

**THE BOARD OF COUNTY COMMISSIONERS**

**DURHAM, NORTH CAROLINA**

Monday, May 14, 2001

**AFTER AGENDA**

3:00 P.M.

Capital Improvement Plan Worksession

To discuss the 2002-2011 CIP.

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5:00 P.M.

**Closed Session**

The Board was requested to adjourn to closed session to instruct the staff in negotiating a price for the acquisition of real property.

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7:00 P.M.

**Opening of Regular Session**

Chairman Black opened the Regular Session with the Pledge of Allegiance.

**Agenda Adjustments**

County Attorney Chuck Kitchen added a Resolution and Notice of Hearing on the Alcoholic Beverage Control Board.

***Vice-Chairman Reckhow wished to add a quick announcement relating to an appointment of Chairman Black.***

***Chairman Black said that on May 9, 2001, that she, Vice-Chairman Reckhow, Commissioner Heron, County Attorney Chuck Kitchen, County Manager Mike Ruffin, Deputy County Manager Wendell Davis, and Public Relations Director Deborah Craig-Ray attended a rally in Raleigh.***

***Ms. Craig-Ray said that counties from across the state were asked to come and show their concern about the \$95 million that has been escrowed by Governor Easley to handle the state's financial crisis. Approximately 150 officials attended the rally. The Board's mission was to express that counties need the money restored to their individual budgets.***

**Chairman Black said that the signs carried by the Commissioners spoke to many of the issues relating to county government and the need for additional funding, as well as making certain our state legislators understand that we need our reimbursement returned and that we need additional revenue options.**

**Vice-Chairman Reckhow said she thought the staff of the NCACC did an excellent job conveying the history of Medicaid and the burden local governments must bear in paying 5.5 percent of all Medicaid costs. This currently represents 6 cents on Durham County's tax rate and is projected to increase continually. Our property tax revenue is not growing at the rate the Medicaid costs are growing. This is an important message to get across to our legislators.**

### **Minutes**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the following minutes as submitted:

***February 12, 2001 Regular Session***

***March 26, 2001 Health and Human Services***

***March 29, 2001 Worksession***

***April 9, 2001 CIP Worksession***

***April 9, 2001 Regular Session***

***and the following minutes as corrected:***

***March 26, 2001 Regular Session***

***April 23, 2001 Regular Session***

***The motion carried unanimously.***

### **Resolution for Brit Strickler**

Brit Strickler, a 10-year-old Durham girl, turned concerns about budget reductions at the Durham County Library into action. She organized and held a successful neighborhood book sale and donated proceeds of \$1,000 to help the library.

**County Manager's Recommendation:** Approve the resolution and present to Brit Strickler, along with thanks for her public service to the community.

Vice-Chairman Reckhow announced an upcoming Friends of the Library" Book Sale and citizens wishing to donate books may do so. This sale is another way that money is raised for the Library.

Proclamation for North Carolina Central University Chancellor Julius L. Chambers

A proclamation was prepared for outgoing North Carolina Central University Chancellor Julius L. Chambers. He will step down in June following eight years of leadership at the university. An event entitled, "Celebrate the Chambers Years," has been organized by community leaders and university alumni to honor his outstanding tenure. The event would be held on Saturday, May 19, 2001 at the Sheraton Imperial; the proclamation was formally presented.

County Manager's Recommendation: Approve the proclamation and present to Chancellor Julius L. Chambers, along with the sincere appreciation of the Board of County Commissioners.

The following proclamation was read into the record and would be presented to Dr. Chambers at a later time:

Announcement

Vice-Chairman Reckhow wished to publicly acknowledge that Chairman Black was appointed to the Health and Wellness Trust Fund Commission, which is charged with distributing \$22 million from the tobacco settlement.

### **Consent Agenda**

***Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the following consent agenda items:***

- (a) Budget Amendment No. 01BCC000060?Criminal Justice Resource Center, Juvenile Day Reporting Center (approve the budget amendment in the amount of \$258,720 and approve the establishment of two provisional Court Specialist positions to serve as liaisons between Safe Schools/Healthy Students grant partners and the juvenile justice system);***
- (b) Budget Ordinance Amendment No. 01BCC000061?Social Services?Recognize New Child Care Subsidy Revenues (recognize new revenues in the amount of \$1,536,342 for child care subsidy payments to allow the program to continue at its present level for the remainder of the current fiscal year);***
- (c) Budget Ordinance Amendment No. 01BCC000062?Social Services (DSS)?Request to Accept New Revenues to Provide Medicaid Reinstatements (accept \$75,000 in additional federal revenues necessary to complete the Medicaid Reinstatement Project);***
- (d) Budget Ordinance Amendment No. 01BCC000064?Recognize Deferred Revenue for Publication of Durham County Historic Inventory Book (recognize deferred revenue in the amount of \$17,000 for the publication of the Historic Inventory Book);***
- (e) Amendment to Records Retention and Disposition Schedule (approve the schedule amendments to allow for the destruction of records which no longer have any utility within a reasonable time frame);***
- (f) Reschedule the May 28, 2001 Regular Session (reschedule for Thursday, May 31, 2001 from 2:30 to 6:00 p.m. due to the national holiday [Memorial Day]);***
- (g) Standard Non-Reimbursable Contracts for the Extension of the County Sanitary Sewer System?Fairfield Subdivision (Phase 4A) and Research Triangle Charter Academy) (authorize the***

- County Manager to execute the utility contracts for these additions to the County sanitary sewer system);**
- (h) Offer to Purchase County Property?704 Gaston Avenue (pursue the upset bid process; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);**
  - (i) Capital Projects Amendment No. 01CPA000011 Close Durham Public School Projects (close the three capital projects: Jordan High Roof Replacement \$25,693, CC Spaulding Circular Drive \$2,013, and Mangum Primary Roof Replacement \$11,354 for a total budget decrease of \$39,060.00); and**
  - (j) Approve Amendment to Installment Financing Contract Amendment First Union Building (approve the amendment to include interest on the proceeds from the original 1996 funds).**

***The motion carried unanimously.***

Commissioner Heron asked to pull consent agenda item No. h for discussion.

**Public Hearing?K. Dan McKittrick, Applicant (Rezoning Case P00-87)**

K. Dan McKittrick presented to the Board of County Commissioners a request to rezone 23.98 acres located at 7601 and 7721 Herndon Road, PIN #0727-01-08-7357; Tax Map 533-01-3. Request: RD (F/J-B) to PDR 2.25 (F/J-B). The proposal is in general conformance with the adopted small area plan and 2020 Plan, and the Area C Draft I-40-NC 54 Corridor Study supports low-density residential development (up to 4 units per acre). Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted public hearings on January 23, 2001 and March 13, 2001, and voted 6-1 to recommend denial.

The public hearing for this request was advertised on April 6 and April 13, 2001 in the Durham Herald-Sun.

The public hearing on this request was held and closed and a decision on this request was continued from the April 23, 2001 County Commissioner meeting.

Resource Person(s): Sheila Stains-Ramp, 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, if appropriate, approve the rezoning based upon public comment.

***Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Rezoning Case P00-87.***

***The motion carried unanimously.***

**Major Site Plan Public Service D01-111**

McKim & Creed, on behalf of Public Service Company of North Carolina, has submitted a site plan for an 11,347.6-square-foot operations center on a 6.459-acre tract (Tax Map 783A-1-1; PIN 0833-02-67-9973). The facility is being proposed as an operations/maintenance/storage site for PSNC for their northern Durham operations. The site would be used for office, warehouse, and outdoor storage and for vehicle maintenance and washing with a single, two-way driveway entrance off Old Oxford Highway.

Resource Person(s): Steve Medlin, Planning Supervisor, Durham City/County Planning

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

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

***The motion carried unanimously.***

### **New Hope Creek Open Space Acquisition**

The Board is being requested to approve the purchase of a conservation easement as part of the New Hope Corridor Open Space project.

The County has previously approved the purchase of nine properties totaling 325.7 acres within the New Hope Creek acquisition area. In 1997, the County received a \$750,000 Clean Water Management Trust Fund grant to assist the County with land acquisition and protection in the New Hope Creek Corridor. The CWMTF dollars greatly stretch the County's public investment in funds allocated for New Hope Creek land acquisition.

The proposed purchase is for a conservation easement of approximately 27.1 acres of wooded bottomland with Mud Creek frontage, which is a major tributary of New Hope Creek. The easement for the parcel may be purchased for \$1,342 per acre, with an estimated total acquisition cost of \$44,973. It is estimated that approximately \$37,327 of these costs would be reimbursed by the CWMTF, leaving the County's share of the easement purchase at \$7,646 after reimbursements are received.

Resource Person(s): Mike Giles, Open Space Land Manager, City-County Planning and Dick Hails, Assistant Planning Director, City-County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board approve the 27.1-acre conservation easement purchase (PIN #0800-02-56-4962) as an important addition to the County's New Hope Creek Corridor Open Space project.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the 27.1-acre Conservation Easement purchase.

The motion carried unanimously.

### **Introduction of Bond Order**

The Bond Order for the proposed GO bond issue in November needs to be adopted at this meeting. Also, the public hearing on the proposed bonds is requested to be set for June 11, 2001 at the regular meeting of the Board.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Approve the order as the next step in the bond process.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the order as the next step in the bond process.

The motion carried unanimously.

### **City County Unified Development Ordinance Contract Authorization**

The Durham City-County Planning Department solicited proposals from consultants with expertise in the preparation of a Unified Development Ordinance (UDO) to prepare such an ordinance for Durham City and County. This ordinance effort is the central implementation program for addressing regulatory reforms set forth in the recent Smart Growth Audit. The Planning Department received three proposals. Each proposal consisted of a team of consultants. It is recommended that the City and County extend a two-year contract to the firm of Duncan & Associates in the amount of \$189,500 for the preparation of a UDO and web site adaptation of the final ordinance. The contract would provide a Phase I work effort to be conducted in an amount not to exceed \$130,000 with implementation not to begin until July 1, 2001. Phase 2 of the contract, in the amount of \$59,500, would be funded in the next fiscal year.

Resource Person(s): Dick Hails, Interim Director, and Bonnie Estes, Assistant Director, Durham City-County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board authorize the Manager to execute a three-party agreement in conjunction with the City of Durham and Duncan Associates for the development of a Unified Development Ordinance.

***The Commissioners decided to delay formal action on this item until the next Regular Session (June 11), at which time questions raised by the Board members would be answered.***

### **Approval of Proposal for Public School Impact Fee Study**

Durham County solicited proposals for the preparation and development of a Public School Impact Fee Study during April. Proposals were received from Tischler & Associates Inc. of Bethesda, Maryland, and Ty Cox & Company of Durham. The staff has evaluated both proposals and recommends that the Board accept a negotiated proposal from Tischler & Associates for \$57,500. (The original proposal has been modified to facilitate a 90-day completion and provide for community input.) The proposal calls for the completion of 12 tasks, which will provide the Board of Commissioners with the information necessary to decide upon the adoption of a public school impact fee schedule. The early completion will also enable the Board to evaluate the impact of the adoption of public school impact fees on the required tax rate increase that will be necessary to retire the bonded indebtedness for the \$52 million bond referendum that is slated for November.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board accept the proposal from Tischler & Associates for \$57,500 for the preparation of a Public School Impact Fee Study.

***Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the proposal from Tischler & Associates for \$57,500 for the preparation of a Public School Impact Fee Study.***

***The motion carried unanimously.***

#### ***Resolution and Notice of Hearing ABC Board***

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to request that the State Auditor be asked to audit the ABC Board's financial records and inventory as soon as possible.***

***The motion carried unanimously.***

***Commissioner Heron moved, seconded by Chairman Black, to request that the ABC Board hire an auditor if the State Auditor is not available immediately.***

***The motion carried unanimously.***

***Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the resolution asking that the three ABC Board members attend a quasi-judicial public hearing before the County Commissioners on May 31, 2001 at 2:30 p.m. to show cause why they shouldn't be removed from the board.***

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

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

***Noes: Bowser***

***Commissioner Bowser asked the record to reflect that he did not vote in favor of the motion because he disagrees with the wording of the resolution.***

#### **Board and Commission Appointments**

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

- Durham Planning Commission ***Dewey A. Davis***
- Community Child Protection Team/Child Fatality Prevention Team ***Diane E. Wingo***
- Convention and Visitors Bureau ***William A. Kalkhof***
- Historic Preservation Commission ***William T. Hutchins Jr.***

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

The meeting was adjourned at approximately 9:30 p.m.