

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, August 27, 2001

7:00 P.M. Regular Session

AGENDA

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

2. **Agenda Adjustments**

Item 4(a) was removed from the agenda. It is to be brought back at a September Regular Session.

Consent Agenda Items 5(b) and 5(c) were removed to be brought back at a later date.

3. **Minutes**

- a. a. August 6, 2001 Worksession
b. b. August 13, 2001 Regular Session

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the August 6, 2001 Worksession Minutes as corrected.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the August 13, 2001 Regular Session Minutes as corrected.

The motion carried unanimously.

- 4a. **Resolution Honoring the Life of John P. Jack" Bond III**

John P. Jack" Bond III, former Durham County Manager died on August 16. He was Durham County's third professional County Manager, serving from 1984-1991. A resolution has been prepared honoring his life, accomplishments, and the extraordinary public service he generously rendered to Durham County, the State of North Carolina, and beyond.

County Manager's Recommendation: Approve the resolution and present to the family of Mr. Bond.

- 4b. **Recognition of the Strengthening Families Initiative NCACC Award**

Recognize by resolution the team of organizations guided by the Durham Public Education Network for its innovation and creativity in addressing the needs of children in Durham Public Schools. Durham County received the North Carolina Association of County Commissioners Counties as the Catalyst" Award for this effort to

develop strategic plans that close the academic achievement gap that exists between Durham County children. The following agencies and organizations collaboratively participated in this Strengthening Families Initiative supported by the NCACC and the Jordan Institute for Families.

Durham Public Education Network

Durham Chamber of Commerce

Cooperative Extension, Durham Center

Durham Public Health Department

Department of Social Services

Durham Public Schools

Triangle United Way

Durham Youth Coordinating Board

This initiative resulted in a clearly defined set of strategies for supporting parents, teachers, and community stakeholders. These organizations, along with community members, are successfully continuing to pursue avenues for implementing these plans.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director and Caroline Harper, Cooperative Extension

County Manager's Recommendation: Present a resolution recognizing the efforts of the Durham Public Education Network, Cooperative Extension, Department of Social Services, and Triangle United Way to improve the quality of life for Durham County children.

The resolution was read into the Minutes and associated persons were acknowledged.

4c. **August Anchor Award Winner?David Skaggs**

David Skaggs, Durham County Tax Office, is the winner of this month's Anchor Award. He is an experienced property appraiser who reviews thousands of parcels of land throughout the County. During natural disasters such as Hurricane Fran, tornadoes, and more he has been a member of the County's damage assessment team. A local attorney was so impressed with his professionalism during an encounter earlier this year, that she wrote his supervisor to commend the exceptional way he does his job.

In her correspondence, she observed that Mr. Skaggs is, "outstandingly cooperative and helpful, far beyond that which could reasonably have been expected of an average professional in his important work." She further praised his knowledge and professional skills in the area of property appraisals, thanked him for his great service, and for maintaining high standards of professionalism.

County Manager's Recommendation: Present the August Anchor Award to David Skaggs, along with the sincere congratulations of the entire organization.

The Anchor Award was presented to Mr. Skaggs by the Commissioners with comments of praise. Mr. Skaggs was introduced by the tax administrator and made comments.

5. **Consent Agenda**

- a. Board Appointment (appoint Commissioner Philip R. Cousin Jr. to the Board of Directors of Downtown Durham Inc. to represent the County Commissioners);
- b. Board Appointments Durham and Wake Counties Research and Production District (appoint Joseph Griscti, Ray Gunner, Larry Lawrence, Robb Teer, and David Gouveia as recommended);

- c. Board Appointment?Workforce Development Board (appoint Anita Daniels-Kenney, Executive Director of the Durham Youth Coordinating Board);
- d. Offer to Purchase County Property?717 Kent Street (pursue the "Upset Bid" process as recommended by the County Manager);
- e. Authorization for signatory authority for Deputy Finance Officer [approve the request for Deputy Finance Officer Susan Fox-Kirk to sign documents per N.C.G.S. § 159-28(A)];
- f. Settlement of 2000 property taxes (receive and approve the 2000 Property Tax Settlement Report and authorize relieving of taxes more than 10 years past due and motor vehicles taxes more than 2 years past due);
- g. Property tax releases and refunds for FY 2001-2002?July 2001 (accept the report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- h. Approval of contract with Capitol Link Inc. to develop a needs strategy and prepare four applications for federal or state grants (approve the contract and authorize the Chairman to execute contract documents on behalf of the County);
- i. Volunteer Fire Department Service Contracts (approve contracts between County of Durham and Bahama, Eno, Lebanon, and Parkwood VFDs to standardize fire service expectations within Durham County); and
- j. Budget Ordinance Amendment No. 02BCC000003?EMS (approve Budget Ordinance Amendment No. 02BCC000003 to reimburse Durham Regional Hospital for \$143,889 in expenses incurred by EMS).

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda items 5(a), 5(d),5(e), 5(g), 5(h), and 5(i).

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda item 5(j).

The motion carried with a 4 to 1 vote:

Ayes: Black, Cousin, Heron, and Reckhow

No: Bowser

6. Public Comment?Little River Corridor Open Space Plan

The Draft Little River Corridor Plan presents a long-term vision for preserving the most important open spaces in the Little River study area, particularly to achieve the goals of habitat preservation, water quality, and scenic character. This plan is the second of a series of open space plans whose purpose is to provide more detailed guidance to open space preservation within significant river and stream corridors in Durham.

Implementation of the Plan's recommendations will require a joint effort of private landowners, the County and City, other governmental agencies, and nonprofit organizations. The plan is intended to serve as a blueprint to guide these various efforts. In most cases, the plan stresses a voluntary, cooperative partnership with landowners that recognizes the stewardship role that landowners have had with their property over the past decades. Implementation recommendations include further research studies, new regulatory provisions in Durham's ordinances, acquisition of easements or fee

simple purchases in high priority areas, and additional recreational amenities. Implementation will depend on the interest on the part of landowners, and available funding.

The Planning Committee of the Planning Commission and Durham Open Space and Trails Commission considered the plan at their June meetings. Both recommended approval subject to some minor changes.

Resource Person(s): Jane Korest, Senior Planner, Dick Hails, Interim Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comments on the draft plan, and adopt the plan with the minor changes as noted or amend as appropriate.

The following persons had signed to make public comment:

Dr. Tom Krakauer (Director of Museum of Life and Science)?supported the plan in its entirety.

Ann Montgomery (President of DOST)?supported the plan

Don Moffitt (President of Eno River Association)?supported the plan and praised the C/C Planning staff.

Bob Brueckner (President of Carolina Canoe Club)?supported the plan and thanked C/C Planning for including his group in the planning process.

Hildegard Ryals supported the plan and urged the Board to approve the plan.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt the plan with minor changes.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to direct the County Manager to request the Environmental Affairs Board to research the feasibility and advisability of allowing alternative wastewater treatment systems including package plants, associated with Conservation by Design. Also, recommend any conditions to protect the environment.

The motion carried unanimously.

7. Public Comment Little River Regional Park and Natural Area Use Recommendation Report

Approve the Little River Park Advisory Committee Recommendations on Uses for the Little River Regional Park

Durham and Orange Counties have acquired the 391-acre property for the Little River Regional Park and Natural Area. In the fall of 2000, both Boards of Commissioners established the Little River Park Advisory Committee to assist staff in the development of use recommendations and park facilities for use by the general public. This input included research by staff, comments and review by the Committee, and a series of public meetings.

This report and recommendations are based on seven meetings held during the fall of 2000 and the spring of 2001, during which members toured the park property, evaluated property and resource values, received input from several user groups, and gathered citizen input on desired park uses and

facilities. Effort was made to include both input from potential users and from the adjacent property owners who will be affected by the development of the park and its use by the general public.

The report is being presented to both Durham and Orange Counties for review and approval. It represents committee recommendations on what uses should and should not be allowed in the Park. The recommendations are provided in three categories: a) allowed uses (hiking trails, picnic area, hard surface trail loop, playground etc.); b) conditional uses (horseback riding, mountain biking, group camping); and c) prohibited uses (motorized vehicles, hunting, firearms).

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

County Manager's Recommendation: Approve the use recommendations for the Little River Regional Park and direct staff to proceed with the selection process for bidders for conceptual and site design, and authorize staff to work with Orange County to develop a draft interlocal agreement for park management for the board's review at a future meeting.

The following persons had to signed to make public comments. All supported the recommendations.

Clare Reece-Glore (NC Horse Council)

Don Moffitt (President of Eno River Association)

Lee Beck (representing DOST)

Gaynor Collester (Durham-Orange Mountain Bike Association)?encouraged the Board to allow his group to help design, build, and maintain the bike trails in the plan.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the use recommendations for the Little River Regional Park and direct staff to proceed with the selection process for bidders for conceptual and site design, and authorize staff to work with Orange County to develop a draft interlocal agreement for park management for the board's review at a future meeting.

The motion carried unanimously.

8. Public Hearing (Continued)?Zoning Ordinance Text Amendment Requirements to Discourage the Use of "Spite Strips" in Rezoning Requests

Staff is proposing an amendment to Section 15.2.1 of the Zoning Ordinance that establishes the application process for rezonings to add provisions to be used to discourage the use of "spite strips" as a way to bypass the filing of protest petitions in rezoning cases. The public hearing on this amendment was continued from the August 13, 2001 BOCC meeting to allow for consultation between the County Attorney and the Planning Department. This agenda item reflects the changes resulting from that consultation.

Resource Person(s): Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing, receive public comment and approve the text amendment.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the Zoning Text Amendment.

The motion carried unanimously.

9. Public Hearing Rezoning Case P01-22? Arcadis Geraghty & Miller Inc., Applicant

Arcadis Geraghty & Miller, Inc. will present to the Board of County Commissioners a request to rezone 42.146 acres located on Leigh Farm Road between NC 54, I-40 and the Corps property. PIN 0708-02-59-4664 (TM 485-1-1). Request: OI-1 (D) and OI-2 (D) Change in Development Plan; F/J-B, MTC. The proposal is in general conformance with the adopted small area plan and 2020 Plan, and the Draft I-40-NC 54 Corridor Study. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on June 12, 2001, and voted 7-0 to recommend approval, pending the addition of listed suggestions to the plan (see report for further description).

The public hearing for this request was advertised on August 10 and August 17, 2001 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp, Planning Supervisor, and Dick Hails, Interim Planning Director

County Manager's Recommendation: Approval

The following persons signed to speak on this item:

Peter Schubert (representing CAUSE)

Tom Miller (representing Leigh Farm Park Advisory Committee)

Randy King (representative of the owner)

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

The motion carried unanimously.

10. New Hope Creek Open Space Acquisition

Approve Fee Simple Purchase of approximately 27.7 acres as part of the New Hope Corridor Open Space Project.

The County has previously approved the purchase of a conservation easement on this parcel on May 14, 2001. During the negotiations of the easement stipulations the property owner, Trammel Crow Residential, has now requested that the County purchase the property.

The County has 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 approximately 27.7 acres of wooded bottomland with Mud Creek frontage, which is a major tributary of New Hope Creek. The parcel may be purchased for \$1,400 per acre, with an estimated total acquisition cost of \$46,080. It is estimated that approximately \$38,246 of these costs would be reimbursed by the CWMTF, leaving the County's share of the purchase at approximately \$7,834 after reimbursements are received.

Resource Person(s): Dick Hails, Interim Planning Director, and Mike Giles, Open Space Land Manager

County Manager's Recommendation: Approve the 27.7 acre purchase (PIN #0800-02-56-4962) as an important addition to the County's New Hope Creek Corridor Open Space project.

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

The motion carried unanimously.

11. Agreement Between Durham County and Bethesda Volunteer Fire Department

Bethesda Volunteer Fire Department has requested that their full-time fire and rescue personnel become Durham County employees. This would be the second Volunteer Fire Department to request this program. Since November of 1997, Durham County has had 7 full-time employees working for Lebanon Volunteer Fire Department under the proposed agreement. This agreement has worked well at Lebanon. The County has been able to recruit, hire and retain high quality professionals for Lebanon Fire Department. Without the benefits and stability of Durham County Government, these individuals would have sought employment with another governmental entity. Bethesda feels that Durham County can offer their employees better benefits and the possibility of career development for future advancement in the fire service.

The proposed agreement establishes a formalized partnership between Durham County and Bethesda VFD for the purpose of providing thirteen (13) full-time fire and rescue personnel for the Bethesda district. These employees will provide fire and rescue services exclusive to the Bethesda Fire, Rescue, and EMS districts except where requested or automatic mutual aid is needed. These employees will be regular employees of the County and the day-to-day operational supervision provided by the Bethesda Fire Chief. The overall program will be supervised by the Durham County Fire Marshal.

The funding for these thirteen (13) positions will be provided solely by Bethesda Volunteer Fire Company Inc. from the fire district tax revenues. The County will withhold a sufficient amount of fire tax revenues collected from the Bethesda fire tax district to pay for the salaries and benefits of these employees. Bethesda will be responsible for the operating costs associated with these positions as well as providing them complete and appropriate clothing, daily uniforms, and necessary fire suppression equipment and tools.

Preston L. Burgess, Bethesda Fire Chief, and James R. Strickland, President of Bethesda's Board of Directors will be in attendance to answer questions if necessary.

Resource Person(s): Jeffrey L. Batten, Durham County Fire Marshal

County Manager's Recommendation: Authorize the County Manager to execute the proposed Agreement to commence October 1, 2001 and to be renewed every two (2) years unless terminated by either party upon ninety (90) days written notice.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the agreement.

The motion carried unanimously.

12. **Report From Tax Administrator on Revaluation**

The Tax Administrator will provide a brief report to the Board regarding the status of revaluation.

Resource Person(s): Steve Crysel, Tax Administrator

County Manager's Recommendation: The Manager recommends that the Board receive the report and instruct staff as to any additional action that may need to be taken.

The Tax Administrator made his report and addressed Commissioner questions and comments.

Consent Agenda Item Pulled for Discussion:

Commissioner Bowser pulled Consent Agenda item 5(f) for discussion. He asked for clarification of the report. Tax Administrator Steve Crysel and Deputy Tax Administrator Kim Simpson addressed Commissioner Bowser's questions.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda item 5(f).

The motion carried unanimously.

There being no further business, the Chairman adjourned the meeting at 9:30 p.m.