

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

Monday, May 13, 2002

AGENDA

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

Consent Agenda item 9(h) was moved to the end of the agenda.

Item #14, ? was removed from the agenda.

Commissioner Bowser added a concern regarding protection for students of Club Boulevard from traffic passing over the new I-85 roadbed

3. **Minutes**
 - a. a. March 4, 2002 Worksession
 - b. b. March 11, 2002 Closed Session/Regular Session
 - c. c. March 27, 2002 BOCC/DPS Budget Worksession
 - d. d. April 8, 2002 Regular Session
 - e. e. April 22, 2002 Special Session
 - f. f. April 22, 2002 Regular Session

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the Minutes with corrections to the March 4, 2002 Worksession and March 27, 2002 BOCC/DPS Budget Worksession.

The motion carried unanimously.

4. **Resolution Honoring Retiring Library Director Dale Gaddis**

A resolution has been prepared honoring retiring Library Director Dale Gaddis. She began her career with the Durham County Library in 1967 and held progressively more responsible positions during her tenure. She was named Director in 1982 and leaves an impressive record, such as overseeing the opening of new facilities including the Main library and the Southwest, North Durham, and Parkwood branches. She initiated and expanded an extensive list of services to meet the needs of Durham's diverse population.

County Manager's Recommendation: Present the resolution to Ms. Gaddis, along with the sincere congratulations of the entire organization.

Ms. Bessie Carrington, Chairman of the Durham County Library Board of Trustees, introduced the presentation. The resolution was read into the record.

The Commissioners gave individual thanks to Ms. Gaddis for her service and contributions to Durham County and its citizens.

Ms. Gaddis spoke of her career and hopes for the future of the library system.

5. **Recognition of Bessie Carrington, Recipient of the North Carolina Library Trustee of the Year Award, Conferred by the North Carolina Public Library Directors Association**

At its annual awards program in December, the North Carolina Public Library Directors Association presented Bessie Carrington, Chair of the Durham County Library Board of Trustees, with its Library Trustee of the Year Award. The Library Director requests the opportunity to share with the Commissioners the contributions this remarkable board member has made to the Library and the Durham community which provided the basis for her award.

Ms. Carrington is coming to the end of her second three-year term on the Library Board and her third year as Chair. During her tenure on the Board, she has been an energetic library advocate and has committed personal time and resources to an array of accomplishments benefiting the community such as:

- •development and adoption of library service and facility standards;
- •adoption of an ambitious 10-year capital improvement plan for the Library;
- • expanded security coverage at the Main Library and Stanford L. Warren Branch Library;
- •creation of the Durham Library Foundation Inc.; and
- •purchase of the Carolina Theatre Video Collection.

Ms. Carrington has strengthened the Library Board and increased its effectiveness. She has actively recruited new members and contacted all applicants to welcome their interest and answer questions. She has worked hard to retain their interest and involvement once they become board members. She has organized the board into productive committees. She has communicated regularly with the Board of Commissioners and brought to its attention Library accomplishments and concerns.

Ms. Carrington is a strong advocate for intellectual freedom and has articulated very well the policies of the Library during times of challenge.

Her weekly volunteer work as an Internet guide in the reference unit of the Main Library is just one example of her efforts to support staff and understand the conditions of their work. She initiated a Trustee Award to be presented annually to an exceptional library employee. She has attended staff meetings to hear staff concerns firsthand.

She was an active participant in the recent process to develop a strategic plan to take the Library forward over the next five years.

Ms. Carrington is full of ideas that must be pursued RIGHT NOW but she is not the type of person to let it go at that?she rolls up her sleeves and works right alongside staff to help make things happen.

Ms. Carrington?s personal commitment both to the Library and to Durham has been and continues to be extraordinary and is deserving of recognition and deep appreciation.

Resource Person(s): Dale Gaddis, Library Director

County Manager's Recommendation: The Manager?s recommendation is that the Commissioners congratulate Bessie Carrington on receiving the award of North Carolina Library Trustee of the Year and express their appreciation for her contributions to the Library and the Durham community as Chair of the Durham County Library Board of Trustees.

Library Director Dale Gaddis praised Ms. Carrington for her dedication and contributions to the library system and congratulated her on receipt of this award.

6. **Dennis Ritchie, "Inspector of the Year" Recognition**

The NC Building Inspectors Association has named Dennis Ritchie, Durham City-County Inspections Department?Building Field Inspections Supervisor, "Inspector of the Year."

Mr. Ritchie started his career in the department in February 1985 and was soon promoted to Field Inspections Supervisor in March 1987. His nomination letter details his achievements:

"Mr. Ritchie has been a critical component of the amendment team that has allowed the merger of the two inspections departments at lower cost and providing better service. His attitude, professionalism, leadership, and loyalty to his field inspectors provide the necessary climate to make the policy adjustments that are required in today?s fast-paced environment."

Other accomplishments noted in his nomination:

- Put into place a quality control program that identifies and rewards good performance as well as providing opportunities to catch mistakes
- Uses statistical analysis of workload and available inspectors to maximize efficiency
- Knows the code cold
- Speaks out about problems of code interpretation and enforcement, helping to prevent confusion and bad installations.

County Manager's Recommendation: The County Manager?s recommendation is that the Board receive remarks and extend congratulations to Mr. Ritchie for achieving this outstanding statewide accolade.

City-County Inspections Director, Gene Bradham, introduced Mr. Ritchie and made remarks.

The Commissioners thanked Mr. Ritchie and gave congratulations.

7. **May Anchor Award Winner? Francyne Pelchar**

Francyne Pelchar, Senior Library Assistant for Project LIFT at the Durham County Library, is the winner of this month's Anchor Award. In her nomination letter, Library Director Dale Gaddis noted Ms. Pelchar's superior work in coordinating various programs that benefit the community. She wrote a successful grant and served as project director for a program highlighting Latino literature. She has assisted an increasing number of job seekers find employment information and has helped to form a job club to provide additional resources and support for area job seekers. Ms. Pelchar was also noted for twice taking on the duties of her supervisor when the position was vacant and at the same time performing her own job duties.

County Manager's Recommendation: Present the May Anchor Award to Francyne Pelchar, along with the sincere congratulations of the entire organization.

Library Director Dale Gaddis introduced Ms. Pelchar and her accomplishments. Chairman Black presented the Anchor Award and a \$200 check to Ms. Pelchar.

8. **Triangle Transit Authority Award to Durham County**

Durham County and the City of Durham adopted the Commute Trip Reduction (CTR) Ordinance in February 2000 to address traffic and air quality concerns in the county. The County contracted with Triangle Transit Authority to serve as the lead agency in alerting and educating affected companies, promoting alternate commuting methods, and reviewing the employers' annual transportation plans.

The ordinance affects Durham employers with over 100 employees. Companies have been phased in over a three-year period: those with over 400 employees in 2000, those with 200 to 399 in 2001, and those with 100 to 199 in 2002.

The program has proven to be very successful and awards were presented on May 1 to recognize companies who made outstanding efforts. Durham County Government was recognized for "Best Communication of Commute Trip Reduction Methods."

Resource Person(s): Commission Vice-Chairman Ellen Reckhow and Heidi Duer, Assistant to the County Manager

County Manager's Recommendation: The County Manager's recommendation is that the Board receive the award and extend congratulations to staff.

Vice-Chairman Reckhow commented on the success of the program.

9. **9. Consent Agenda**

- a. a. Budget Ordinance Amendment No. 02BCC0000057?Public Health?To Recognize Revenue for Jail Health (approve to recognize \$9,183 in excess revenue in jail health fees to supplement the shortfall in the jail?s miscellaneous contracted services line item);
- b. b. Budget Ordinance Amendment No. 02BCC0000058?Public Health?To Recognize Revenue for Laboratory (approve to recognize \$7,539 in excess lab revenue to supplement the shortfall in the TB clinic);
- c. c. Budget Ordinance Amendment No. 02BCC0000059?The Durham Center?To Recognize Additional Medicaid Revenue in the Amount of \$1,950,000 (approve to be amended as requested);
- d. d. Capital Project Amendment No. 02CPA000015?Application to the Public School Building Capital Fund?Durham Public Schools Painting Projects (approve for interior/exterior painting at three elementary schools);
- e. e. Surplus and Donate Vehicle (1997 Ford Wheelchair Lift Van) (declare the vehicle surplus and donate to LifeSpan);
- f. f. Offer to Purchase County Property (2700 Boyle Street) (pursue the upset bid process at this time. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- g. g. Final Offer to Purchase County Property (119 West Cornwallis Road) (approve the offer of \$3,550 submitted for 119 W. Cornwallis Road by Ms. June Withers and prepare a non-warranty deed for the Chairman?s signature. This action is consistent with the Board?s policy of recovering the County?s investment and returns the property to the tax rolls);
- h. 2002 Durham County Legislative Agenda (approve the final 2002 Legislative Agenda for the upcoming short session and deliver to the Durham delegation);
- i. i. Cultural Master Plan for Durham County (approve the process as outlined, as well as the nominations to the Steering Committee); and
- j. j. Approval of Federal Grant Offer to Raleigh-Durham International Airport (accept the grant offer).

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda items 9(a), (b), (c), (d), (e), (f), (g), (i), (j), (k), (l), and (m).

The motion carried unanimously.

10. **Public Hearing?Copley Street and Armfield Street Closing?SC02-5**

This street closing is related to the same site as rezoning case P02-1, NRP Group, multi-family development. Staff is requesting that the Board hold a public hearing and consider adopting an order to close 1,444.70 ± linear feet (1.995 ± acres) of Armfield Street and 1,553.54 linear feet (2.147 ± acres) of Copley Street.

The Board held a public hearing on April 22, 2002, and continued the hearing to May 13, 2002, in order to consider this street closing and to address stormwater concerns.

Resource Person(s): Frank Duke, Planning Director, and Dick Hails, Assistant Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comment and deny the street closing request, if appropriate, based on public comment.

Chairman Black opened the Public Hearing, which was properly advertised. The following persons spoke:

- •David Painter, 3707 Cub Creek Road
- •Dr. Lavonia I. Allison, 1315 McLaurin Avenue
- •Jack Markham, University Tower, NRP Group

There being no other persons signed to speak, Chairman Black closed the Public Hearing.

The Commissioners made comments and asked questions of the applicant.

Commissioner Bowser moved, seconded by Commissioner Cousin, to deny the street closing request.

The motion carried unanimously.

11. **Public Hearing?The NRP Group, LLC, Applicant (Rezoning Case P02-1)**

The NRP Group, LLC will present to the Board of County Commissioners a request to rezone 31.29 acres between Danube Lane and Cub Creek Road, south of Carver Street extension, PIN 0833-01-35-8770, 8690, 9511, 9431, 9361, 9282, 6604, 6524, 6454, 6375, 6296, 7115, 7046; 0833-14-34-7964, 7885, 8706, 8635, 8564, 9413, 9396, 0265, 8273; 0833-01-45-0102, 0033, 2047, 2125, 2216, 1385, 1464, 1544, 1624, 1704, 4276, 4196, 5007, 3855, 3775, 3696, 4526, 4436, 4556; 0833-14-44-0931, 0720, 1706,2802, 2974, 4791, 3685, 2599, 1591, 2378, 3482, 4497, 5570, 6564 (Tax Map 738, Block 1, Lots 14-29; Block 3, Lots 1-21; Block 4, Lots 1-3, 6-14, and 39-44) Request: R-20 (Residential 20 District) to RM-8 (D (Multifamily Residential District); F/J-B. The proposal is in general conformance with the small area plan. Staff recommends denial. The Zoning Committee of the Durham Planning Commission conducted a public hearing on March 12, 2002 and voted 6-1 to recommend denial.

This request was continued from the April 22, 2002 meeting to give County Engineering an opportunity to review the proposal. Issues related to the stormwater management have not been resolved; County Engineering has not approved the analysis and plan submitted by the applicant.

The public hearing for this request was advertised on April 5 and April 12, 2002 in the Durham Herald-Sun.

Resource Person(s): Vonda Frantz, Senior Planner, and Frank Duke, Planning Director

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

Chairman Black opened the Public Hearing, which was properly advertised. The following persons spoke:

- •David Painter, 3707 Cub Creek Road
- •Dr. Lavonia I. Allison, 1315 McLaurin Avenue
- •Jack Markham, University Tower, NRP Group

There being no other persons signed to speak, Chairman Black closed the Public Hearing.

The Commissioners made comments and asked questions of the applicant.

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

The motion failed with the following vote:

Ayes: Heron and Reckhow

Noes: Black, Bowser, and Cousin

Commissioner Cousin moved, seconded by Commissioner Bowser, to deny the rezoning request.

The motion carried with the following vote:

Ayes: Black, Bowser, and Cousin

Noes: Heron and Reckhow

12. **Public Hearing? Crossman Communities of NC Inc., Applicant (Rezoning Case P01-78)**

Crossman Communities of NC Inc. will present to the Board of County Commissioners a request to rezone 20.22 acres on the north side of Hebron Road, east of Denfield Road; PIN 0834-03-11-6522, 03-31-5464, 03-31-7450 (Tax Map 780, Block 1, Lots 1, 3, 2E).

Request: R-20 (Residential 20 District) to PDR 4.69 (Planned Density Residential-4.69 units/acre); F/J-B, E-B Watershed Protection Overlay. The proposal adds acreage into an approved PDR-4.69 project, increasing the unit count by 74. The proposal is in general conformance with the North Durham Small Area Plan as approved April 22. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 12, 2002, and voted 6-1 to recommend approval.

The public hearing for this request was advertised on April 26 and May 3, 2002 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Assistant Planning Director, and Frank Duke, 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 opened the Public Hearing which was properly advertised.

The following persons spoke:

- •Lillie Izi, 702 Felicia Street
- •Julius Bartell, 4911 Denfield Street
- •James A. Covington Sr., 715 Felicia Street
- •Dr. Lavonia I. Allison, 1315 McLaurin Avenue

David Dunn (civil engineer) and Tony Tate (landscape architect), representing the applicant, presented the item and answered questions and made comments for the Commissioners and the persons signed to speak at the Public Hearing.

The Commissioners and County Attorney Kitchen discussed the protest petition which was not properly submitted according to procedure or the instructions on the petition form.

Chairman Black closed the Public Hearing.

No action was taken on this item. The item was continued until the Wednesday, May 29, 2002 Regular Session to receive additional information from staff. The Public Hearing was closed; no additional speakers will be heard.

13. **Site Plan Approval for Irwin Properties (D01-517)**

Jensen Environmental Consultants, P.A., on behalf of Mr. Brit Irwin, has submitted a site plan for three commercial flex space buildings totaling 37,625 square feet and 68 parking spaces on 3.64 acres, zoned I-2 (Light Industrial). The property is located at the intersection of Page Road and Page Road Ext., south of U.S. 70. (Tax Map reference 649-02-029B; PIN 0759-04-53-5433; Durham County Street Atlas Page 90, Block C-4).

Resource Person(s): Phyllis T. Melton, Senior Planner, and Steve Medlin, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation of the site plan and approve.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the site plan.

The motion carried unanimously.

14. **West-Northwest Durham Plan**

The Board is requested to receive a report on the West-Northwest Durham Plan. The West-Northwest Durham Plan combines two of 15 small areas that comprise Durham's total planning jurisdiction. The planning area is a mix of urban, suburban, and rural land uses ranging from older city neighborhoods to large-lot suburbs to rural homesteads. The challenge of planning for the future of the area is preserving the integrity of residential neighborhoods and viable commercial areas, allowing reasonable planned growth, and protecting the rich resources of the area's natural and cultural heritage.

Participants in the West-Northwest Durham planning process recognized that growth would occur. The consensus was that it must be managed to protect the well being of existing residents and businesses, as well as the environment and future residents. The plan endorses the need for this protection, but it also realizes the realities of the urbanized region. This vision characterizes the challenge faced by the West-Northwest Durham planning process and the growth management theme upon which it is based.

The Planning Committee reviewed and approved the plan on August 8, 2001. The City Council held a public hearing and adopted the plan on March 18, 2002. Staff is prepared to schedule a public hearing and present the plan to the Board for its consideration and adoption.

Resource Person(s): Frank M. Duke, AICP, Planning Director, and Dwight Yarborough, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board receive a staff report on the West-Northwest Durham Plan.

This item was pulled from the agenda and not discussed.

15. **JCPC Funding Plan for Fiscal Year 2002-2003**

The Durham County Juvenile Crime Prevention Council (JCPC), at a regularly scheduled meeting with a quorum present, voted on April 24, 2002 to recommend the local funding plan for the allocation of \$510,962.00 in state funding for FY 2002-2003. The North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP) have allotted these "Intervention/Prevention Funds" to Durham County for FY 2002-2003.

The local JCPC conducted the "Request for Proposals" (RFP) process in accordance with the relevant North Carolina General Statutes, DJJDP policies and procedures, and under the direction of DJJDP Regional Consultant, James M. Barbee.

The approved funding plan is due to the DJJDP by May 15, 2002.

Resource Person(s): Terrance Taylor, Chair, Juvenile Crime Prevention Council, and Karen K. Thompson, Treasurer

County Manager's Recommendation: The Manager recommends that the Board consider the proposed funding plan

Mr. Terrance Taylor, made the presentation.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the proposed funding plan.

The motion carried unanimously.

Agenda Adjustments

9(h)?Legislative Agenda: 3 items were added to legislative package.

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to approve the items in the legislative package, included the 3 items added.

The motion carried unanimously.

Commissioner Bowser added a concern regarding protection for students of Club Boulevard from traffic passing over the new I-85 roadbed which will be closer to the school once completed.

He requested a letter be sent to the NCDOT on behalf of Club Boulevard Elementary School parents with a request for a noise and safety barrier.

Commissioner Heron stated that the TAC (Transportation Advisory Committee) had discussed this and approached the NCDOT. NCDOT offered that it could not provide an adequate noise barrier. However, very strong fencing, such as brick, could be erected between the playground and the road. Also extensive planting could be done, including large trees, to act as a noise buffer.

A motion was made to send a letter to the NCDOT on behalf of the Club Boulevard Elementary School parents.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 10:10 P.M.