

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

Monday, August 12, 2002

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 Philip R. Cousin Jr. and Becky M. Heron

Absent: Commissioner Joe W. Bowser (Excused)

Presider: Chairman Black

**Opening of Regular Session**

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

**Agenda Adjustments**

Chairman Black pulled the following agenda items:

1. Item #4, "August Anchor Award Winner—Jason Gainey." This will be placed on the August 26, 2002 Regular Session Agenda.
2. Item #9, "Public Hearing—Re-enacting a Six-Month Moratorium on New Telecommunications Tower Applications." This will be placed on the August 26, 2002 Regular Session Agenda.
3. Item #15, "Closed Session." The Chairman advised that this was no longer needed.

Chairman Black added the following agenda items:

1. Item 13A, report from Hospital Board of Trustees
2. Item 7A, an update on the Northern Durham Parkway and statement of unity for East End Connector

**Boy Scout Troop Welcomed**

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

## **Minutes**

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 4-0.

Ayes: Black, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Bowser

Vice-Chairman Reckhow asked a question regarding an item in the June 24, 2002 approved minutes, "Pulling/Withdrawing Rezoning Cases in Midstream." She asked whether a requested memo was sent to City Council conveying issues that this Board raised at the meeting concerning deferral of the rezoning request by Ticon Inc.

City-County Planning Director Frank Duke advised that the Planning Department had not yet prepared the memo. The department is aware it must do this before the item goes to City Council for its consideration. As discussed, Planning expects to present this at the same time as the item is going to City Council, so that the petitioner will be aware of the County Commissioners' concerns.

The Vice-Chairman asked for a copy of the letter to be forwarded to the Board upon its completion. She also asked that an amendment to the UDO be considered as suggested by the County Attorney. If the Board turns down a rezoning request, there should be a one-year delay before resubmission to the City Council.

Mr. Duke advised that this issue has been noted.

Commissioner Heron asked that the Commissioners' Directives list be revived. This would help the Board stay aware of the status of its various requests. Vice-Chairman Reckhow asked also that the Board receive a copy of all letters it requests to be written.

## **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.

Wendell Davis, Deputy County Manager, introduced Mr. Cherry to the Commissioners. Mr. Cherry spoke of his enthusiasm for the position and in returning to Durham. He stated that Durham has much to offer for himself and his family, especially educational opportunities. He commented on the passage of the bond referendum in November, which speaks of the community's support for library service.

The Commissioners welcomed Mr. Cherry to his new position as Library Director. County Manager Ruffin commented that Durham County is very glad to have someone of Mr. Cherry's caliber and experience in library construction and expansion. His enthusiasm and outstanding leadership qualities will be a great benefit to the County.

No action was required on this item.

### **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.

Mr. Steve Martin introduced the item and Ms. Connie Campanaro, the Interim Executive Director. He commented that the Theatre has become an exciting place to come with its great offerings. Ms. Campanaro presented the final check in payment of the loan and thanked the Board for its patience.

The Commissioners thanked Ms. Campanaro for the check and offered its thanks and positive comments.

### **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 Departments 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. He stated that the effort has reduced the backlog of children in foster care from 411 to 189 children in five years. Durham County is one of only seven North Carolina counties to have a drop in the backlog each year. It is lower than any other urban county in the state. Mr. Hudgins commented that he was present on behalf of staff who accomplished this under the leadership of Ms. Jovetta

Surles, Program Manager for Child Placement Services, Durham County Department of Social Services. He thanked and praised all staff responsible for this accomplishment. He thanked the Commissioners for their support of the effort. Mr. Hudgins added that 55 children, infants through age 17, are presently available for adoption in Durham County. Adults between 18 and 65 are eligible to adopt. He asked for community participation in the foster parent and child adoption challenge.

Chairman Black congratulated Mr. Hudgins and the staff responsible for this and wished them continued success in this initiative.

No action was required on this item.

### **Northern Durham Parkway/East End Connector**

Commissioner Heron introduced the item. She stated that the County is dealing with difficult transportation problems in maintaining its roads and air quality. Eno Drive, now called the Northern Durham Parkway, has been very prominent in this. Commissioner Heron said the restrictions of the Highway Trust Fund are outdated and should be altered. She remarked that the County is fortunate to have the various community groups working on these problems.

The next meeting of the Northern Durham Parkway/Northwest Northeast Loop ad hoc committee was announced for August 26 at 2:00 p.m.

Commissioner Heron commented that legislation is proposed which should be decided this week. She introduced Mr. John Schelp of the East End Connector Alliance to bring the Board a recommendation.

Mr. Schelp read the following "Statement of Unity (East End Connector)."

We support ongoing efforts to present real and viable solutions to growing traffic problems in Durham. We oppose Eno Drive because it will not solve our traffic problems and it will be destructive to our parklands and our neighborhoods.

It is clear from the modeling that was presented to the ad hoc committee on August 6, 2002 that a new north-south facility (beginning at I-85 near the intersection of US 70, near mile marker 178, and going north) provides real relief to the current and future problems on North Roxboro Road in a way that no other proposed solution has to date.

We appreciate and support the efforts of Representative Paul Miller to amend the Highway Trust Fund. We believe that any changes that add flexibility to the uses of the Trust Fund benefit the citizens of Durham and greatly improve our ability to solve the problems we have.

Since the East End Connector and traffic solutions for northern Durham both have to be built, we support using Highway Trust Funds to build the East End Connector now and continuing to work together to solve the transportation problems in northern Durham.

Signed,  
Jackie Brown, No Build Alternative  
Donna Deal, Nancy Rhodes Creek Neighborhood Assoc.  
Larry Holt, No Build Alternative  
Don Moffit, Eno River Association  
Milo Pyne, Eno River Association  
John Schelp, East End Connector Alliance  
Caleb Southern, East End Connector Alliance

Vice-Chairman Reckhow said she had no problem with Representative Miller's proposal. But ultimately, what is needed may be something else. She stated that an extension of the East End Connector, called the Northern Connector, is being studied as a possible solution.

The Board requested that a letter be sent asking for flexibility in the way the Highway Trust Fund is being used. It should extend support and appreciation to Representative Miller for his efforts. It should also indicate that the Board is still working on a solution, and a final product is forthcoming. The Board continues to consider alternatives.

The Board thanked Mr. Schelp for his group's efforts to provide a solution to northern Durham's traffic problems. Commissioner Heron stated that the emails she has received lately from persons in eastern Durham County lend more support for the East End Connector than the northeast section of Eno Drive.

No action was required on this item.

### **Consent Agenda**

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

- \*(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; Chewing 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) 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) 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).

The motion carried 4-0.

Ayes: Black, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Bowser

\*Documents related to these items follow:

Consent Agenda 8(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).

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2002-03 Capital Projects Ordinance  
Amendment No. 03CPA000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Durham Public Schools.

State Public Schools Capital Building Fund

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$ 930,850.23		\$930,850.23	0
<u>Expenditures</u>				
Hope Valley Elem.	\$4,200,000.00		\$236,289.00	0
Fayetteville St. Elem.	\$ 150,000.00		\$ 13,815.26	0



Harris Elementary	\$ 37,500.00	\$ 23,667.00	0
Lowes Grove Middle	\$ 30,000.00	\$ 2,575.50	0
Chewing Middle	\$ 390,000.00	\$ 49,177.94	0
Durham School of the Arts	\$ 112,500.00	\$ 22,726.12	0
Morehead Elementary	\$ 300,000.00	\$218,246.25	0
Oak Grove Elementary	\$ 45,000.00	\$ 2,632.55	0
Pearson Elementary	\$ 225,000.00	\$124,879.69	0
Powe Elementary	\$ 285,000.00	\$ 56,689.35	0
Spaulding Elementary	\$ 78,750.00	\$ 9,116.54	0
Watts Elementary	\$ 105,000.00	\$ 18,562.12	0
Eno Valley Elementary	\$ 360,000.00	\$ 56,009.93	0
Lowes Grove Middle	\$ 420,000.00	\$ 96,462.98	0

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

This the 12<sup>th</sup> day of August, 2002.

(Capital Projects Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 8(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);

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 2002-03 Budget Ordinance  
 Amendment No. 03BCC000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments to accurately show revenue categories.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenue</u>				
Intergovernmental	\$258,874,932		\$18,000	\$258,856,932
Service Charges	\$ 22,439,347	\$18,000		\$ 22,457,347

**ENTERPRISE FUND**

**Revenue**

Licenses and Permits	\$ 0	\$ 3,250	\$ 3,250
Enterprise Charges	\$ 4,827,824	\$ 3,250	\$ 4,824,574

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

This the 12<sup>th</sup> day of August, 2002.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 8(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).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of June 2002.

Releases & Refunds for 2001 and 2002 Taxes:

Real	\$ 837.91
Personal	\$ 8,120.53
Registered Vehicles	\$19,416.19
Vehicles Fees	\$ 330.00
Solid Waste	<u>60.00</u>
Total for 2001 and 2002 Taxes and Fees	\$28,764.63

Prior Years (1996-2000) releases and refunds for June 2002 are in the amount of \$49,406.66.

Total Current Year and Prior Year Releases and Refunds \$78,171.29

(Recorded in Appendix A in the Permanent Supplement of the August 12, 2002 Minutes of the Board.)

**Discussion of Consent Agenda Item**

Commissioner Heron, regarding Consent Agenda item 8(i), "Community Development Block Grant—2002 Scattered Site Housing Program," stated she was very glad the money would be made available to the County. She requested that the County Manager keep the Board informed as to how the money is spent. She wished to avoid an accountability problem such as the City experienced with its housing money.

County Manager Ruffin assured Commissioner Heron that the County does not anticipate encountering such problems. The County will work with a consultant so it may provide a report to the Board having the level of detail it requires.

**Appointment to City-County Citizens Advisory Committee**

The Board discussed adding an administrator as the third appointee to the City-County Citizens Advisory Committee.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to appoint Deputy County Manager Wendell Davis to the City-County Citizens Advisory Committee.

The motion carried 4-0.

Ayes: Black, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Bowser

**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 recommended that the Board adopt the ordinance amending the zoning ordinance identified as TC 131-02.

Mr. Duke, Planning Director, stated that the Planning Commission requested the proposed text amendment to the Durham Zoning Ordinance. It would clarify conflicting interpretations of the code provided by the City and County Attorneys regarding the ability of the Planning Director to refer an item back to the Planning Commission for subsequent hearings if it received a significant modification.

Mr. Duke advised that the Joint City-County Planning Committee reviewed this item on May 1, 2002 and recommended that it move forward. The Zoning Committee reviewed this item on June 11, 2002 and made a favorable recommendation. It was adopted by the City on August 7, 2002.

The Planning Department asked that the Commissioners consider this recommendation to clarify that the Planning Director does have the authority to refer an item back to the

Planning Commission if there are significant modifications made by the applicant after the original Planning Commission hearing.

Chairman Black opened and closed the public hearing, which was properly advertised, with no persons signed to speak.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Text Amendment TC 131-02.

The motion carried 4-0.

Ayes: Black, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Bowser

The Text Amendment to the Zoning Ordinance follows:

TC 131-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING PUBLIC HEARINGS FOR AMENDED REZONING APPLICATIONS

WHEREAS, the Durham Board of County Commissioners wishes to amend the Zoning Ordinance; and

WHEREAS, the Durham Zoning Ordinance lacks clarity regarding the ability to hold additional public hearings when significant changes have been made to an application after an initial public hearing; and

WHEREAS, this ordinance provides additional clarity to the Zoning Ordinance by indicating when it is permissible to allow additional public hearings:

NOW, THEREFORE, BE IT ORDAINED THAT:

SECTION 1

That Section 15.2.3 of the Durham Zoning Ordinance be rewritten as follows:

Section 15.2.3 Action by Planning Commission

The Planning Department shall forward completed map amendment and text amendment requests and any related materials to the Zoning Committee of the Durham Planning Commission for a public hearing and recommendation. The public hearing notification shall be in conformance with Section 15.2.2. The Zoning Committee shall conduct a public hearing where interested parties may be heard and shall consider any recommendation made by the Planning Department. If the applicant makes significant

changes to the application following the public hearing by the Zoning Committee, the Planning Director may refer the item back to the Zoning Committee for an additional public hearing. Following its last public hearing on the application, the Zoning Committee shall make a recommendation to the Governing Body within 90 days except for expedited hearings. In no case may this recommendation occur greater than 6 months after the initial public hearing. Significant modifications to an application that would extend the Zoning Committee process beyond 6 months shall be the basis for administrative withdrawal of the application. If the Zoning Committee fails to make a recommendation within 90 days from the last public hearing or within 6 months after the initial public hearing, whichever occurs first, the Governing Body may process the request without a recommendation from the Zoning Committee.

Expedited hearings—If the Governing Body has agreed to an expedited hearing in a case, the Zoning Committee shall hold a hearing at the first available hearing date and make a recommendation, if any, at the close of the hearing, or prior to the hearing before the Governing Body. If the Zoning Committee fails to make a recommendation within that time period, the Governing Body may process the request without a recommendation from the Zoning Committee.

## SECTION 2

That the last paragraph of Section 15.3.6 be rewritten as follows:

### Section 15.3.6 [last paragraph]

With any Development Plan, the petitioner may add other information, if the petitioner wishes. Supporting information may include details pertaining to the proposed improvements, lot dimensions, landscaping details, building footprints, building elevations, and other such information as may be appropriate. Significant modifications to the Development Plan following a public hearing by either the Zoning Committee or the Governing Body may warrant another public hearing by the body that held the last hearing.

Conditions placed on a Development Plan by the applicant are considered to be requirements and fully enforceable as ordinance requirements.

## SECTION 3

That the current Section 15.3.7 be identified as Section 15.3.8 and a new Section 15.3.7 be added to read as follows:

### Section 15.3.7 Administrative Withdrawal

The Planning Director may withdraw applications due to the failure of the applicant to submit required information in a timely manner.

#### SECTION 4

That the Ordinance be renumbered if necessary to accommodate this change.

#### **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.

Mr. Frank Duke, Planning Director, presented the request. He advised that the Board of Adjustment approved the sanctuary and the day care center on May 28. The item before the Commissioners for approval was the site plan. It meets all applicable requirements of the Code of Ordinances; it meets or exceeds all dimensional requirements for development in the rural district. The Development Review Board recommended approval of a variation to the street tree requirement to allow trees at the entrance to the facility to be set back about 32 feet from the right-of-way instead of the 25-foot maximum.

The Commissioners asked questions and made comments about the request, to which Mr. Duke responded.

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

The motion carried 4-0.

Ayes: Black, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Bowser

**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 recommended 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 its status to the Department of Health and Human Services by August 16, 2002.

Mr. Polk presented the item. He relayed to the Board that the Work First Planning Committee had unanimously voted to recommend that Durham County remain a standard

county. It was felt this would better serve Durham County's interests both financially and in service provision, in that during the past four years the County has been able to be innovative in its service delivery plan.

Chairman Black, stated that her appointee, Micheline Malson, was willing to continue to serve on the Work First Planning Committee. Commissioner Cousin and Heron advised they would seek designees to serve for them.

In answer to Vice-Chairman Reckhow's question, Mr. Polk clarified that a Commissioner may choose to serve on the Committee, choose a designee to serve in his place, or both.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to 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 the status to the Department of Health and Human Services by August 16, 2002.

The motion carried 4-0.

Ayes: Black, Cousin, Heron, and Reckhow

Noes: None

Absent: Commissioner Bowser

The Work First Planning Committee membership for 2003-2005 consists of the following persons:

Jim Polk	Durham Public Schools, Work First Planning Committee
Joe Bowser	BOCC
Iris Carlton-LaNey	DSS Board
Pamela Stanback-Glean	DSS Board
Missy Clegg	Greater Durham Chamber of Commerce
Shirrell L. Thomas	Durham Regional Financial Center
Gayle Harris	Durham County Health Department
Selena Sullivan	Durham County Health Department
Lula Harris-Thompson	Triangle United Way
Tanya Hill	City of Durham, Ofc. of Economic. Devel. & Employment
Kathy Keefe	Employment Security Commission
Joyce Kline	Durham Public Schools
Pebbles Lindsay-Lucas	Families First Coordinator
Tim Moore	Center for Employment Training
Anita Neville	Pathways to Progress
Jessie Pickett-Williams	Vocational Rehabilitation
Jack Ramsey	The Durham Center
Mary Reade	Durham Housing Authority



Delphine Sellars	NC Cooperative Extension
Ann Tropiano	Genesis Home
Alease Best	Community and Wholeness
Grace Marsh	Women-In-Action
Penny Gluck	Durham Tech
Michele McKinley	DSS Employee
BOCC Delegates	Micheline Malson for Chairman MaryAnn Black
	William F. McKee III for Commissioner Joe Bowser
	Beth Sorensen for Vice-Chairman Ellen Reckhow
	_____ for Commissioner Becky Heron
	_____ for Commissioner Philip Cousin

Representatives from Social Services and the County Manager's Office

Dan Hudgins	DSS Director
Arnold Dennis	Asst. Director for Family Self-Sufficiency
Gail Perry	Asst. Director for Vulnerable Adults & Children
Sharon Hirsch	Asst. Director for Program Support
Rhonda Stevens	Program Manager, Work First
Gail Angle	Program Manager, Child Protective Services
Jerome Brown	Program Manager, Child Support
Catherine Williamson-Hardy	Program Manager, Economic Services
Gloria Cook	Director, Durham Alliance for Child Care Access
Wilda Carter-Neville	Supervisor, Immediate Services
Heidi Duer	Assistant to the County Manager

Former Work First Recipients

Boleyn Willis	Duke University
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Mr. Polk announced that the next meeting of the Committee would be at 9:00 a.m. on August 19, 2002 at the Department of Social Services. Any new appointees named to represent the County Commissioners would be welcome at that time.

**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 recommended 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.

County Attorney Chuck Kitchen stated that the Board has acted in the past on like situations. The Board granted options to the HPSD for purchase, then the property was sold and historic covenants were placed on the owners to maintain the historic nature of the property. In this case, a rezoning would be required, and houses would be moved onto the two lots.

Vice-Chairman suggested a systematic assessment of the area in question regarding rezoning. Mr. John Schelp, 1022 Rosehill Avenue, President of the Old West Durham Neighborhood Association, stated that they had succeeded in getting the adjacent property owners to "down zone" to the east and back. That will create a cluster of residential zoning that joins the existing residential zoning on Englewood.

Mr. Compton, Executive Director of the HPSD expressed his appreciation for consideration of the request. He advised that the group has one house ready to move and will seek another for the second lot. There are various areas in Durham undergoing change that will yield houses to save for relocation.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to grant the purchase option to the Historic Preservation Society of Durham, approve the relocation of structures onto the properties, 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 to determine whether a further more systematic rezoning should occur in that area.

The motion carried 4-0.

Ayes: Black, Cousin, Heron, and Reckhow  
Noes: None  
Absent: Commissioner Bowser

**Durham Regional Hospital—BOCC Request for Periodic Updates**

Vice-Chairman Reckhow added this item to the agenda. She was concerned that the Board of Commissioners should be informed on a regular basis of the financial situation and customer service quality at the facility. She suggested a schedule of meetings or luncheons.

Chairman Black requested that a letter be sent under her signature asking Caroline Dixon if the Durham Hospital Regional Board could schedule a luncheon meeting with the Board of Commissioners. This would give an opportunity to hear about the facility and ask questions. The letter should suggest dates for this luncheon meeting. Chairman Black commented that the Durham Regional Hospital Board and the staff have worked hard to ensure that lease agreement issues are addressed and that the Hospital stays financially stable. She advised it would also be good to discuss capital improvements to the intensive care unit and emergency room. The County Manager suggested meeting following the Worksession on August 29.

**Board and Commission Appointments**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the advertised boards and commissions. The Commissioners held discussion, then voted on the applicants. (Asterisks indicate appointments.) Commissioner Bowser was excused from this Regular Session.

**Alcoholic Beverage Control Board**

One expired term (expires July 31, 2003). Subsequent terms are for three years.

No appointment was made to the ABC Board. The Commissioners decided to re-advertise the opening on the ABC Board. Applications on file, except for two, have been on file beyond the one-year limit. One of the two new applications arrived in the Clerk's office after the deadline date.

William J. Berutti  
Murray D. Brandt  
Bill Russell Dunn  
Barbara M. Fish  
Clarrisa L. Grady  
Irving A Herman  
Theodore S. Royall  
Marshall J. Thaxton  
Sherwood T. Van Campen

George W. Birmingham Jr.  
Shauna L. Dozier  
Patricia B. Farlow  
Jimmy L. Gibbs  
Ricky L. Hart  
James Randall  
James E. Scott Jr.  
Joseph E. Thomas Jr.  
Lucy V. Zastrow

Civic Center Authority

One expired term (expires July 31, 2005).

\* Herbert L. Carson—Black, Cousin, Heron, and Reckhow

Library Board of Trustees

Four expired terms (expire July 2005)

\* Bessie M. Carrington—Black, Cousin, Heron, and Reckhow

\* Richard J. DeGiacomo Jr.—Black, Cousin, Heron, and Reckhow

\* Robert K. Otterbourg—Black, Cousin, Heron, and Reckhow

Herbert L. Carson

Amy Leigh

\* Lauren A. Singdahlsen—Black, Cousin, Heron, and Reckhow

**Upcoming BOCC Meetings**

The Commissioners were reminded to place the following meetings on their schedules:

- August 20 (4:00 p.m. to 6:00 p.m.)—American Tobacco Project Discussion
- August 29 (9:00 a.m.)—Worksession rescheduled from September 3

**Adjournment**

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board

GEU:SBP