

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

Monday, December 13, 1999

**AGENDA**

5:00 P.M. – 6:00 P.M.

**Board of Commissioners and Durham County Hospital Corporation Board of Trustees**

The Board of County Commissioners has requested that Charles Blackmon, Chairman, Durham County Hospital Corporation Board of Trustees, and Trustee Gary Wilson, Chair of the Finance/Planning Committee, Durham County Hospital Corporation, present a report to the Commissioners concerning the financial condition of Durham Regional Hospital.

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7:00 P.M. Regular Session

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

2. **Agenda Adjustments**

3. **Minutes**

- a. October 25, 1999 Regular Session
- b. November 1, 1999 Worksession
- c. November 22, 1999 Regular Session

4. **Resolution Honoring the Durham Housing Authority's 50<sup>th</sup> Anniversary**

A resolution has been prepared honoring the 50<sup>th</sup> Anniversary of the Durham Housing Authority. The Durham Housing Authority was created in 1949 and is one of the largest public housing agencies in the state of North Carolina. Mr. James R. Tabron, who has served as Executive Director for many years, will be present to make remarks and receive the resolution.

County Manager's Recommendation: Approve the resolution honoring the 50<sup>th</sup> Anniversary of the Durham Housing Authority and present a copy to Mr. James R. Tabron.

5. **Resolution Honoring Duke University's 75<sup>th</sup> Anniversary**

A resolution honoring the 75<sup>th</sup> Anniversary of Duke University will be presented. Duke University was established 75 years ago this month. In honor of his father, Washington Duke, James Duke provided an unprecedented \$40 million to establish The Duke Endowment, the principal beneficiary being Duke University.

James Duke's vision of a university with an outstanding liberal arts base, built on the foundation of Trinity College, led to what today is recognized as one of the finest research universities in the world with undergraduate, graduate, and professional programs in business, divinity, engineering, environment, law, medicine, nursing, and public policy, all of which have served, and continue to serve the people of Durham County.

Dr. Nannerl O. Koehane, Duke University President, will be present to make remarks and receive the resolution.

**County Manager's Recommendation:** Approve the resolution honoring the 75<sup>th</sup> Anniversary of Duke University and present a copy to President Koehane.

#### **6. Resolution Regarding Gun Safety**

Durham County Commission Vice-Chairman Ellen Reckhow, who also serves as a member of the Board of Health, has invited Dr. Elaine Hart-Brothers, Chair of the Board of Health, to share information about the "Resolution Regarding Gun Safety." The resolution was approved on November 23, 1999.

County Manager's Recommendation: Consideration of resolution and provision of direction to staff.

#### **7. Consent Agenda**

- a. FY 1999-2000 Budget Ordinance Amendment No. 00CPA000007 (Museum of Life and Science) approve capital budget amendment to establish the pay-as-you-go project in the amount of \$150,000);
- b. FY 1999-2000 Budget Ordinance Amendment No. 00BCC000018--Social Services (approve the budget amendment in the amount of \$105,084 to recognize additional state dollars for the Crisis Intervention Program and the Adult Day Care Program); and
- c. Authorize staff to proceed with the design for Phase 1 of the Wastewater Treatment Improvements under an existing contract with McKim & Creed. This project addresses two major issues, flooding and permit compliance, related to the County's Wastewater Treatment Plant.

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

#### **8. Public Hearing on the Proposed Solid Waste Management Ordinance**

At a Board of County Commissioners August 4, 1999 Worksession and a September 27, 1999 Regular Session, City, County, and State representatives provided the Board a two-part informational solid waste management update. The purpose of this informational update was to advise the BOCC on the status of Durham County solid waste management operations and to identify the need for a more comprehensive Solid Waste Management Ordinance for better enforcement of solid waste concerns in Durham County.

On November 8, 1999, the BOCC set a public hearing for Monday, December 13, 1999, to receive public comment from interested parties on the proposed Solid Waste Management Ordinance as recommended by the Solid Waste Advisory Committee.

On Monday, November 29, 1999, a Notice of Public Hearing was advertised in the Durham Herald-Sun and copies were mailed to waste handlers in Durham County.

Staff will be present to answer questions for the Board and to document comments received from interested parties.

Resource Person(s): Michael Turner, Director of General Services, Marcnelous Powell, Waste Reduction Supervisor

County Manager's Recommendation: Receive comment from interested parties on the proposed Solid Waste Management Ordinance, give directions on any ordinance changes, and adopt the ordinance subject to the inclusion of any changes.

**9. Public Hearing to Consider the Adoption of an Ordinance Which Amends the Zoning Ordinance Regarding the Districts and Standards for Adult Establishments**

It is the recommendation of the Durham County Attorney that it would be prudent for the Board of County Commissioners to readopt the zoning ordinance's current regulations concerning adult establishments. The City Council conducted a readoption of these standards on April 19, 1999. The purpose of this readoption is to assure all concerned parties that the standards of the zoning ordinance were established to address the potential secondary impacts associated with an over concentration of adult establishments. Adoption of this ordinance will clarify that these standards were developed in response to the secondary impacts of the use. Adoption of the ordinance is recommended. The Zoning Committee endorsed the proposal at an August public hearing and suggested additional separation standards of 2,000 feet for consideration. The proposal has added separations of 1,000 feet.

Resource Person(s): County Attorney Chuck Kitchen, Assistant County Attorney Lowell Siler, and Dennis Doty will be at the meeting to present the agenda item.

County Manager's Recommendation: Conduct the public hearing and adopt the adult establishment zoning standards to address the secondary impacts of adult establishments.

**10. Public Hearing—Angier Development, L.L.C. (Rezoning Case P99-48)**

Angier Development, L.L.C. will present to the Board of County Commissioners a request to rezone 8.04 acres at 3846 Angier Avenue (Tax Map 643-2-6) Request: R-20 (Residential 20 District) to PDR-4 (Planned Density Residential--4 units/acre). The 2020 Plan supports Suburban Neighborhood uses. The Future Land Use Map in the Southeast Durham Plan indicates Low Density Residential (less than 4 units per acre). Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on October 12, 1999, and voted 6-1 to recommend approval.

The public hearing for this request was advertised on November 26 and December 3, 1999, in the Durham Herald-Sun.

Resource Person(s): Dwight Yarborough, Senior Planner

**11. Issue Report and Set Public Hearing for Biogen**

Biogen, Inc. and the Research Triangle Foundation are requesting that the Board of Commissioners set a public hearing to consider expanding Research Triangle Park to include property currently owned by Biogen, Inc. The property lies in both Wake and Durham Counties. The two parties are requesting this action by both Durham and Wake County Boards of Commissioners.

In order to consider the expansion of Research Triangle Park, the Board of Commissioners is required to issue a report for public inspection. Notice of the public hearing is required to be published, and a notice of the public hearing must be sent to Biogen. Following the public hearing which is proposed for January 10, 2000, the Board of Commissioners would then consider whether to adopt a resolution expanding the Park.

Resource Person(s): Charles Case, attorney for Biogen; Hal Price, Biogen; and Rob Teer, Consultant to Biogen.

County Manager's Recommendation: Set the public hearing for January 24, 2000 to allow sufficient time to give the proper notifications, and adopt the report so the Board can consider whether to grant the request to expand the Research Triangle Park following the public hearing.

## 12. **Budget Amendment to Recognize Additional Work First Revenues**

The Department of Social Services is requesting approval of a budget amendment in the amount of \$1,559,813. This figure represents additional Work First funding to Durham County based on the recently received State Funding Authorization. Approximately half of this dollar amount (\$776,307) represents 100 percent Federal carry-forward funding from the previous fiscal year. It is not known whether this funding will be available to the Department beyond the current fiscal year. The remaining funds are part of on-going federal Work First funding that was not incorporated in the Department's approved FY 2K budget request.

The funding will be utilized in two distinct ways that support both of the Department's primary goals--promotion of family self-sufficiency and protection of vulnerable adults and children.

First, with respect to the goal of family self-sufficiency, the Department will utilize \$819,770 to support a variety of services to families working toward a goal of self-sufficiency. Two major activities to which the Department will give attention are:

- Emergency Assistance to families that face a major short-term financial crisis in utilities, heat/cooling, and rent within the first year of their leaving Work First. These efforts will focus on job retention so that these families do not have to return to welfare.
- Assisting TANF families with problems by securing safe and affordable housing. DSS will collaborate with the Durham Housing Authority, the Affordable Housing Coalition, and other community-based housing groups to provide through a state grant housing services to TANF families. This assistance will focus on enabling these families to secure affordable housing and pursue self-sufficiency.

Second, with respect to the goal of protection of vulnerable children and adults, the Department will utilize \$740,043 to augment its Child Welfare programs with the following objectives:

- Retain CPS staff to ensure the protection of children and to maintain state standards;
- Provide supportive and intensive services to children and families to prevent unnecessary out-of-home placements;
- Begin to address the issue of children at risk as it pertains to court-ordered funds for children placed in high-cost residential treatment settings (average \$150 day), and children in DSS custody who are placed in the 3 low-management group homes in Durham County but require a high management residential treatment setting.

The funding will be used to provide 10 additional provisional staff positions (\$210,000),

purchase upgraded computer software and hardware for Child Protective Services staff (\$130,000), and purchase an array of Family Support Services.

Resource Person(s): Gail Perry, Assistant DSS Director for Protection of Vulnerable Adults and Children, and Gael Hallenbeck, Assistant DSS Director for Program Support Services, will be available as resource persons for this request.

County Manager's Recommendation: Approve the Budget Amendment to recognize Work First Revenues in the amount of \$1,559,813.

**13. Contract With NC Department of Social Services for Family and Community Resource Development**

The Cooperative Extension Service is requesting Board approval of the contract between the NC Department of Social Services and the Durham County Cooperative Extension Service for Family and Community Resource Development (FCRD). The Board is also requested to approve the amendment of the Cooperative Extension budget to reflect the addition of \$77,500.00 in intergovernmental revenue and the expenditure of this amount in the delivery of services noted in the contract. The contract provides for the development and staffing of a family resource center in North East Central Durham. The Cooperative Extension Service will administer the Center with input from a community-based advisory council. The program will allow for the development of family strengthening programs that integrate the services of other county human service departments, schools, and community agencies. The program is designed to compliment existing efforts in the community and based on the McKnight model for capacity and asset development in neighborhoods and communities. This model has been validated nationally in urban communities and NC DSS and NC Cooperative Extension will work with Durham County's Extension Center to develop this model locally. It is the goal of this program to build community capacity, allowing for the family resource center to become independent of Cooperative Extension in the future.

This is the first year in which Durham County has provided administration and program development to this FCRD program; however, other NC County Extension Centers provide leadership to similar FCRD programs.

Approval of this contract will increase the current budget for Cooperative Extension by \$77,500. No local funds will be required to implement this initiative. One and one-half provisional positions, dependent upon contract continuation, will be created in this project. The existing Community Outreach staff of Cooperative Extension will provide support to the startup of this initiative.

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

County Manager's Recommendation: Authorize the County Manager to enter into a contract with the NC Department of Social Services for Family and Community Resource Development and approve budget amendment No. 00BCC000020 (FCRD grant revenue) increasing Cooperative Extension's budget by \$77,500.

**14. Noise Ordinance**

The current Durham County Noise Ordinance does not comply with the applicable case law in North Carolina. State v. Garren, a 1994 North Carolina Court of Appeals case, is the leading case on noise enforcement in North Carolina. The proposed ordinance complies with the State v. Garren decision.

The proposed ordinance is more concise than the current ordinance. Special emphasis will have to be placed on training law enforcement personnel on how to investigate and prepare cases prior to enforcing violations in court.

Lowell Siler, Deputy County Attorney, will review the State v. Garren decision and the proposed ordinance with the Board of Commissioners at this time.

Resource Person(s): Lowell L. Siler, Deputy County Attorney

County Manager's Recommendation: Mr. Siler will incorporate the Board's guidance/input from the worksession and submit a final version to the Board for its approval at a future session.

15. **Discussion of Merger Charter Commission**

County Attorney Chuck Kitchen will give a report regarding the statutes governing the creation of a merger charter commission. He will also explain the powers for such a commission.

County Manager's Recommendation: Receive the report for informational purposes only.

16. **Cancellation of the December 27, 1999 Board of County Commissioners Regular Session**

As per the Chairman of the Board, the County Commissioners will discuss the cancellation of the December 27, 1999 Regular Session.

17. **Closed Session**

The Board is requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) & (5) in order to consult with an attorney and to preserve the attorney-client privilege and to instruct staff concerning the position to be taken in negotiation for the acquisition of real property.