

REVISED

Added a Closed Session, Pulled American Tobacco Project Item, and Added an Item From Historic Preservation Society of Durham Regarding Property

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

Monday, August 12, 2002

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
Item numbers 4, 9, and 15 were pulled from the agenda. Numbers 4 and 9 will be placed on the August 26 Regular Session agenda.

An item concerning the Northern Durham Parkway was added and placed before the Consent Agenda.

An item concerning the Durham Regional Hospital was added after No. 13.

The Board welcomed David Hoffman and another member of Boy Scout Troop 439.

3. **Minutes**
 - a. a. May 29, 2002 Closed Session
 - b. b. May 31, 2002 BOCC/City Council/Legislative Delegation
 - c. c. June 3, 2002 Worksession
 - d. d. June 10, 2002 Regular Session
 - e. e. June 11, 2002 Budget Worksession
 - f. f. June 24, 2002 Regular Session
 - g. g. July 1, 2002 Worksession

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the Minutes of the May 29, 2002 Closed Session; May 31, 2002 BOCC/City Council/Legislative Delegation; June 3, 2002 Worksession; June 10, 2002 Regular Session; June 11, 2002 Budget Worksession; and June 24, 2002 Regular Session as submitted, and the Minutes of the July 1, 2002 Worksession as corrected.

*The motion carried unanimously.
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Commissioner Bowser*

4. **August Anchor Award Winner**?**Jason Gainey**

Jason Gainey, Durham County Deputy Sheriff, is the winner of this month's Anchor Award. In the nomination letter, Major Mike Andrews detailed Deputy Gainey's persistence in locating and

rescuing a three-year-old child who was an innocent victim of an assault case. Without the dedicated persistence of Deputy Gainey and others, the child might have suffocated or died from the extreme heat in the attic of the home where she was eventually located. His actions reflected his extraordinary professionalism and strong commitment to serving the citizens of Durham County.

County Manager's Recommendation: Present the August Anchor Award to Deputy Jason Gainey, along with the sincere congratulations of the entire organization.

This item was pulled. It will be placed on an upcoming agenda.

5. **Introduction of the New Library Director**

On July 8, 2002, Mr. Philip Cherry III began work as the new Durham County Library Director. As Director of Library Services, Mr. Cherry will oversee operations at Durham County Government's main library and seven branches.

Mr. Cherry has held positions as library director in Rockford, Illinois and Hickory, North Carolina. During his four-year tenure as director of the Hickory Public Library, the organization underwent broad changes that resulted in its being named one of the top five public libraries in the nation in 1998.

He began his professional career in 1988 with the Public Library of Charlotte & Mecklenburg County in Charlotte, NC. During his nearly eight-year tenure, he worked in numerous positions including reference librarian, branch manager, and special assistant to the executive director and reference services manager.

Mr. Cherry holds a master's degree in library science from North Carolina Central University where he graduated magna cum laude in 1988. He also holds a bachelor of arts degree in English from the University of North Carolina at Chapel Hill.

This will be the second time this native North Carolinian has worked at the Durham County Library. He worked as a part-time library page while attending graduate school.

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

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate Mr. Cherry and extend a warm welcome.

The Commissioners welcomed Mr. Cherry to his new position as Library Director. Mr. Cherry spoke of his enthusiasm for the position and in returning to Durham.

6. **Final Payment of Loan by the Carolina Theatre**

In 1994, the Carolina Theatre underwent publicly-funded renovations. When the theatre was due to reopen its doors, it faced a \$400,000 shortfall needed to complete the renovations and finishing touches. Durham County issued a \$200,000 loan to the Theatre, which was to be repaid in one year. The Theatre also borrowed \$200,000 from the City of Durham. After reopening, the Theatre's financial situation took a downward turn and was unable to generate enough revenue to meet its financial obligations. The Theatre requested to be released from the loans and was granted an extension and a monthly payment schedule by the County. Over the last two years, the Theatre has been able to successfully turn its finances around and is presenting a check in the amount of \$7,882.73. This is the final payment to Durham County for the remaining portion of the loan.

Resource Person(s): Connie Campanaro, Interim Executive Director; Joe Jordan, Chair of the Board of Trustees; and Steve Martin, former Executive Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation of the final payment on the loan and extend appreciation and congratulations to the Carolina Theatre.

The Commissioners accepted this final payment from the Carolina Theatre with thanks and comments.

7. **Challenge For Children 2001**

In January 1997, the North Carolina Department of Health and Human Services Division of Social Services issued the first "Challenge for Children," asking every county department of social services to make foster care backlog reduction a top priority for the child welfare system. This program's major goal is to reduce the number of children who remain in the custody of county Department of Social Services for more than 12 months (foster care backlog).

Durham County is one of 58 counties that has accepted the challenge for the past five years. It is also one of seven counties to experience continuous reductions in the backlog each year. In 2001, Durham County realized a backlog change of 0.02 percent. Counties similar in population to Durham realized a backlog change of 10 percent. The entire staff is to be commended for a concentrated focus and successful commitment to reduce the backlog, thus improving the lives of children who find themselves in foster care. Dan Hudgins and members of the staff will be present.

County Manager's Recommendation: Commend the staff of Durham County Social Services for its successful participation in the State's "Challenge for Children 2001" program, and for ensuring safe, permanent homes for abused and neglected children.

DSS Director Dan Hudgins presented the item and asked for community participation in the foster parent and child adoption challenge.

7(a) Commissioner Heron spoke of proposed legislation concerning the Northern Durham Parkway. John Schelp was recognized by Commissioner Heron. He stated that his group was opposed to the "Eno Drive" and instead supported funding the "East End Connector."

Vice-Chairman Reckhow addressed the proposal and stated there may be a different and better proposal.

The Board requested that a letter be sent asking for flexibility in the way the Highway Trust Fund is being used. It should thank Representative Miller for his efforts.

8. **Consent Agenda**

- a. a. Capital Project Amendment No. 03CPA000001?Close Durham Public School Projects (close the Durham Public Schools Capital Projects: Hope Valley Elementary \$236,289.00; Fayetteville Street \$13,815.26; Harris Elementary \$23,667.00; Lowe's Grove Middle School \$2,575.50; Chewning Middle \$49,177.94; Durham School of the Arts \$22,726.12; Morehead Elementary \$218,246.25; Oak Grove Elementary \$2,632.55; Pearson Elementary \$124,879.69; Powe Elementary \$56,689.35; Spaulding Elementary \$9,116.54; Watts Elementary \$18,562.12; Eno Valley Elementary \$56,009.93; and Lowes Grove Middle \$96,462.98 for a total budget decrease of \$930,850.23);
- b. b. Budget Ordinance Amendment No. 03BCC000001?Technical Adjustments to Fiscal Year 2002-03 Budget Ordinance (approve the revised Budget Ordinance Amendment No. 03BCC000001 to accurately show revenue categories);
- c. c. Property Tax Releases and Refunds for Fiscal Year 02-03 (accept the property tax release and refund report as presented 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 your consent agenda);

- d. Reschedule September 2, 2002 Worksession (due to Monday, September 2, 2002 being a national holiday [Labor Day], hold the worksession on Thursday, August 29, 2002 beginning at 9:00 a.m.);
- e. Approve Software Upgrade of Current System to QS Technologies Inc., Insight Software and Hardware Upgrade for the Durham County Health Department (approve the purchase of QS Technologies Inc., Insight software package in the amount of \$151,290 and upgrading hardware in the amount of \$95,751 to support the software package for the Durham County Health Department for a total amount of \$247,041.00);
- f. Cultural MasterPlan Steering Committee (CMSC) Appointment (approve the addition of Mr. Don Defeo to the Cultural MasterPlan Steering Committee);
- g. Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the Utility Contract for this addition to the County sanitary sewer system);
- h. Wastewater Sludge Disposal (authorize the County Manager to execute a contract with R & R Environmental Inc. for the removal of 3,500 dry tons of sludge at a cost of \$681,500);
- i. Community Development Block Grant?2002 Scattered Site Housing Program Document Execution (authorize the Chairman to execute all of the necessary documents in order to administer the 2002 Community Development Block Grant Scattered Site Housing Program); and
- j. Community Child Protection Team/Child Fatality Prevention Team (appoint Ms. Ann R. Fisher, the schools? Homeless Liaison, to the Community Child Protection Team/Child Fatality Prevention Team to represent the school district).

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the items on the Consent Agenda.

***The motion carried unanimously.
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Commissioner Bowser***

9. Public Hearing?Re-enacting a Six-Month Moratorium on New Telecommunication Tower Applications

The Board is requested to adopt an ordinance to re-enact a six-month moratorium on consideration of applications on all new towers allowed by right or by use permit, and all towers replacing nonconforming towers. Applications received prior to the start of the re-enactment of the moratorium can be processed provided the applicant can show to the satisfaction of staff that no interference with emergency communications or governmental dispatch capabilities will result.

Resource Person(s): Frank M. Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and adopt the ordinance, if appropriate, based on public comment.

This item was pulled from the agenda and will be placed on the August 26 Regular Session agenda.

10. Public Hearing To Consider A Proposed Text Amendment [TC 131-02] to Clarify Appropriate Public Hearing Scheduling for Modifications to Applications

The Board is requested to adopt the ordinance amending the zoning ordinance to clarify appropriate public hearing scheduling for modifications to rezoning applications following a public hearing on the matter.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the ordinance amending the zoning ordinance identified as TC 131-02.

***Chairman Black opened and closed the public hearing with no persons signed to speak.
Commissioner Heron moved, seconded by Vice-Chairman
Reckhow, to approve Text Amendment TC 131-02.***

***The motion carried unanimously.
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Commissioner Bowser***

11. Major Site Plan Approval for New Life Christian Center, Phases I & II (D02-107)

R L Horvath Associates Inc., on behalf of New Life Christian Center Inc., has submitted a site plan for Phases I & II of New Life Christian Center, consisting of a 23,850-square-foot, two-story sanctuary, fellowship hall, and day care center, along with a playground, a cloister garden, a baseball field, 316 motor vehicle parking spaces, and 17 bicycle parking spaces (all Phase I), and a 20,800-square-foot, one-story youth center (Phase II) on a ±33.821-acre site. The proposed facility will be located east of Fayetteville Road, south of Massey Chapel Road, and north of Atkins Heights Boulevard. (PIN 0717-02-79-6795; tax reference 529-1-16C; County Atlas Page 95, Blocks C-2, C-3, D-2 & D-3). Governing Body approval is required for site plans for buildings larger than 25,000 square feet. The development does not meet the thresholds for a Traffic Impact Analysis.

Resource Person(s): Teri Danner, Senior Planner, and Steve Medlin, Planning Supervisor

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

***Commissioner Heron moved, seconded by Commissioner
Cousin, to approve the site plan with the variation to the street
tree plan.***

***The motion carried unanimously.
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Commissioner Bowser***

12. Recommendation for Electing or Standard Status for the Durham County Work First Plan and Appointment of Members to the Work First Planning Committee

Work First is the primary program in North Carolina for administering the Temporary Assistance for Needy Families (TANF) program. Since Work First is administered locally in each county, North Carolina law (NCGS 108A-27) requires each county to submit a County Work First Block Grant plan every two years. This fall, each county will again develop a Work First Block Grant Plan to become effective October 1, 2003.

The first stages of plan development include the appointment of a committee of local leaders (a Work First Planning Committee) to assist in the development of its Work First Block Grant plan. The list of proposed appointees will be discussed and considered for approval.

Critical to each county's Work First plan, is a recommendation of either electing or standard status. It has been the County's procedure for the Work First Planning Committee to discuss the advantages and disadvantages for the county in being an electing or standard county and then submit a recommendation to the Board of County Commissioners. If accepted, the Board sends this

recommendation as its official recommendation for electing or standard county status to the Department of Health & Human Services (DHHS) in Raleigh. This year, the recommendation for the Work First Block Grant plan for FY 2003-2005 must be received by the DHHS no later than August 16, 2002.

At the August 1 meeting of the Work First Planning Committee, the Committee voted to remain a standard county in the administration of its TANF Block Grant for 2003-2005. The committee felt that there were no clear advantages for Durham to seek electing county status at this time. During the last four years, the DHHS has made its TANF guidelines flexible enough so that standard counties have been able to develop innovative programs and services that meet the needs of their residents. Due to the budget crisis, the State Legislature is also considering in the future reverting back to the state all TANF funds that are not expended by an electing county. In the past, these funds were considered county savings to be used at the county's discretion.

Resource Person(s): Jim Polk, Chair of the Work First Planning Committee, and Dan Hudgins, DSS Director

County Manager's Recommendation: The Manager recommends that the Board review and approve the appointment of members to the Work First Planning Committee, approve the recommendation from the Work First Planning Committee for Durham County to remain a standard county, and direct staff to submit status to the Department of Health and Human Services by August 16, 2002.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the County Manager's recommendation that the Board review and approve the appointment of members to the Work First Planning Committee, approve the recommendation from the Work First Planning Committee for Durham County to remain a standard county, and direct staff to submit status to the Department of Health and Human Services by August 16, 2002.

***The motion carried unanimously.
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Commissioner Bowser***

13. Request from Historic Preservation Society of Durham (HPSD)

The HPSD desires to purchase two lots from the County, which were acquired through tax foreclosure proceedings and for which the County has no intended use. The lots have been placed for sale, and no offers have been received. The addresses are 2810 Lawndale Avenue and 2900 Hillsborough Road. The County's investment in the lots is \$9,526.57 and \$8,869.86, respectively. North Carolina General Statute 160A-266 allows counties to dispose of real property to a nonprofit organization whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance. HPSD is requesting that the County grant an option to purchase the lots as well as its permission to locate two historic homes thereupon. HPSD will begin the necessary measures to ready those homes for sale and occupancy. However, since the property is zoned General Commercial, Certificates of Occupancy cannot be issued. Therefore, HPSD is also requesting that the County initiate a request to rezone both lots from General Commercial to R-5. The County's initiation of these requests will enable HPSD to avoid some of the fees associated with zoning map amendments. The purchase of the lots would be consummated after the zoning map amendments have been approved and sales contract(s) on the properties have been executed. Obviously, HPSD would need to purchase the lots before it closes on the property with the new owners.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; John Compton, Executive Director, HPSD

County Manager's Recommendation: The Manager recommends that the Board grant an option to the Historic Preservation Society of Durham to purchase properties identified as 2810 Lawndale Avenue for \$9,526.57 and 2900 Hillsborough Road for \$8,869.86, approve the relocation of structures on the properties provided no liability is attached, and authorize the staff to request that both lots be rezoned from General Commercial to R-5.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to grant the option to the Historic Preservation Society of Durham, approve the relocation of structures, authorize the staff to request that both lots be rezoned from General Commercial to R-5, and ask the City-County Planning Department to evaluate the surrounding properties.

*The motion carried unanimously.
Ayes: Black, Cousin, Heron, and Reckhow
Noes: None
Absent: Commissioner Bowser*

- 13(a) *Vice-Chairman Reckhow added an item concerning Durham Regional Hospital. The Commissioners requested that they be better kept up to date on the financial situation and customer service quality at the facility. A letter was requested to ask Caroline Dixon to schedule a luncheon meeting with the Durham Regional Board to hear about the facility and ask questions. The letter should suggest dates for this luncheon meeting.*

14. **Board and Commission Appointments**

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

- • Alcoholic Beverage Control Board
- • Civic Center Authority
- • Library Board of Trustees

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

The Commissioners decided to re-advertise the openings on the ABC Board. Members were placed on the other two boards.

15. **15. Closed Session**

The Board is requested to adjourn to closed session to discuss the location of industries or other businesses and to consider economic development incentives pursuant to G.S. § 143-318.11(a)(4).

Resource Person(s): Carolyn Titus, Deputy County Manager

This item was pulled from the agenda.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 8:30 P.M.

