

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

Monday, September 25, 2000

AGENDA

5:00 P.M. – 7:00 P.M.

Closed Session

The Board is requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or conditions of initial employment of a public officer.

Agenda Adjustment

(Placement of this item on the agenda will be determined by the Chair at the beginning of the meeting):

Update from the Board of Elections

The Chairman of the local Board of Elections will be present to update the Board of Commissioners on the status of preparation for the upcoming November 7, 2000 election.

Resource Person: Mr. Ron Gregory, Chairman of the Board of Elections

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
 - a. August 14, 2000 Regular Session
 - b. August 28, 2000 Regular Session
4. **Resolution Honoring Glaxo Wellcome, Inc.**

A resolution honoring Glaxo Wellcome, Inc. has been prepared at the request of Commissioner Ellen Reckhow. The resolution is written in tribute to the broad and far-reaching corporate support the company has generously provided to the Durham community and beyond for many years.

County Manager's Recommendation: Present the resolution to officials of Glaxo Wellcome, Inc. and extend sincere congratulations for years of leadership in corporate philanthropy in the Durham community.

5. **Consent Agenda**

- a. Settlement of 1999 Taxes (receive and approve the Tax Settlement Report and authorize the relieving of taxes that are more than 10 years past due and motor vehicle taxes that are more than two years past due);
- b. Order of Tax Collection for 2000 Taxes (adopt the Order of Tax Collection for the 2000 property taxes and charge the Tax Administrator, W. Steven Crysel, with this responsibility); and

- c. Grant award from the City of Durham Office of Economic and Employment Development (approve budget ordinance amendment No. 01BCC00007 in the amount of \$178,100 for the Youth Coordinating Board);

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. Hold a Public Hearing to Receive Citizen Comment on the 1999-2000 Consolidated Annual Performance and Evaluation Report (CAPER)

The performance and evaluation public hearing is held annually in September to review and receive citizen comments on the previous year's CDBG and HOME Programs. Annual progress and performance is detailed in the Consolidated Annual Performance and Evaluation Report (CAPER). The 1999-2000 CAPER was made available (in draft form) to the public for review beginning August 21, 2000.

Annually Durham receives a Community Development Block Grant (CDBG) award and a HOME Investment Partnerships Program grant (HOME) from the U.S. Department of Housing and Urban Development (HUD). The 1999-2000 entitlement funding was \$1,759,000 in CDBG funds and \$954,000 in HOME funds. The 1999-2000 Action Plan allocated these funds primarily for housing, infrastructure, and economic development activities in Durham, with special focus in the targeted neighborhoods. Major expenditures made during the 1999 program year were on housing activities which included rehabilitation for homeowners, creating home ownership opportunities for first-time homebuyers and low- and moderate-income households, and creating permanent low-income rental housing units for low- and moderate-income families.

The major goal of the HOME program is to expand the supply of safe, decent, sanitary, and affordable rental and owner-occupied housing. This public hearing, which is a requirement of the program, is held annually to receive citizen comments on the CAPER. A public hearing was held by the Durham City Council on September 18 to receive public comments on the CAPER.

Resource Person(s): John Mickle, Interim Director, Housing and Community Development; and Ava Hinton, Federal Programs Administrator

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive citizen comments on the 1999-2000 Consolidated Annual Performance and Evaluation Report. The CAPER is due to be submitted to HUD by September 28, 2000. The Board should grant staff approval to submit the CAPER to HUD with any necessary amendments that result from the public hearing.

7. Resolution Establishing Room Rental Rates for the Durham Civic Center

The meeting room rental rates are charged by the Civic Center Authority for the use of the public meeting spaces in the Civic Center. These fees are occasionally reviewed and modified by the Civic Center Authority, subject to the approval of the City Council and the Board of County Commissioners.

Over the last 12 months, revenues from the three sources (Air lease, Catering, and Meeting Room Rentals) have increased by 27% relative to the previous 12-month period. The Civic Center Manager is requesting that the Board of Commissioners waive or reduce the fees charged for the rental of meeting space on occasions when that space would otherwise be vacant. Since the Civic Center opened in the late 1980s, it has established a market niche for local corporate meetings and social events. In these markets, the Civic Center faces competition from both private and public meeting facilities in other communities as well as from private facilities in the City of Durham.

This item came before the Board of Commissioners at the September 11, 2000 meeting. The Board requested that staff modify the resolution to include additional language that would be date certain in respect

to when the annual report would be delivered to the Board by the Civic Center Authority. In addition, the Board requested answers to the following two questions:

- *How are the air lease revenues related to the loss of meeting room rental revenues?*

The air lease agreement provides for payment by the Civic Center Authority to the City as compensation for the value of the air space occupied by the hotel above the public Civic Center. This revenue is deducted from the gross operating expenses of the Civic Center. The City and the County split the net deficit on a 50% - 50% basis. In effect this means that the City and the County equally split the air lease revenues. Under the lease agreement there are two components of the payment made by Marriott to the City. First, there is a flat \$2,500 per month payment. In addition, the formula for the air lease takes into account that as the value of the air space increases it is directly related to the success of the hotel. By waiving fees for meeting room space, it means that the Civic Center has a marketing tool that provides the flexibility of offering free space in return for higher lease-up rates of air space and additional catering revenue as additional events are attracted to the facility. The second component is a sliding fee scale. Currently the average occupancy is approximately 65%. The scale is as follows:

<u>% of Hotel Room Occupancy</u>	<u>% of Gross revenues to County/City</u>
<30%	2%
30% - 40%	4%
40% - 50%	5%
50% - 60%	6%
60% - 70%	8%
70% +	9%

- *What are the foregone revenues to date as a result of the loss of room rental revenues?*

To the extent that waivers have not been granted to date for the use of meeting room space at the Civic Center, there is no data available to extrapolate any forgone revenue. The initial premise is that if a group were shopping the market for a major events location, our knowledge would be limited in respect to what incentives were being offered by the competition—at that given time. However, the Civic Center Authority is aware that waving fees for meeting room space is a common practice in the industry in an effort to enhance business opportunities. It is anticipated that once the waivers are implemented, the Civic Center Authority will capture data that will lend itself to evaluation purposes.

If granted, this request would allow the Civic Center to compete on a more level playing field with other meeting facilities that already waive these fees on certain occasions. This item was approved by the City Council at the June 5, 2000 meeting.

Resource Person(s): Charlie Roberts, Marriott Corporation; and Wendell M. Davis, Deputy County Manager

County Manager's Recommendation: the Manager's recommendation is that the board approve the amended resolution establishing meeting room rental rates for the Durham Civic Center. The resolution was amended to include a date on which the Civic Center Authority would provide the Board with an annual update.

8. Update on the Interim SubArea A Land Use Plan—Kentington Heights

*** This item has been removed from the September 25, 2000 meeting. ***

9. Glennstone Subdivision Preliminary Plat

Cimland, LLC is seeking approval of a preliminary plat to construct one hundred and sixty-three (163) single-family residential lots with the associated infrastructure and open space on a 165.807-acre tract. The property is located on both sides of Glenn Road, west of I-85, south of Jeffries Road (Tax Map 687, Block 01, Parcel 003, 003A, 004, 004A, PIN number [0843-02-78-6286](#), [0843-02-98-2062](#), [0843-02-67-4651](#), [0844-04-60-2473](#)). The site is zoned RD, R-10, F/J-A and F/J-B, and allows for this use. The proposed preliminary plat conforms to applicable Zoning and Subdivision Ordinance regulations. The Development Review Board at its meeting on August 25, 2000, recommended approval. The Planning staff recommends approval.

Resource Person(s): Mr. Steve Medlin, Planning Supervisor, Durham City/County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and approve the site plan given that it meets all of the zoning and Subdivision Ordinance requirements and is consistent with the use presently allowed on the site under the current zoning.

10. **Geer Street Subdivision Site Plan/Preliminary Plat**

East Geer Ventures is seeking approval of a site plan/preliminary plat to construct three hundred and fifty (350) single-family residential lots and the associated infrastructure and open space on a 128.2-acre tract. The property is located on both sides of Geer Street, south of I-85, west of Ferrell Road, and east of Milan Street (Tax Map 680, Block 01, Parcel 001, PIN number [0842-01-46-1588](#)). The site is zoned PDR 3.36 and F/J-B, and allows for this use. The proposed site plan/preliminary plat conforms to applicable Zoning and Subdivision Ordinance regulations; the approved development plan, and is consistent with the adopted Community Growth Map (CGM) of the Durham 2020 Comprehensive Plan. The Development Review Board at its meeting on July 17, 2000, recommended approval. The Planning staff recommends approval.

Resource Person(s): Mr. Steve Medlin, Planning Supervisor, Durham City/County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and approve the site plan given that it meets all of the technical ordinance requirements and is consistent with the Community Growth Map of the 20/20 Plan.

11. **Recommendation to Request Electing County Status**

NC Law ([NCGS §108A-27](#)) requires each county's board of county commissioners to appoint a committee of local leaders to assist in the development of its Work First Block Grant plan. A critical part of each county's plan development is a decision as to whether the county will seek electing county or standard county status.

Each county must notify the NC Department of Health and Human Services (DHHS) by September 29, 2000 of its desire to be either an Electing or a Standard county for Work First. Requests for an Electing or a Standard County status require County Commissioner approval. If a County chooses to pursue "Electing" status, its application for this status will be evaluated by the NC DHHS with final approval of electing counties to be made by the NC General Assembly.

On October 28, 1999 Durham County's BOCC approved a local planning committee that would be responsible for recommending to the Board whether Durham County should request Electing or Standard county status to implement its Work First Block Grant funds. This committee would also recommend to the Board a Work First plan to implement Durham County's Work First program.

At this time, this committee is making its recommendation to the Board on whether Durham should request electing or standard county status from the State.

The committee's recommendation is that Durham County request Electing county status for the implementation of its Work First program for FY 2001-2003. The committee believes Electing status will permit the county to be more creative and have more freedom in designing programs that will be beneficial to its Work First families in assisting them to become and remain self-sufficient.

Resource Person(s): Arnold Dennis, Assistant Director for Family Self Sufficiency; and Micheline Malson, Chair of the Work First Planning Committee, will be available as resource persons for this request.

County Manager's Recommendation: The Manager recommends that the Board approve the committee's recommendation to request "Electing County Status."

12. **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
- Raleigh-Durham Airport Noise Abatement Committee
- Board of Adjustment
- Community Child Protection Team/Child Fatality Prevention Team
- Criminal Justice Partnership Act Advisory Board
- Historic Preservation Commission
- Industrial Facilities and Pollution Control Financing Authority
- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Durham Planning Commission
- Public Health Board
- Triangle J Water Resources Committee
- Women's Commission