

THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA

Monday, June 25, 2001

AGENDA

5:00 P.M.

Closed Session

The Board of Commissioners is requested to adjourn to closed session pursuant to N.C.G.S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses including agreement on a tentative list of economic development incentives that may be offered. The Board of Commissioners is further requested to also adjourn to closed session pursuant to N.C.G.S. § 143-318.11(a)(6) to discuss the performance of the following individual public officials:

5:00 p.m.-5:20 p.m. Sheriff

5:20 p.m.-5:40 p.m. Register of Deeds

5:40 p.m.-6:00 p.m. Tax Administrator

6:00 p.m.-6:20 p.m. County Attorney

6:20 p.m.-6:40 p.m. County Manager

7:00 P.M.

(The meeting began at 7:25 p.m.)

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

Renewal of Excess Liability Insurance was added as Consent Agenda number 5(p).

Consent Agenda item 5(c) was pulled for a later meeting (July 2, 2001).

Item 8 was pulled for the meeting of July 2, 2001.

An item was added to address the recent bear-shooting incident in a residential neighborhood.

Commissioner Cousin moved, seconded by Commissioner Heron, to excuse Vice-Chairman Reckhow from the July 2, 2001 meeting. (She has been chosen to accompany a group studying transportation in several European cities.)

The motion carried unanimously.

3. **Minutes**

- a. a. April 30, 2001 Joint BOCC/City Council/DPS Board of Education Meeting
- b. b. May 14, 2001 Regular Session
- c. c. May 31, 2001 Regular Session
- d. d. June 4, 2001 ABC Board Hearing

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

The motion carried unanimously.

4. **4. Recognition of 22 Years of Service by Gussie Stubbs**

Cooperative Extension requests the Board of County Commissioners recognize Mrs. Gussie M. Stubbs, Expanded Food and Nutrition Program Assistant, for 22 years of dedicated service to lower income families with children in Durham County. Mrs. Stubbs, while employed through Cooperative Extension, is not a County employee and is thus ineligible for county recognitions. She has visited the homes of thousands of families in Durham County over the past years teaching women and men to prepare healthy meals for their children, maintain good eating habits, and get the most from their food stamps, WIC vouchers, and money. Conducting classes in homes, community centers and shelters, families have not only learned to prepare and eat new food items, but also learned to work with others to reach their goals.

Mrs. Stubbs retired on June 1, 2001 after 22 years of service to Durham County through the federally funded Expanded Food and Nutrition Education Program. The program serves low-income families in 30 counties in North Carolina focusing on improving the diets of pregnant women and families with young children.

Cooperative Extension will provide a plaque for presentation to Gussie Stubbs by the Board.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Service Director

County Manager's Recommendation: The Manager recommends that the Board recognize Gussie Stubbs for 22 years of service to Durham County families with young children and her dedication to improving their health through diet.

The Commissioners recognized Ms. Stubbs for her service to Durham County families over 22 years through the County's Cooperative Extension Department.

5. **Consent Agenda**

- a. Additional Triangle Transit Authority Registration Tax (support \$4 increase in vehicle registration tax in 2004 to support expansion of regional bus service);
- b. Acceptance of \$2,066,527 Grant Offer from FAA for Surface Movement Guidance and Control System and Installation of Lights for one of the runways at Raleigh-Durham Airport (approve the grant so that the funds may be received from the FAA for this Raleigh-Durham Airport project);
- c. ***PULLED---Office of the Sheriff Lease for Parkwood Volunteer Fire Department (authorize the execution of a new five-year lease agreement beginning July 1, 2001 and terminating on June 30, 2006 between the County and Parkwood Volunteer Fire for the Sheriff's south satellite station);***
- d. Budget Ordinance Amendment No. 01BCC000071?Soil And Water Conservation Department (accept the North Carolina Agricultural Cost Share reimbursement for technical assistance in the amount of \$4,310 on behalf of the Soil and Water Department);
- e. (Left Out Intentionally);
- f. Budget Ordinance Amendment No. 01BCC000073?Debt Service for Transferred Debt From the Enterprise Fund to the General Fund Due to Change in Accounting Policy (reduce the budget by \$2,084,672 for this portion of Durham County?s debt in the Enterprise Fund and increase it by \$2,084,672 in the Debt Service Fund where the debt is being expended appropriately);
- g. Budget Ordinance Amendment No. 01BCC000074?2001 Refunding Bond Issue (approve the budget amendment in the amount of \$93,766,306 and use refunding bond proceeds to refund the Refunded Bonds, pay interest accrued, and pay certain legal, accounting, and financing costs incurred in connection with issuance of the bonds);
- h. Budget Ordinance Amendment No. 01BCC000075?Debt Service for School Debt Sale Issuance Costs and Unforeseen Interest Expense (approve budget ordinance amendment in the amount of \$14,000 for debt issuance costs incurred for Durham Public Schools);
- i. Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System Parkgate Office (748 linear feet) (authorize County Manager to execute the utility contract for this addition to the County sanitary sewer system);
- j. Parkwood Area Sewer System Authorization to Transfer Ownership to City (authorize the Chairman to sign a non-warranty deed to transfer ownership of certain Northeast Creek Basin sewer facilities pursuant to the 1972 agreement between the County and the City);
- k. Lease Agreement Between Durham County and Urban Ministries for the Homeless Shelter (H.O.P.E. House) (approve the lease between Durham County and Urban Ministries effective July 1, 2001 through June 30, 2010);
- l. Lease Amendment (508 Gordon Street) between Durham County and Mr. Louis Niemeyer for the Mental Health Substance Abuse Halfway House (authorize the lease amendment in accordance with the attached agreement);
- m. Approval of Proposal for Sales Tax Refund Audit (approve the proposal of Ty Cox & Company with the modified fee schedule and authorize the execution of the contract in accordance with the terms and conditions of the RFP #01-022);
- n. Capital Project Amendment No. 01CPA000012?EMS?Lebanon Volunteer Fire Department Building Capital Project Allocation (approve capital budget amendment 01CPA000012 of \$62,500 funding the initial purchase payment for the Lebanon Volunteer Fire Department building and property);
- o. Property Tax Releases and Refunds for Fiscal Year 00-01 (May 2001) (accept the property tax release and refund report as presented and authorize the Tax Assessor adjust the tax records as outlined by the report); and
- p. ***ADDED--Renewal of Excess Liability Insurance (approve changing the insurance carrier to C. V. Starr for excess coverage with the associated savings of over \$75,000 from the original quote).***

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve consent agenda items 5(a) through 5(p), with 5(c) removed for a later meeting.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to reconsider consent agenda item 5(m) for discussion.

The motion carried unanimously.

The Commissioners discussed the proposal and made the following motion:

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve consent agenda item 5(m) with the addition of an audit completion date of May 1, 2002.

The motion carried unanimously.

6. **Public Hearing to Receive Comments on the NC 54/I-40 Corridor Study**

Development proposals in the NC 54/I-40 Corridor have driven the review of adopted land use plans for the area. The study area covers portions of three Small Area plans (South Durham, Southwest Durham, and Triangle Township). The Study is divided into three subareas. City Council and the County Commissioners adopted the interim plan for Subarea A last year.

The Corridor Study [Consisting of Subareas A, B and C] concentrates non-residential land uses along NC 54 and I-40. It also tapers residential density to one unit per acre at the Urban Growth Boundary. Closing Fayetteville Road at its intersection with Scott King Road and other transportation improvements are proposed. The plan provides for development in the area while protecting existing neighborhoods and the environment.

The Planning Committee reviewed the Plan at three meetings. The Committee recommended approval of the Study with a change in land use on one parcel. An additional community meeting was held to discuss additions to the Study.

Resource Person: T.E. Austin, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board accept public comments and adopt the corridor study.

Chairman Black opened the public hearing, which was advertised.

Speakers at the public hearing were:

Pamela Cook, 5511 Crescent Drive, Chapel Hill, 27514 for CARD (Citizens Alliance for Responsible Development)

Robert A. Blackwood, 5655 Lynwood Road

Larry Thomas, 9 Preakness Drive, Durham, 27713

Bruce Plumer, 1106 Queensbury Circle

John C. Herrman, 1103 Queensbury Circle

Mrs. Herbert L. Butler, 829 Scott King Road, Durham, 27713 (property owner)

John Schlichenmeir, 115 Fox Briar Lane, Cary 27511 (builder)

Ed Harrison, 58 Newton Drive, Durham, 27707, and

Dr. Anita Keith-Foust, 323 W. Trinity Avenue.

Chairman Black declared the public hearing closed. Commissioner discussion and comments followed.

Chairman Black directed Mr. T. E. Austin of Planning to meet with the Lyons family and any other residents who may need to understand the plan presented. The item would come before the Board again on July 2, 2001.

7. **Public Hearing Proposed Secondary Road Construction Program for Durham County (2001 ? 2002)**

Mr. Rodney H. Cooper, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2000?2001). Division Engineer Jon Nance P.E., Division Maintenance Engineer Ricky E. Greene Jr. P.E., and County Maintenance Engineer M. Shane Parker, P.E will accompany Mr. Cooper.

Resource Person(s): Rodney H. Cooper P.E., North Carolina Department of Transportation, Division of Highways, Division Five.

County Manager's Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Program and hold the public hearing. For the Board's convenience, a copy of the statutes has been attached which outlines the Board's responsibility and authority for the Secondary Road Program. Note that any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

Chairman Black opened the public hearing, which was advertised.

The speaker at the public hearing was:

Randy Roberts, 5617 Brickhouse Road.

There being no other persons signed to speak, Chairman Black closed the public hearing.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the Proposed Secondary Road Program as presented.

The motion carried unanimously.

8. **8. Unified Development Ordinance Consultant Service Contract With Duncan and Associates for \$189,500, Dependent on Participation by the City of Durham. The Contract Would Occur Over FY 02 and FY 03. The City-County Planning Department Will Administer the Contract**

The Board is requested to authorize the County Manager to execute a three-party agreement for the development of a Unified Development Ordinance (UDO) with Duncan and Associates in the amount of \$189,500. Contract execution would be dependent upon agreement by the City Council to

participate in a three-party agreement regarding consultant funding. The UDO is a key component in implementation of Smart Growth concepts. The revised UDO regulations would better implement adopted plans and respond to Smart Growth audit recommendations. Numerous changes to the current development ordinances have been identified which would improve their efficiency and usefulness. This consultant recommendation was made after two independent review groups and full interviews were conducted. Some changes were made to the three-party agreement in response to BOCC comments made at the May 14 meeting.

Resource Person(s): Dick Hails, Acting Planning Director and Bonnie Estes, Assistant Director will be able to answer questions on the item.

County Manager's Recommendation: Authorize the Manager to execute the Three Party Agreement with the City of Durham and Duncan and Associates in the amount of \$189,500 for the purpose of developing a Unified Development Ordinance.

This item was pulled to be presented on July 2, 2001.

9. **FY 2001-02 Budget Adoption**

The Durham County Manager will formally present the adopted budget for FY 2001-02 to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act which requires adoption of the budget no later than July 1.

County Manager's Recommendation: Approve the recommended budget.

The commissioners made comments. The County Manager advised the recommended budget set the tax rate at 72.9 cents.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to adopt the County Manager's recommended budget for FY 2001-2002.

The motion carried unanimously.

10. **Durham Open Space Commission Matching Grants Recommendation**

The Durham Open Space and Trails Commission (DOST) received four applications for Matching Grants Program funds to assist nonprofit community organizations with recreational and open space projects. After careful consideration of each proposal, the Commission recommends to the Board of County Commissioners that the Triangle Rails to Trails Conservancy's American Tobacco Trail project be funded at a total of \$16,865.00. This allocation is provided from the contractual funds requested and recommended under the General Fund, "Open Space Matching Grants" organization of the County's FY 2001-02 Budget.

The Commission also recommends that a second cycle of matching grants be announced August 1, 2001 with a deadline for receiving applications on October 15, 2001. The Committee will prepare recommendations for funding in December 2001. The Commission is aware of several organizations that may be able to increase services to the community with additional funding support in the form of project grants. A fall grant cycle better accommodates the County's Fiscal Year and staff work assignments.

Resource Person(s): Bill Renfrow, County Budget and Management Department

County Manager's Recommendation: Members of the Durham Open Space and Trails Commission evaluated and revised this year's applications for matching funds to assist nonprofits with providing recreational opportunities and preserving open space for the citizens of Durham County. This recommendation to allocate \$16,865.00 of grant funds represents a gain to the County of \$20,865.00 in matching funds as more than half the project value of \$37,730.00.

The County Manager recommends your approval for funding this project and the allocation of the \$16,865.00 of the budgeted Matching Grants Funds. The County Manager also recommends that you approve the Commission's request to conduct a second cycle of request for grants this year and to schedule grants applications in October of future years.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve funding for this project and the allocation of the \$16,865 of the budgeted Matching Grants funds. Further, the request was approved to conduct a second cycle of request for grants this year and to schedule grants applications in October of future years.

The motion carried unanimously.

11. **Approve Interlocal Agreement Between Durham County and the City of Durham for Funding a Portion of the Costs of the Expansion and Renovation of the Homeless Shelter (H.O.P.E. House)**

The County and the City have previously entered into an Agreement for the acquisition, rehabilitation, and ownership of the building located at 412 Liberty Street, Durham, North Carolina and known as "the Homeless Shelter." This building (hereinafter collectively referred to as the "Project") continues to enhance the ability of the Durham Presbyterian Council (DPC), or another appropriate nonprofit organization, to provide a variety of programs open to and for the benefit of the general public. The City and County have determined that the expansion, rehabilitation, and renovation of the Project for continued use as a shelter for the homeless is needed. The County has secured commitments from several sources, including the City and the North Carolina Housing Finance Agency to pay a portion of the cost of the Project.

The purpose of this Interlocal Agreement is to formalize the undertakings of the County and City with respect to the Project. It is the intention of the County and City to share in the costs of the Project in the manner prescribed by this Agreement. All contracts relating to the Project will be awarded and approved by the County. The County is responsible for administering or providing for administration of the Project.

Pursuant to this Interlocal Agreement the City agrees to appropriate \$300,000 in City-generated housing bond funds and shall also make a grant of an additional \$558,000 from Durham City/County HOME Consortium funds to the Durham Community Shelter for HOPE, Inc. toward the cost of the Project. In addition, the City agrees to make a CDBG grant of \$10,000 for consulting services previously rendered to the Project. In addition, the City has agreed to amend the 2001-2001 Consolidated Action Plan to allocate an additional \$168,000 in HOME funds to the Community Shelter project for transitional housing activities; the County has agreed to provide a 25% match to these funds. The housing bond and HOME sums shall be paid to the County up front, in one lump-sum payment for use in the Project with no accrual of interest, to be used solely for construction costs.

The County and the City agree that space in the building will be made available as a shelter to the homeless for a minimum of 20 years after the Project construction is complete, which period will begin one year from the date of this Interlocal Agreement.

Resource Person(s): Chuck Kitchen, County Attorney; Angela Geadelmann, Assistant County Attorney; Wendell Davis, Deputy County Manager.

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Interlocal Agreement between Durham County and the City of Durham.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the Interlocal Agreement between Durham County and the City of Durham for funding a portion of the costs of the expansion and renovation of the Homeless Shelter (H.O.P.E. House).

The motion carried unanimously.

12. **Order of Removal of Alcoholic Beverage Control Board Members**

The County Attorney has prepared an order as directed by the Board of Commissioners removing the Alcoholic Beverage Control Board members. A copy of the proposed order is attached. Once the order is adopted, the members are removed from their positions, and replacements may be appointed.

Resource Person(s): Chuck Kitchen, County Attorney

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to adopt the order of removal of the ABC Board members.

***The motion carried with the following 4 to 1 vote:
Ayes: Black, Cousin, Heron, and Reckhow
Noes: Bowser***

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:

- Alcoholic Beverage Control Board
- Adult Care Home Community Advisory Committee
- Area Mental Health Board
- Board of Adjustment
- Durham Bicycle and Pedestrian Advisory Committee
- Durham Technical Community College Board of Trustees
- Emergency Medical Services Council
- Environmental Affairs Board
- Memorial Stadium Authority
- Nursing Home Community Advisory Committee
- Operation Breakthrough Inc.
- Transportation Advisory Board
- Women's Commission

- Workforce Development Board

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

The Commissioners held discussion, then voted on the applicants.

Chairman Black advised that the new ABC Board members will be given training regarding policies and procedures. This will be arranged shortly. The County Attorney will give additional training regarding the open meetings law and the County's ethics policy.

Vice-Chairman Reckhow asked the Clerk to the Board to contact the Institute of Government to seek handbooks for the new ABC Board.

The Commissioners appointed to the ABC Board: Julia Borbely Brown, Eric Coates Michaux, and Charles D. Watts Jr. Mr. Michaux was appointed Chairman.

The County Manager advised the ABC system audit requested by the District Attorney should be arranged shortly to accommodate the new ABC Board.

The Commissioners appointed members to the other Boards and Commissions listed. Their names and positions will be included in the minutes of this meeting.

Commissioner Heron addressed the matter of the shooting of the black bear in a residential Durham neighborhood. She asked that a letter be prepared for the Chairman's signature asking for better coordination between law enforcement, Animal Control department, and the NC Wildlife Commission.

Vice-Chairman Reckhow suggested there be an opportunity for cross-training to be better prepared in the future.

The Commissioners adjourned into Closed Session to complete business begun at 5:00 p.m.

The Commissioners reconvened into open session.

***Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to set salaries for the following County officers as a result of their evaluations:
Sheriff-\$84,507; Register of Deeds-\$79,500; Tax Administrator-\$79,145; and County Attorney-\$118,800. The County Manager will be evaluated in August 2001.***

The motion carried unanimous.

The meeting was adjourned at 10:55 p.m.