

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

Monday, June 28, 1999

7:00 P.M. Regular Session

AGENDA

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

2. **Agenda Adjustments**

3. **Minutes**

- a. May 10, 1999 Regular Session
- b. May 24, 1999 Worksession
- c. May 24, 1999 Regular Session

4. **June Anchor Award Winner – Linda Strickland**

Linda Strickland, paralegal and tax foreclosure coordinator in the Collections Section of the Tax Administrator's Office, is the June 1999 Anchor Award winner. Ms. Strickland is recognized for processing more than 900 parcels through some phase of the foreclosure process to net payment of delinquent taxes. During the period, only 80 remained unpaid and were actually scheduled for sale at public auction. Of those, 77 were sold at auction or redeemed by the owners prior to the sale date. This represented a 97% rate of success, and her efforts resulted in collections of more than \$2.6 million in delinquents tax revenue.

Present the June Anchor Award to Linda Strickland, along with the sincere congratulations of the entire organization.

5. **A Proclamation Recognizing Armenian Martyrs Day**

The Board has been requested to issue the proclamation recognizing Armenian Martyrs Day.

6. **Consent Agenda**

- 1. FY 1998-1999 Capital Project Ordinance Amendment No. 99CPA000007 (request Board to appropriate funds in the amount of \$471,000 and authorize execution contracts with John J. Kirilin of North Carolina in the amount of \$395,000 and Applied Control Technology in the amount of \$33,131, thus totaling \$428,131, and authorize the County Manager to execute change orders if necessary, not to exceed \$42,869);
- 2. FY 1998-1999 Budget Ordinance Amendment No. 99BCC000067 (to receive and appropriate \$3,000 Rhone-Poulence Donation for the EMS Bicycle Response Team);
- 3. Approval of Contract for Purchase of Pathological Waste Incinerator for Durham County Animal Shelter (authorize execution of contract with Penram Diversified Manufacturing Corporation in the amount of \$36,800);
- 4. Request to New Curbside Recycling Contract with Tidewater Fibre Corp. (authorize execution of the contract with Tidewater Fibre Corporation in an amount not to exceed \$284,267.36);
- 5. Property Tax Release and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the

report. These are normal recurring releases and refunds that are presented for your consent agenda);

6. FY1998-99 Budget Ordinance Amendment No. 99BCC000070 (approve budget amendment to record defeasance of Hospital COP and Duke lease);
7. Purchase Two (2) New 1999 Mini Passenger Vans and One (1) New 1999 Mid-size 4-door Sedan—The Durham Center (authorize County Manager to enter into a contract with Bobby Murray Chevrolet Inc. for \$59,782.82);
8. Office Furniture—Department of Social Services (authorize County Manager to enter into a contract with Triangle Office Equipment for \$17,980 and \$1,725 with Thrifty Office, and reject all bids relative to file cabinets);
9. Cancellation of Board of County Commissioners' Meetings (take official action to cancel the following meetings:

Monday, July 5 Worksession

Monday, July 26, Regular Session

Monday, August 2 Worksession

and reschedule the August 2, 1999 Worksession for Wednesday, August 4, 1999 at 9:00 a.m.);

10. FY1998-99 Budget Ordinance Amendment No. 99BCC000068 (approve request to transfer \$130,350 from contingency to cover expenses associated with the placement of juveniles in out-of-county facilities); and
11. FY1998-99 Budget Ordinance Amendment No. 99BCC000069 (to recognize revenue [\$73,778] for Lebanon Fire District).

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.

7. Public Hearing—M. L. Shackelford (Rezoning Case P98-83)

M. L. Shackelford will present to the Board of County Commissioners a request to rezone 19.3 acres along Scheer Avenue and Abbott Lane, north of Sherron Road, southwest of Holder Road (TM 661, Block 1, Lots 4 through 14, including 5A, 7A, 9A; Block 2, all lots). Request: RD (F/J-B) (Rural District) to R-20 (F/J-B) (Residential 20). The 2020 Plan supports Suburban Neighborhood uses. The Southeast Durham Small Area Plan Future Land Use Map (FLUM) designates this site as low density residential. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted public hearings on February 9, 1999 and April 13, 1999, and voted 7-0 to recommend approval.

The public hearing was advertised on June 11, 1999 and June 18, 1999.

Sheila Stains-Ramp, Senior Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

8. Public Hearing—Synergy Financial Group, LLC (Rezoning Case P99-9)

Synergy Financial Group, LLC will present to the Board of County Commissioners a request to rezone a 119 acre site located on East Geer Street just south of Club Boulevard (Tax Map 680, Block 1, Lot 1). Request: RD (Rural District) to PDR 3.36 (F/J-B) (Planned Density Residential). The 2020 Plan supports Suburban Neighborhood uses. The Northeast Durham Small Area Plan is not complete; preliminary staff research has begun. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on May 11, 1999, and voted 7-0 to recommend approval.

The public hearing was advertised on June 11, 1999 and June 18, 1999.

Vonda Frantz, Senior Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

9. Public Hearing--Development Ordinance Amendments for Natural Resource Protection (Text Amendment 84A-99)

Durham's elected officials have recently become concerned about the impact of new development on the community's natural resources. The Joint City-County Planning Committee worked for several months to identify appropriate public policies to address this issue. The Committee reviewed regulatory approaches to achieving those policies and directed the Planning Staff to prepare necessary amendments to City and County development ordinances. This past fall, the Committee convened a citizens advisory group to review the proposed amendments and to offer comments. In May, the Zoning Committee of the Durham Planning Commission unanimously recommended adoption of the proposed amendments. The proposed amendments are now before the City Council and Board of County Commissioners for their consideration and action.

The proposed amendments revise the Durham Zoning Ordinance and the Durham Merged Subdivision Ordinance. They set new standards for development in floodplains, prohibiting most new development. They define more broadly stream along which vegetated buffers are required. The proposed amendments require buffers to protect valuable wetland areas. They allow development on only a small portion of Durham's steepest slopes.

This public hearing was advertised on June 11 and June 18, 1999. Steve Medlin and Dick Hails from the Planning Department will make a presentation before the public hearing and respond to questions.

Conduct a public hearing and adopt the ordinances related to Natural Resource Protection, referred to as Public Review Draft 4 and dated June 9, 1999.

10. Public Hearing--Proposed Durham Zoning Ordinance Amendments for Street Trees (Text Amendment 84D-99)

On May 10, 1999 the Board adopted Zoning Ordinance text amendments to require street trees in new developments. At that time, the Board requested that the Staff prepare additional Zoning Ordinance text amendments to make street tree requirements apply to un-built platted residential lots. The amendment would require that street trees be provided for any single-family house on a lot of record for which no building permit has been previously issued. The trees may be provided by preserving trees on the site or by planting new trees. The amendment would also address concerns raised by the County Attorney about the burden of street trees on large rural lots outside the Urban Growth Area. The Planning Department recommends that the Board of County Commissioners conduct a public hearing and consider adoption of the proposed amendment.

This public hearing was advertised on June 11 and June 18, 1999. Steve Medlin and Dick Hails from the Planning Department will make a presentation before the public hearing and respond to questions.

County Manager's Recommendation:

Conduct a public hearing and adopt the proposed ordinance amendment for Street Trees, dated June 14, 1999.

11. Possible Orange County Application to Operate a Landfill

Staff is in the process of collecting information regarding the possibility that Orange County may apply to the North Carolina Department of Environment Health and Natural Resources for a permit to operate a landfill.

The information will be presented at the meeting.

County Manager's Recommendation: To receive and discuss the information and give directions to staff.

12. **FY 1999-00 Budget Adoption**

The Durham County Manager will formally present the adopted budget for FY 1999-00 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.

13. **Appointment to Board of Directors of Downtown Durham Inc.**

On behalf of the Board of Directors of Downtown Durham Inc., we would like to invite the Durham County Commission to make an appointment to our Board of Directors for 1999-2000. As you are aware, Bill Bell is at the end of his two-year term.

The appointment would be for July 1, 1999 to June 30, 2000. The Board member would serve in an ex-officio capacity with full voting privileges.

14. **Board and Commission Appointments**

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

Area Mental Health Board
Board of Adjustment
Durham Planning Commission
Durham Technical Community College Board of Trustees
Environmental Affairs Board
Industrial Facilities and Pollution Control Financing Authority
Women's Commission