

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

Monday, April 10, 2000

7:00 P.M. Regular Session

AGENDA

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

2. **Agenda Adjustments**

3. **Minutes**

- a. February 7, 2000 Joint Meeting—BOCC/City Council
- b. February 28, 2000 Joint Meeting—BOCC/Social Services Board

4. **Proclamation Recognizing "National County Government Week"**

A proclamation naming the week of April 9 - 15 as "National County Government Week" has been prepared for the Board's approval. Public Information/Governmental Affairs Director Deborah Craig-Ray will briefly discuss the County's plans for the observance of County Government Week.

5. **Consent Agenda**

- a. Street Closing—Belle Meade Down (SC99-3): Set a Public Hearing (adopt resolution declaring the intent to close .82± acres of Belle Meade Down and set public hearing for April 24, 2000 to consider permanent closing);
- b. Setting the Date for the Durham Consortium Draft 5-Year Consolidated Plan and the Annual Action Plan Public Hearing (set April 24, 2000 as the date to hold Durham's Consortium Draft 5-Year Consolidated Plan and Annual Action Plan Public Hearing);
- c. Contract for Design Services to Reconfigure the Tax Office in Order to Enhance Workflow and Customer Service (authorize the County Manager to enter into a contract with OBrien Atkins Architectural Firm in an amount not to exceed \$22,000 for design services. Funding is appropriated in the current budget to pay for these services);
- d. Standard Non-Reimbursable Utility Contract for Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract for this addition to the County sanitary sewer system);
- e. Multi-Family Housing Revenue Bonds for Alston Village, L.P. (approve the resolution in order to provide additional affordable housing units for working people who cannot otherwise afford to pay market rates for housing in Durham County); and
- f. Rejection of Offer to Purchase County Property (118 & 110 Plantation Drive) (reject the bid submitted by Mr. Caldwell).

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.

6. Public Hearing Transfer of Control of Cable Television of Cable Television Franchise From Time Warner Inc. to AOL Time Warner, Inc.

On January 10, 2000, America Online Inc. and Time Warner Inc., entered into an Agreement and Plan of Merger. Pursuant to the Agreement, America Online Inc. and Time Warner Inc. will each merge into wholly-owned subsidiaries of a new Delaware Corporation, AOL Time Warner Inc. Thus, as a result of this merger, AOL Time Warner Inc. will become the new ultimate parent of both America Online Inc. and Time Warner Inc.

Pursuant to the Durham County Cable Television Franchise Ordinance, Section 12.03 Sale or Transfer of Franchise, the County must approve the transfer of control from Time Warner Inc. to AOL Time Warner Inc.

The Ordinance provides that the County may approve the transfer without a public hearing, or that the County may require that a public hearing is necessary due to potential adverse effect on Grantee subsidiaries. In reviewing a request for sale or transfer, the County may inquire into the technical, legal, and financial qualifications of the prospective controlling party. The County may condition said transfer upon such terms and conditions not inconsistent with this franchise or applicable law as are reasonably necessary to ensure compliance with the franchise. The Ordinance further provides that the County shall not unreasonably withhold its approval.

On March 27, 2000 the Board decided to conduct a public hearing to consider the transfer.

Resource Person(s): Brad Phillips, Division Vice President, Time Warner Cable, Lowell L. Siler, Deputy County Attorney

County Manager's Recommendation: Conduct the public hearing, and approve the transfer, if warranted, based on the information received.

7. Public Hearing to Consider Allocating Economic Development Investment Funds to Freudenberg Nonwovens.

Freudenberg Nonwovens is considering expanding local operations by constructing a 52,000-square-foot addition to an existing manufacturing facility. The plant is located in Eno Industrial Park located in the northern part of Durham County. The value of this facility will be at least \$35,292,000. Upon completion, the addition to the facility will manufacture polyester spunbond nonwovens. With this expansion, Freudenberg expects to create 29 new manufacturing jobs.

Freudenberg is in the process of making the final decision where to locate this proposed facility. Staff is aware of a backup site in South Carolina, which is being considered for this investment. Freudenberg has communicated to the County Manager and staff that Durham County's financial support for this project will be a key consideration in the final decision. Freudenberg is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading, and the extension of utilities to the new facility.

Staff is recommending that the County participate in this economic development project by reimbursing Freudenberg up to \$450,000 for the costs of site preparation activities, extending utilities to the site, and associated County development fees.

Resource Person(s): Interim County Manager Carolyn P. Titus

County Manager's Recommendation: Hold the public hearing; and if warranted, based upon the information received, approve the attached contract between Durham County and Freudenberg Nonwovens to allow for the reimbursement of costs associated with site preparation, such as site clearing and grading, and the extension of utilities to the proposed facility.

8. American Tobacco Historic District Project Goals

The Durham County Board of Commissioners unanimously approved a Resolution in support of the American Tobacco Historic District and charged the County Manager to continue to work with the City of Durham and the Capitol Broadcasting Company to negotiate a final proposal. To develop a framework for those negotiations, it is recommended that the Board adopt a set of Project Goals to serve as guiding principles for the negotiations.

Resource Person(s): Interim County Manager, Carolyn P. Titus

County Manager's Recommendation: Review and approve the Project Goals for the American Tobacco Historic District Project.

9. Lebanon Township Plan

The Planning Department periodically produces Small Area plans; Durham is subdivided into 15 Small Areas and Downtown. The Lebanon Township Plan is the 12th such plan done. The Lebanon Township Plan planning process incorporates citizen and staff input. During the development of the Plan, five community meetings were held and significant staff research has been performed to complete the document.

The Lebanon Plan contains a summary of existing conditions and a set of policies to guide future growth in the Township and champions concepts outlined in the Durham 2020 Comprehensive Plan. While maintaining the area's rural and suburban character, the Plan proposes several limited areas of more intensive development in an Urban or Regional Corridor and a new concept of "Neighborhood Services Areas." Any new development must be sensitive to environmental and compatibility concerns.

The Lebanon Township Plan is generally compatible with and supportive of adopted plans. The Planning Committee of the Durham Planning Commission recommended adoption of the draft Plan at its meeting on May 12, 1999. The draft has been presented to both the Board of County Commissioners and City Council and discussed by Joint City-County Planning Committee in July, August, and September of 1999. Planning staff recommends adoption of the Lebanon Township Plan, with minor text changes, which has been updated and republished. Updates are outlined in the attached document "Changes To Draft Lebanon Township Plan."

Resource Person(s): T.E. Austin, Durham City/County Planning Department.

County Manager's Recommendation: The Manager recommends that the Board adopt the updated Lebanon Township Plan subject to corrections and revisions that are highlighted during the presentation of the Plan.

10. Discussion of Proposed Items for the 2000 Durham County Legislative Agenda

Deborah Craig-Ray, Governmental Affairs Director, will lead a discussion of proposed legislative items which have been suggested by County Commissioners for possible inclusion in the 2000 Durham County Legislative Agenda. Once items have gone through this discussion period, a final list will be prepared for Board approval and subsequent submission to the members of the Durham delegation. The General Assembly will convene at noon on May 8th, in a so-called short session. A breakfast meeting with members of the Durham delegation is proposed for Thursday, April 20th at 8:00 a.m. pending the availability of the majority of the delegation.

Resource Person(s): Deborah Craig-Ray, Chuck Kitchen, and Angela Geadleman

County Manager's Recommendation: Discuss legislative items, direct staff and schedule possible breakfast meeting with Durham delegation.

11. Financial Administrative Procedures to Provide Grants to Successful SBA Loan Applicants

The Small Business Administration (SBA), a federal agency, authorized federal grants to the North Carolina State Department of Commerce. These grants are to be provided to homeowners who have qualified for a SBA loan as a result of damages to their primary residence from Hurricane Floyd. The Department of Commerce has designated the Consumer Credit Counseling Services (CCCS) office in Durham as the contact agency for local citizens seeking assistance from the SBA. CCCS will take the applications and determine eligibility. The application package will then be forwarded to the County Finance Office where a check will be prepared for the citizen. The County will maintain files on these distributions for audit purposes and will file for reimbursement for all funds distributed from the State Department of Commerce. This program will result in no cost to the County other than minor administration and processing of the checks.

Resource Person(s): Patricia J. Gravinese, Finance Director

County Manager's Recommendation: Approve the item and direct staff to set up the necessary procedures to distribute funds to qualifying residents and small business owners in Durham County that was affected by Hurricane Floyd.

12. County Participation in the Cost of Sidewalks for the Mineral Springs Road/S. Miami Boulevard/US 70 Intersection Improvement Project

The N. C. Department of Transportation (NCDOT) will be constructing a safety and capacity improvement project at the intersection of US 70, S. Miami Boulevard, and Mineral Springs Road, including a realignment of a portion Sherron Road. The project is scheduled for construction early this summer at a total estimated cost of \$8.778 million. The Board of County Commissioners and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) have jointly requested that the NCDOT construct

wide outside lanes for bicycles and sidewalks as part of the project. Wide outside lanes will be constructed at no extra cost to local governments.

The sidewalks are estimated to cost \$132,330. Under NCDOT policy, it is suggested that local government participate in the cost and maintenance of new sidewalks. The DCHC MPO has allocated \$84,461 in federal Surface Transportation Program – Direct Attributable (STP-DA) funds to defray most of the sidewalk cost, and may allocate up to a maximum of 80% of the total. The City of Durham is currently negotiating a Municipal Agreement with NCDOT to pay the non-federal share of the STP-DA funds and assume maintenance responsibility for the portion of the project within the City limits, or about 10% of the total project.

The remainder of the project is in the unincorporated area of Durham County. If sidewalks are to be constructed outside the City limits, the County will need to agree to share in the sidewalk cost and maintenance. The estimated County construction cost would range from \$23,900 (assuming additional MPO participation) up to \$43,100.

Resource Person(s): Norm Standerfer, Director, Durham City/County Planning, Mark Ahrendsen, City Transportation

County Manager's Recommendation: The Board of County Commissioners should discuss the concept of Durham County sharing in the costs of new sidewalks constructed outside the Durham City limits for which the State and/or the DCHC MPO will provide a federal match. If the Board agrees to the concept, direct the County Manager and the County Attorney to negotiate a draft reimbursement and maintenance agreement with NCDOT for the US 70/S. Miami Boulevard/Mineral Springs project for subsequent review and approval by the BOCC.

13. Lease Agreement for the North Branch Library at Riverview Shopping Center

The Board is requested to authorize the execution of a lease between the County and IRT Properties for the North Branch Library located in Riverview Shopping Center. The cost of the Lease for the first year is \$59,800.00 or \$6.50 per square foot. This is a five-year lease with a term from July 1, 1999 through June 30, 2004. The County has an option to terminate the lease at the end of the third year with a six-month prior notice. The existing lease was entered into in 1987 with renewals of the same terms and conditions since that time until June 30, 1999. The Library has been located in this facility since 1979.

County Manager's Recommendation: The County's North Durham Library Branch has occupied this facility for the past 21 years. Thirteen of those years have been under essentially the same terms as currently proposed. In response to the concerns of the County Attorney, Library staff conducted an exhaustive search for a new north Durham site. The only adequate space identified was at North Duke Crossing with a substantially higher per square foot cost and similar proposed lease provisions to those under objection by the County Attorney (e.g. liability insurance, CAM, taxes and insurance, and responsibilities of the County). A move to new space would also involve architectural, up-fit and moving expenses. Based on calculations of terms, conditions and other associated costs, it is estimated that a move to North Duke Crossing would result in additional costs in excess of \$150,000.00 over the term of the contract.

In conclusion, given that the County has occupied this site for such an extensive period of time under similar provisions as proposed, that citizens are familiar with this location, that

there is a lack of an appropriate alternative site available with reasonable costs and terms, I am recommending that the Board authorize the execution of this Lease in accordance with the attached agreement.

14. **Durham County Government Commute Trip Reduction Program**

The Durham County Board of Commissioners has recognized that the reduction of single occupancy vehicle use, especially during peak hours, is an important goal for the Research Triangle Region. This goal will reduce congestion on our highways and the resultant levels of ozone in our air, which in turn will help us to maintain the high quality of life that we currently enjoy. At its February 28, 2000 meeting, the Board adopted a Commute Trip Reduction Program that outlines community goals. These annual goals are intended to increase the percentage of alternate mode or non-peak commute trips, and to increase the percentage of the reduction of vehicle miles traveled for the average commute trip. Included in the ordinance are the requirements for major employers to educate their employees about Transportation Demand Management (TDM), to participate in surveys designed to measure the impact of TDM initiatives, and to prepare and submit a Travel Reduction Plan.

It is expected, as a leader in the community, that Durham County Government begin to make preparations to comply with the newly adopted ordinance.

Resource Person(s): Interim County Manager, Carolyn Titus

County Manager's Recommendation: Charge the County Manager with establishing a staff committee to begin implementing the goals of the Commute Trip Reduction Program.