

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

Monday, April 14, 2003

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

5:00 P.M – 6:45 P.M. Closed Session

Commissioner Heron moved, seconded by Commissioner Jacobs, to adjourn to closed session pursuant to G.S. 143.318.11(a)(6) to consider the performance of a public officer and pursuant to G.S. 143.318.11(a)(5) to instruct the County staff concerning the position to be taken on negotiating a proposed contract for the acquisition of real property. The property being considered is owned by Triangle Area YMCA, located at 218 Seminary Street.

The motion carried unanimously.

No action was taken as a result of the closed session.

7:00 P.M. Regular Session

Opening of Regular Session

Chairman Reckhow welcomed everyone to the April 14, 2003 Regular Session of the Board of County Commissioners.

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Reckhow referred to the handouts that had been placed at each Commissioner's station. The wording had been corrected in the backup for consent

agenda item No. 7(r). Additional information had been given for consent agenda item Nos. 7(l) and 7(m). An item was added to the end of the agenda related to bills introduced in the General Assembly—Just Compensation/Local Government Taking. Agenda item No. 11, Board Appointments—Durham County Hospital Corporation Board of Trustees, was delayed and would be on the next regular session agenda.

Commissioner Heron announced the April 26, 2003 Walk for Animals at Wallace Wade Stadium. Please come to walk your animals, listen to the music, eat the delicious food, enter the look-alike contest, and have a real fun day. Proceeds will go towards the operation of the Animal Shelter.

Chairman Reckhow wished to invite everyone to the Walk for Education on Saturday, April 26, 2003 at 10:00 a.m. The walk will begin at the Durham Bulls Athletic Park.

Minutes

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the December 9, 2002 Regular Session Minutes, the January 27, 2003 Regular Session Minutes, and the February 24, 2003 BOCC/DPS Board of Education Minutes of the Board as submitted.

The motion carried unanimously.

The December 9, 2002 BOCC meeting was adjourned beyond midnight (12:30 a.m.); therefore, Vice-Chairman Bowser asked that those minutes reflect the adjournment at 12:30 a.m., "December 10, 2002."

Resolution in Support of Locating the Proposed North Carolina Biotechnology Manufacturing Training Center at North Carolina Central University

The State of North Carolina proposes to fund a new biopharmaceutical/bioprocess manufacturing training center to be centrally located with related training centers. Durham possesses 40 percent of the market share of the state's growing biotechnology industry and such a center will reinforce Durham and the state's ability to recruit and expand the region's biotechnology industry cluster.

North Carolina Central University is an ideal location for the training center. The school is currently building a \$36 million science complex scheduled to open in the fall of 2004, which has the capacity to accommodate the training center. Adding a wing to the science complex to house the training center would cost approximately one-third of the current proposed cost to build a new facility with the same amenities of a centrally located and

accessible campus. With current and planned curriculum offerings, NCCU is strategically poised to successfully develop the proposed biomanufacturing center.

County Manager's Recommendation: County Manager Mike Ruffin requested that the resolution be approved and presented to North Carolina Central University Chancellor James Ammons.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, the State of North Carolina proposes to fund a new biopharmaceutical/bioprocess manufacturing training center to be centrally located with related training centers, in order to prepare workers with specialized skills to take advantage of job opportunities in the biotechnology industry; and

WHEREAS, currently 17,000 workers are employed statewide by nearly 162 biotechnology companies, generating more than \$3 billion annually in revenues; and

WHEREAS, Durham possesses 40% of the market share of the state's growing biotechnology industry, and locating a training center in this community will reinforce Durham's and the state's ability to recruit and expand the region's biotechnology industry cluster; and

WHEREAS, North Carolina Central University is an ideal location for the training center because of its strong academic environment and its proximity to the Research Triangle Park; and

WHEREAS, the school is currently building a \$36-million science complex scheduled to open in the fall of 2004, which has the capacity to accommodate the training center by adding an additional wing; and

WHEREAS, locating the biotechnology manufacturing training center there would cost approximately one-third of the current proposed cost to build a new facility with the same amenities of a centrally located and accessible campus; and

WHEREAS, North Carolina Central University's Julius L. Chambers Biotechnology/Biomedical Research Institute offers a wide array of courses and concentrations in biotechnology in addition to its training and research opportunities, and locating the proposed manufacturing training center would allow for a tremendous coordination of the two programs resulting in a superior educational experience in biotechnology:

NOW, THEREFORE BE IT RESOLVED THAT we, the members of the Durham County Commissioners, do hereby enthusiastically support the location of the

proposed North Carolina Biotechnology Manufacturing/Training Center at North Carolina Central University. Having a strong biotechnology center of excellence at NCCU will strengthen and enhance the capability of the region to support biotechnology development in North Carolina.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Michael F. Easley and to all members of the Durham Delegation.

This the 14th day of April 2003.

/s/ Five Commissioners
Durham County Commissioners

North Carolina Central University Chancellor James Ammons, on behalf of the entire NCCU community, thanked the Commissioners, County Manager Mike Ruffin, and County Attorney Chuck Kitchen for their support. He took the opportunity to reinforce points that were made in the resolution.

Dr. E. L. Allison, representing the Durham Committee on the Affairs of Black People, signed to speak on this item. She wished to offer praise and commendation to the members of the Durham County Board of Commissioners for coming together and developing this resolution. The Commissioners have a golden opportunity to make a real difference to an institution. Dr. Allison requested that the resolution also be sent to our State Legislators. She stated that Durham deserves this. She again thanked the County Commissioners and encouraged them to unite behind this effort. She urged everyone to place NCCU on the cutting edge to make a real difference in terms of the training.

Chairman Reckhow agreed with Dr. Allison regarding her suggestion that the resolution be sent to our State Legislators.

Vice-Chairman Bowser asked that a copy of the resolution be made available to the entire UNC system. He asked Dr. Ammons if a resolution has been received from the Durham Public Schools Board of Education and if a request has been made to the North Carolina School of Math and Science seeking its support of this project. Let's do all we can to make sure this project comes to fruition.

Proclamation—"National Credit Education Week"

Chairman Reckhow requested that this proclamation be placed on the agenda to proclaim the week of April 13, 2003 as "National Credit Education Week."

Vice-Chairman Bowser read the following proclamation into the record:

PROCLAMATION

WHEREAS, consumer credit is a critical part of our nation's free enterprise economy, and a variety of credit products has expanded opportunities for consumers; and

WHEREAS, informed consumers who know their choices, rights, and responsibilities are better able to use credit wisely and make good choices; and

WHEREAS, the theme of this year's observance is "Credit Education...Don't Spend Without It" in order to remind consumers that credit education is crucial to help them learn to use credit wisely and responsibly; and

WHEREAS, maintaining a good credit record can help a consumer safeguard important issues in life such as obtaining a job, obtaining a mortgage to buy a home, or financing a child's education; and

WHEREAS, greater credit education is needed to adequately prepare students and adults to deal with complex consumer credit choices and to understand their rights and responsibilities in using credit; and

WHEREAS, Consumer Credit Counseling Service of Durham provides a valuable service to people who need to manage better past credit choices, and to help expand their understanding of the benefits of the prudent use of credit in the future:

NOW, THEREFORE BE IT RESOLVED THAT we, the members of the Durham County Board of Commissioners, do hereby proclaim the week of April 13, 2003 as

"NATIONAL CREDIT EDUCATION WEEK"

in Durham County. We further urge citizens to observe this week and participate in various activities sponsored by Consumer Credit Counseling Service of Durham designed to educate and inform consumers about their credit rights and responsibilities.

This the 14th day of April 2003.

/s/ Five Commissioners
Durham County Commissioners

Vice-Chairman Bowser announced that on Wednesday, April 16, Congressman Price will be speaking at the Consumer Credit office on West Chapel Hill Street in Durham. He invited citizens to attend between the hours of 11:00 a.m. and 2:00 p.m. and to visit the office.

No discussion ensued relative to this agenda item.

Presentation of the United Way “Community Care Fund Performance Award” to the Board of County Commissioners

On the evening of March 26, 2003, the Triangle United Way, during its annual meeting, recognized Durham County Government for outstanding Community Care Fund Performance during the 2002 United Way Campaign.

Durham County employees raised a total of \$84,702, of which \$48,391 or 57 percent was directed to the Community Care Fund campaign. This was a significant 26 percent increase over the previous year’s campaign.

Mike Turner, Chairman of the 2002 Durham County United Way Campaign, was at the annual meeting to receive the award on behalf of Durham County Government. Mr. Turner presented the “Community Care Fund Performance Award” to the Board for permanent display in the Durham County Government Administrative Complex.

Resource Person(s): Mike Turner, Chairman of the 2002 Durham County United Way Campaign

County Manager’s Recommendation: Receive the “Community Care Fund Performance Award” from the 2002 Durham County United Way Chairman, with sincere congratulations to the entire organization for a successful campaign.

General Services Director and 2002 Durham County United Way Campaign Chairman Mike Turner explained why Durham County Government received this award. He asked that Chairman Reckhow accept the award on behalf of all Durham County employees and place it in a prominent location in Durham County Government Administrative Offices.

Chairman Reckhow complimented Durham County Government’s performance and thanked Mr. Turner for all of his hard work and efforts.

Annual Report—Durham City-County Appearance Commission

The 2002-2003 Annual Report for the Durham City-County Appearance Commission was provided in conformance with the Interlocal Agreement requirement for an annual report to the elected officials. The Durham City Council received a presentation on the report at its worksession on March 20, 2003. The chair of the commission was available to make a presentation to the Board.

Resource Person(s): Sara Young, Durham City-County Planning Department, and George Stanziale, Appearance Commission Chair

County Manager's Recommendation: The Manager's recommendation was that the Board receive the Appearance Commission 2002-2003 Annual Report.

Mr. Stanziale made the following presentation to the Board of County Commissioners:

As chair of the Appearance Commission, it is my pleasure to provide a review of our 2002/2003 activities. We have continued to work toward our goals of community outreach, initiating projects and policies that improve the overall appearance and quality of life in Durham, and recognizing those in our community who have designed, built, or maintained properties that make our county a better place to live and work.

This past year we have completed our "road show" and have begun speaking to civic organizations about the goals and objectives of the Appearance Commission. Our commission members have served on various City and Countywide committees. We have designed and put out for print our first annual Golden Leaf Awards for Community Appearance call for entries.

The Appearance Commission has been asked by City Council and the County Commissioners to review and provide comments on several projects, including the proposed South Square redevelopment, a multi-family project in north Durham, and the proposed County Libraries as they are developed, as well as the Land Regulation Discussion series for our new Unified Development Ordinance (UDO).

Our biggest challenge however, is funding our activities such as the awards program and community outreach. We are beginning a drive for corporate contributions to fund our awards program with a goal of \$10,000. Our commission members have donated significant time and financial resources to our programs, and while we understand the financial constraints the City and County have had this year, we hope that the elected bodies will make every effort to provide funding for our commission in the future. We need to put a priority on the positive aspects of our community.

As Chair, I am pleased to provide you with a more comprehensive view of our mission and the activities of the commission with the following Annual Report for the year 2002/2003:

The purpose of this commission is to enhance and improve the visual quality and aesthetic character of Durham City and County.

The Appearance Commission is charged with providing guidance in matters of community design and appearance through self-initiated projects and in an advisory role to the elected bodies. The City Council and the Board of County Commissioners established the commission through an Interlocal agreement in November of 2000. The Appearance Commission began meeting in June 2001, and continues to meet the third Wednesday of the month. The commission consists of 15 members: seven appointed by

the City Council and eight appointed by the Board of County Commissioners. Members represent a range of design disciplines, including architecture, landscape architecture, urban design, and graphic design.

During the past year, commission members have been involved in various activities, most notably the initiation of the Golden Leaf Awards for Community Appearance and the finalization and scheduling of the Appearance Commission Road Show. The annual report details these and other activities for the past year, along with the commission's goals for this year.

The commission has expressed concern that project review not be its primary activity. Proactive endeavors are a key component of its work.

The inaugural year of the Golden Leaf Awards will be funded through private contributions. Securing future funding for the continuation of this important program is of concern to the commission.

Landscape Committee

Accomplishments for 2002-2003

The Appearance Commission's first committee, the Street Tree Committee, completed its scope of work in mid-2002. The committee's work focused on revising the Street Tree Planting Guidelines and the Tree Ordinance to facilitate the planting of street trees in the public right of way. In April 2002, the committee presented amendments to both above-mentioned documents to the Joint City-County Planning Committee, which endorsed those changes.

In May 2002, the Street Tree Committee was restructured into the Landscape Committee to deal with broader issues.

The Landscape Committee is currently working on two projects. The first is a requirement for irrigation and/or maintenance agreements for non-residential developments. The intent of such a requirement would be to ensure continued maintenance of highly visible and publicly accessible projects. The committee hopes that this provision will be included as part of the UDO.

The second project currently being evaluated was spurred by a citizen request and deals with retroactive parking lot landscaping. Many municipalities have required existing parking lots to install additional landscaping to close the appearance gap between newer compliant lots and older barren ones. The committee is in the process of researching other jurisdictions' requirements and formulating a draft text amendment.

Goals for 2003-2004

The Landscape Committee aims to complete both of its current projects in 2003 and begin research on other landscape-related needs in the community. Possible topics for

exploration include minimum housing code landscaping requirements, gateway and corridor landscaping, and the landscaping of public facilities, such as schools and parks.

Members

Dale McKeel, Chair, and Ken Coulter, George Stanziale, and Cheryl Sweeney

Outreach Committee

Accomplishments for 2002-2003

The Outreach Committee finished putting together its “traveling road show” in late 2002, after many months of refinements. The road show is intended to be the Appearance Commission’s main outreach mechanism, targeting a variety of community and civic groups all over Durham.

The show is organized to convey the following information in an easily understandable graphic format:

- an overview of the role of the Appearance Commission;
- a visual inventory of the good, the bad, and the “merely ordinary” in Durham; and
- a summary of current appearance related initiatives.

Flexibility is key in formulating a public outreach program. The road show is structured and scripted so that any Appearance Commission member can tailor and deliver the presentation to any group. The show, a PowerPoint presentation, can be adapted on the spot to fit any timeframe and audience. Each road show presentation will be concluded by a brief audience survey to garner general feedback on Durham’s appearance.

The Outreach Committee is currently scheduling presentations throughout the Durham community.

Goals for 2003-2004

In the coming year, the committee will continue to book and deliver presentations, and distribute and collect surveys. In addition, Outreach Committee members will be evaluating other types of outreach for future implementation, since ongoing communication with the public is key to enhancing Durham’s appearance.

Members

Mike Waldroup, Chair, and Ekn Coulter, Nathan Isley, George Stanziale, and Joseph Yongue

Awards Committee

Accomplishments for 2002-2003

The major focus of this group over the last year has been the development of an awards program for Durham. This public awards event continues to take shape. Research and information gathering involving a variety of North Carolina municipalities’ awards programs is complete. The committee has reviewed how nominations, judge selection,

judging, information for presentations, and awards design are currently done in the state. Awards Committee members also met with area planners who staff other appearance commissions and attended the 2002 Sir Walter Raleigh Awards at the State Capitol.

The committee, based on research, has developed the Golden Leaf Awards for Community Appearance brochure, which describes the award, categories, selection criteria, judging, and includes an entry form. A location for the event has been identified and reserved for a mid-May 2003 ceremony. Applications are available on-line and at several public places, including the Planning Department.

Goals for 2003-2004

The Awards Committee plans to hold the first public Durham Appearance Commission's Awards Ceremony honoring design excellence in our community at a May 16 event. A reception for entrants and associated support persons is being planned at the Washington Duke Hotel. A program featuring slides of entries and presentation of the awards will follow the reception.

Following the event, an evaluation will be done to identify strengths and weaknesses. New goals for next year's event will be created. Over time it is anticipated that Durham's awards program will continue to grow and raise awareness and recognition of developments that deserve and exhibit excellence.

Members

Kay Pearlstein, Chair, and John Compton, Karen Havinghurst, Brenda Pollard, and Fred Pugsley

Other Work

Accomplishments for 2002-2003

Two Appearance Commissioners served on the Downtown Street Improvement Steering Committee, which considered vehicular traffic patterns, pedestrian walks, on-street parking, lighting, trees, and paving materials during their regular design and engineering review meetings. Important elements derived as a result of the steering committee's work include: intersections as the main aesthetic and functional focus of the improvements; Parrish Street is an important part of our heritage that should be highlighted; existing curb lines will remain, though travel lanes, travel direction, and parking areas will be modified; fountains and planters will be removed at Five Points, and the redesigned area will encourage pedestrians to cross streets at safe locations; and, a plaza will be incorporated in the design of the intersection of Corcoran Street and Chapel Hill Street.

The Appearance Commission also has a representative currently serving on the Comprehensive Plan Steering Committee, which is tasked with shaping the development of an updated Comprehensive Plan for Durham. The Plan lays out the City and County's vision for future development and is used as a guide in making land use decisions.

Goals for 2003-2004

The commission would like to continue to provide urban design suggestions and general appearance advice on these and other projects related to infrastructure, site and land planning, architecture and landscape architecture throughout Durham. We wish to advocate good design and encourage developers to consider design to be an important element in the success of any project.

Participation in the Comprehensive Plan Steering Committee will continue well into next year, though further input from the Downtown Steering Committee will be minimal due to the completion of the design for Phase One of the project.

Members

Downtown Street Improvement Steering Committee:
George Stanziale, member, and Nathan Isley, alternate

Comprehensive Plan Steering Committee:
Michael Waldroup, member, and Kay Pearlstein, alternate

Work Program 2003/2004

Our goals for the coming year are to continue to implement existing programs; establish a working relationship with elected bodies; inform, educate, and involve the public in our efforts to enhance the visual quality as well as the quality of life in Durham; and, recognize the efforts of our citizens to make Durham a better place to live. In addition, the commission will also be considering the following:

UDO Development. Ongoing participation in the UDO process will be a priority for the coming year. The commission is looking forward to making significant contributions in the development of the UDO by formulating recommendations that will help improve appearance in Durham. As drafts of the UDO become available, the Appearance Commission would like opportunities to provide input on design issues and visual aspects of the code. The commission firmly believes that a well-written development ordinance can go a long way towards enhancing the character of a place and can be a useful tool both for educating the public and for implementing new appearance standards.

Project Review Structure. The commission will be developing a structured format for conducting site plan and other project reviews. The format is intended to make the review more efficient and the commission's comments clear. The Appearance Commission believes in the importance of reviewing projects that have a big impact on the community, both as a way to encourage higher quality designs and to open a dialogue on appearance issues. As more projects are referred in the future, it will be critical to balance the commission's proactive role with its limited review role.

The Appearance Commission is looking forward to a productive and fulfilling year serving Durham's citizens.

Appearance Commission Members

John Compton, Ken Coulter, Gary Harrison, Karen Havighurst, Nathan Isley, Dale McKeel, Howard Partner, Serge Paquette, Kay Pearlstein, Brenda Pollard, Fred Pugsley, George Stanziale, Cheryl Sweeney, Mike Waldroup and Joseph Yongue

Mr. Stanziale expressed that he had enjoyed his 2nd year as chair. He works with a great and hard-working group. He thanked Planning Director Frank Duke and his staff, especially Sarah Young. The Planning Department is very helpful and guides the group. He appreciated the opportunity to present this report.

Commissioner Jacobs asked if groups could request a "road show" presentation.

Mr. Stanziale answered in the affirmative. He asked that any interested organization or association contact Sarah Young in the Planning Department.

Commissioner Heron thanked Mr. Stanziale for his hard work, especially with the landscaping for parking lots.

Chairman Reckhow thanked Mr. Stanziale for the report and for the hard work of the commission. She hopes the commission will review the design of our future civic buildings. We have two library branches under architectural design, and we would like those reviewed. We must design and construct our buildings, which are important landmarks for the community, to stand the test of time. The commission had expressed to Chairman Reckhow that it would like to see designs early in the process. She asked the County Manager to consider how to get the Appearance Commission involved.

Chairman Reckhow said that the County funds several of its appointed boards with outreach responsibilities for special needs with an annual appropriation of approximately \$1000. Please consider this for the upcoming year for this commission.

County Manager Ruffin said that he and Mr. Stanziale had discussed this appropriation, and it would be considered in next year's budget.

Consent Agenda

Chairman Reckhow read the consent agenda items and commended the Public Health Department for the unprecedented number of budget amendments for grants received by the department. One grant is very large—about \$250,000 for tobacco education and outreach. We are very proud of what our Public Health Department is doing.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the following consent agenda items:

- * (a) Property Tax Releases and Refunds for Fiscal Year 2002-03 (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);
- * (b) Budget Ordinance Amendment No. 03BCC000048—Cooperative Extension—Coordinated Transportation Addition of Funding for Replacement Vehicles (approve Budget Ordinance Amendment No. 03BCC000048 to receive and expend \$24,863.00 in interlocal funding);
- * (c) Budget Ordinance Amendment No. 03BCC000049—Million Solar Roof Educational Resource Funding (approve Budget Ordinance Amendment No. 03BCC000049 and amend Cooperative Extension's budget (495.2300) to include \$4,000.00 in revenue and expenditures for the implementation of the Million Solar Roof program);
- * (d) Public Health—Budget Ordinance Amendment No. 03BCC000050—To Recognize a Donation to the Community Health Division (approve Budget Ordinance Amendment No. 03BCC000050 to recognize a donation in the amount of \$500.00 for the Community Health Division);
- * (e) Public Health—Budget Ordinance Amendment No. 03BCC000051—To Recognize New Revenue for the Environmental Health Division (approve Budget Ordinance Amendment No. 03BCC000051 to recognize funds in the amount of \$2,744 from the Department of Health and Human Services for the Environmental Health Division);
- * (f) Public Health—Budget Ordinance Amendment No. 03BCC000052—To Recognize \$47,583 in New Revenue for the Environmental Health Division (approve Budget Ordinance Amendment No. 03BCC000052 to recognize \$47,583 from the North Carolina Division of Public Health for the Environmental Division);
- * (g) Public Health—Budget Ordinance Amendment No. 03BCC000053—To Recognize and Appropriate Additional Revenue in the Amount of \$2,388 for the General Health Services Clinic Laboratory (approve

Budget Ordinance Amendment No. 03BCC000053 to recognize \$2,388 in excess revenue);

- * (h) Public Health—Budget Ordinance Amendment No. 03BCC000054—To Recognize Revenue for the General Health Clinic (approve Budget Ordinance Amendment No. 03BCC000054 to recognize funds in the amount of \$4,300 for the General Health Clinic);
- * (j) Public Health—Budget Ordinance Amendment No. 03BCC000056—To Recognize a \$6,000 Grant from the March of Dimes for the Health Education Division (approve Budget Ordinance Amendment No. 03BCC000056 to recognize \$6,000 in grant funds from the March of Dimes);
- * (k) Public Health—Budget Ordinance Amendment No. 03BCC000057—To Recognize \$7,500 in New Revenue for the Health Education Division (approve Budget Ordinance Amendment No. 03BCC000057 to recognize funds in the amount of \$7,500 from the Department of Health and Human Services for the Health Education Division);
- * (l) Declaration of Surplus Property and Approval of Resolution for Public Auction Sale (declare the schedule of property to be surplus and authorize the County Manager to proceed with a public auction of the properties);
- (m) Final Offer to Purchase County Property (2300 Fitzgerald Avenue) (accept the bid offer of \$11,000 for 2300 Fitzgerald Avenue);
- * (n) Street Annexation Petition—Saint Albans Court (Saint Albans Subdivision) adopt the resolution to approve the addition of Saint Albans Court to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- (o) Appointment—Durham Convention and Visitors Bureau (approve the appointment of Mr. Ronald J. Hunter to a newly created seat ["Lodging—Full Service—Conference Center"] on the bureau);
- * (p) Budget Ordinance Amendment No. 03BCC000058—Request from the Durham County Youth Home—Security Measures (approve Budget Ordinance Amendment No. 03BCC000058 and fund the security upgrades in the amount of \$32,235 through the County's contingency fund);

- (q) Appointment to Cultural Master Plan Steering Committee (appoint Ms. Sharon Goode Laisure, Assistant City Manager, to the Cultural Master Plan Steering Committee); and
- *(s) Resolution to Add the City and County of Durham to House Bill 554: To Expand Permitted Uses of 911 Funds (adopt the resolution to add Durham City and County to House Bill 554).

The motion carried unanimously.

Commissioner Heron wished to make a comment regarding consent agenda item No. 7(s), Resolution to Add the City and County of Durham to House Bill 554. She initially had reservations about approving this item. If this bill passes, our interlocal agreement should state that this money will be used to fund equipment, not salaries.

Chairman Reckhow informed Commissioner Heron that the wording on the bill is "equipment and training."

County Manager Ruffin stated that any use of surcharge funds must be approved, each and every time, by the Board of County Commissioners. The current surcharge fund is used for a data base administrator. The actually controlling document would be a new interlocal agreement memorializing the Board and the City Council's desires regarding fund appropriation.

*Documents related to the consent agenda items follow:

Consent Agenda 7(a). Property Tax Releases and Refunds for Fiscal Year 2002-03 (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).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of March 2003.

Releases & Refunds for 2002 Taxes:

Real	\$	8,054.08
Personal	\$	4,996.35
Registered Vehicles	\$	21,180.06
Vehicle Fees	\$	210.00
Solid Waste Fees	\$	<u>130.00</u>
Total for 2002 Taxes and Fees	\$	34,570.49

Prior Years (1995-2001) releases and refunds for March 2003 are in the amount of \$2,694.69.

Total Current Year and Prior Year Releases and Refunds \$37,265.18

(Recorded in Appendix A in the Permanent Supplement of the April 14, 2003 Regular Session Minutes of the Board.)

Consent Agenda 7(b). Budget Ordinance Amendment No. 03BCC000048—Cooperative Extension—Coordinated Transportation Addition of Funding for Replacement Vehicles (approve Budget Ordinance Amendment No.03BCC000048 to receive and expend \$24,863.00 in interlocal funding).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000048

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,470,182	\$24,863	\$261,495,045

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,694,285	\$24,863	\$323,719,148

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(c). Budget Ordinance Amendment No. 03BCC000049—Million Solar Roof Educational Resource Funding (approve Budget Ordinance Amendment No. 03BCC000049 and amend Cooperative Extension's budget (495.2300) to include \$4,000.00 in revenue and expenditures for the implementation of the Million Solar Roof program).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000049

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,495,045	\$4,000	\$261,499,045

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 2,483,768	\$4,000	\$ 2,487,768

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(d). Public Health—Budget Ordinance Amendment No. 03BCC000050—To Recognize a Donation to the Community Health Division (approve Budget Ordinance Amendment No. 03BCC000050 to recognize a donation in the amount of \$500.00 for the Community Health Division).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000050

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,499,045	\$500	\$261,499,545

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,719,148	\$500	\$323,719,648

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(e). Public Health—Budget Ordinance Amendment No. 03BCC000051—To Recognize New Revenue for the Environmental Health Division (approve Budget Ordinance Amendment No. 03BCC000051 to recognize funds in the amount of \$2,744 from the Department of Health and Human Services for the Environmental Health Division).

DURHAM COUNTY, NORTH CAROLINA
 FY 2002-03 Budget Ordinance
 Amendment No. 03BCC000051

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,499,545	\$2,744	\$261,502,289

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,719,648	\$2,744	\$323,722,392

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(f). Public Health—Budget Ordinance Amendment No. 03BCC000052—To Recognize \$47,583 in New Revenue for the Environmental Health Division (approve Budget Ordinance Amendment No. 03BCC000052 to

recognize \$47,583 from the North Carolina Division of Public Health for the Environmental Division).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000052

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,502,289	\$47,583	\$261,549,872

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,722,392	\$47,583	\$323,769,975

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(g). Public Health—Budget Ordinance Amendment No. 03BCC000053—To Recognize and Appropriate Additional Revenue in the Amount of \$2,388 for the General Health Services Clinic Laboratory (approve Budget Ordinance Amendment No. 03BCC000053 to recognize \$2,388 in excess revenue).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000053

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Service Charges	\$ 29,717,041	\$2,388	\$29,719,429

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,769,975	\$2,388	\$323,722,363

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(h). Public Health—Budget Ordinance Amendment No. 03BCC000054—To Recognize Revenue for the General Health Clinic (approve Budget Ordinance Amendment No. 03BCC000054 to recognize funds in the amount of \$4,300 for the General Health Clinic).

DURHAM COUNTY, NORTH CAROLINA
 FY 2002-03 Budget Ordinance
 Amendment No. 03BCC000054

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,549,872	\$4,300	\$261,554,172

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,772,363	\$4,300	\$323,776,663

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(j). Public Health—Budget Ordinance Amendment No. 03BCC000056—To Recognize a \$6,000 Grant from the March of Dimes for the

Health Education Division (approve Budget Ordinance Amendment No. 03BCC000056 to recognize \$6,000 in grant funds from the March of Dimes).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000056

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$261,596,662	\$6,000	\$261,602,662

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,819,153	\$6,000	\$323,825,153

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(k). Public Health—Budget Ordinance Amendment No. 03BCC000057—To Recognize \$7,500 in New Revenue for the Health Education Division (approve Budget Ordinance Amendment No. 03BCC000057 to recognize funds in the amount of \$7,500 from the Department of Health and Human Services for the Health Education Division).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000057

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$12,321,060	\$7,500	\$12,328,560

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,825,153	\$7,500	\$323,832,653

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(l). Declaration of Surplus Property and Approval of Resolution for Public Auction Sale (declare the schedule of property to be surplus and authorize the County Manager to proceed with a public auction of the properties).

RESOLUTION AUTHORIZING PUBLIC AUCTION SALE

WHEREAS, the County of Durham accumulated surplus personal property consisting of miscellaneous automobiles, office furniture and machines, and other items no longer needed for County operational purposes; and

WHEREAS, the County of Durham desires to dispose of these items by sale at Public Auction as provided by North Carolina General Statute 160A-270:

NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the sale at Public Auction at the time, place, and conditions set out herein is authorized and directed:

1. The Public Auction for vehicles is to take place at the Durham County Sheriff's Department Firing Range, 0 Electra Drive, North Carolina, on April 25, 2003 beginning at 10:00 a.m.; Public Auction for miscellaneous items will take place at the Durham County Social Services Division, 300 North Duke St., April 26, 2003, beginning at 9:00 a.m.
2. The terms of the sale will be cash, good check, or credit card. Item(s) purchased must be paid for on the day of the sale.

3. In accordance with statutory requirements, Mr. Michael M. Ruffin, County Manager, shall be authorized as the County official in charge of the disposal of the surplus personal property.
4. A tabulation of all “high bids” will be presented to the Board of Commissioners as a matter of record.
5. Item(s) purchased at Public Auction may remain on the County property until 5:00 p.m., May 5, 2003; however, it will be at the risk of the purchaser. For any item(s) requiring extensive time for removal, purchasers may arrange additional removal time with Durham County General Services Department.
6. The successful bidder(s) will also be required to provide evidence of insurance before removal of any item(s) so indicated.
7. Successful bidder(s) on any item(s) requiring labor, tools, or materials for dismantling and removal of the item(s) purchased shall furnish all such tools, materials, and labor and shall hold Durham County free of any claims for any personal injuries, damages, or liabilities incurred for removal of the item(s).
8. All items will be sold on an “as is” and “where is” basis. The County will make no guarantees and assume no responsibility for any of the items.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Herald-Sun Newspaper once at least 10 days prior to the date of the sale.

“BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 14th DAY OF April 2003.”

Consent Agenda 7(n). Street Annexation Petition—Saint Albans Court (Saint Albans Subdivision) adopt the resolution to approve the addition of Saint Albans Court to the state’s road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina

County of Durham

Road Description: Saint Albans Court (Saint Albans Subdivision): Length (Miles--.2):
Occupied Homes—8: Location--.9 miles N of the intersection of Guess Road and
Umstead Road

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above-described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 14th day of April, 2003.

Witness my hand and official seal this the 15th day of April, 2003.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

Consent Agenda 7(p). Budget Ordinance Amendment No. 03BCC000058—Request from the Durham County Youth Home—Security Measures (approve Budget Ordinance Amendment No. 03BCC000058 and fund the security upgrades in the amount of \$32,235 through the County's contingency fund).

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000058

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

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$33,908,678	\$32,235	\$33,940,913
Other	\$20,769,498	(\$32,235)	\$20,737,263

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(s). Resolution to Add the City and County of Durham to House Bill 554: To Expand Permitted Uses of 911 Funds (adopt the resolution to add Durham City and County to House Bill 554).

RESOLUTION REQUESTING THAT THE CITY AND COUNTY OF DURHAM
BE ADDED TO HOUSE BILL 554 TO EXPAND PERMITTED USES OF 911 FUNDS

WHEREAS, counties and cities are under increasing financial pressure to find the resources required to provide emergency services effectively to their diverse communities; and

WHEREAS, the City of Durham operates a joint City/County Emergency Communications Center for the City and County of Durham; and

WHEREAS, a major capital expense will be involved in the replacement of radio equipment in all police, fire, EMS, and volunteer fire vehicles over the next several years, including additional base station equipment and radio towers; and

WHEREAS, without effective radio communications the operation of an enhanced 911 center is severely constrained; and

WHEREAS, House Bill 554 proposes to expand the permitted uses of 911 funds for the purchases of radio equipment and radio towers and the training of emergency communications personnel in Pitt County:

NOW, THEREFORE, BE IT RESOLVED BY THE DURHAM COUNTY

BOARD OF COUNTY COMMISSIONERS THAT:

1. The Board of County Commissioners affirms its support of House Bill 554; and
2. The Board of County Commissioners requests that Section 2 of this bill be amended to include the County of Durham and its municipalities.

This resolution shall become effective upon adoption.

Public Hearing for Land Use Plan Amendment #A02-19—Hamlin Road Subdivision

This plan amendment is for the *North Durham Plan*. The applicant, E. T. Development Corporation, requested to designate 65.41 acres from High Density Residential (eight or more units per acre) and Industrial to Low Density Residential (one to four units per acre). The property is located on the south side of Hamlin Road northeast of Riley Drive. The Planning Commission considered this item at a public hearing held January 22, 2003 and recommended denial primarily based on school and road impacts. The Board of County Commissioners heard this item at its February 24, 2003 meeting and questioned the alignment shown in the staff report for the Northern Durham Parkway. The Commissioners requested that staff review the alignment shown in light of the Transportation Advisory Committee (TAC) approval of the 2025 Transportation Plan last December to determine if the corridor for the Northern Durham Parkway affects this property. The report has been modified to reflect an alignment consistent with the TAC action.

Planning Department Recommendation—Approval
Planning Commission Recommendation—Denial (1/22/03 – 6 to 5)

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

County Manager's Recommendation: The Manager's recommendation was that the Board hold the public hearing, and if appropriate, amend the *North Durham Plan* FLUM to designate the area located on the south side of Hamlin Road northeast of Riley Drive for Low Density Residential use.

Mr. Duke explained this item to the Board of County Commissioners.

Plan Amendment Staff Report

At the February 24, 2003 Board of County Commissioners' meeting, the Board heard this item and questioned the alignment shown in the staff report for the Northern Durham Parkway. The Commissioners requested that staff review the alignment shown in light of the Transportation Advisory Committee (TAC) approval of the 2025 Transportation Plan last December to determine if the corridor for the Northern Durham Parkway affects this

property. The original staff report was written prior to that action and merely acknowledged the corridor was under review; it reflected the corridor as shown in the adopted North Durham Plan. The revised map depicts an alignment consistent with the TAC action. The report is modified accordingly.

Case	A02-19	Jurisdiction	County
Reference Name	Hamlin Road Subdivision		
Request	Proposed Designation	Low Density Residential	
	Proposed Zoning	PDR 2.17	
	Related Zoning Case	P02-77	
	Maximum Potential Use	Low Density Residential at 2.17 units per acre	
	Proposed Use	Single family subdivision	
Existing Site Characteristics	Existing Designation	High Density Residential and Industrial	
	Existing Zoning	RD	
	Existing Use	Vacant	
	Site Acreage	65.41	
Applicant	E. T. Development Corporation		
Submittal Date	December 9, 2002		
Location	Hamlin Road northeast of Riley Drive		
Street Atlas	14. A-1, A-2, B-2 and B-1	PIN	0843-01-26-0857, 0843-01-17-6277 and 0843-01-27-1462
Plan(s)	North Durham Plan		
Recommendations	Staff	Approval	
	Planning Commission	Denial 6-5 (1/22/03) primarily based on school and road impacts.	

Summary

The property is located on the south side of Hamlin Road northeast of Riley Drive. The plans call for developing a subdivision consisting of 140 single-family homes under a PDR 2.17 zoning.

Site History

There is no history of other recent approvals for this site.

Amendment Justification

The applicant states that the change to Low Density Residential “will allow the existing tracts to be developed without intruding into the stream buffers and the 100-year flood plain.” The applicant further states, “the proposed use would also be more in harmony with the adjacent tracts, which are zoned R-20 and RD.”

Staff Analysis and Conclusion: Given the environmental issues on the southeastern portion of the property, the request is justified. More intense development is likely to have a more significant impact on the environmentally sensitive areas. Further, the Industrial and High Density residential land use designations were based on the proposed location of the Eno Drive at the time the Plan was adopted, with the proposed roadway used as a dividing line between Industrial and Residential uses in this area in the North Durham Plan. The alignment of the roadway, consistent with the TAC action, leaves industrially designated land along the south side of the road in the area the Plan intended to be residential. This action suggests that the Industrial designation should be changed to ensure the separation of uses afforded by the roadway corridor is maintained. Further, established residential land uses in the area reflect Medium or Low Density Residential suggesting that High Density Residential currently shown in the North Durham Plan might be out of character with the area. This combination of actions and re-evaluation of the area suggests that the Plan Amendment is justified.

Plan Consistency

The North Durham Plan includes a number of policies relevant to this request. These include:

Land Use Policy 1 – “Rezoning and development proposals should be compatible with existing and planned land uses. A proposed development should not establish an undesirable precedent in the area.”

Land Use Policy 2 – “Innovative, attractive, and efficient residential development design through use of ‘Planned Density Residential’ provisions in the Durham Zoning Ordinance, to effectively integrate innovative developments into existing neighborhoods should be promoted.”

Transportation Policy 4 – “Future land use patterns... should be supplemented by decisions to locate... Durham’s thoroughfare system.”

Staff Analysis and Conclusion: The requested change will satisfy the policies of the Plan described above. No inconsistencies with the North Durham Plan have been identified.

Area Characteristics

The existing land uses in the adjacent areas northeast and southwest of the site are generally Residential with some vacant land. Ellerbee Creek forms the back border of the property. The area immediately adjacent to the creek on the other side is the municipal landfill. Industrial uses are across Hamlin Road from the project site.

Area Land Uses and Designations

	Existing Uses	Designations
North	Industrial	Industrial
East	Residential	Industrial
South	Landfill and Vacant	Recreation/Open Space
West	Residential and Vacant	High Density Residential

Staff Analysis and Conclusion

The proposal for Low Density Residential is generally compatible with the surrounding area.

Site Characteristics

The tract is a heavily wooded property that includes an existing house with assorted outbuildings. Ellerbee Creek forms the back property line. The length of that back property line is within the 100-year flood plain. A portion of the back property is also a federal wetland and in Watershed District Overlay: F/J-B. The site is in the Neuse River Basin.

Staff Analysis and Conclusion

The proposed use will have no negative impact on the surrounding area and will enhance protection for environmentally sensitive portions of the property. The applicant is planning to have twice the required open space and is not encroaching into the watershed or the flood plain.

Infrastructure Impacts

The requested change has been evaluated to suggest its potential impact on the road network and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use designation and zoning within that designation to the most intense use allowed under the proposed land use and zoning.

Road Impacts

Directly Accessed Segment	Hamlin Road	Old Oxford Road
Roadway Capacity (LOS D) (ADT)	9,700	9,700
Latest Traffic Volume (ADT)	3,900	8,300
Traffic Generated by Present Designation	806 daily trips, assuming 76 single family homes	
Traffic Generated by Proposed Designation	1,413 daily trips assuming 140 single family homes	
Impact of New Designation	Increase of 607 daily trips	

Staff Analysis and Conclusion

There is an increase of traffic based on the proposed use and the maximum residential density of the present use.

School Impacts

	Glenn Elementary School	Chewning Middle School	Northern High School
<u>Current Capacity</u>	586	794	1,755
Capacity w/o Trailers	586	698	1,755
Enrollment (20 th Day)	688	817	1,565
<u>Capacity w/ Planned Improvements</u>	<u>No expansion of capacity is planned at these schools.</u>		
Impact of New Designation	27	12	14
<u>Cumulative Impact (this and other approvals in area)</u>	86	14	61

Staff Analysis and Conclusion

The elementary and middle schools are currently over capacity. The high school is under capacity.

Public Contact/Comment

The advertisement for the Board of County Commissioners' meeting was placed in the Durham Herald-Sun. Letters were sent to property owners and neighborhood associations (Northeast Neighborhood Association, Ellerbee Creek Watershed Association and the InterNeighborhood Council).

No emails, telephone calls or letters have been received to date supporting or opposing the proposal.

Recommendation

Staff recommends approval based on the proposed use.

Commissioner Heron asked Mr. Duke whether he had any recommendations about the brown section on the map (the property [High Density Residential] which abuts the subject property).

Mr. Duke replied that the Board indicated at the February 24 meeting that it would address this issue tonight and give him direction relative to a plan amendment on the remainder of the High Density Residential in this area. He believes it is out of character with this area and inappropriate.

Commissioner Heron asked that Planning staff initiate a plan amendment to change this area to low density.

L. A. "Larey" Thomas, 9 Preakness Drive, Durham, NC 27713, representing E. T. Development Corporation, asked that the Board consider approval of this request for low density.

E. L. Allison, representing the Durham Community on the Affairs of Black People, expressed concern that developments are being approved without serious consideration of the impact on schools.

Mr. Thomas stated that the language on the submitted plan would reflect that this development will create about \$2500 per child for approximately 53 or 54 children. The Board could request additional money.

Chairman Reckhow asked whether redesignation of the adjoining area as low density would reduce the school impact in the area.

Mr. Duke replied that school impact measurements are based on rezoning so a reduction would not be seen in practical terms, only in theory.

Chairman Reckhow asked how soon the plan amendment for the changed designation could be brought to the Board.

Mr. Duke responded that it could be brought back in September.

Commissioner Heron kept stressing that this request is a plan amendment, not a rezoning.

Commissioner Cousin expressed concern that many Planning requests brought to the Board show that the Planning Commission and Planning Department are not in agreement relative to their recommendations. The Planning Department simply considers land use consistency; the Planning Commission seems to take a broader perspective and considers the overall impact regarding roads and schools. He was very concerned about the issue of school overcrowding.

Commissioner Jacobs asked questions regarding school impact and whether citizens had voiced their opinions regarding this plan amendment.

Mr. Duke answered that, as reflected in the staff report, no emails, telephone calls, or letters have been received to date supporting or opposing the proposal.

Commissioner Heron moved that this plan amendment be approved.

Chairman Reckhow seconded the motion.

Vice-Chairman Bowser expressed that the designation for the entire area should be consistent, not high density abutting low density.

Before a vote was taken, the Commissioners had an additional discussion, question, and answer period regarding the abutting areas, future rezoning, and environmentally sensitive areas.

Chairman Reckhow echoed Commissioner Heron's statements that "this request is for a plan amendment, not a rezoning."

Commissioner Cousin wanted to go on record to make it clear that he does not support votes that lend false hope. This plan amendment will save the land from being developed high density or industrial, but it leaves the door open for low-density developments, the kind that will throw the school system into a larger state of imbalance.

Vice-Chairman Bowser asked why the Board would want to change the industrial designation to residential when we know we need industry in that area.

Chairman Reckhow responded that the site is too small for industry and issues exist relating to stream buffers. In addition, if we don't use the revised road alignment as a barrier for industrial use, a problem will be created. The logical decision is to redo the land use plan for consistency with the new alignment.

Commissioner Cousin told his colleagues that he would feel better about future development if an adequate public facilities ordinance and impact fees were in place.

Chairman Reckhow stated that many developers are volunteering impact fees.

Vice-Chairman Bowser recommended that the Board of County Commissioners pay closer attention to Planning Commission recommendations. The Board keeps overruling and voting against this commission. Let's be mindful of what they are doing.

Commissioner Cousin wished to "go on record to say that the Board needs to beware that the redesignation does not bring with it a flood inundating us with proposals for building residential when we know where we are as a county in terms of a residential/commercial balance."

Chairman Reckhow called for the vote.

The motion on the floor passed unanimously.

Chairman Reckhow suggested another motion to request that Planning staff revisit the designation (High Density Residential to Low Density Residential) of the property abutting the site that is colored in brown.

Commissioner Cousin moved, seconded by Commissioner Heron, that the Planning staff revisit the designation of the property abutting the site that is colored in brown.

The motion carried unanimously.

The resolution follows:

BOARD of COUNTY COMMISSION RESOLUTION
AMENDING NORTH DURHAM PLAN
CASE A02-19

WHEREAS, the Durham County Board of County Commissioners has adopted long-range land use plans, including small area plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of an adopted plan, development activity within a planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Board of County Commissioners has adopted a resolution that requires that the Board of County Commissioners consider changes to adopted land use plans when requested rezoning substantially conflict with an adopted land use plan:

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DURHAM COUNTY:

SECTION 1

That the Future Land Use Map of the North Durham Plan be amended as follows:

- to identify as Low Density Residential the recommended future use of parcel 0843-01-26-0857, 0843-01-17-6277 and 0843-01-27-1462 as shown on the map.

SECTION 2

This change shall become effective upon the adoption of this resolution.

Mr. Duke gave the Board a quick update. The impact fee ordinance is scheduled to go to the Zoning Committee in May and the adequate public school facilities policy will go to the Planning Committee in May.

Consent Agenda Items Removed for Discussion

Consent Agenda 7(i). Public Health—Budget Ordinance Amendment No. 03BCC000055—To Accept a \$287,156 Three-Year Grant from the North Carolina Health and Wellness Trust Fund Commission to Appropriate \$42,490 for the Health Education Division and to Establish a Full-Time Health Education Specialist for the Youth Tobacco Use Prevention/Cessation Project (approve Budget Ordinance Amendment No. 03BCC000055 to recognize \$42,490 in grant funds from the Health and Wellness Trust Fund Commission).

Vice-Chairman Bowser pulled this item to ask questions of Public Health Director Brian Letourneau regarding the \$23,000 of the total \$287,156 to be held in a central media fund. He also asked about this appropriation amount and future-year appropriation amounts. He requested clarification on how the money will be spent.

Mr. Letourneau answered Commissioner Bowser’s questions. The \$23,000 that is being held in a central media fund was a condition applied by the state. These are not grant monies we typically deal with.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item No. 7(i).

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000055

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenue	\$261,554,172	\$42,490	\$261,596,662

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$323,776,663	\$42,490	\$323,819,153

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

This the 14th day of April, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 7(r). Amendment to Board and Commission Appointment Policy (approve the policy change which requires that taxes be kept current during the term of appointment. It also provides for a 90-day period to bring taxes current when a payment plan is in effect with the Tax Office).

Dr. E. L. Allison, representing the Durham Committee on the Affairs of Black People removed this item from the consent agenda. She asked that the names of board and commission members who owe delinquent taxes not be placed in the newspaper. They are providing a service to Durham County and should be given special consideration.

Chairman Reckhow informed Dr. Allison that this process takes place in the Tax Administration office and is required under our General Statutes. Citizens who hold public positions, whether elected or appointed, should set good examples by taking the civic obligation of paying taxes seriously. This amendment before the Board would allow board and commission members, who become delinquent in paying their taxes while serving Durham County, a 90-day period to bring their property taxes current.

The Commissioners discussed various ways (other than the official tax notice) to notify board and commission members when their taxes become delinquent.

Chairman Reckhow suggested that the wording in the resolution be changed to allow 180 days (six months) instead of 90 days (3 months).

Vice-Chairman Bowser agreed with Chairman Reckhow relative to increasing the time to 180 days.

Commissioner Bowser moved, seconded by Commissioner Cousin, that the number of days be changed from "90" to "180" in Section 1.L—Resolution for Establishment of Policy and Procedures for Appointments to County Boards, Commissions, Committees or Authorities. Also, he moved that the Tax Administration office look into detecting tax delinquencies of our board and commission members and sending them an additional notice prior to placing their names in the newspaper.

The motion carried unanimously.

The resolution follows:

RESOLUTION FOR ESTABLISHMENT OF POLICY AND PROCEDURES FOR
APPOINTMENTS TO COUNTY BOARDS, COMMISSIONS,
COMMITTEES OR AUTHORITIES

WHEREAS, it is the statutory duty of the Durham County Board of Commissioners, as Governing Body of Durham County, to appoint persons to various boards, commissions, committees, or authorities, to assist in the operation of county government; and

WHEREAS, the Board of Commissioners is desirous of appointing qualified, knowledgeable, and dedicated people to serve on the aforesaid boards, commissions, committees, or authorities, and to that end solicits the interest and participation of the citizens of Durham County in providing information and recommendations to assist the Board of Commissioners in identifying qualified candidates for said appointments; and

WHEREAS, the Board of Commissioners recognizes the need for a policy and procedure to provide for increased public awareness of the appointments to be made from time to time by the Board, to solicit public participation in the submission of names of qualified candidates, to set forth the subsequent steps for the selections of the candidate(s) by the Board, and to ensure attendance at meetings; and

WHEREAS, the Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serving on the boards, commissions, committees, and authorities; therefore, appointment applications will solicit necessary information to achieve a representative sample of the community:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that:

Section 1. The policy of Durham County governing appointments to the various boards, commissions, committees, or authorities made by the Board of County Commissioners is as follows:

- A) Words of the masculine gender mean and include correlative words of the feminine and neuter genders and words imparting the singular number mean and include the plural number and vice versa.
- B) Any citizen of Durham County who is eighteen (18) years of age or older is eligible to serve on the appointed boards, commissions, committees, or authorities of the County where such appointment is not prohibited by state statute.

- C) All appointments will be made according to the Appointments Statute or Ordinance that created that board, commission, committee, or authority.
- D) No citizen of Durham County may serve in more than two appointed positions of Durham County Government unless exempted by nature of the position or otherwise.
- E) Unless otherwise stated by statute, no citizen may serve more than three consecutive terms in any one position. This policy may be waived if the Board of Commissioners determines that the removal of a number of individuals made ineligible by the policy would be detrimental to the functioning of that board, commission, committee, or authority, unless such removal is prescribed by statute.
- F) If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she is obligated to resign.
- G) The Clerk to the Board will notify the member that he or she is obligated to resign. An unexcused absence is defined as an absence without prior notification to the chairman, secretary, or staff to the boards, commissions, committees, or authorities.
- H) Excused absences are defined as absences with proper prior notification indicating legitimate conflicts or other circumstances.
- I) For each appointee, the calendar year is counted beginning on the date of appointment.
- J) If a member's absence exceeds these percentages, the Clerk to the Board of County Commissioners should be notified immediately.
- K) The clerk to the boards, commissions, committees, or authorities shall be responsible for keeping an attendance record and notifying the Clerk to the Board, who shall in turn notify the Board of County Commissioners when the limit of absences of any appointee has been reached.
- L) Property tax listing must be current. County and City taxes must not reflect any delinquencies before an application is submitted. Property taxes must be current both prior to appointment and during the term of the appointment. However, if the appointee's taxes become delinquent during the term of the appointment, the appointee shall be allowed up to 180 days to bring the property taxes current, provided the appointee shall have established a repayment plan with the Tax Administrator's Office.

- M) If a member has more than 50% absences (excused or unexcused) or, if the member is delinquent in the listing and/or payment of taxes for which an appeal has not been filed, the Clerk to the Board will notify the Chairman of the Board of County Commissioners. Upon receipt of notification from the Clerk to the Board, the Chairman will notify the member that he or she may be removed from the board, commission, committee or authority. The Commissioners shall consider the board member's status at a regularly scheduled meeting of the Board of County Commissioners.

Each County Commissioner will have available to him or her a binder containing a list of all County appointments, with the following data provided:

1. The name of the board, commission, committee, or authority and the composition of the board according to the statute.
2. A brief description of its functions.
3. The statute or cause creating the board, commission, committee, or authority and the composition of the board according to the statute.
4. The total number of members and length of terms of office.
5. The names of current members, the number of terms each has served, and the date of his or her original appointment.
6. The regular meeting day, time and location, if determined.
7. The date(s) on which appointments should be made.

Section 2. The procedures of Durham County for filling vacancies for appointed positions should be as follows:

- A) Notification of available appointments
1. A current list of upcoming appointments to County boards, commissions, or authorities shall be kept in the Office of the Clerk to the Board and shall be furnished to any person or group on request.
 2. A list of available positions and the date by which names should be submitted will be published in the Herald Sun, The News & Observer, the Carolina Times, or any other newspaper having general circulation throughout the County that the Board may specify from time to time, once a week for two weeks beginning two weeks in advance of the deadline for submitting applications. The Clerk to the Board may alternate the publication of the available positions in different newspapers from week to week as the Board of Commissioners directs. The name, phone number, website, and address of the Clerk to the Board shall be provided in the advertisement to obtain more information.
 3. A list of available positions stating terms of office, requirements for office, duties of positions, and the date by which names should be

submitted will be placed on the Durham County Website beginning two weeks in advance of the deadline for submitting applications.

4. Twenty-five (25) days prior to the expiration of the terms, a notice will be mailed to each person who is eligible for reappointment requesting an indication of his or her interest in continuing to serve. If an individual is not eligible for reappointment, he or she will be notified and given the reason for being ineligible.
5. The Chairman of the Board of Commissioners or his designee will be responsible for carrying out the above notification procedures.
6. If, because of policy or otherwise, an individual is unable to be reappointed, that person will be sent a Letter of Appreciation by the Chairman of the Board of Commissioners at the expiration of his or her term, thanking the person for past services rendered.

B). Selection Process

1. At least twelve (12) days prior to the appointments by the Board of County Commissioners, all applications for a particular position must be in the hands of the Clerk to the Board. The Clerk will check each applicant for eligibility and recheck any prior applicants, if any.
2. A copy of the applications submitted together with the prior applications, if any, shall be sent to all Commissioners at least ten (10) days prior to the meeting at which action will be taken. Those candidates who are ineligible will be noted and the reasons for ineligibility given.
3.
 - a. When the advertising or readvertising of positions for boards, commissions, committees, etc., does not produce within the time frame prescribed the necessary number of qualified persons to fill the vacancies indicated, the Board of County Commissioners on its own initiative will name the appointees.
 - b. When vacancies and positions appointed pursuant to this policy occur prior to the expiration of the term of office, the Board of County Commissioners shall appoint a person to serve the remainder of the term in accordance with the procedures outlined herein.

C) Notification of Appointment

The Chairman of the Board of County Commissioners shall prepare a letter of notification of appointment or non-appointment to the applicants and a copy to the affected board, notifying each of the appointment or non-appointment.

D) Applications

All applications received shall be retained for at least one (1) year and considered if a vacancy occurs during that time period. Applications shall be kept on file for all active appointees. These will be treated as

public records and made available upon request for the cost of copying.

Durham City-County Interlocal Cooperation Agreement for Planning

The City-County Interlocal Agreement for Planning is the implementation mechanism for the Durham City-County Planning Commission and the Durham City-County Planning Department. During 2002, the Interlocal Agreement was updated and endorsed by the Joint City-County Planning Committee.

On March 10, 2003, the BOCC referred the Interlocal to the Board of Adjustment (BOA) after hearing that the BOA was not given sufficient opportunity to act on the section of the agreement addressing its concerns. At its March 25, 2003 meeting, the BOA indicated that it endorsed the Interlocal Agreement as proposed.

The Planning Department recommended adoption of the Interlocal Cooperation Agreement for Planning.

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

County Manager's Recommendation: The Manager recommended that the Board adopt the City-County Interlocal Cooperation Agreement for Planning.

Mr. Duke briefly explained this agenda item. He informed the Board that the County Manager contacted him this afternoon and raised a question as to why the provision on payment of property taxes did not read the same for the Planning Commission as for the Board of Adjustment. He asked the Commissioners if they would like for the provision to be the same.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the Durham City-County Interlocal Cooperation Agreement subject to the amendments relating to payments of property taxes made by the Planning Director.

The motion carried unanimously.

Center for Senior Life Project Update—RFQ 02-044/Project No.: DC068-30

The 2001 Bond Referendum included \$5.5 million for a Senior Center to be located on property donated by the City of Durham at 400 Rigsbee Avenue. The transfer of the property has been completed and design of the facility is underway. The Board of County Commissioners awarded a design contract to Gurlitz Architectural Group, P.A. on October 28, 2002. A series of meetings with the Council for Senior Citizens and users

and occupants of the building have been completed as part of the programming and preliminary design phases. The project is currently in the Schematic Design phase and the architect provided an update to the Board.

Resource Person(s): Glen Whisler, P.E., County Engineer; Richard Gurlitz, Gurlitz Architectural Group, P.A.; and Joan Pelletier, Council for Senior Citizens

County Manager's Recommendation: The County Manager recommended that the Board accept the update and provide direction to staff as appropriate.

Mr. Richard Gurlitz, 5310 S. Alston Avenue, Durham, NC 27713, represented Gurlitz Architectural Group, P.A. He thanked the Commissioners for the opportunity to provide architectural services to Durham County and particularly for this project. In working with the Council for Senior Citizens for the past six months and attending a retreat and two workshops, it appears that this will be a well-used facility based on the turnout of about 40 to 50 people at each workshop. This facility will be of great benefit to the community. He gave a detailed description of the facility to the Board. This is an important civic building. He wishes to create an image that will contend as a landmark with the Carolina Theatre, the Armory, and the Durham Bulls Park.

Commissioner Heron asked about the use of solar energy.

Chairman Reckhow asked Mr. Gurlitz if he would meet with City-County Appearance Commission members to let them review this project and provide comments.

Mr. Whisler informed the Board that the project would come back for final approval in a few months.

Senate Bill 534 and House Bill 429

Chairman Reckhow added this item to the agenda. Mr. Melvin Whitley brought this bill to her attention. The passage of this bill would limit the ability of local governments to improve communities by disallowing the use of the amortization provision to reduce uses of undesirable, inappropriate nature (junk yards, car repair shops, etc.). This issue was discussed at the Joint City-County Planning Committee meeting last week.

Mr. Melvin Whitley, 2614 Harvard Avenue, Durham, NC 27703 represented the InterNeighborhood Council. He explained the bill and strongly spoke against the passage of this bill.

Chairman Reckhow suggested that the Board go on record against Senate Bill 534 and House Bill 429.

Vice-Chairman Bowser wanted to go on record as opposing this bill.

Each Commissioner opposed the passage of this bill.

A motion was made by Vice-Chairman Bowser, seconded by Commissioner Cousin, to do whatever is necessary to oppose House Bill 429 and Senate Bill 534.

The motion carried unanimously.

Chairman Reckhow thanked Mr. Whitley for bringing this bill to the Board's attention.

Chairman Reckhow directed staff to send a copy of the Board's position to the North Carolina Association of County Commissioners. She directed County Manager Ruffin to contact Marcia Conner and ask her to place this on the next City Council meeting agenda.

Vice-Chairman Bowser wished to ask a question about the surplus items referenced in consent agenda item No. 7(1). Can we donate the box of cell phones to a nonprofit so they can be used for 911 calls?

County Attorney Kitchen suggested that the Board make a motion to remove the cell phones from the list of surplus items to be sold at an auction and to authorize the transfer of phones to a nonprofit for public purposes.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to remove the cell phones from the list of surplus items to be sold at an auction and to authorize the transfer of phones to a nonprofit for public purposes.

The motion carried unanimously.

A couple of months ago, Vice-Chairman Bowser directed that a letter be sent to the North Carolina Department of Revenue and the Governor concerning the proposed closure of our NC Department of Revenue office. Has any feedback been given regarding that particular letter?

County Manager Ruffin responded that staff has heard nothing.

Vice-Chairman Bowser expressed that this office must be kept open. Durham citizens should not have to travel to Raleigh. Twelve offices, including the Greensboro and Winston-Salem offices, are remaining open. Durham is the fourth largest city in the state and eight cities smaller than Durham would have offices.

Adjournment

Chairman Reckhow adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board