

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

Monday, March 8, 1999

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

AGENDA

Space Needs Analysis and Facility Master Plan for Durham County

This item is an update on the Space Needs Analysis and Facility Master Plan project. On September 9, 1998, the Board of County Commissioners reviewed a draft Request for Qualifications to select a consultant for the project and authorized staff to move forward with the process. The Request for Qualifications was advertised and mailed to 54 firms. Subsequently a selection committee reviewed the letters of interest and statements of qualifications from the 12 firms that responded and developed a list of three firms to interview. Following interviews and a review of references from previous clients, the selection committee recommended the team of O'Brien/Atkins Associates, PA and GSA, Ltd. for this project. O'Brien/Atkins is a Durham-based architectural firm with a substantial background in planning and design of governmental facilities in North Carolina. GSA, Ltd. is also located in Durham and specializes in organizational analysis and facility feasibility assessment for governmental organizations. The scope of work for the project was reviewed with O'Brien/Atkins and GSA and a fee proposal was requested. The scope and fee have been refined through a series of negotiations and will be presented in detail at the meeting.

Resource Person: David Powell, Director of Economic Development/Property

County Manager's Recommendation: The County Manager's recommendation is that the BOCC provide input and direction to staff and consider approval of a contract with O'Brien/Atkins, PA for the Durham County Space Needs Analysis and Facility Master Plan on March 22, 1999.

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**

3. **Consent Agenda**

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- a. Public Health?Resolution in Support of Placing all Programs Traditionally in the Division of Environmental Health Under the Organization of Department of Health and Human Services (adopt resolution);
- b. Advertising of tax liens (authorize the Tax Administrator to provide public notice and advertise the 1998 delinquent tax liens the week of March 22, 1999);
- c. Camera television production system for the BOCC Chambers (accept staff?s recommendation for the replacement of a video camera television system that will enhance the production quality of the transmission signal to cablevision, maximize the low light levels present in the Board Chambers, and provide a higher quality of picture for the viewing audience. Declare the existing video equipment surplus and authorize the County Manager for the trade-in. Authorize the County Manager to enter into a contract with Quail Video Products of Raleigh not to exceed \$34,992 per Invitation for Bid #99-032);
- d. Board and commission appointments?Nursing Home Community Advisory Committee (appoint Ms. Mary Lou W. Fogleman, Ms. Betty R. Howell, and Mr. William T. Coman to represent the chief administrators on the committee. Ms. Fogleman and Ms. Howell?s appointments will expire February 2002; Mr. Coman?s initial appointment will expire February 2000);
- e. Juvenile Crime Prevention Council (approve the membership of the council per Senate Bill 1260, N.C.G.S. 147-33.49); and
- f. FY1998-99 Budget Ordinance Amendment No. 99BCC000047 to appropriate \$111,593 from Fund Balance for real estate purchase (payment to the Mutual Community Savings Bank).

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.

4. **Adoption of Resolution & Designation of Members for 1999 E&R Board**

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North Carolina General Statute 105-322 requires adoption of a resolution to appoint a special Board of Equalization and Review to hear tax appeal matters. The Board of County Commissioners must determine membership to this board by the first commission meeting in March. The Board of County Commissioners shall also appoint the chairman and vice chairman for this special board and set the rate of compensation.

The rate of compensation for the 1998 Board of Equalization and Review was \$50.00 per session. A session consisted of a three-hour block of time that board members actually attended for official meetings.

County Manager's Recommendation: Adopt resolution to appoint a special Board of Equalization & Review, designate membership to this Board, appoint chair and vice chair, and establish rate of compensation for serving on this Board at \$50.00 per session.

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5. **Proposal for Disposing of County Surplus Property (915 and 923 North Mangum Street)**

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County staff is requesting authority to enter into a six-month Grant of Option agreement with the North Carolina Historic Preservation Society of Durham (HPSD) for the purchase of County surplus property located at 915 and 923 North Mangum Street. North Carolina G.S. 153A-176 allows counties to sell historic property using private sale procedures for real and personal property valued at \$10,000 or greater. This statute provides counties the ability to bypass upset bid procedures.

The upset bid process does not provide flexibility to determine with any certainty the end use of surplus property. This process requires the County to sell surplus property to the highest bidder regardless of end use. By entering into an option agreement with HPSD, the County can determine with a high level of certainty that the end use will preserve the neighborhood status and support downtown revitalization efforts. The option agreement also allows staff the ability to support the Board's goal of "[implementing] the *Smart Growth* recommendations of the 20/20 Plan by increasing housing and jobs in the center city and transit corridors."

The County's investment in the properties totals \$179,452.40, which includes unpaid property taxes and legal expenses. The option agreement would include a minimum sale price of \$75,000 for 915 N. Mangum and \$80,000 for 923 N. Mangum plus the payment of \$12,160.37 for unpaid property taxes. The net result is a \$12,292.33 loss for the County. The benefits of owner-occupancy and the historic restoration of the houses far exceed the loss.

Resource Person: David Powell, Economic Development/Real Estate

County Manager's Recommendation: Provide staff authority to enter into a six-month Grant of Option agreement with the North Carolina Historic Preservation Society of Durham for the purchase of County surplus property located at 915 and 923 North Mangum Street. Set a minimum sale price of \$75,000 for 915 N. Mangum and \$80,000 for 923 N. Mangum plus the payment of \$12,160.37 for unpaid property taxes.

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6. **Aisin AW/Shimizu Treyburn Grading Plan**

Shimizu America Corporation is seeking approval of a site plan request to partially grade a 123-acre tract. The site is located on the south side of Teknika Parkway and Old Oxford Highway, west of Red Mill Road, and east of International Drive. (Tax Map 950, Block 01, Parcel 001). The site is zoned I-2 and F/J-A and allows for this use. The grading plan is needed to expedite development for this company, which made its site selection after a national search process. A site plan showing the actual development being proposed will be submitted shortly and will be brought before the Board at a later date.

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

County Manager's Recommendation: Recommend approval of the site plan submittal.

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7. **1998 Solid Waste Survey Results and Follow-Up Recommendation**

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Michael Turner, Director of General Services, will report to the Board of County Commissioners on the 1998 Solid Waste Survey results and recommend the BOCC reduce the hours of operation of the County convenience centers by six hours per week.

During the Department of General Services FY 1998-99 budget presentation to the Board of County Commissioners, Vice-Chairman Reckhow recommended that a solid waste survey be distributed to all County residents. The purpose of this survey was for County residents to assess the current level of solid waste services being provided by the County and to allow residents the opportunity to identify other areas of interest or concern.

On the Board's November 23, 1998 Regular Session, Chairman Black directed the General Services Director to include one additional question in the solid waste survey. The question was to allow County residents the opportunity to indicate their preference of closing the County convenience centers on Sunday or for a small increase in the permit fee to place additional containers at the convenience centers.

Of the 13,336 solid waste surveys mailed in December 1998, 1,021 residents (7.6%) responded as of January 15, 1999. Of the 1,021 residents responding to our survey, 827 residents (81%) opted for the closing of the convenience centers on Sunday. The remaining 194 residents (19%) opted for the small increase fee to place additional containers at the convenience centers.

Based on the consensus of the responding citizens, it is the recommendation of staff to reduce the hours of operation at the County convenience centers from the current schedule of 7:00 a.m. until 7:00 p.m., Monday through Saturday and 1:00 p.m. until 7:00 p.m. on Sunday (78 hours) to the new schedule of 7:00 a.m. until 7:00 p.m. Monday through Saturday (72 hours).

Resource Person: Michael Turner, Director of General Services, will present this item.

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County Manager's Recommendation: Receive the Solid Waste Survey results, recognize the outstanding level of service being provided by General Services staff as indicated in the survey, and decide whether to reduce the hours of operation of the County convenience centers from 78 hours per week to 72 hours per week.

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8. **Reauthorization of the Interlocal Cooperation Agreement for Open Space and Trails Planning
Creating the Durham Open Space and Trails Commission**

In January 1994, the Board of County Commissioners approved the "City of Durham and County of Durham Interlocal Cooperation Agreement for Open Space and Trails Planning." The City Council had approved the same agreement in December 1993. The Durham Open Space and Trails Commission (DOST) was created as a merger of the City's Urban Trails and Greenways Commission and the County's Open Space Commission. The framework for the DOST was developed by a committee from the two existing commissions and was drafted by Planning Department staff. The City and County Attorney's offices each reviewed and commented on the agreement before recommending approval. DOST receives \$1000 per year from the City and \$1000 from the County for its education and publication budget.

The initial agreement was to run for four years and expire on December 31, 1998. Because of the Durham Open Space and Trails Commission's success in working on programs for mutual benefit of the City and the County, it respectfully requests that the interlocal agreement establishing its existence and responsibilities be reauthorized to run from January 1, 1999 through December 31, 2003. The features of the new agreement would be substantially unchanged from those of the 1994 agreement. The City Council Public Works Committee sent the item forward to the March 1, 1999 Council meeting

Staff recommends that the agreement be reauthorized. The County Manager recommends this action, also. Beth Timson, Senior Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

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9. **Appeal of Mitsubishi Semiconductor America Inc. (MSA)**

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This appeal concerns the appraisal and assessment of certain business personal property for the 1996 tax year. The taxpayer was initially denied the opportunity to present this appeal to the Durham County Board of Equalization and Review because the appeal was not filed in a timely manner. The taxpayer challenged the County's contention that it had filed its appeal in an untimely manner before the North Carolina Property Tax Commission. In a decision filed on July 15, 1997, the Commission found that because the guidelines for the appeal of business personal property appraisals are not specific, the timeliness issue could not be determined and the taxpayer was entitled to be heard before the appropriate County board.

The Board of County Commissioners is charged with the task of reviewing the assessment and appraisal of the taxpayer's business personal property for the tax year 1996. At this time, the Board is asked to decide on a date and time to conduct the necessary hearing.

County Manager's Recommendation: Discuss and select a date and time to conduct a hearing to consider the assessment and appraisal of MSA's business personal property for 1996.

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10. **Board and Commission Appointments**

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

- Cable TV Advisory Board
- Historic Preservation Commission
- Nursing Home Community Advisory Committee
- Open Space and Trails Commission
- Volunteer Farmland Protection Program
- Research Triangle Regional Partnership