

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

Monday, April 24, 2000

7:00 P.M. Regular Session

AGENDA

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

2. **Agenda Adjustments**

3. **Minutes**

- a. February 14, 2000 Regular Session
- b. February 15, 2000 Walking Tour, CIP Criteria
- c. March 13, 2000 Special Session
- d. March 13, 2000 Regular Session
- e. March 20, 2000 CIP Worksession
- f. March 27, 2000 Joint Meeting/Durham Center Area Board

4. **April Anchor Award Winner--Jane Korest**

Jane Korest, City-County Planning Department Senior Planner, is the winner of the April Anchor Award. She has made numerous contributions to the County of Durham. Ms. Korest has served as staff of the Open Space and Trails Commission for 10 years and has led the County's efforts to successfully organize and negotiate the joint land purchase with Orange County from the Triangle Community Foundation. Additionally, Ms. Korest wrote both of our successful Clean Water Management Trust Fund grants--one for the New Hope Creek corridor and the most recent grant of \$377,000 for the joint land purchase with Orange County on the Little River. The Board is requested to recognize Ms. Korest's accomplishments and congratulate her on receiving the Anchor Award.

County Manager's Recommendation: Present the April Anchor Award to Jane Korest along with the sincere congratulations of the entire organization.

5. **Consent Agenda**

- a. Ambulance Franchise Modification for Johnston Ambulance Service Inc. (approve the application and grant the franchise and place on May 8, 2000 agenda for its second approval);
- b. Property Tax Releases and Refunds for Fiscal Year 99-00 (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. These are normal recurring releases and refunds that are presented for your consent agenda);
- c. Budget Amendment No. 00BCC000046 to recognize new Library revenues from Schools and Libraries Universal Service Program (approve budget amendment for \$47,189);
- d. DSS Budget Amendment No. 00BCC000047 to accept new revenues for Crisis Intervention (approve amendment to accept \$500,000);
- e. Appointment—Juvenile Crime Prevention Council (appoint Sergeant Gregory A. Brown to replace Sheriff Worth Hill on the JCPC); and

- f. Appointment—Durham Convention and Visitors Bureau (appoint Jason Matthew Laziek to the DCVB Visitor Sector Advisory Board to fill the seat representing "Transportation."

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--Regions Development, LLC (Rezoning Case P99-66)

This Rezoning Case was presented to the Board of Commissioners at the March 27, 2000 Board meeting. During those discussions, the Board requested that staff provide additional traffic information and maps for the proposed Regions Development rezoning. The Board raised specific concerns at the March 27th public hearing about traffic conditions at the intersection of Roxboro and Denfield Streets. Based on the traffic analysis, the subject intersection will operate at similar levels of service as it currently does.

Regions Development, LLC is requesting a rezoning for a 49.553-acre site comprised of 6 parcels on Communications Drive, identified as Tax Map 780, Block 1, Lots 2, 2D, 7, 8 partial, 9 and 9A. The corresponding PIN numbers are 834-03-32-3783, 834-03-22-3737, 834-03-12-7382, 834-03-12-6353, 834-03-12-9244 and 834-03-12-9310.

The specific request is to rezone the subject acreage from I-2 (D) (Light Industrial District with Development Plan) to I-2 (Light Industrial District); F/J-B & E/B. The 2020 Plan supports Suburban Neighborhood uses. The site is in the North Durham Planning Area and a small area plan for the area was adopted in 1994. The Future Land Use Map (FLUM) shows Industrial for the site. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 6-1 to recommend approval.

The public hearing for this request was advertised on March 10 and 17, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Planning Manager, Norman Standerfer, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive public comment on the item. The Zoning Committee of the Planning Commission on a 6 to 1 vote has approved this rezoning case. The case has also been amended to include the traffic analysis and appropriate maps requested by the Board at the March 27, 2000 meeting. Provided that there are no additional requests identified during the public hearing, the Manager recommends approval.

7. Public Hearing--Regions Development, LLC (Rezoning Case P99-37)

This Rezoning Case was presented to the Board of Commissioners at the March 27, 2000 board meeting. During those discussions, the Board requested that staff provide additional traffic information and maps for the proposed Regions Development rezoning. The Board raised specific concerns at the March 27th public hearing about traffic conditions at the intersection of Roxboro and Denfield Streets. Based on the traffic analysis, the subject intersection will operate at similar levels of services as it currently does.

Regions Development, LLC is requesting a rezoning of an 89.9-acre site comprised of 3 parcels on Hebron Road north of the intersection with Danube Lane, identified as Tax Map 780, Block 1,

Lots 1D partial, 2, and 3A. The corresponding PIN numbers are: 834-03-32-3783; 834-03-11-8946; and 834-03-21-8453. The specific request is to rezone the subject acreage from R-20 (Residential 20) and I-2 (Light Industrial District) to PDR 5.06 (Planned Density Residential at 5.06 units per acre); F/J-B & E-B partial.

The 2020 Plan supports Suburban Neighborhood uses. The site is located in the North Durham Planning Area and a Small Area Plan for the area was adopted in 1994. The Future Land Use Map (FLUM) shows Industrial for the portion of the site zoned I-2 and High Density Residential for the remainder of the site. The Planning staff is recommending approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on March 10 and 17, 2000 in the Durham Herald-Sun.

Action on this case should come after action on P99-66.

Resource Person(s): Dick Hails, Planning Manager, Norman Standerfer, Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive public comment on the item. This rezoning case has been unanimously approved by the Zoning Committee of the Planning Commission and has been amended to include the traffic analysis and appropriate maps requested by the Board at the March 27, 2000 meeting. Provided that there are no additional requests identified during the public hearing, the Manager recommends approval.

8. Public Hearing--Proposed Secondary Road Construction Program for Durham County (2000 – 2001)

Mr. Rodney H. Cooper, P.E. and District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2000--2001). Division Engineer Jon Nance P.E., Division Maintenance Engineer Ricky E. Greene Jr. P.E., and County Maintenance Engineer Aaron S. Horton, P.E will accompany Mr. Cooper.

Resource Person(s): Rodney H. Cooper P.E., North Carolina Department of Transportation, Division of Highways, Division Five.

County Manager's Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Program and hold the public hearing. For the Board's convenience, a copy of the statutes have been attached which outlines the Board's responsibility and authority for the Secondary Road Program. Note that any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

9. Public Hearing--Ronald N. Loflin (Rezoning Case P99-87)

Ronald N. Loflin will present to the Board of County Commissioners a request to rezone 15.49 acres located at 1443 Ellis Road; TM 641-2-3; PIN 0830-04-90-3187. The specific request is to rezone this tract from R-20 (Residential 20 District) to RM-8 (D) (Multifamily Residential District with Development Plan).

This rezoning proposal conforms to the South Central Durham Plan Future Land Use Map (FLUM), which designates this site as "medium density residential" (4 - 8 units per acre). The 2020 Plan supports Suburban Neighborhood uses, which does not fully conform to the proposal. This proposal meets all of the technical ordinance requirements. According to the Land Use Plan, this area calls for more urban uses. This area is located in a transition zone. Directly to the north of the subject area are existing urban uses and directly to the south are developing urban uses.

A protest petition has been filed with the Clerks Office for this rezoning application. The Zoning Committee of the Durham Planning Commission conducted a public hearing on March 14, 2000 and voted 1-6 to recommend denial. Because this rezoning meets all of the technical ordinance requirements, the Planning staff is recommending approval.

The public hearing for this request was advertised on April 7 and 14, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Planning Manager, Norman Standerfer, Planning Director

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing and receive citizen comment. This rezoning application has gone before the Zoning Committee and was not recommended for approval namely because the opponents of the application are in favor of having this area remain rural and over-capacity issues in the schools. A Protest Petition has been filed. The Manager recommends that the Board deny the request and return the application to the Zoning Commission for the purposes of addressing concerns raised.

10. Hold a Public Hearing--Street Closing--Belle Meade Down (SC99-3)

Hold a public hearing to consider permanently closing .82± acres of Belle Meade Down west of Quarterhorse Run.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners hold the public hearing and if appropriate, approve the request to permanently close .82± acres of Belle Meade Down.

11. HUD "Needs" Public Hearing for the Upcoming 2000-2005 Consolidated Plan and the Fiscal Year 2000-2001 Action Plan

The City of Durham, Department of Housing and Community Development, (DHCD) requests that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing on April 24, 2000 in preparation of the 2000-2005 Consolidated Plan and the 2000-2001 Annual Action Plan. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that two public hearings be held prior to the submission of the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive public comments and proposals pertaining to community needs in Durham and the HOME program. The City Council held its Needs Public Hearing on February 7, 2000.

The major uses of HOME funds are to expand the supply of safe, decent, sanitary, and affordable rental and owner-occupied housing. In May 1993, the Board of County Commissioners and the City Council approved a Durham City-County HOME Consortium Agreement to be used in the administration of the HOME program. HOME program activities are included as a part of the Durham Consolidated Plan and submitted annually to HUD for approval.

On January 10, 2000, the Board of County Commissioners held the first public hearing. This is the final public hearing and staff is seeking Board approval of the plan after this public hearing.

Resource Person(s): John Mickle and Ava Hinton from the Department of Housing and Community Development.

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing and approve the Plan. DHCD staff will be available to answer questions.

12. Presentation on Safe Schools/Healthy Students Initiative

On June 1, 1999, Durham Public Schools submitted an application for \$2,835,881 to the US Department of Education for a Safe Schools/Healthy Students Initiative. Recently, notification was received that Durham is one of 23 communities across the country that was awarded a grant in the amount of \$2.6 million.

The Youth Coordinating Board facilitated the first meetings between the required participant agencies (Public Schools, Sheriff, Police, and Mental Health) to determine their interest in pursuing the grant. Ms. Donna Smith, Assistant Superintendent for Durham Public Schools (the required applicant agency), and Anita Daniels-Kenney coordinated future meetings and expanded the group to include Durham's Partnership for Children, Duke University, and Durham Health Department. This group developed a comprehensive plan for Safe Schools/Healthy Students. We identified three general levels of service needed to create this comprehensive system. They are: **Universal**: Programs/services (chiefly preventive in nature) to be available to all youth or schools. **At-risk**: Prevention and early intervention programs/services that are provided to students considered at-risk for academic failure, substance abuse, mental health problems, or involvement in violence (offender, victim or witness). **Involved**: Intervention programs/services for youth who have already become involved in the justice system, who are abusing substances, who have been suspended from school, or have demonstrated serious mental health problems.

The six categories of the Safe Schools/Healthy Students Initiative are: Safe School Environment, Alcohol and Other Drugs and Violence Prevention/Early Intervention, School & Community Mental Health Prevention/Treatment Services, Early Childhood Psychosocial/Emotional Development, Educational Reform and Safe Schools Policies. YouthLink, a unified database to link agencies that serve the same children (similar to Winston-Salem's Jason Network) is included in the grant and will be managed by the Youth Coordinating Board. Also, as a part of this grant, Mental Health will provide substance abuse treatment and prevention staff to be housed in the schools. Additionally, Mental Health will expand MST (intensive in-home counseling services) to high-risk children and families. The Health Department will expand its Teen Outreach Program to more schools.

The Youth Coordinating Board, in its role of providing coordination on grant proposals and oversight on the implementation of funded programs, will serve as the advisory/oversight board to the Safe Schools/Healthy Students Leadership Team.

Resource Person(s): Anita A. Daniels, MSW, Youth Coordinating Board Director

County Manager's Recommendation: Accept the Youth Coordinating Board's report and congratulate the participating county departments, Durham Public Schools, and other community agencies for working collaboratively to receive the grant.

13. Response to Mr. Doug Harward's Request to Modify the UGA Boundary

Mr. Doug Harward's family owns a parcel on the east side of Stallings Rd. in eastern Durham County. A sewer line was recently constructed in the Stallings Rd. right-of-way in front of the

property and the property was assessed approximately \$27,000. The Harward parcel is immediately outside both the City limits and the present Urban Growth Area (UGA) boundary. Several other parcels on either side of the Harwards' are similarly situated relative to the UGA and were also assessed for the sewer line. However, because of their location outside of the UGA, sewer lines cannot be extended into these properties in accordance with the City's Urban Growth Policy (see City Code, Section 23.81). In order to stimulate a more desirable pattern of land development and address equity concerns, including these seven parcels in the UGA constitutes a reasonable extension.

Providing relief to these property owners by adjusting the UGA boundary does not establish a precedent that will be used to justify similar action elsewhere. The situation of these three parcels is unique because it does not exist anywhere else in Durham. On April 1, 2000, the City Council approved a motion "to amend the Urban Growth Boundary to include the seven parcels of land located on Stallings Road. The City Council's action was contingent upon concurring approval by the Durham County Board of Commissioners. The Planning Staff recommends a technical amendment to the Urban Growth Area Boundary to include these seven parcels. Note that this does not reflect a change in Durham's Urban Growth Policy, but only a technical change to address this unique situation.

Resource Person(s): Keith Luck, Senior Planner, and Norman Standerfer, Planning Director, Planning Department

County Manager's Recommendation: The Manager recommends that the Board approve this technical amendment to the Urban Growth Area Boundary, therefore allowing sewer lines to be extended to these seven residents. This action does not require a change in the Urban Growth policy but merely addresses a unique situation that staff does not anticipate occurring in the future.

14. **Board Appointments—Durham County Hospital Corporation Board of Trustees**

Garry E. Umstead, Clerk to the Board, will distribute ballots to make appointments to the Durham County Hospital Corporation Board of Trustees.

15. **Closed Session**

The Board is requested to adjourn to closed session to discuss *In Re Miller*, 2000 BOA _____, and to preserve the attorney-client privilege pursuant to N.C.G.S. § 143-318.11(a)(3) and to discuss a personnel matter pursuant to N.C.G.S. § 143-318.11(a)(6).