(f).

The motion carried unanimously.

10. **Public Hearing?Northeast Durham Small Area Plan**

Northeast Durham is one of the three small areas without an adopted land use plan. The study area encompasses approximately 24,000 acres. The area lies east of U.S. 70, south of Interstate 85 and the Granville County line, north of N.C. 98, and west of the Wake County line. The population at the time of the 2000 U.S. Census was approximately 14,000. During the 1990s, the population grew over 32 percent. The Land Use Plan for Northeast Durham encourages and promotes economic development while safeguarding air and water quality.

The plan promotes a mix of residential densities intended to accommodate a wide range of citizen need and preference. The draft plan initially presented to the Planning Committee called for a residential density of 1-2 units per acre in a 2,600-acre area east of the proposed Northern Durham Parkway and west of Burton Road/Fletchers Chapel Road/Stallings Road. However, staff increased the recommended density to 1-3 units per acre to bring the plan into closer conformance with existing zoning and land-use trends in that area. This change has been opposed by a number of citizens who attended public meetings during plan development.

The Planning Committee considered the plan at three meetings and voted to recommend approval at its October 10, 2001 meeting in a 3-2 vote.

Resource Person(s): Laura D. Woods, Planner, City/County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comment and adopt the Northeast Durham Small Area Plan.

Chairman Black opened the Public Hearing, which was properly advertised.

Speakers signed who came forward were:

Mr. John Parrish, 2704 Burton Road, representing the Burton Road Neighborhood Association, thanked the Board for their efforts to make this a good plan.

Dr. Lavonia I. Allison, representing the Durham Committee for the Affairs of Black People, asked the Board to address her concerns regarding schools.

Ms. Lois Murphy, 222 Santee Road, representing the Santee community, thanked Commissioners Black and Bowser and efforts to extend water to the community. She stated she would be willing to pay for extension of water services.

The County Attorney answered questions for Dr. Allison.

Commissioner Bowser moved, seconded by Commissioner Cousin, to accept the proposal by Mark Reynolds and extension of water to Santee Road.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to adopt the Northeast Durham Small Area Plan as presented, with exceptions.

The motion carried unanimously.

11. **Public Hearing?TC 117-01 Zoning Ordinance Text Amendment to Consider Deletion of Late Fee Requirements**

Adopt ordinance removing the late fee provision from the Zoning Enforcement Section of the Zoning Ordinance [Section 20].

Recent court rulings have indicated that public agencies are not allowed to collect late fees imposed on zoning enforcement civil penalties. The Zoning Committee conducted a public hearing on April 10, 2001, and voted 7-0 to recommend approval of the deletion of late fee requirements. The City Council has previously adopted this amendment. This public hearing was advertised on February 1 and 8, 2002 in the Herald-Sun.

Resource Person(s): Pratt Simmons, Planning Supervisor; 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 approve the text amendment, if appropriate, based on public comment.

Chairman Black opened and closed the public hearing, as there were no persons signed to speak. Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Zoning Ordinance Text Amendment TC117-01.

The motion carried unanimously.

12. **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% 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. At the January 28, 2002 meeting, the Board awarded a contract to Benchmark Consulting to prepare the County's application for the Scattered Site Funds. Under the North Carolina Community Development Block Grant Program Regulations, two public hearings must be held to comply with the Citizen Participation requirements. This is the last of the two public hearings required.

Staff is requesting that the second public hearing be held tonight for the purpose of receiving citizen comments on the County's intentions of receiving these grants.

Resource Person(s): Wendell M. Davis, Deputy County Manager; Michael Walser, Vice President, Benchmark Consulting

County Manager's Recommendation: The Manager recommends that the Board hold the second public hearings on the 2002 CDBG?Scattered Site Housing Program and receive public comment.

No action was required on this item.

13. **Public Hearing?M01-03 Cormetech Inc. Major Use Permit**

Cormetech Inc. Environmental Technologies is an existing 71,890-square-foot light manufacturing facility located on International Drive in Treyburn Corporate Park. The applicant is proposing a 16,425-square-foot addition with related parking and drive area expansion. This will result in a total impervious surface coverage of 30.91%. Section 5.5.5(1) of the Ordinance requires Major Use Permit approval by the governing body for any non-residential development in the F/J-A Watershed that exceeds 25% impervious surface.

Resource Person(s): Dennis Doty, Planner; Sheila Stains-Ramp, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions) Direct the Planning Director to prepare a decision granting with conditions the use permit in Case M01-03. (Commissioners should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for BOCC's next meeting for action).

Motion B: (Disapproval) Direct the Planning Director to prepare a decision denying the use permit in Case M01-03. (Commissioners should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for BOCC's next meeting for action).

Chairman Black stated the procedure for the hearing regarding presentation of evidence and testimony. At the Chairman's request, Mr. Doty presented the item.

The Commissioners asked questions and made comments.

Chairman Black recognized the applicant and speakers. Mr. Donnie Clark and Mr. Terry McTernan of Cormetech were present for Commissioner questions.

There being no further comment, Chairman Black called for a vote.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to accept Motion A.

The motion carried unanimously.

14. **Major Site Plan Approval?Cormetech Inc.?5000 International Drive**

To approve a Major Site Plan for a building and parking expansion to an existing manufacturing facility located in the F/J-A Watershed District.

Cormetech Inc. Environmental Technologies is an existing 71,890-square-foot light manufacturing facility located on International Drive in Treyburn Corporate Park. The applicant is proposing a 16,425-square-foot addition with related parking and drive area expansion. The building additions are proposed at the east (rear) and south sides of the existing structure. The parking lot addition is planned for the area south of the existing parking lot which is located in front of the building; a new loading area is planned at the rear of the building. The expansions will result in a total impervious surface coverage of 30.91%.

Resource Person(s): Dennis Doty, Planner; Steve Medlin, Planning Supervisor

Manager's Recommendation: The County Manager's recommendation is that the Board approve the site plan, if appropriate, based upon the evidence presented in the quasi-judicial hearing.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the Major Site Plan.

The motion carried unanimously.

15. **15. Item Added by Commissioner Bowser?Need for Additional Post Offices**

Commissioner Bowser requested that a letter be written to send to the US Post Master General requesting that the SW Durham Branch Post Office be replaced with a larger facility and that a Post Office be built in East Durham. Vice-Chairman Reckhow suggested that additional staff be requested in the interim at the SW branch.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, that the letter be written for the Commissioners' signatures.

The motion carried unanimously.

There being no further business, the meeting adjourned at 10:05 p.m.