

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, June 22, 1998

5:00 P.M. - 6:30 P.M.

Duke/Durham Regional Affiliation

The Board is requested to approve the definitive agreements including the sublease, the support agreement, and the operating agreement. Further, the Board is requested to authorize the Chairman to sign the agreements and approve any minor changes to correct any wording in the agreements on and with the advice of the County Attorney.

7:00 P.M. Regular Session

AGENDA

1. Opening of Regular Session-Pledge of Allegiance
2. Agenda Adjustments
3. Minutes
 - a. May 11, 1998 Regular Session
 - b. May 15, 1998 Legislative Delegation
 - c. May 26, 1998 FY 1998-99 Budget Presentation
 - d. May 26, 1998 Regular Session
 - e. June 5, 1998 Hospital Affiliation
4. June Anchor Award Winner --Joyce Logan

Joyce Logan, Tax Billing Coordinator of the Motor Vehicle Section, Tax Administrator's Office, is the June 1998 Anchor Award winner. Ms. Logan is recognized for her concentrated efforts in March to notify and pursue delinquent motor vehicle accounts prior to the end of the fiscal year. As of early June, her efforts have resulted in the County receiving \$173,278.11 in taxes and interest from delinquent motor vehicle tax accounts for 1993 through 1996.

County Manager's Recommendation: Present the June Anchor Award to Joyce Logan, along with the sincere congratulations of the entire organization.

5. Resolution--Durham County Mental Health

Support a joint resolution of Wake Human Services, The Durham Center, and the Orange-Person-Chatham (O-P-C) Area MH/DD/SA Authority to establish formal partnerships, joint ventures, and/or other significant regional collaborations consistent with their common visions, missions,

and goals, and their authorities, responsibilities, and available budgeted resources. These initiatives shall be pursued with participation by relevant community stakeholders, and accompanied by appropriate public education efforts.

County Manager's Recommendation: Note that any proposed regional demonstration project would generate within the existing ". . . authorities, responsibilities, and available budgeted resources . . ." of our Mental Health Authority. I believe it is appropriate to begin to seriously pursue alignments with other area providers to provide a higher level of care in our region than is possible in a single catchment (market) area. I recommend approval of this initiative and would ask that quarterly reports be given as part of the existing work plan initiatives.

6. Consent Agenda

- a. Community Based Alternatives-In accordance with Section 5(b) of the FY 1997-98 Budget Ordinance, a report is hereby given of a transfer of \$25,000 from a Public Safety function to a Human Services function (receive for information);
- b. Final Qualifying Bid to purchase County property-Duke Street and Stadium Drive (accept the offer of \$190,100 submitted by Mr. F.M. Fogleman for parcels 326-03-001A and 326-03-001B [excepting the portions of 326-03-001A previously sold in October 1997 and April 1998] and prepare a deed for the Chairman's signature);
- c. Redwood Fire District (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000043 in the amount of \$10,000);
- d. Industrial Extension Policy (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000044 in the amount of \$184,056);
- e. Equipment Leasing Fund (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000045 in the amount of \$14,082);
- f. Debt Service Fund (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000046 in the amount of \$2,447,890);
- g. Cooperative Extension Service (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000047 in the amount of \$500);
- h. Social Services Department-Increase Smart Start Allocation (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000048 in the amount of \$38,770);
- i. Durham County Mental Health (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000049 in the amount of \$587,378);
- j. Equipment Leasing Fund-Encumbrances (approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000050 in the amount of \$32,567); and
- k. Appointments-Boards and Commissions (appoint the following):
Durham County Emergency Medical Services Council:
Jeffrey L. Batten (term expires June 2001) (Fire Department representative); and
Michael W. Smith (term expires June 2001) (Durham County Hospital Corporation--Ambulance Division)
Region J Emergency Medical Services Council:
Jeffrey L. Batten (term expires June 2000) (County Government representative).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

7. Public Hearing--Sun River Builders Inc. (Rezoning Case P98-9)

Sun River Builders Inc. will present to the Board of County Commissioners a request to rezone 11.67 acres on the southwest side of Clayton Road (500 Clayton Road). (Tax Map 675-2-3) Request: R-20 (Residential 20) to R-10 (Residential 10 District); F/J-B. The Community Growth Map in the Durham 2020 Comprehensive Plan designates this site as "Suburban Neighborhood." Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on May 12, 1998, and voted 7-0 to recommend approval.

Gail Sherron, Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

8. Proposed Amendment to the Sign Section of the Durham Zoning Ordinance to Revise Standards for Signs in Residential Areas [TC76-98]

To receive citizen comment concerning the proposed amendment to the Sign Section of the Durham Zoning Ordinance to revise standards for signs in residential areas.

JCCPC Recommendation: Approval
Zoning Committee Recommendation: Approval

Bonnie Estes will be at the meeting to present this item.

9. Major Site Plan Approval For One Park Drive

Envirotek Inc. agent for the Research Triangle Foundation will present to the Board of County Commissioners its request for approval of a site plan for One Park Drive, comprising a four-story office building totaling 77,098 square feet proposed on 4.55 acres, zoned General Office and Institutional (O & I-2), located south of I-40, west of Davis Drive, and north of NC 54 (Tax Map 544-1-3). The Development Review Board recommended approval of the plan at its December 5, 1997 meeting.

Clay Shepherd, Senior Planner, Durham City-County Planning Department, will present the case and answer questions.

10. Major Site Plan and Preliminary Plat Approval For "Country Club Heights, Phase 1"

Country Club Heights General Partnership is requesting the approval of a Site Plan and Preliminary Plat for "Country Club Heights, Phase 1" to allow for the development of 108 single-family lots and 46 townhome villas on a 72.14-acre portion of a 90.19-acre tract, zoned PDR 2.163 and Eno-B. The site is located on the west side of the intersection of Craig Road and Umstead Road, south of Fox Drive, and east of Cole Mill Road. (Tax Map 815-1-4)

Steve Medlin, Senior Planner, Durham City-County Planning Department, will present the case and answer questions.

11. Revision of Durham County's Animal Control Ordinance

On July 1997, an Ordinance Review Committee (ORC) was appointed by the County Manager and charged with identifying all outstanding issues with the existing Durham County Animal Control Ordinance, the need for additions and deletions, and with the drafting of a proposed revision to the ordinance for the BOCC's review and consideration. The ORC comprises representatives from Animal Control, the Animal Protection Society, the Animal Control Advisory Committee (ACAC), the County Attorney's Office, and the District Attorney's Office. Since its first

meeting on August 12, 1997, the committee has worked very diligently incorporating all members' issues and concerns into the proposed revised ordinance. On March 11, 1998, at a special called meeting, the ACAC received and reviewed the ordinance, and on April 20, 1998, unanimously approved the proposed ordinance.

On Monday, May 4, 1998, during a regularly scheduled worksession of the BOCC, the ACAC and ORC presented the proposed ordinance to the BOCC and answered questions.

On Monday, May 11, 1998, the BOCC scheduled a public hearing date for Tuesday, May 26, 1998, for the general public to comment on the proposed ordinance. Copies of the ordinance were made available for review and comment by the public on

May 11, 1998, at all Durham County Libraries, Clerk to the Board's Office, Animal Control Office on Broad Street, Animal Shelter on Club Boulevard, and the General Services Department at 310 South Dillard Street.

Resource persons for this item are Michael Turner, Director of General Services and Simone Alston, Assistant County Attorney. Members from ORC and ACAC will be available to receive public comment and answer questions for the BOCC.

County Manager's Recommendation: Receive public comment and approve the proposed revisions to the Durham County Animal Control Ordinance subject to the incorporation of specific changes as directed by the Board.

12. Presentation of Durham County Farmland Protection Program Guidelines

Mr. Wayne Cash has requested to appear before the Board of County Commissioners to discuss the Durham County Farmland Protection Program. The purpose of this program is to reserve Durham County's best agricultural land for continued agricultural use. The Farmland Protection Program has four goals as outlined in the proposal:

- * To protect and conserve those soils in Durham County best suited to agricultural uses;
- * To identify and harmonize policies of government at all levels which may conflict with the goal of protection of farmland;
- * To reduce land use conflicts between agricultural and other land uses; and
- * To promote agriculture as an integral part of the Durham County economy. Non-traditional farms will also be promoted.

To achieve the goals outlined above, a program to purchase development rights in agricultural lands is being proposed. The Durham County Farmland Protection Program Guidelines describe how land may be designated as Agricultural Priority Areas. In addition, the guidelines summarize the procedure for the purchase of development rights, lease of development rights, donation of development rights, and repurchase of development rights in agricultural areas.

13. Offer to Purchase County Property

The Board of County Commissioners received an offer from Central Medical Park (2609 North Duke Street) on January 26, 1998 to purchase a .82-acre tract of land located behind the Animal Control and Youth Home facilities for \$40,000. Central Medical Park plans to develop the tract for parking to support an expansion of the medical park with construction of a new 10,000-square-foot office building to be constructed this summer and a second 10,000-square-foot office building

to be constructed in early 1999. The Board adopted a resolution during this meeting to allow County staff to advertise the tract as an "Upset Bid" sale. The County did not receive a higher bid during the 10-day advertisement period than the initial \$40,000 bid.

County administrative procedure requires that the highest bid be reported to the Board along with a staff recommendation of whether to accept or reject the bid. County staff recommends that the Board reject the bid of \$40,000 for the purchase of the .82-acre tract. Staff has concerns about disposing of the entire tract since this land currently acts as a natural buffer between the medical park and the Youth Home and since an expansion of the Youth Home may occur in the near future. If an expansion occurs, the tract of land immediately behind the Youth Home facility will be needed to accommodate a larger recreational area.

County staff has met with representatives of Central Medical Park on several occasions to discuss revising the site plan to provide parking behind only the Animal Control facility. Central Medical Park has complied with staff's request. The revised .44-acre tract is needed to provide parking behind Animal Control to support the two new office buildings. The County will retain all of the property located behind the Youth Home. Central Medical Park has offered to purchase the revised tract for \$30,000.

Staff recommends that the Board receive the offer to purchase the revised tract for \$30,000. The change in the boundaries of the tract proposed for sale requires that the upset bid process be initiated again. In addition, the County's property is currently zoned residential (R-8) and the offer to purchase is made subject to Central Medical Park obtaining an Office/Institutional (OI-2) zoning. As a condition of the sale, staff recommends that all of the County-owned property located in this area (8.3 acres) be included in the rezoning request and that the Board require the buyer to bear all expenses associated with the rezoning request. Staff has discussed this special condition with Mr. Bill Harrison, owner of Central Medical Park. He has agreed to the additional requirement.

County Manager's Recommendation: Receive the offer submitted by Central Medical Park and adopt the resolution to allow staff to advertise the revised tract as an "Upset Bid" sale. In addition, provide staff with the authority to include 8.3 acres of County-owned property located at 2422 & 2432 Broad Street in the rezoning request as a condition of the sale.

14. Adoption of FY 1998-99 Annual Budget

David F. Thompson, Durham County Manager, presented his recommended 1998-99 Budget to the Board of County Commissioners on May 26, 1998. In accordance with G.S. 159-12(b), a public hearing was held on June 11, 1998 to give the public full participation in the budget process. Following the public hearing, the Board of County Commissioners held several budget worksessions to consider the County Manager's recommended budget.

The County Manager was directed to make certain revisions to the 1998-99 Budget and to provide the Board of County Commissioners with a revised Budget. These revisions have been made, and the resulting amounts have been incorporated into the proposed 1998-99 Budget that is ready for the Board's final consideration.

County Manager's Recommendation: I recommend that the Board of County Commissioners adopt the proposed 1998-99 Budget as revised by the Board.

15. Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- * Adult Care Home Community Advisory Committee
- * Animal Control Advisory Committee
- * Board of Adjustment
- * Durham County Emergency Medical Services Council
- * Durham Planning Commission
- * Environmental Affairs Board
- * Memorial Stadium Authority
- * Nursing Home Community Advisory Committee
- * Open Space and Trails Commission
- * Region J Emergency Medical Services Council
- * Women's Commission