

**REVISED**  
(added Item No. 3[c])

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

Monday, March 11, 2002

**AGENDA**

6:30 P.M.

**Closed Session**

The Board is requested to adjourn to closed session to instruct the staff concerning the position to be taken regarding the price or material terms for the purchase of real property pursuant to G.S. § 143-318.11(a)(5).

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7:00 P.M.

Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. a. December 10, 2001 Regular Session
  - b. b. January 28, 2002 BOCC Retreat
  - c. **c. November 26, 2001**

***Commissioner Heron moved, seconded by Commissioner Bowser, to approve the December 10, 2001 Regular Session Minutes as submitted.***

***The motion carried unanimously.***

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***Commissioner Heron moved, seconded by Commissioner Bowser, to approve the January 28, 2002 Commissioners? Retreat Minutes as submitted.***

***The motion carried unanimously.***

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***Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the November 26, 2001 Regular Session Minutes as submitted.***

***The motion carried with the following vote:  
Ayes: Black, Cousin, Heron, and Reckhow  
No: Bowser***

**Commissioner Bowser has asked that his comments regarding the Minutes of November 26, 2001 be included in this meeting's minutes.**

**4. Resolution Recognizing the Herndon Farmland Easement Donation**

The resolution recognizes the Herndon family for their donation of a Conservation Easement to the County of Durham on their 50-acre farm located on Massey Chapel Road in Southwest Durham. The resolution recognizes and thanks the Herndon family for the protection of sustainable family farming and their contributions to the Durham County Farmland Protection Program.

Resource Person(s): Frank Duke, Planning Director, and Mike Giles, Open Space Land Manager

County Manager's Recommendation: Adopt and present the resolution to the Herndon Family with a presentation by staff on the Herndon Farm and donation.

***The Herndon family in attendance was recognized by staff and the Commissioners. A plaque and resolution were presented and the County's appreciation expressed. Ms. Faith Herndon spoke representing the family and its legacy to Durham County.***

**Commissioner Comment?Becky Heron**

***Commissioner Heron read an email she received regarding the absence of bike racks for parking bicycles at the new South Pointe Mall. Vice-Chairman Reckhow requested an explanation for this omission in connection with the County's Code of Ordinances.***

***The Board requested a letter be sent to the owner or manager of the mall with the ordinance attached. The bike trail which is adjacent to the mall, is the longest in the state. The letter would ask for the mall to make a good faith voluntary effort to install bike racks. A copy should be sent to the City.***

**Commissioner Comment?MaryAnn Black**

***Chairman Black noted a correspondence received from a disappointed out-of-county citizen who could not access South Pointe Mall on Saturday due to traffic congestion. She asked that a letter go out addressing Durham?s other attractions and encouraging his attendance.***

**5. Introduction of the New Youth Home Director**

The Board will have an opportunity to meet Ms. Angela Nunn, the newly appointed Youth Home Director. She served as the Interim Director during the fall of 2001.

Ms. Nunn joined Durham County?s Youth Home in 1994 as a Detention Counselor III, during which time she performed resident care, custodial, administrative, and supervisory duties. In addition, she provided leadership in the absence of the Director. Prior to joining Durham County, she worked in a variety of progressively responsible correction positions serving at the North Carolina Correctional Institution for Women from 1989-1994.

She is a 1981 graduate of North Carolina Central University where she received a B. A. degree in Criminal Justice and has also done coursework towards a Master?s degree in Criminal Justice/Correctional Administration. Ms. Nunn also holds an Associate?s degree in Police Science from Durham Technical Community College.

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

County Manager's Recommendation: The Manager?s recommendation is that the Board welcome Ms. Nunn as the new Durham County Youth Home Director.

***Ms. Titus introduced Ms. Nunn, who made comments to the Board.***

**6. Introduction of the New Veterans Services Officer**

Mr. Louis Washington has joined Durham County Government as the new Veterans Services Officer. He began work on February 4, 2002. Mr. Washington is a U. S. Army veteran and has more than 21 years of experience in Veterans Affairs primarily performing case management, research, marketing, and educational counseling. From 1980 to 1998, he served as National Service Officer for Disabled Americans, Department of Military and Veterans Affairs, Regional Office in Newark, New Jersey.

The role of the Veterans Services Officer is to advise veterans and their dependents on their rights and eligibility for veterans? benefits. Mr. Washington will also assist them in completing the appropriate applications for the benefits and will submit the paperwork to the appropriate federal or state agencies.

The Veterans Services office is located at 200 N. Mangum Street on the corner of Parrish Street. Regular office hours are 10 a.m. until 2 p.m., Monday through Friday. Mr. Washington can be reached at 560-VETS (8387).

The Veterans Services office had been closed since 1998. Durham County Commissioners voted to reopen the office on a part-time basis during last summer?s budget deliberations.

Resource Person(s): Wendell M. Davis, Deputy County Manager

County Manager's Recommendation: The Manager?s recommendation is that the Board welcome Mr. Washington as the new Veterans Services Officer.

***Mr. Davis introduced Mr. Washington, who made comments to the Commissioners.***

7. **Introduction of the New City-County Planning Director**

The Board will have an opportunity to meet Mr. Frank Duke, the newly appointed Joint City-County Planning Director. Mr. Duke comes to Durham from the state of Florida where he served as the Director of the Planning Division of Palm Beach County in West Palm Beach, FL. As Planning Director for Florida's largest county geographically, he was responsible for the implementation, interpretation, and amendment of the County's comprehensive plan. Prior to being named Director in 1997, he was the Senior Supervising Planner for the South Florida Water Management District for West Palm Beach, where he led the development of the District Water Management Plan and served as Director of Community Development and Planning for Bay County (Panama City, FL) from 1982 to 1989. He has held other planning and economic analyst positions in Tallahassee and Sarasota.

Mr. Duke holds Bachelor of Arts degrees from Auburn University and the University of Alabama at Birmingham. He earned a Master's degree in Planning from Florida State University in 1987, with a concentration in housing and economic development. He also holds a Master's degree in History from Auburn University.

Resource Person(s): Wendell M. Davis, Deputy County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board welcome Mr. Duke as the new City-County Planning Director.

***Mr. Duke was not present due to illness.***

8. **Consent Agenda**

- a. a. Budget Ordinance Amendment No. 02BCC000054?The Durham Center?Recognize One-Time Medicaid Settlement in the Amount of \$514,862 (approve the Durham Center's Budget Ordinance Amendment No. 02BCC000054 in the amount of \$514,862);
- b. b. Appointment of the Chairman and Vice Chairman for the 2002 E & R Board (appoint Mr. George Scott as Chairman and Ms. Kelly Matherly as Vice Chairman of the Board of Equalization and Review);
- c. c. Approval of Federal Grant Offer to the Raleigh-Durham International Airport (accept the grant offer);
- d. d. Approve Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (approve the application for Continuation of Implementation Funding to the Criminal Justice Partnership Program; this has been placed on the consent agenda as it is a reoccurring grant application and approval process the County participates in each year); and
- e. e. Cancellation of Public Hearing on School Impact Fee Ordinance (cancel the March 25, 2002 public hearing).

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda items 8(a), (b), (c), (d), and (e).***

***The motion carried unanimously.***

***Added Item--Consent Agenda item (8f): Land purchase for a new library site in the eastern area of Durham County. The Board, during its Closed Session, discussed several sites for constructing a library in eastern Durham County. The Board presented this site on the east side of NC Highway 98 for approval.***

***Vice-Chairman Reckhow moved, seconded Commissioner Cousin, to approve purchase of the land for a new library site.***

***The motion carried with the following vote:  
Ayes: Black, Cousin, Heron, and Reckhow  
No: Bowser***

***Commissioners Bowser, Cousin, and Reckhow made extensive comments to support their votes against and for the land purchase.***

9. **Public Hearing?Daiko Construction Inc., Applicant (Rezoning Case P01-79)**

Daiko Construction Inc. will present to the Board of County Commissioners a request to rezone 10.9 acres on the west side of Fayetteville Road north of the intersection of Fayetteville Road with Scott King Road, PIN 0717-02-55-1392 (Tax Map 530, Block 2, Lot 1) Request: RD (Rural District) to PDR 2.47 (Planned Density Residential-2.47 units/acre) (Falls/Jordan Watershed Protection Area B). The proposal is in general conformance with the small area plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 12, 2002 and voted 7-0 to recommend denial.

The public hearing for this request was advertised on February 22 and March 1, 2002 in the Durham Herald-Sun.

Resource Person(s): Nazeeh Abdul-Hakeem, Acting Planning Supervisor, and Dick Hails, Assistant Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment. The Planning Commission recommended denial due to school capacity issues and the varying interpretation of the 54/I-40 Corridor Plan as it relates to the inconsistency in the size of the lots in the various sections.

***Chairman Black opened the Public Hearing which was properly advertised.***

***Speakers follow:***

***Steve Bocckino, spoke against the rezoning due to crowding in the area schools.***

***Keith Downing, spoke in favor of the rezoning due to plans for new schools in the area. Open space has been taken into consideration.***

***Stephen Thomson, spoke against the rezoning, as this is the last open land before the Chatham County line.***

***Robert Jentsch, a member of the Durham Planning Commission, spoke against the rezoning. He said it should be limited to 19 single-family lots.***

***Alice A. Markunas, spoke against the rezoning due to its proposed density and addition to traffic congestion.***

***The Commissioners held a lengthy discussion.***

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to deny to rezoning request.***

***The motion carried unanimously.***

10. **Public Hearing?Edisto Group, LTD, Applicant (Rezoning Case P01-77)**

Edisto Group, LTD will present the Board of Commissioners with a request to rezone 20.352 acres on the west side of Herndon Road, which is south of State Road 1105. The PIN numbers for the parcels are as follows: 0717-02-99-5164, 0717-02-98-6723, 0727-01-08-4942 (Tax Map 529, Block 01, Lots 004,003,003A).

The specific request is that the parcel be rezoned from RD (Rural District) to PDR (Planned Density Residential), 2.27 units per acre. The parcel is located in the F/J6?B Watershed Protection Overlay and is in general conformance with the Small Area Plan. Staff is recommending approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 12, 2002 and voted 7-0 to recommend denial.

The public hearing for this rezoning request was advertised on February 22 and March 1, 2002 in the Durham Herald-Sun.

Resource Person(s): Nazeeh Abdul-Hakeem, Acting Planning Supervisor, and Dick Hails, Assistant Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

***Chairman Black opened the Public Hearing which was properly advertised.***

***Speakers follow:***

***Steve Bocckino, spoke against approval of the proposed rezoning.***

***C. W. Mendenhall, spoke in favor of the rezoning.***

***Bill Ripley, applicant, addressed citizen concerns and answered Commissioner questions.***

***Bob Jentsch, advocated a reduction in density to 29 single-family sites, adding a fence to the play area, and incorporating a bike trail system.***

***Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the rezoning request.***

***The motion carried with the following vote:***

***Ayes: Black, Cousin, Heron, and Reckhow***

***No: Bowser***

11. **Preliminary Plat/Site Plan Approval for Summer Meadows (D01-711)**

Tony M. Tate, Landscape Architecture, P.A., on behalf of Homes by Huff and Crossman Communities of N.C. Inc., has submitted a plan for 214 single-family and 72 townhouse lots on a ±86.47 acre site. The property is located on the north side of Hebron Road, east of Denfield Street, and west of Felicia Street. (Tax reference 780-1-1D, 2, 3A; PINs 0834-03-11-8946, 0834-03-21-8453, 0834-03-32-3783; Durham County Street Atlas Page 42, Blocks A-3, B-3, A-4, B-4). Governing Body approval is required for subdivisions of land into greater than 49 lots. A Traffic Impact Analysis was submitted and approved at the time of rezoning. Improvements to be made as a result of that study are reflected on the site plan.

Resource Person(s): Steve Medlin, Planning Supervisor, and Teri Danner, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board hold the necessary discussion and approve the site plan as recommended by the Planning Staff.

***Lillie Izi, spoke to the constant flooding on Felicia Street where she lives. The area has always flooding.***

***Keith Downing, Kirby R. Bell Jr., and David Dunn, addressed the flooding/run-off comments.***

***Vice Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the Preliminary Plat/Site Plan with the conditions stated regarding prohibiting construction traffic on Felicia Street, and contacting the State regarding possible improvements to Felicia Street.***

***The motion carried unanimously.***

12. **Renewal of Ambulance Franchise for Johnston Ambulance Service**

All public and private providers of ambulance service wishing to operate in Durham County must be franchised by the Durham County Board of Commissioners to assure adherence to local and State regulations, insurance requirements, and to monitor their ability to provide quality service to the citizens of Durham County. After the initial franchise is awarded, they must reapply for that franchise every three years. Currently, nine providers are franchised to operate within the County. Six are scheduled for renewal in April 2002, one in February 2003, one in March 2003, and one in February 2002. This request is to renew the franchise for Johnston Ambulance Service, one of two private services currently operating within the county.

Johnston's application has been reviewed by J. M. Tezai, EMS Director, and has been found to meet all legal and operational requirements as stipulated by the Franchise Ordinance. As a result, it is recommended that Johnston Ambulance Service be approved for the requested franchise renewal.

This will be the first of two required approvals by the Board of County Commissioners. A public hearing is not required for a franchise renewal.

Resource Person(s): J. M. Tezai, EMS Director, and Jeff White, Operations Manager, Johnston Ambulance Service

County Manager's Recommendation: The Manager's recommendation is that the Board approve the franchise renewal as requested.

***Commissioner Heron moved, seconded by Commissioner Bowser, to approve renewal of the ambulance franchise for Johnston Ambulance Service.***



*The motion carried unanimously.*

13. **Resolution Requesting Reimbursements from the State or Advancing the Sales Tax Effective Date**

At the Board's direction, a resolution has been prepared requesting that the State pay the Beer and Wine Excise Taxes and reimbursements which have been withheld by the Governor for the current and ensuing fiscal years. In the alternative, the Legislative Delegation is requested to advance the effective date of the new ½-cent local option sales tax to July 1, 2002.

Resource Person(s): Chuck Kitchen, County Attorney, and Mike Ruffin, County Manager

County Manager's Recommendation: Make any changes desired by the Board and adopt the resolution.

***Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to approve the resolution.***

*The motion carried unanimously.*

14. **Ethics Policy Amendment**

The Board of Commissioners requested staff to consider adding boards, committees, and commissions appointed by the Board to the list of boards which currently are required to file yearly disclosure statements. The following four boards or commissions are recommended for inclusion: Durham Historic Preservation Commission, Durham Open Space & Trails Commission, Durham Planning Commission, and Farmland Protection Advisory Board.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Receive the recommendation from the County Attorney, and approve the inclusion of the listed boards to the Ethics Policy disclosure requirement.

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the amendment.***

***The motion carried unanimously.***

**THE MEETING ADJOURNED AT 10:00 P.M.**