

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

April 14, 2003

POST AGENDA

5:00 P.M - 7:00 P.M.

Closed Session

The Board of County Commissioners is requested 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.

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

7:00 P.M. Regular Session

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

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

2. **Agenda Adjustments**

Agenda item No. 10a, Senate Bill 534 and House Bill 429 was added.

3. **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 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."

4. **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: Approve the resolution and present 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.

North Carolina Central University Chancellor James Ammons thanked the Commissioners for their support and took the opportunity to reinforce points made in the resolution.

Dr. E. L. Allison had signed to speak on this item. She praised the Commissioners for the resolution and asked that everyone come together and develop the resolution. Dr. Allison requested that the resolution be sent to the Durham Delegation and to Durham County's State Senators and Representatives. She stated that Durham deserves this. She thanked and urged the County Commissioners to unite behind this effort. She urged everyone to place NCCU on the cutting edge to make a real difference.

Chairman Reckhow agreed with Dr. Allison regarding her recommendation that the resolution be sent to our State Legislators. She directed staff accordingly.

4a. **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 better manage 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.

No discussion ensued relative to this agenda item.

5. **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 of the total contribution 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 present to receive the award on behalf of Durham County Government. Mr. Turner will present 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 the recognition and asked that the County Commissioners received the award and place it in a prominent location in the Durham County Government Administrative Offices.

Chairman Reckhow expressed that she was proud of Durham County Government's performance and thanked Mr. Turner for all of his hard work.

6. **Annual Report-Durham City-County Appearance Commission**

The attached 2002-2003 Annual Report for the Durham City-County Appearance Commission is 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 will be 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 is that the Board receive the Appearance Commission 2002-2003 Annual Report.

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

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 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 Commissions' goals for this year.

The Commission has expressed concern that project reviews not be their primary activity. Proactive endeavors are a key component of their 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.

7. **Consent Agenda**

- a. 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);
- 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. 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);
- 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);
- j. 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. 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. 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. m. Final Offer to Purchase County Property (2300 Fitzgerald Avenue) (accept the bid offer of \$11,000.00 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. q. Appointment to Cultural Master Plan Steering Committee (appoint Ms. Sharon Goode Laisure, Assistant City Manager, to the Cultural Master Plan Steering Committee);
 - r. 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); and
 - s. 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).

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve consent agenda item Nos. 7(a) through 7(s) with the exception of 7(i) and 7(r) (which were pulled for discussion).

The motion carried unanimously.

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

This item is a plan amendment for the *North Durham Plan*. The applicant, E. T. Development Corporation, requests 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 is 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.

After considerable discussion,

Commissioner Heron moved, seconded by Chairman Reckhow, to approve this item.

The motion carried unanimously.

Chairman Reckhow asked that an additional motion be added regarding this agenda item.

Commissioner Cousin moved, seconded by Commissioner Heron, that Planning staff revisit the designation of the abutting area.

The motion carried unanimously.

Consent Agenda Items Removed for Discussion

After discussion, consent agenda item No. 7(i) passed unanimously.

After discussion, the following motion was made regarding consent agenda item No. 7(r):

Commissioner Bowser moved that the number be changed from "90 days" to "180 days" in Section 1.L-Resolution for Establishment of Policy and Procedures for Appointments to County board, 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.

9. 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 item is now being brought forward for reconsideration.

The Planning Department recommends 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 recommends that the Board adopt the City-County Interlocal Cooperation Agreement for Planning.

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

The motion carried unanimously.

10. 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 will provide 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 recommends that the Board accept the update and provide direction to staff as appropriate.

Mr. Whisler presented the update.

No action was taken.

10a. **Senate Bill 534 and House Bill 429**

Chairman Reckhow said that 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.).

Mr. Melvin Whitley spoke against the passage of this bill.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to oppose Senate Bill 534 and House Bill 429.

The motion carried unanimously.

11. **Board Appointments-Durham County Hospital Corporation Board of Trustees**

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to select two or three members of the Durham County Hospital Corporation Board of Trustees to be nominated for an appointment to the Duke University Health System Board of Directors.

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

This item was removed from the agenda.

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



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