

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

Monday, March 8, 2004

ACTION MINUTES-DRAFT

7:15 P.M. Regular Session

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

Opening of Regular Session

Chairman Reckhow opened the meeting with the Pledge of Allegiance.

Agenda Adjustments

The Board made no agenda adjustments.

Minutes

Chairman Reckhow announced that errors in the February 2, 2004 Worksession Minutes will be addressed with the Clerk to the Board at a later time.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the February 23, 2004 Regular Session with one correction.

The motion carried unanimously.

Proclamation for -Delta Sigma Theta International Day of Service"

A proclamation was prepared for the Durham Alumnae Chapter of Delta Sigma Theta Inc. in recognition of the observance of "Delta Sigma Theta International Day of Service" (March 13). The Durham community was invited to attend and participate in a daylong schedule of activities designed to address the growing AIDS crisis in Durham and beyond.

County Manager's Recommendation: The County Manager recommended that the proclamation be presented to representatives of Delta Sigma Theta and that thanks be extended to them for their service to the community.

Chairman Reckhow read the following proclamation into the record:

Proclamation

WHEREAS, Delta Sigma Theta Sorority, Incorporated, a non-profit national public service organization, is aware of the problems within its communities; and

WHEREAS, statistics indicate that there is a disproportionate occurrence of the AIDS disease among African Americans; and

WHEREAS, the sorority hopes to build awareness and raise funds to support organizations providing services to members of the community affected by the spread of HIV/AIDS; and

WHEREAS, this effort is important to every business and organization in the Durham community; and

WHEREAS, citizens across Durham are affected by the well-being of its citizens; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated, would like to help in ensuring that members of our community are well-informed on the prevention of AIDS:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim Saturday, March 13, 2004 as

"DELTA SIGMA THETA INTERNATIONAL DAY OF SERVICE"

in Durham County. We further urge all citizens to attend the HIV/AIDS Walk-A-Thon and support the various programs on the agenda.

This the 8th day of March, 2004.

/s/Ellen W. Reckhow

Ms. Betty Johnson, Vice President of Durham Alumnae Chapter of Delta Sigma Theta Inc., thanked the Board for the recognition and accepted the proclamation.

National Award for Durham Literacy Council's "Teen Diploma Academy"

The National Association of Counties (NACo) notified Chairman Ellen Reckhow that the Durham Literacy Council was selected as a winner in the 2004 Acts of Caring Awards Program for its Teen Diploma

Academy. The award will be presented in Washington, D.C. on April 21, 2004.

Resource Person(s): Ellen Reckhow, Chairman; Lucy Haagen, Durham County Literacy Council

County Manager's Recommendation: The County Manager recommended that the Board extend its congratulations to the Durham Literacy Council for its well-deserved recognition.

Ms. Haagen gave a synopsis of the Durham Literacy Council and thanked the Board for its support.

Introduction of Wil Glenn, Public Information Specialist

Mr. Wil Glenn joined Durham County Government as the new Public Information Specialist. He began work on Monday, February 23. Mr. Glenn previously worked as Information and Communications Specialist with the North Carolina Association of County Commissioners. While there, he edited and designed the CountyLines magazine and other publications, maintained the Association's website, and assisted with speechwriting, news releases, and event planning. He was also a liaison between the Association and county governmental officials.

Prior to joining NCACC, he worked as an Assistant Editor at ISA in Research Triangle Park, as a Technical Writer at Underwriters Laboratories in Research Triangle Park, and as an Editorial Assistant for The News and Observer.

Mr. Glenn holds two degrees from North Carolina Central University: A Master of Information Science, which he received in May 2002, and a Bachelor of Arts in English/Media-Journalism, which he received in December 1996. He is a member of the North Carolina Association of Government Information Officers and the Association of Information Research.

In his cover letter, Mr. Glenn promised to bring "enthusiasm, creativity, commitment to excellence, vision, and a record of participating successfully on teams". As Durham County's new Public Information Specialist, he will contribute all of that and more to our organization.

Resource Person(s): Deborah Craig-Ray, Public Information/Governmental Affairs Director

County Manager's Recommendation: The County Manager's recommended that the Board welcome Mr. Glenn to Durham County Government.

Ms. Craig-Ray introduced Mr. Glenn to the Board and the public.

Consent Agenda

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

- a. Budget Ordinance Amendment No. 04BCC000045-EMS (approve the receipt of the Homeland Security Grant and the budget ordinance amendment establishing these grant funds for \$41,868 in the Emergency Medical Services FY 2003-04 budget);
- b. Budget Ordinance Amendment No. 04BCC000056-Public Health-Recognize Grant Revenue in the Amount of \$6,000 for the Division of Health Education for Infant Mortality Reduction (approve the budget ordinance amendment to recognize \$6,000 in revenue from the March of Dimes);
- d. Budget Ordinance Amendment No. 04BCC000059-Sheriff's Office-Judicial Building Security (approve the budget ordinance amendment to recognize \$89,237 and amend the Sheriff's budget in the current fiscal year to hire six deputies to provide security for the Courts; annualized the deputies will cost \$248,356 in the FY 2004-05 budget);
- e. 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 is a recurring grant application and approval process the County participates in each year);
- f. Service Contracts (ratify the following service contracts:
 - Coulter Jewel Thames PA for Design Services [November 18, 2003] [\$24,000];
 - Dixon Weinstein Architects PA [January 7, 2004] [\$29,835]; and
- g. Extension of Civic Center Management Agreement and Catering Agreement (authorize the County Manager to enter into contracts with the City of Durham and the Shaner Hotel Group extending the

term of the current Civic Center Management Agreement and Catering Agreement to June 30, 2004 to allow for the completion of the negotiation process);

- h. Award of Contract for a Fiscal Analysis of the Living Wage Policy on For-Profit Service Contracts (award the contract to Optimal Solutions Group LLC for \$32,600 and authorize the Manager to execute the contract on its behalf);
- i. Memorandum of Understanding with District Attorney and Public Defender (approve the Memorandum of Understanding and authorize the Manager to execute the agreement on behalf of the County); and
- j. Financing Documents for ERP Project (approve the financing documents, if appropriate, and corresponding resolution in substantially final form and authorize the County Manager to execute the necessary documents related to said financing).

The motion carried unanimously.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000057-Public Health-Recognize Additional Grant Funds from HUD through the City of Durham to Enhance Lead Poisoning Reduction Activities in the Community Health Division (approve the budget ordinance amendment to recognize \$2,500 from the Department of Housing and Urban Development for lead poisoning reduction).

Following discussion:

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. c.

The motion carried unanimously.

Consent Agenda Item No. k. Approval of Contract with Telecare Mental Health Services of North Carolina Inc., a for-profit corporation, for Mental Health Crisis Center for FY 2004-05 (consider and approve the Crisis Center contract for \$2,373,988 and authorize the County Manager to enter into the contract with Telecare Mental Health Services of North Carolina Inc.).

Following discussion:

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve Consent Agenda Item No. k.

The motion carried unanimously.

Public Hearing on Proposed Financing Documents for the Acquisition of the YMCA Early Learning Center

The Board was requested to hold a public hearing on the proposed financing documents with The Young Men's Christian Association of the Triangle Area Inc. (hereinafter the "YMCA") in an amount not to exceed \$725,000 with a fixed rate of 0% for the acquisition of the YMCA's Early Learning Center located on the southwest corner of Rigsbee Avenue and Seminary Street. The public hearing was not on the issue of whether to endorse the project, as the County has already approved the acquisition, but on the financing itself.

Resource Person(s): Chuck Kitchen, County Attorney, and George Quick, Finance Officer

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing and approve the financing documents, if appropriate, after hearing all comments.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the resolution.

The motion carried unanimously.

Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees

At the December 8, 2003 meeting of the Board of County Commissioners, the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing was approved. This policy provides a procedure for determining the eligibility and payment of impact fees for nonprofit organizations providing affordable housing for renters and first-time homebuyers. According to the policy, those nonprofits constructing affordable housing in FY 2003-04 must submit a request for payment to the Impact Fee Administrator by January 31, 2004. Pursuant to G.S. 158-7.1 as stated in the policy, the Board of

Commissioners held a public hearing on requests for payment.

The following nonprofit organizations submitted requests for review:

- New Directions for Downtown Inc. in the amount of \$11,550 (10 apartments)
- TROSA in the amount of \$6,930 (3 two-unit town homes)
- Next Step Housing in the amount of \$13,860 (12 apartments)
- Habitat for Humanity in the amount of \$16,000 (8 single-family homes)
- Self-Help in the amount of \$12,000 (6 single-family homes)

Resource Person(s): Heidi Duer, Assistant to the County Manager and Impact Fee Administrator

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing to review the requests for payment of School Impact Fees for Affordable Housing projects in FY 2003-04 and authorize the Impact Fee Administrator to grant payment vouchers as the Board deems appropriate.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the five projects and authorize the Impact Fee Administrator to grant payment vouchers.

The motion carried unanimously.

Public Hearing-2002 and 2003 Plan Amendment Rectification

This public hearing was for the rectification of Plan Amendments approved by Durham City Council within the City's zoning jurisdiction in 2002 and 2003. These amendments were scheduled for consideration and adoption by the Board of County Commissioners so City and County small area plans will be consistent.

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

County Manager's Recommendation: The County Manager recommended that the Board conduct a public hearing, and if appropriate, amend the following plans: *Southwest Durham Plan, Triangle Township Plan, South Central Durham Plan, South Durham Plan, East Central Durham Plan, Northwest Central Durham Plan, NC 54/I-40 Corridor Study, West/Northwest Durham Plan and Southwest Central Durham Plan.*

Commissioner Heron moved, seconded by Commissioner Cousin, that no action be taken on this item.

The motion carried unanimously.

Public Hearing-Zoning Text Amendment-Wireless Communication Facilities [TC 3-11]

CityScape, the consulting firm working with the City-County Planning Department, the County, and City Attorneys, prepared a revision to the Zoning Ordinance establishing new standards for wireless communication facilities. The revisions establish a hierarchy of alternatives for communication facilities, expand the definitions addressing such facilities, establish differing requirements for locating the facilities in different zoning districts, and incorporate provisions to address public safety communications.

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

County Manager's Recommendation: The County Manager recommended that the Board conduct a public hearing and, if appropriate, adopt the amendment to the zoning ordinance.

Commissioner Jacobs moved, seconded by Commissioner Heron, to adopt the amendment to the zoning ordinance.

The motion carried unanimously.

Major Site Plan and Preliminary Plat-Ellerbee Creek Preserve (Case D03-428)

Duane K. Stewart and Associates Inc., on behalf of E.T. Development Corporation, submitted a site plan and preliminary plat for 134 single-family lots on a 65.892-acre site, zoned PDR 2.08 and Eno-B. The proposed project will be located on the southeast side of Hamlin Road, north of Riley Drive, and east of Old Oxford Highway. (PINs 0843-01-17-8047 and 0843-01-27-1462; Old Tax Map Reference 616-01-003A; County Atlas Page 43, Blocks A-1, A-2, B-1 and B-2). Governing body approval is required for subdivisions with more than 50 lots.

Planning staff recommended approval.

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

County Manager's Recommendation: The County Manager's recommended that the Board receive the presentation and approve the site plan.

Commissioner Cousin moved, seconded by Vice-Chairman Bowser to approve Major Site Plan and Preliminary Plat-Ellerbee Creek Preserve (Case D03-428).

The motion carried unanimously.

Budget Ordinance Amendment No. 04BCC000060 and Capital Project Amendment No.

04CPA000010-Stanford L. Warren Library Project Renovations/Expansion

Staff requested that the Board receive a status report on the Stanford L. Warren branch renovation/expansion project. Of the two design alternatives that were presented, staff requested that the Board accept Plan B entitled "Simmons Street Entrance". Staff further requested that the Board accept the County Manager's recommendation to transfer \$63,743 of unrecognized property tax revenue to the Stanford L. Warren project budget.

Background

In 2001, voters approved \$10.2 million in general obligation bonds for site acquisition and construction of new library facilities. That amount also included \$1.016 million for the renovation and expansion of the historic Stanford L. Warren branch. The Stanford L. Warren project was provided an additional \$136,159 in two-thirds bond funds, resulting in a total project budget of \$1,152,907. In the fall of 2002, the County selected Little Diversified Architectural Services Inc. to provide architectural and project management services for the Stanford L. Warren project.

Early in the design process, Little Diversified staff and consultant Philip Barton uncovered substantial damage caused by years of deferred maintenance and recurring flooding. The cost of repairs generated by this damage totaled \$104,270 and represented a 9% displacement of the funds allocated to the project. The project team was thus compelled to develop the following two alternative designs for the project. The first alternative, labeled "Fayetteville Street Entrance", is within the original budget; however, it grandfathered and even exacerbates several existing problems from the current facility. The second alternative, labeled "Simmons Street Entrance" or Plan B, achieves all goals set forth by the project team including:

- creation of a single public entrance/exit to the facility;
- location of major collections, public workstations, and services to one floor; and
- improvement of access (especially ADA-related access) to the building.

This plan exceeds the original budget by \$119,093.

The full merits and drawbacks of these two alternatives will be presented as components of this presentation.

The preferred alternative is Plan B. Staff proposes to address the \$119,093 budget overage in Plan B through the following measures:

1. The operable partition element in the meeting room will become an alternate, removing \$9,000 from the budget.
2. The furnishings and fixtures will be provided through donated funds, removing \$46,350 from the budget.
3. The County will contribute an additional \$63,743 to the project using unrecognized property tax revenue projected by the Tax Administrator.

The Durham County Library Foundation committed itself to raising at least \$100,000 in capital support for the Stanford L. Warren renovation/expansion project. The furnishings, fixtures, and operable partition funds will be drawn against these and other donated funds. The \$37,350 balance of the donated funds will be used for computer workstations, small office items, and possibly for collection development.

Resource Person(s): Carolyn P. Titus, Deputy County Manager; Philip Cherry III, Library Director; Glen Whisler, County Engineer; Brian Simpson, Little Diversified Architectural Services; Robert Bishop, Little Diversified Architectural Services; and Peter Alan, Chair of the Library Foundation Board Capital Campaign Committee

County Manager's Recommendation: The County Manager recommended that the Board accept the staff report, authorize staff to proceed with the Simmons Street Entrance alternative (Plan B), and approve Budget Ordinance Amendment No. 04BCC000060 and Capital Project Amendment No. 04CPA000010, recognizing and transferring \$63,743 from the General Fund to the Stanford L. Warren Library project.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 04BCC000060 and Capital Project Amendment No. 04CPA000010, recognizing and transferring \$63,743 from the General Fund to the Stanford L. Warren Library project. The motion carried unanimously.

Adjournment

Chairman Reckhow adjourned the meeting at 9:12 p.m.



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