

**THE BOARD OF COUNTY COMMISSIONERS**

**DURHAM, NORTH CAROLINA**

Monday, July 12, 1999

**AGENDA**

**Closed Session—Personnel Matters**

The Board of County Commissioners will go into Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

5:00 p.m. to 5:30 p.m. Register of Deeds Willie Covington

5:30 p.m. to 6:00 p.m. Sheriff Worth Hill

9:00 p.m. to 9:30 p.m. Tax Administrator Charles Clark

9:30 p.m. to 10:00 p.m. County Attorney Chuck Kitchen

10:00 p.m. to 10:30 p.m. County Manager David F. Thompson

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7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. June 2, 1999 Worksession
  - b. June 14, 1999 Northern Durham Parkway—Public Hearing
4. **Consent Agenda**
  - a. Appointment—Criminal Justice Partnership Board (appoint Evester Bailey as the Durham Center's representative, replacing Carolyn Titus);
  - b. Appointment—NCACC Annual Conference Voting Delegate (appoint Chairman Black as the voting delegate and Vice-Chairman Reckhow as the alternate
  - c. Durham Open Space and Trails Commission matching grants recommendation (approve the five projects listed for funding and allocate \$95,261 from "Pay-As-You-Go Capital" funds:

Birchwood Homeowners Association Tot Lot \$18,200

Burton Geo World Elementary PTA Playground \$13,164

Club Boulevard School PTA Playground \$ 5,226

Ellerbe Creek Watershed Association Urban Reserve \$32,000

RN Harris Elementary PTA Learning Environment \$26,671);

- d. Standard non-reimbursable utility contract for extension or upgrade of the county sanitary sewer system (authorize the County Manager to execute the utility contracts listed: Auman Pond Subdivision, Edinborough In The Park, and Hopson/Page/Slater Roads Extension/Relocation Project);
- e. Amendment to the FY 1999-2000 Annual Ordinance for Court Order Care contracts (approve the amendment to the FY 1999-2000 Budget Ordinance to allow the County Manager to enter into service contracts in excess of \$20,000 for the purpose of providing treatment services to court-ordered care for children); and
- f. Approval to purchase Emergency Medical Services (EMS) hardware/software (authorize the County Manager to enter into the necessary contracts and appropriate the requested funds from the Pay-As-You-Go fund.

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.

#### **5. Establishment of an Official Transportation Level of Service Goal for Durham County**

The County Commissioners deal with a number of different transportation issues from time to time. In reviewing these transportation matters, the Commissioners frequently deal with issues related to traffic congestion on major roadways throughout the county. For example, Commissioners annually adopt priorities for the state's Transportation Improvement Program, which is particularly related to traffic congestion levels on roadways. The Commissioners are also considering a slowdown on approving major development proposals in the NC 54/I-40 area due to high congestion levels there.

Different Levels of Service are defined in both the Federal Highway Administration's *Highway Capacity Manual* and by national standards adopted by the Institute of Transportation Engineers, on a scale of A (best) to F (worst). Establishment of a transportation Level of Service goal could assist the Commissioners in better analyzing and more consistently reacting to issues related to traffic congestion. Staff recommends that the Board of County Commissioners adopt an official County transportation goal as Level of Service D.

County Attorney Chuck Kitchen and Bonnie Estes, Planning Manager, will present this item.

County Manager's Recommendation: The Board needs to hear from staff as to the benefits of establishing a transportation level of service goal for Durham County. Prior to adopting a Level of Service D, the Board needs to be made aware of what each service level means and how realistic it is to set a service level. Appropriate staff will be present to assist the Board through this deliberation.

#### **6. A Public Hearing to Consider the Adoption of an Ordinance Which Places Limits on the Approvals of Major Developments in the NC 54/I-40 Area for Six Months**

In recent months, there have been high levels of actual and anticipated development activity and increasing traffic congestion in the area along NC 54 and I-40 in Durham County west of RTP. These trends are continuing and are threatening the public safety in this area. At the same time, there are several studies going on or starting in the next six months that are trying to propose strategies to help deal with the growing problems in this area. The County is proposing to limit approvals on major projects during the next six months in order to allow more of these strategies to be better developed or put into place. Major projects would be defined as proposed developments that exceed the thresholds for Traffic Impact Analysis (TIA) as shown in the Zoning Ordinance. The adoption of the ordinance would establish these limitations for a specific time period. The suggested time of the limitations would be from July 12, 1999 to December 31, 1999. The Zoning Committee of the Durham Planning Commission reviewed this matter on June 10, 1999 and recommended adoption by a 6-1 vote. Staff

recommends that the Board hold a public hearing to receive comments on this matter and then consider adoption of the proposed ordinance, which limits approvals of those developments, which require a TIA.

County Manager's Recommendation: Adopt the ordinance.

#### **7. Page Pointe Convenience—Site Plan Request**

Spaulding Engineering, P.C., on behalf of Coryea Properties, LLC, is seeking approval of a site plan request to build a 2,275-square-foot convenience store on 1.17 acres. The site is located on the east side of Page Road and south of U.S. Highway 70. The site plan as submitted meets all current ordinance requirements. The Development Review Board at its meeting on June 4, 1999, recommended approval subject to several technical corrections, which have been made. The planning staff recommends approval. (Tax Map 649, Block 02, Parcel 029A) The site is zoned I-2 which allows for this use.

Mr. Clay Shepherd, Senior Planner, Durham City/County Planning will present the case and answer questions.

County Manager's Recommendation: Recommend approval of the site plan submittal.

#### **8. Adoption of Farmland Preservation Ordinance**

The Farmland Preservation Ordinance was considered by the Board at its November 2, 1998 Worksession. Subsequent to that meeting, County Manager David Thompson and County Attorney Chuck Kitchen met with Wayne Cash, Chairman of the Farmland Preservation Board. The County Manager recommended that the acquisition of determinable conservation easements and repurchase of conservation easements be deleted from the proposed ordinance.

On March 19, 1999, the Farmland Preservation Board met and voted that the acquisition of determinable conservation easements and repurchase of conservation easements remain in the proposed ordinance. Also, the Farmland Preservation Board approved the guidelines for the Farmland Ranking System. These guidelines are attached.

On April 7, 1999, this item was discussed at the monthly worksession, whereupon comments from that meeting have been incorporated into the current proposed ordinance.

County Manager's Recommendation: Discuss and approve the ordinance with the Farmland Ranking System.

#### **9. Lebanon Township Plan Presentation**

The Planning Department periodically produces Small Area plans; Durham is subdivided into 15 Small Areas and Downtown. The Lebanon Township Plan is the 12<sup>th</sup> such plan done. The Lebanon Township Plan planning process involves citizen and staff input; the Plan is the result of input from four community meetings and staff research. The Lebanon Plan contains a summary of existing conditions and a set of policies to guide future growth in the Township, and champions concepts outlined in the Durham 2020 Comprehensive Plan. While maintaining the area's rural and suburban character, the Plan proposes several limited areas of more intensive development in an Urban or Regional Corridor. Any new development must be sensitive to environmental and compatibility concerns. The Lebanon Township Plan is generally compatible with and supportive of adopted plans. The Planning Committee of the Durham Planning Commission recommended adoption of the draft Plan at its meeting on May 12, 1999. Planning staff recommends adoption of the Lebanon Township Plan with minor text changes, which are listed in the attached memo "Clarifying Language for Two Implementation Measures in the Draft Lebanon Township Plan."

T.E. Austin, Durham City/County Planning Department, will present this item.

County Manager's Recommendation: Staff is requesting that the County Commissioners receive this presentation and give direction to staff as to any revisions. It would then be appropriate to either approve this plan or have it brought back to a future regular session for approval.

#### 10. **Presentation on the Family Court Proposal**

Based on the Board's directions, staff contracted with the Freelon Group to develop programming and schematic designs for a unified family court system in the Wachovia Bank Building (located at 2000 West Main Street). The concept of a family court is a comprehensive court with jurisdiction over all family-related legal matters. A single judge or court team tracks and decides all of a family's legal issues until they are resolved. Family court consists of Juvenile Services, Guardian Ad Litem, juvenile court, domestic court, Child Support Courts, Child Support Enforcement, and miscellaneous support functions.

To accommodate the program requirements of family court, the Wachovia Bank Building will require major renovations. Therefore, staff will present four options to the Board to address office and courtroom space needs. Each option has different cost estimates.

1. Lease the entire building and locate a unified family court system in the facility.
2. Purchase the building and locate a unified family court system in the facility.
3. Lease two (2) floors of the building and locate Juvenile Services, juvenile court, and domestic court in the facility.
4. Lease space in downtown to locate court-related office functions, such as Public Defender and Juvenile Services, and renovate the abandoned space in the Judicial Building for courtroom space.

Resource Persons for this item are Ken Titus, District Court Judge; Kathy Shuart, Trial Court Administrator; and David Powell, Economic Development/Real Estate.

County Manager's Recommendation: Note that the staff is presenting various options for the establishment of the family court operations. Staff is seeking Board direction prior to putting together the final solution for approval during the month of August. The program document completed by The Freelon Group Inc. is enclosed for your review prior to this session.

#### 11. **Lease Agreement for Board of Elections**

The Board of Elections (BOE) currently occupies approximately 3,000 square feet in the Old County Courthouse and approximately 600 square feet in the Carmichael Building. The County Attorney's Office has communicated to the County Manager the need for additional space due to increasing responsibilities and staff. To accommodate the County Attorney's space needs, the BOE will need to relocate into leased space.

Several space options were investigated in the downtown area for the BOE. Staff recommends leasing 4,134 square feet at City Place (706 West Corporation Street). The lease rate is \$10.00 per square foot for the first year and increases 2.5 percent per year over the term of the five-year lease agreement. The landlord will provide all services, maintenance, repairs, utilities, and at least 18 parking spaces for the exclusive use of the BOE. The landlord will also perform all renovations and alterations to the space according to the County's needs and specifications with the exception of computer networking. Sufficient funds were set aside in PAYG for rent (\$34,450) and computer networking (\$14,870).

Locating the BOE in a freestanding building coincides with recommendations being developed in the Facility Master Plan. Ideally, the BOE should be located in a facility accessible to public parking with

curbside capabilities for absentee voting. The BOE also has limited interaction with other County agencies and thus does not need to be located in the same facility.

Resource persons are David Powell, Economic Development/Real Estate; Carol Booth, Board of Elections; and Chuck Kitchen, County Attorney.

County Manager's Recommendation: Provide the County Manager with the authority to enter into a lease agreement with the landlord of City Place based on the terms and conditions of the agreement.

## 12. **Durham Community Shelter for HOPE—Funding Advance**

At the June 28, 1999 BOCC (Budget Adoption) meeting, the Board stipulated that the Durham Community Shelter for Hope receive \$150,000 for FY '99-'00. The Board further instructed that these funds were to be disbursed 1/12 per month (\$12,500/mo).

Mr. Hap Johnson, Chairman of the Shelter's Board will present to the Board of County Commissioners an analysis of the Shelter's current cash flow status and request a \$40,682 advance on '99-'00 funding to sustain the Shelter through

August 4, 1999 (the date of the next Board of County Commissioners' worksession). At that time shelter management, assisted by County staff, will present to the Board a plan of action for financing its operations for the remainder of FY '99-'00.

County Manager's Recommendation: Advance the Shelter \$40,682 to sustain its operations through August 4 with the condition that it commit to present at that time an acceptable plan of action that 1) establishes a plan for financing the remainder of FY '99-'00, and 2) addresses any concerns raised by the County's Internal Audit and/or Budget staff.

## 13. **Board and Commission Appointments**

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

- Alcoholic Beverage Control Board
- Area Mental Health Board
- Civic Center Authority
- Convention and Visitors Bureau
- Jury Commission
- Library Board of Trustees
- Social Services Board