

**REVISED**  
(Meeting will begin at 5:00 p.m.)  
**THE BOARD OF COUNTY COMMISSIONERS**  
**DURHAM, NORTH CAROLINA**

Monday, September 13, 2004

**AGENDA**

5:00 P.M. Regular Session

**Discussion with Department Heads Concerning Human Resources Audit**

**Commissioners will receive information from selected Department Heads concerning findings contained in the Human Resources audit.**

**Resource Person(s): Perry Dixon, IT Director; Willie Covington, Register of Deeds; Ken Joyner, Tax Administrator, and Mickey Tezai, EMS Director**

7:00 P.M. Regular Session

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

2. **Agenda Adjustments**

3. **Minutes**

August 23, 2004 Regular Session

4. **Recognition of Ketner Award Winning "System of Care" Program**

The Ralph Ketner Employee Productivity Award Program honors 10 employees or teams of employees with a \$1,000 cash prize for innovative practices and projects. Mr. Ralph Ketner of Food Lion Inc. generously donates \$10,000 annually to the North Carolina Association of County Commissioners to reward innovative County employees for their successful productivity improvements. Durham's System of Care to reduce court-ordered treatment costs was recognized at the Association's recent Annual Conference in Asheville. The success of the program was made possible through a collective commitment of public and private agencies and community partners. The program is an integrated network of community services and resources realized through collaboration among families, professionals, and the community to assure that children have access to the services and supports they need for success.

Durham Directors who set policy in support of the program:

Commission Chairman Ellen W. Reckhow; Superintendent Ann Denlinger; Durham Center Interim Director Ellen Holliman; Interim Social Services Director Chuck Harris; Health Director Brian Letourneau; Assistant County Manager Wendell M. Davis; District Court Judge Marcia Morey; and Chief Court Counselor Donnie Phillips, Department of Juvenile Justice and Delinquency Prevention (DJJDP).

Durham System of Care Council and Community Collaborative members:

Larry Wallace, DJJDP; Sue Gustily, Public Health; Nancy Domick, Durham Public Schools; Bill Hussey, Durham Public Schools; Alisa Huffman, Administrative Office of the Courts; Rob Robinson, The Durham Center; Carla Ivey, Strong Families Durham; Martha Kaufman, The Durham Center;

and Adele Spitz Roth, Duke Center for Child and Family Policy

County Manager's Recommendation: The Manager recommends that the Board congratulate the participants of System of Care for their award-winning efforts on behalf of the children and families of Durham.

#### **5. National Alcohol and Drug Addiction Recovery Month Proclamation**

All across the country, organizations and governments are observing the 15<sup>th</sup> Annual National Alcohol and Drug Addiction Recovery Month. The goal of the program is to raise awareness about addiction treatment issues by helping to articulate the needs of those with alcohol or drug use disorders and acknowledging the courage of persons striving to maintain sobriety. The program is sponsored by the U. S. Department of Health and Human Services, Substance Abuse and Mental Health Services, Administration Center for Substance Abuse Treatment. A proclamation has been prepared in support of this initiative.

County Manager's Recommendation: The Manager recommends that the Board issue the proclamation and encourage the community to promote the benefits of treatment and recovery from drugs and alcohol.

#### **6. Proclamation for "Family Day"**

The National Center on Addiction and Substance Abuse (CASA) is initiating "Family Day," a Day to Eat Dinner With Your Children—an initiative to help reduce substance abuse among children and teens throughout America. The day will be honored on September 27. President Bush, 35 governors, and more than 200 cities and counties proclaimed Family Day in 2003.

County Manager's Recommendation: The Manager recommends that the Board approve the proclamation.

#### **7. Proclamation for "Car-Free Day"**

International Car-Free Day is a worldwide campaign to promote alternative transportation, especially biking, walking, and public transit, as well as "car-lite" activities such as carpooling. Various Durham agencies (DATA, TTA, SmartCommute, County Government) and business owners (Durham Cycle Center, Ninth Street Bakery) have committed time, energy, and/or donations for a local Durham event that will, in conjunction with similar Orange County activities, promote Car-Free Day regionally on Wednesday, September 22, 2004.

County Manager's Recommendation: The Manager recommends that the Board approve the proclamation and present it to Alison Carpenter, Bicycle and Pedestrian Coordinator, City of Durham/DCHC MPO.

#### **8. Consent Agenda**

- a. EMS?Donation of Injury Prevention Trailer to EMS from Durham SAFE KIDS Coalition (approve the donation);
- b. EMS?Zoll EKG Monitor/Defibrillation Equipment Donation (approve the donation);
- c. Office of the Sheriff?Lease for Northgate Associates Limited Partnerships (authorize execution of the lease);
- d. Durham Public Schools?Declaration of Holton School Facility as Surplus (waive the first right of refusal for the property and allow Durham Public Schools to dispose as surplus property);
- e. Substitution of Trustee (approve and authorize execution of the documents to allow CCB to complete the foreclosure process on the loan to Nancy V. Haskins);
- f. Budget Ordinance Amendment No. 05BCC0000006?The Durham Center?Housing Trust Funds for

Andover Apartments (approve \$57,445 to New Directions for Downtown for completion of ten efficiency apartments for persons with disabilities);

- g. Budget Ordinance Amendment No. 05BCC000007?Cooperative Extension?4-H Youth Grant (approve for the purpose of increasing involvement of youth in planning and implementation of alcohol and substance abuse prevention programming);
- h. Budget Ordinance Amendment No. 05BCC000008?Cooperative Extension (authorize appropriation of additional funds and the creation of one additional position to deliver the Welcome Baby program for families of newborns and young children);
- i. Capital Project Amendment No. 05CPA000002?Agricultural Building Renovation Project?DC068 (approve \$53,131, transferring unused 2/3 bond funding from the completed Animal Shelter renovation project to the Agricultural Building renovation project; authorize the Zehia Corporation contract amendment);
- j. Board Appointment?Operation Breakthrough Inc. (appoint Deputy County Manager Wendell M. Davis);
- k. Resolution to Designate the NC 147 Corridor in Durham County Between I-40 and I-85 as the "Innovation Highway" (approve and forward to the North Carolina Department of Transportation);
- l. Final Qualifying Bid to Purchase County Property (612 Bingham Street) (accept the \$6,000 offer from Victory Temple Holy Church; authorize that a non-warranty deed be prepared for the Chairman?s signature);
- m. Lease of County-Owned Space at 414 E. Main Street to Area Services and Programs Inc. (ASAP) and SouthLight Inc. (authorize leasing a portion of the second floor for the term September 15, 2004 through June 30, 2005; authorize the Manager to execute the leases);
- n. Auburn Apartments Property Tax Appeal (approve the settlement agreement in regards to Taxpayer?s valuation and taxation of the property for tax year 2003);
- o. Recommendation for Standard Status for the Durham County Work First Plan and Approval of Members to the Work First Planning Committee (authorize staff to submit the status to the Department of Health and Human Services by September 30, 2004);
- p. Approve the Interlocal Cooperation Agreement for the Collection of Taxes Between Durham County and the City of Durham;
- q. 2005 Statewide Legislative Issues for NCACC (approve and transmit to Ron Aycock);
- r. Time Warner Cable?Reconsideration of 2003 and 2004 Proposed Rates (adopt the rate orders in accordance with the FCC order); and
- s. Service Contract With Unique Management Services Inc. for FY 2004-2005 (enter into contract for library patron debt collections with option to renew yearly for five years; fees paid will not exceed \$60,000 annually).

#### **9. Public Hearing?2003-2004 Consolidated Annual Performance Evaluation Report**

The Consolidated Annual Performance and Evaluation Report (CAPER) public hearing is held annually in September to receive citizen comments on the previous year?s Community Development Block Grant (CDBG) and City-County HOME Consortium Investment Partnership (HOME) programs. Annual progress and performance detailed in the CAPER must be submitted to the U.S. Department of Housing and Urban Development (HUD) no later than September 30, 2004. The FY 2003-2004 CAPER is available (in draft form) to the public for review from August 16, 2004 through September

16, 2004.

The City of Durham receives an annual CDBG award and a HOME Consortium grant award from HUD. These funds have been a primary funding source for city neighborhood revitalization activities. The FY 2003-2004 HUD entitlement allocation was \$2,348,000 in CDBG funds and \$1,389,626 in HOME funds. The FY 2003-2004 Consolidated Action Plan allocated these funds primarily for housing, infrastructure, and public service activities in Durham with focus in target neighborhoods. Major accomplishments made (as highlighted in the draft CAPER) during the 2003-2004 program year include:

- ? 54 households received first-time homebuyer?s assistance;
- ? 418 households were served by community homebuyer education seminars;
- ? over \$137,000 was expended on Next Step Housing project; and
- ? \$254,000 was expended on public service activities.

The FY 2003-2004 Draft CAPER shows an unexpended CDBG balance for \$3,584,948 and an unexpended HOME balance for \$3,866,666, both the CDBG and HOME Programs. These funds are earmarked for eligible projects and activities. These proposed projects and activities will be brought before the City Council for CDBG and HOME approval and the Board of County Commissioners for HOME approval.

Constance Stancil, Interim Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners hold the 2003-2004 Consolidated Annual Performance and Evaluation Report Public Hearing.

Resource Person(s): Constance Stancil, Interim Director of the City of Durham Department of Housing and Community Development, and Katherine Simmons, Associate Director

County Manager?s Recommendation: The Manager?s recommendation is that the Board hold the FY 2003-2004 Consolidated Annual Performance Evaluation Report Public Hearing to receive citizen comments.

#### 10. **Doc Nichols Road Tract (P04-09)?Rezoning Request**

R. L. Horvath Associates Inc. will present the Board of Commissioners with a revised request to rezone a 288.13-acre site located on the east side of Doc Nichols Road between Olive Branch Road and Leesville Road from RD to PDR 3.21. PIN0769-01-19-6484; 0860-03-11-5310; and --32-3006.

The original rezoning request for PDR 3.39 with 826 single-family lots and 150 townhomes was presented to the Commissioners on August 9, 2004. The Board suggested changes to the rezoning. The proposal is in conformance with the small area plan. Staff recommends approval based on consistency with the adopted plan and conformity with technical requirements. The Zoning Committee of the Durham Planning Commission conducted a public hearing on June 8, 2004 and voted 7-0 to recommend denial, based primarily on the density requested.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager?s Recommendation: The Manager recommends that the Board approve the proposed rezoning, if appropriate.

#### 11. **Major Site Plan?Merck Vaccine Manufacturing Facility (Case D04-378)**

The John R. McAdams Company Inc., on behalf of Merck & Company Inc., has submitted a major site plan for a 165,997-square-foot manufacturing facility consisting of a 30,129-square-foot administration building, 38,624-square-foot manufacturing building, 56,913-square-foot warehouse, and other support structures on a 109.51-acre portion of a 261-acre tract, zoned I-2 and F/J-B. The proposed project will be located on the west side of Old Oxford Highway, north of Red Mill Road, and south of Stagville Road. (PIN 0845-02-58-7341; County Atlas Page 30, Blocks B-1 thru 3 and C-1 thru 3 [portions]). A traffic impact analysis was required for this site.

Planning Staff recommends approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommends approval.

## 12. Hearing on Refund of Excise Tax

The County has received a request to refund tax stamps paid on a deed recorded in Durham County. As shown by the request, the property is alleged to have been in Orange County instead of Durham County. After hearing the sworn testimony, the Board may refund the \$320.50 in taxes retained by the County. The remainder of the taxes must be requested to be refunded by the State. This is the responsibility of the applicant to make this request.

The applicant has been notified of the hearing on the requested refund.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: After hearing the testimony of the applicant, approve the order for the refund, if appropriate.

## 13. Durham Public Schools' Acquisition of Properties for Improved Bus Access at New Elementary "D"

On July 29, 2004, the Board of Education approved the purchase of two properties to improve vehicular/bus access to the new W. G. Pearson (New "D") Elementary School. The additional parcels will ensure safe access for buses, cars, and pedestrians, as well as the public trail system. The properties are 3225 Fayetteville Street for \$118,000 and 600 E. Cornwallis Road for \$30,000.

Resource Person(s): Mr. Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools

County Manager's Recommendation: The Manager recommends that the Board approve the requests as presented.

## 14. Closed Session

The Board of Commissioners is requested to adjourn to closed session to instruct staff concerning the position to be taken in negotiating the material terms for the acquisition of two real properties pursuant to G.S. § 143-318.11(a)(5). The two properties are 247 S. Mangum Street owned by U-Haul Real Estate Company and 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home.



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