

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

Monday, June 10, 2002

AGENDA

5:30 P.M.

Closed Session

The Board of County Commissioners is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(6) to consider a personnel matter and pursuant to G.S. 143.318.11(a)(5) to instruct the County staff concerning the position to be taken on negotiating a proposed contract for the acquisition of real property.

7:00 P.M.

Regular Session

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

May 13, 2002 Regular Session

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the May 13, 2002 Regular Session Minutes as submitted.

The motion carried unanimously.

4. **Designation of Durham County as a "StormReady" Community**

The National Weather Service has devised a program called "StormReady" to help communities deal with severe weather. "StormReady" is a nationwide community preparedness program that uses a grassroots approach to help communities develop plans to handle all types of severe weather—from tornadoes to tsunamis. The program encourages communities to take a new, proactive approach to improving local hazardous weather operations by providing emergency managers with clear-cut guidelines on how to improve their hazardous weather operations. To receive the designation counties must:

- • establish a 24-hour warning point and emergency operation center
- • have more than one way to receive severe weather warning and forecasts and to alert the public
- • create a system that monitors local weather conditions
- • promote the importance of public readiness through community seminars
- • develop a formal hazardous weather plan.

Currently, there are 386 communities in 40 states with this distinction.

Durham County Emergency Management Director Jeff Batten will introduce Mr. George Lemons who will provide a brief presentation about the program and designate Durham County as a "StormReady" community.

County Manager's Recommendation: Receive the presentation designating Durham County as a StormReady community.

Mr. Lemons presented the item.

5. **2001 Annual Crime Prevention Awards**

Ms. Linda W. Hayes, Chair of the Governor's Crime Commission, will represent the Crime Commission in the presentation of the 2001 Annual Crime Prevention Awards.

The award recipients are the Durham County Sheriff's Office in the category of "Older Adults Program" and Steve Hall of the Durham Police Department in the category of "Law Enforcement Officer" from a large jurisdiction.

NOMINEE: Durham County Sheriff's Office, TRIAD Unit
 CATEGORY: Law Enforcement Agency
 NOMINATED BY: Sheriff Worth Hill, Durham County Sheriff

NOMINEE: Officer Steve Hall
 CATEGORY: Law Enforcement Officer
 NOMINATED BY: James Anderson, Durham Housing Authority

Resource Person(s): Commissioner Heron and Ms. Linda W. Hayes

County Manager's Recommendation: Present the awards to the Durham County Sheriff's Office, TRIAD Unit, and Officer Steve Hall of the Durham Police Department, along with sincere congratulations by the entire organization.

Ms. Hayes presented the awards. Sheriff Hill and the officers involved spoke in appreciation of the recognition.

6. **Certificate of Achievement for Excellence in Financial Reporting**

Durham County Finance Department has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Finance Report (CAFR) for Fiscal Year ended June 30, 2001. Durham County has received this distinction for the past nine years.

This award is presented annually by the Government Finance Officers Association of the United States and Canada to government units whose comprehensive annual financial reports achieve the highest standard in government accounting and financial reporting.

County Manager's Recommendation: Present the plaque to Mr. George Quick, Finance Director, and commend the staff for receiving this outstanding recognition.

Mr. Quick introduced Ms. Fox-Kirk and Ms. Linton-Brown who helped make this award possible.

6a. **Comments about the EMD Pharmaceuticals Announcement**

Commission Chairman MaryAnn E. Black has requested time on the agenda to make some brief comments about the EMD Announcement.

Chairman Black thanked County Manager Mike Ruffin, Deputy County Manager Carolyn Titus, and the Chamber of Commerce for their efforts to persuade EMD Pharmaceuticals to come to the Treyburn Industrial Park in northern Durham County. This company will bring needed new jobs to the area.

7. **Consent Agenda**

- a. **a.** Budget Ordinance Amendment No. 02CPA000016 for the Little River Regional Park (approve Budget Ordinance Amendment No. 02CPA000016 to increase the Little River Regional Park Capital Project Ordinance from \$335,000 to 632,012);
- b. **b.** Offer to Purchase County Property (2300 Fitzgerald Avenue) (pursue the upset bid process at this time. A resolution to offer the property in an "upset bid" sale is included in this package. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- c. **c.** Sublease Agreement for Classroom Space at Criminal Justice Resource Center (authorize the execution of the sublease agreement between Durham County and Carolyn Cordasco, LCSW);
- d. **d.** Cultural MasterPlan Steering Committee (CMSC) Appointment (approve the addition of Mr. Jim Wise to the Cultural MasterPlan Steering Committee); and
- e. Appointment?2002 NACo Annual Conference Voting Delegate (appoint Chairman Black as the designated delegate and Commissioner Heron as the first alternate).
- f. **Reappoint Commissioner Philip R. Cousin Jr. to the Board of Directors of Downtown Durham Inc. for the term July 1, 2002 to June 30, 2003 to represent the County Commissioners.**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve items 7(a), (b), (c), (d) (e) and (f) of the Consent Agenda.

The motion carried unanimously.

The Commissioners discussed item 7(c) concerning insurance liability and utilizing more space at the Jail Annex (old Johnson Motor Company building) for classes.

8. **Durham Public Schools? Surplus of Real Property: Bragtown Site**

On May 23, 2002, the Durham Public Schools Board of Education declared the former Bragtown Elementary property to be surplus.

Pursuant to North Carolina General Statute §115C-518, the Board of Education offers the Board of County Commissioners the opportunity to acquire or decline this property.

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

County Manager's Recommendation: The site no longer serves a purpose of Durham Public Schools and has been leased to a charter school for several years. The site is comprised of two parcels totaling almost ten acres.

Mr. Osteen presented the item.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve this item. A letter is to be sent to the school system recommending that it apply these funds to the school debt.

The motion carried unanimously.

9. **Public Hearing? Bass, Nixon & Kennedy Inc.? Applicant (Rezoning Case P02-02)**

Bass, Nixon & Kennedy Inc. will present to the Board of County Commissioners a request to rezone a 1.84-acre site at 1425 S. Miami Boulevard, PIN 0840-04-72-5122 & 0840-04-72-7100 (Tax Map 656, Block 1, parcels 21 & 22). Request: R-20 (Residential 20) & GC (General Commercial) to GC(D) (General Commercial with Development Plan) & CT(D) (Commercial Trades District with Development Plan); F/J-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 May 14, 2002 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on May 24 and May 31, 2002 in the Durham Herald-Sun.

Resource Person(s): 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. The Zoning Committee and the Planning staff have recommended approval.

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

The motion carried unanimously.

10. **Public Hearing? Tim Ashby, Kingdom Hall of Jehovah's Witnesses, Applicant (Rezoning Case P02-15)**

Tim Ashby for Kingdom Hall of Jehovah's Witnesses will present to the Board of County Commissioners a request to rezone 0.85 acres on the east side of Highway 501, just south of the Black Horse Run subdivision, PIN 0828-04-80-5633 (Tax Map 928, Block 1, Lot 18A). Request: R-20 (Residential 20 District) to RD (Rural District); MLR-A. 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 May 14, 2002 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on May 24 and May 31, 2002 in the Durham Herald-Sun.

Resource Person(s): Frank Duke, Planning Director

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

Chairman Black called for the person signed to speak to come forward.

Tim Ashby, Kingdom Hall of Jehovah's Witnesses

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

The motion carried unanimously.

11. Public Hearing on the 2002-03 Recommended Budget

The Board of County Commissioners will conduct a public hearing to receive input from citizens on the FY 2002-2003 recommended budget. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker.

County Manager's Recommendation: The Manager recommends that the Board receive input from speakers and incorporate in the deliberations prior to finalization of next fiscal year's budget.

Chairman Black opened the Public Hearing and gave each speaker three minutes.

The speakers follow:

Spence Foscue, Durham County employee

Linda Fullwood, DSS, County employee

Michelle Stephens, DSS, County employee

Ann Craver, Library Board of Trustees

Snezana Cvejla, The Durham Center, County employee

Carolyn S. Morris, DSS, County employee

Stephen Hopkins, Campaign for Decent Housing

Bob Appleby, Campaign for Decent Housing (Hope Six Project)

Gwendolyn Beasley, Campaign for Decent Housing

Lorisa Siebel, Campaign for Decent Housing

Joyce McNeill, Library, County employee

Pam Jascot, Library, County employee (gave her time to Joyce McNeill)

Jack Cribb, Durham County employee

Warren Harris, DSS, County employee, PAC (Personnel Advisory Committee)

Jack Steer, representing Durham County homeowners, called for budget to be trimmed

Dabney Hopkins, representing People's Alliance

Susan Page, Clerk to the Board's office, Durham County employee

Dr. Lavonia I. Allison, Durham Committee for the Affairs of Black People

Diane Wright, DSS, County employee

Jim Polk, DSS Work First Advisory Committee

Steven Matherly, People's Alliance, spoke for livable wages

Durham County employees spoke in favor of the proposed compensation measures included in the budget.

There being no other speakers, Chairman Black closed the public hearing.

12. Follow Discussion on Crossman Communities of N.C. Inc., Applicant (Rezoning Case P01-78)

A public hearing on this request was held and closed by the Board of County Commissioners at its meeting on May 13, 2002. The Board took no action at that time. Staff was asked to investigate and meet with concerned citizens from the adjacent Hillview Terrace community, who had

expressed concerns at the public hearing regarding street and storm drainage problems in the neighborhood, particularly on Felicia Street.

Since then, County stormwater and planning staff have visited the site. In addition, a community meeting was held at the Mt. Level Church on Hebron Road on May 23, which was attended by staff and 13 community members. Many community members would like the Board to request that NCDOT improve the existing stormwater culverts and network in the neighborhood and upgrade and maintain Felicia Street. NCDOT currently maintains some of the neighborhood streets and not others. Staff would support the Board submitting such a request to NCDOT.

In addition, the Board needs to consider making a decision on the pending rezoning request. PIN 08334-03-11-6522, 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 proposed for amendment April 8. 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 5 and April 12, 2002 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Assistant Planning Director; Bill Noyes, County Stormwater; and Frank Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive the follow-up staff report and approve the rezoning application. Both planning and engineering staff conducted site visits, and a community meeting was held to discuss the specific concerns of the residents. The residents have requested that the Board write NCDOT and request, on their behalf, improvements to the existing stormwater culverts.

Planning staff presented the follow-up report.

Chairman Black called for the three persons signed to speak to come forward. They were as follows.

Dr. Lavonia I. Allison, Durham Committee for the Affairs of Black People, spoke against approval of this item.

James A. Covington Sr., 715 Felicia Street, spoke against the development and for the NCDOT to give help to neighborhood storm drainage problems.

Lillie Izi, 702 Felicia Street, spoke for help with the neighborhood storm drainage problems.

Tony Tate, spoke representing the developer.

13. **Board and Commission Appointments**

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

- •Bicycle and Pedestrian Advisory Commission
- •Board of Adjustment
- •Citizens Advisory Committee
- •City-County Appearance Commission
- •Environmental Affairs Board
- •Nursing Home Community Advisory Committee
- •Planning Commission
- •Social Services Board
- •Women?s Commission
- •Workforce Development Board

Resource Person(s): Garry E. Umstead, CMC, Clerk to the Board

The appointments were made by Commissioner vote.

There being no further business, the meeting was adjourned at 9:46 p.m.