

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, March 10, 2003

7:00 P.M. Regular Session

AGENDA

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

Chairman Reckhow opened the meeting with the Pledge of Allegiance.

2. **Agenda Adjustments**

There were no adjustments to the agenda.

3. **Minutes**

- a. November 11, 2002 Regular Session Minutes
- b. December 2, 2002 Special Session Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the November 11, 2002 Regular Session Minutes and the December 2, 2002 Special Session Minutes of the Board as submitted.

The motion carried unanimously.

4. **Consent Agenda**

- a. Budget Ordinance Amendment No. 03BCC000044-Social Services-Additional Funding for Durham's Home and Community Care Block Grant (approve Budget Ordinance Amendment No. 03BCC000044 to accept additional funding for the Home and Community Care Block Grant);
- b. Budget Ordinance Amendment No. 03BCC000045-Social Services-Budget Reduction for TANF Domestic Violence (approve Budget Ordinance Amendment No. 03BCC000045 to accept a funding reduction for TANF Domestic Violence in Social Services' budget);
- c. Budget Ordinance Amendment No. 03BCC000046-Cooperative Extension-Addition of Division of Juvenile Justice and Delinquency Prevention Funding (approve Budget Ordinance Amendment No. 03BCC000046 to receive funding from DJJDP in the amount of \$555,038);
- d. Approve Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (approve the application. This has been placed on the consent agenda, as it is a recurring grant application and approval process that the County participates in each year.);
- e. Public Health-Approve the Restructuring of User Fees in the Environmental Health Division (approve the restructuring of user fees in the Environmental Health Division);
- f. Durham City-County Interlocal Cooperation Agreement for Planning (adopt the City-County Interlocal Cooperation Agreement for Planning);
- g. Resolution Endorsing the Triangle GreenPrint Regional Open Space Assessment (endorse the resolution supporting the regional planning effort);
- h. Hiring of Relative by the Sheriff of Durham County (allow Sheriff Worth L. Hill to hire Ms. Sharla Hill);
- i. Approval of Legislative Agenda for the Durham Crime Cabinet (approve and authorize the Chairman to forward a letter to members of Durham County's legislative delegation communicating the Board of County Commissioners' support);
- j. Approval of Memorandum of Understanding with Durham Public Schools (approve the Memorandum of Understanding that was approved by the Board of Education on February 27, 2003);
- k. Approval of Durham's Covenant for Education (endorse the initiative); and
- l. Approve Appointment to Community Child Protection Team (appoint Commissioner Heron to serve on the Community Child Protection Team).

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve Consent Agenda items 4(a), (b), (c), (d), (g), (k), and (l).

The motion carried unanimously.

Items 4(e), (f), (h), (i), (j) were pulled for discussion.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to defer Consent Agenda item 4(f) until the April 14, 2003 Regular Session to allow the Durham County Board of Adjustment to receive copies of the agreement in advance of its next meeting. The Durham City Council will be asked to defer its vote until the BOA has a chance to review the agreement.

The motion carried unanimously.

Chairman Reckhow asked the County Attorney to discuss the section regarding the ETA with Planning Director, Frank Duke before the item is returned to the Board for consideration.

After extensive discussion of the remaining Consent Agenda items, the following motion was made:

Commissioner Heron moved, seconded by Commissioner Bowser, to approve Consent Agenda items 4(e), (h), (i), and (j).

The motion carried unanimously.

5. **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 and Industrial to Low Density Residential. 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.

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

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

County Manager's Recommendation: The Manager's recommendations is that the Board hold the hearing and approve the amendment if appropriate, based upon public comment to designate the area located on the south side of Hamlin Road northeast of Riley Drive for Low Density Residential use.

Chairman Reckhow opened the public hearing which was properly advertised.

The following speakers made comments:

Mr. Jan Beeker, 1518 Hamlin Road, Durham, NC 27704, asked the Board to retain the current zoning. He did not wish it to change from high density residential and industrial.

Mr. Larry Thomas, 9 Preakness Drive, Durham, NC 27713, representing ET Development Corporation. He supported the rezoning to allow the development of a subdivision of 140 single-family homes under a PDR 2.17 zoning.

Mr. Brian W. Harley, 1406 Hamlin Road, Durham, NC 27705, spoke in support of keeping any development single-family rather than multi-family on this property.

There being no other speakers, Chairman Reckhow closed the public hearing and returned the item for Commissioner discussion.

The Commissioners held extensive discussion.

Commissioner Jacobs moved, seconded by Commissioner Heron, to defer this item to allow the Planning Department to acquire a new map from Transportation indicating the route reserved for the Northern Durham Parkway.

The motion carried unanimously.

The Planning Director advised that it may take more than one month to acquire the requested map.

6. **Major Site Plan-Wachovia RTP Bank Revisions (D02-658)**

O-Brien Atkins Associates, PA, on behalf of Wachovia Bank, has submitted a site plan for revisions to an existing one-story, 8,150-square-foot bank, including the addition of two drive-up teller lanes, two bicycle parking spaces, and a dumpster. The proposal also includes the relocation of one automated teller machine, the addition of another new automated teller machine, and nine new motor vehicle parking spaces, with a net removal of 13 motor vehicle parking spaces on a ±2.45-acre portion of a larger ±21.56-acre site, zoned SC & MTC. The proposed facility will be located north of NC 54, east of Park Drive, and west of Davis Drive. (PIN 0747-01-09-5980 [part]; tax reference 544-1-2A-50 [part]; County Atlas Page 98, Blocks A-2 & A-3) Governing Body approval is required for projects requiring a Traffic Impact Analysis, which has been reviewed for this development. The motion by the Board should include approval of the use of the existing pedestrian/jogging trail on the south side of NC 54 to satisfy public sidewalk requirements of the Zoning Ordinance, in keeping with the pedestrian master plan for Research Triangle Park.

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

County Manager-s Recommendation: The Manager-s recommendation is that the Board hear the merits of the site plan and approve.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the site plan to include allowing the use of the pedestrian trail.

The motion carried unanimously.

7. **Lebanon Volunteer Fire Department EMS Contract Amendment**

The Board is requested to approve a contractual amendment to reflect changes in the scope of EMS service provided by Lebanon Volunteer Fire Department. The change in scope of service is outlined in the summary and will also result in a reduction in the current Fiscal Year EMS allocation.

Resource Person(s): J.M. Tezai, EMS Director

County Manager-s Recommendation: The Manager recommends that the Board consider the request and approve the contract amendment.

Commissioner Bowser moved, seconded by Commissioner Jacobs, to approve the contract amendment.

The motion carried unanimously.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 9:18 A.M.



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