

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, November 11, 2002

AGENDA

5:00 P.M.

Closed Session

The Board of Commissioners is requested to adjourn to closed session regarding an action involving the County entitled In re: Hernandez, 02 J 141-143, to preserve the attorney-client privilege, to prevent the release of information that is confidential pursuant to N.C.G.S. § 132-1.7, to consider the qualifications, performance, and conditions of appointment, and to hear investigations of alleged criminal misconduct pursuant to N.C.G.S. § 143-318.11(a)(1), (3), (6), and (7).

7:00 P.M.

Regular Session

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

Vice-Chairman Reckhow opened the meeting with the Pledge of Allegiance.

2. **Agenda Adjustments**

3. **Minutes**

September 18, 2002 Special Session Minutes

4. **4. Celebrating 100 Years of Powered Flight**

Mr. Ben Taylor and other representatives of the Committee Celebrating 100 Years of Powered Flight have requested to come before the Board to seek support for an interlocal agreement between the City of Durham, Durham County, the City of Raleigh, Wake County, and the Raleigh-Durham Airport Authority to participate in a celebration honoring the 100th Anniversary of man's first powered flight. The event will be held on December 17, 2003. Funding is being sought from all of the aforementioned organizations to design a First Flight Monument to be installed at Raleigh-Durham International Airport.

Resource Person(s): Ben Taylor, representative of the Committee celebrating 100 years of powered flight

County Manager's Recommendation: Receive the presentation and direct staff.

Mr. Taylor made the presentation which included a three-minute film.

5. **5. Proclamation for National Adoption Awareness Month**

November is National Adoption Awareness Month. Efforts are made during the month to help build awareness of adoption and to sponsor events to promote positive perceptions, debunk myths, and draw attention to the tens of thousands of children in foster care who wait and hope for permanent families. Department of Social Services (DSS) officials request that the Board of County

Commissioners proclaim the month of November National Adoption Awareness Month in Durham County.

Resource Person(s): Ms. Jovetta Surles, Program Manager for Child Placement and Supportive Services, DSS; Dan Hudgins, DSS Director

County Manager's Recommendation: Approve the proclamation and present it to representatives from DSS

Commissioner Bowser read the proclamation into the record.

- 5a. *Commissioner Heron added a proclamation for Veterans Day 2002. She read the proclamation into the record:***

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

WHEREAS, Veterans Day is a day to honor veterans of the U.S. armed forces and those killed in battle; and

WHEREAS, it began as a commemoration of the ending of World War I on November 11, 1918 and was originally called "Armistice Day"; and

WHEREAS, following World War II, it was recognized as a day to pay tribute to all service members; and

WHEREAS, throughout our nation's history unselfish young men and women have defended this country's principles of liberty, opportunity, and justice for all; and

WHEREAS, countless service men and women have helped to make our country secure and to advance the cause of freedom by answering the call of duty and risking their lives to protect all Americans; and

WHEREAS, our veterans have served on land, at sea, and in the air and have saved millions from the threats of tyranny and terror; and

WHEREAS, more than 25 million American veterans are living today, many of whom have served in the jungles of Vietnam, in the Persian Gulf, in Afghanistan, and other battlefields around the world:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim November 11, 2002 as

VETERANS DAY 2002

in Durham County and urge all citizens to recognize the sacrifice and bravery of our veterans through a variety of ceremonies and patriotic observances. We further salute our veterans who have served with courage, compassion, and dignity to preserve America's freedom.

This the 11th day of November, 2002

MaryAnn E. Black, Chairman

Ellen W. Reckhow, Vice-Chairman

Joe W. Bowser

Philip R. Cousin

6. **6. Consent Agenda**

- a. a. Budget Ordinance Amendment No. 03BCC000021?Board of Elections?To Recognize and Appropriate \$30,000 Grant from the State Board of Elections for Absentee One-Stop (No-Excuse) Voting (approve this amendment and appropriate the \$30,000 in grant revenue as requested by the Board of Elections);
- b. b. Appointment of Tax Hearing Officer for Debt Set-Off Program (appoint Kimberly Simpson the hearing officer to conduct hearings per the N.C.G.S. §105A, Debt Set-off Collection Act);
- c. c. Extension of the Listing Period for Business Personal Property (give the Tax Assessor authority to grant extensions for business personal property owners who request extensions in writing until March 15, 2003);
- d. d. Budget Ordinance Amendment No. 03BCC000022?Criminal Justice Resource Center, Juvenile Day Reporting Center (approve this amendment in the amount of \$33,948 for the Criminal Justice Resource Center);
- e. e. Property Tax Releases and Refunds for Fiscal Year 02-03 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report; these are normal recurring releases and refunds that are presented for the consent agenda); and
- f. f. Offer to Purchase County Property (2001 Brocton Place) (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 officer at the conclusion of the upset bid process).

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve Consent Agenda items 6(a), (b), and (e).

The motion carried 4-0.

Ayes: Bowser, Cousin, Heron, and Reckhow

Noes: None

Absent: Black

Commissioner Heron asked for clarification on items 6(c), (d), and (f). Vice-Chairman Reckhow also asked questions regarding item 6(f). Staff gave the clarification requested and answered questions.

County Attorney Kitchen addressed Vice-Chairman Reckhow?s suggestion that the property be listed with a Realtor to possibly bring a higher price for the property.

Commissioner Cousin moved, seconded by Commissioner Heron, to approve Consent Agenda items 6(c), (d), and (f).

The motion carried 4-0.

Ayes: Bowser, Cousin, Heron, and Reckhow

Noes: None

Absent: Black

7. **7. Quasi-Judicial Public Hearing?Major Use Permit?Shimizu-AW North Carolina (Major Use Case M02-08)**

To hold a public hearing to consider a Major Use Permit for an increase in impervious surface to 32% in the F/J-A Watershed District. Arcadis G&M, on behalf of Shimizu-AW North Carolina, has submitted an application for a Major Use Permit to allow this increase in the F/J-A Watershed Overlay District. The project is a 78,800 square-foot addition to an existing manufacturing facility with 415 new parking spaces on a ±123 acre-site. The site is located on the south side of Teknika

Parkway east of Old Oxford Highway, and is to be accessed by existing driveway entrances off Old Oxford Highway and Teknika Parkway.

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

County Manager's Recommendation: The County Manager's recommendation is that the Board receive public comment on the application.

The Commissioners held a lengthy discussion and asked numerous questions of the applicant regarding the proposal. The Commissioners' main concern was the amount of parking spaces actually needed versus proposed. The site is in an environmentally sensitive area. The proposed increase in impervious surface from 24% to 32% would increase any runoff onto these sensitive areas.

Mr. Frank Duke, C/C Planning Director, advised that the Planning Department would only be responsible for the applicant's compliance with the zoning ordinance and enforcement of any corrections for noncompliance.

Commissioner Bowser moved, seconded by Commissioner Heron, to continue this item until the next Regular Session to allow the petitioner to bring forth answers to questions posed.

The motion carried 4-0.

Ayes: Bowser, Cousin, Heron, and Reckhow

Noes: None

Absent: Black

8. **8. Public Hearing?Major Site Plan?Shimizu -AW North Carolina (Site Plan Case D02-532)**

To approve a site plan for a 78,800 square-foot addition to an existing manufacturing facility with 415 additional parking spaces on a ±123-acre site. Arcadis G&M, on behalf of Shimizu-AW North Carolina, has submitted a site plan for a 78,800 square-foot addition to an existing transmission manufacturing and assembly facility with 415 new parking spaces on a ±123 acre-site. The proposed project is located on the south side of Teknika Parkway east of Old Oxford Highway and is to be accessed by existing driveway entrances off Old Oxford Highway and Teknika Parkway. This site is located inside the F/J-A Watershed District, which requires Major Site Plan approval for new, non-residential development. This site plan is consistent with the master plan for Shimizu as presented to the Board with its original site plan approval in March 1999. As required under the Watershed regulations, notice for the Board's consideration of this site plan has been advertised in the Durham Herald-Sun on October 28 and November 4, 2002.

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

County Manager's Recommendation: The County Manager's recommendation is that the Board approve this site plan.

This item was continued without discussion due to its connection to the previous agenda item.

Commissioner Heron moved, seconded by Commissioner Bowser, to continue this item until the next Regular Session.

The motion carried 4-0.

Ayes: Bowser, Cousin, Heron, and Reckhow

Noes: None

Absent: Black

9. **9. Durham County Youth Home?Investigation Report**

On Monday, October 28, 2002, three residents escaped from the Durham County Youth Home. Staff will present a report on the investigation conducted and make recommendations for changes to prevent such an escape from occurring in the future.

The written report will be forwarded under separate cover upon completion.

Resource Person(s): Carolyn P. Titus, Deputy County Manager and Angela Nunn, Youth Home Director

County Manager?s Recommendation: The County Manager recommends that the Board receive the report and provide direction to staff.

Deputy County Manager Carolyn P. Titus presented the report. The report included a description of the escape, the measures taken in the investigation, proposed changes to policy, safety measures taken, recommendations, and a conclusion.

The Commissioners and County Manager asked questions about the incident and discussed building a new youth home facility.

Ms. Titus was thanked for her report. The Board advised it looked forward to the follow-up

No action was taken on this item..

10. **10. Board and Commission Appointments**

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

- •Adult Care Home Community Advisory Committee
- •Animal Control Review Board
- •Board of Adjustment
- •Environmental Affairs Board
- •Historic Preservation Commission
- •Transportation Advisory Board
- •Women?s Commission

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

The Board voted on the positions.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 8:45 P.M.