

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

Monday, January 6, 2003

9:00 A.M. Worksession

**AGENDA**

1. **Citizen Comments?Ray Guthrie**

Mr. Ray Guthrie, 2214 Rada Drive, has requested time on the agenda to speak to the Commissioners regarding the Social Services Department. Please read the attached letter.

2. **Citizen Comments?Jack Steer**

Mr. Jack Steer, 2416 Dawn Trail, has requested time on the agenda to speak to the Commissioners regarding the 2002-2003 Budget process. Please read the attached.

3. **Citizen Comments?James Chavis**

Mr. James G. Chavis, Jr., 801 Underwood Avenue, Apartment C, has requested time on the agenda to speak to the Commissioners regarding the Social Services Department. Please read the attached letter.

4. **4. Citizen Comments?Thelma White**

Ms. Thelma White has requested time on the agenda to speak to the Commissioners regarding transportation issues.

5. **Durham County Women?s Commission Report**

The Durham County Women?s Commission had a needs assessment conducted to look at the status of women in Durham County.

Ms. Kimberly Thornton, Chair, Durham County Women?s Commission, will present the findings of the report and make suggestions to the County Commissioners.

Resource Person(s): Kimberly Thornton, Chair, Durham County Women?s Commission

County Manager?s Recommendation: The County Manager recommends that the Board receive the report.

6. **Environmental Indicators Report from the City-County Environmental Affairs Board**

The Durham City-County Environmental Affairs Board (EAB) consists of citizen volunteers appointed by the City Council, the Board of County Commissioners, and the Soil and Water Conservation Board of Supervisors. Among its charges are to: advise the elected bodies on environmental policy, educate public and local officials on environmental issues, and perform special studies and projects requested by the City and/or County on environmental issues. The EAB was requested to develop a set of environmental indicators that can be used to track environmental conditions within the County from year to year. These indicators can serve as important educational, motivational, and planning tools for citizens and policy makers. The report contains a list of indicators developed by the EAB with input from relevant City and County departments, local environmental groups, and appropriate government agencies, as well as recommends that the County begin a more comprehensive process of setting goals and taking further action. Representatives from the EAB will present the

report and respond to any questions that the Board may have.

Resource Person(s): Judy Kincaid, Chairman of the Environmental Affairs Board

County Manager's Recommendation: Receive the report and advise staff of any actions to be taken.

7. **7. Review of Memorandum of Understanding With the Durham Public Schools**

The Durham County Board of Commissioners and the Board of Education for the Durham Public Schools have agreed to develop annual Memoranda of Understanding (MOU) in order to strategically identify issues/initiatives of mutual interest. The agreement is largely an effort to ensure strong channels of communication between both boards while working to improve the quality of education for students attending the Durham Public Schools.

The Superintendent and County Manager have agreed upon an MOU for the 2002-2003 Fiscal Year. The MOU carries forward all of last year's understandings. However, both parties have also recommended that additional language be included relative to the provision of evaluations and status reports on the Hillside High School Plan.

Resource Persons: Mike Ruffin, County Manager

County Manager's Recommendation: The County Manager recommends that the Board review the proposed Memorandum of Understanding and advise staff of any additional changes or issues that should be incorporated therein.

8. **Quasi-Judicial Hearing: Major Special Use Permit?New Elementary School ?A", Phase I?Ephesus Church Road (Case M02-04)**

--To hold a quasi-judicial hearing to consider a Major Special Use Permit for a public school in the R-20 District.

--To direct the Planning Director to prepare an order for adoption for either 1) approval, 2) approval with conditions, or 3) denial, or to continue the hearing to a specified later meeting. A draft order for approval with staff-recommended conditions will be available at the meeting.

Coulter Jewell Thames, PA, on behalf of Durham Public Schools, has submitted a Major Special Use Permit for an 81,385 square-foot, one- and two-story elementary school for 609 students, with 138 motor vehicle and nine bicycle parking spaces on a ±17.48 acre portion of a ±37.46 acre site. The property is located at the southeastern corner of the intersection of Ephesus Church Road and George King Road (PIN 0709-03-12-9503; tax reference 485-2-8; County Atlas Page 85, Blocks A-3, A-4). Governing Body approval of the Major Special Use Permit is required for public schools in the R-20 District. Notice of the governing board consideration of this Major Special Use Permit will be published in the newspaper in accordance with the requirements of the Durham Zoning Ordinance Section 13.2.2.3 Major Special Use Permits.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board continue the Quasi-Judicial Hearing; any action thereupon requires a suspension of the rules.

9. **Major Site Plan?New Elementary School ?A", Phase I?Ephesus Church Road (Case D02-421)**

Coulter Jewell Thames, PA, on behalf of Durham Public Schools, has submitted a site plan for Phase I of a new elementary school, consisting of an 81,385 square-foot, one- and two-story elementary school, with 138 motor vehicle and nine bicycle parking spaces on a ±17.48 acre portion of a ±37.46 acre site. The proposed facility will be located on the southeastern corner of the intersection of Ephesus Church

Road and George King Road (PIN 0709-03-12-9503; tax reference 485-2-8; County Atlas Page 85, Blocks A-3, A-4). Governing Body approval is required for proposed buildings larger than 25,000 square feet. A Traffic Impact Analysis has been reviewed for this development. An additional agenda item for a Major Special Use Permit (with a public hearing) for this site must be approved prior to consideration of this Major Site Plan.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: If appropriate, the County Manager recommends that the Board suspend the rules and approve the site plan.

10. **10. Little River Regional Park and Natural Area Update**

The 391-acre Little River Regional Park and Natural Area, which is jointly owned by Durham and Orange counties, is currently in the final design and development stages. The final site plan is anticipated for BOCC approval in late January or early February. The design and construction phase is funded primarily by a \$262,000 Land and Water Conservation Fund Grant. The firm Haden-Stanziale has been hired to design the Park entrance, access, parking, and other infrastructures. They have been working with staff, the Little River Park Advisory Board, and the public in the design for the Park entrance facilities.

Due to the joint management and administration of the park's overall use, functions, design, interlocal agreements etc., the timeline for the opening of the Park is anticipated for late summer or early fall of 2003 at the earliest. The anticipated timeline for this process is attached. Staff is currently finalizing a draft interlocal agreement for consideration by the Orange and Durham County Boards for approval in late January.

The design phase has included input from the Advisory Board as well as input from citizens at an October 29, 2002 public review of the conceptual plan for the park. The site plan also includes the relocation of a house in Orange County to the Park for a resident manager/caretaker structure as agreed to by both Boards.

Resource Person(s): Frank M. Duke, AICP, Planning Director; Mike Giles, Open Space Land Manager

County Manager's Recommendation: Accept the Little River Regional Park update and recommendations.

11. **11. Triangle J Cable Regulatory Consortium**

Triangle J Council of Governments (TJCOG) has formed the Triangle J Cable Regulatory Consortium (Cable Consortium), made up of local governments, to assist members in addressing their cable television and telecommunication responsibilities. The Cable Consortium advocates for, and protects, the public interest in the regulation and development of cable communications systems in the Triangle J Region and its member local governments; monitors and helps resolve cable subscribers' concerns in these jurisdictions; and participates in the planning and implementation of community use of communications technologies which make use of the public right-of-way. TJCOG has secured the expertise of Mr. Robert F. Sepe of Action Audits, LLC, as a contractor with substantial knowledge and experience in cable television administration, regulatory, franchising, licensing, public access television management, and right-of-way enforcement matters necessary for local governments to assert their regulatory authority and protect the public interest. Durham County is currently facing an unregulated increase in its cable fees.

As detailed in Attached Exhibit A, the annual membership rate is \$5,000 for member governments. Durham recently paid \$1,000 to TJCOG for assistance with the Effective Competition Claim filed by

Time Warner Cable Company. Given that contribution, the joining fee for Durham County is \$4,000. For Durham County to become a member of the Cable Consortium and receive the services detailed in Exhibit B, it is necessary to enter into a contract with TJCOG, at which point services will become available immediately.

Resource Person(s): Lowell Siler, Deputy County Attorney; Robert Sepe, Technical Consultant for the Triangle J Cable Regulatory Consortium; Renee Boyette, Member Services Director, Triangle J Council of Governments.

County Manager's Recommendation: The County Manager recommends the Board of County Commissioners approve membership in the Triangle J Cable Regulatory Consortium. This item will be placed on the January 13, 2003 Consent Agenda.

12. **12. Closed Session**

The Board is requested to adjourn to closed session to preserve the attorney-client privilege and to give instructions to an attorney concerning the handling of claims and judicial actions pursuant to G.S. § 143-318.11(a)(3).

Resource Person(s): Chuck Kitchen, County Attorney

13. **13. Progress Report ? Local Business Plan for The Durham Center**

North Carolina's mental health reform plan, generally known as the *State Plan*, calls for major changes about how public mental health/developmental disability/substance abuse services (MH/DD/SAS) are structured at the local level.

The plan specifies the creation of a *Local Management Entity* (LME) that is responsible for managing services and that is separate from a private provider network of community-based organizations and that will provide the services and supports. In Durham, the LME will be a new department of County government. The *State Plan* requires the LME to assure that anyone can receive basic core services, such as screening, assessment, emergency triage, and prevention, but otherwise to focus services to those most in need of service, specified by the state as the *target population*.

The *State Plan* calls for each local area program to submit a detailed written plan, called a *Local Business Plan* (LBP), detailing how the LME and provider network will work. The LBP is to be created in the context of a strategic plan, i.e. a plan for the transition of the current system to the new system. The LBP is due to the State on April 1, 2003.

The document attached is a progress report of Durham's LBP which provides a summary of the process and current design and is a report of efforts to date. Over 150 different individuals have participated in development of the draft plan. In December 2002, the Area Board of MH/DD/SAS approved the progress report for submission to the State. County government staff has reviewed the report and made changes, which are indicated in bold type.

Resource Person(s): Ellen Holliman, Interim Area Director, The Durham Center; Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation on the progress report and provide feedback and direction to staff. The Board's approval is not required for the Area Board to submit the Progress Report to the State.

14. **14. Adoption of Legislative Goals**

The Board is requested to consider adopting legislative goals to present to the Durham County Legislative Delegation for consideration during the upcoming session of the General Assembly. As was done last year, the Board is asked to determine its priority legislative items, those legislative

items it is seeking the Delegation to introduce, and those legislative items it is supporting. After this is completed by the Board, the staff will construct a legislative package for the Board's presentation to the Delegation at a later meeting.

Legislative items which the Board may wish to consider are attached. This includes drafted bills for some potential legislative items, selected legislative goals from the North Carolina Association of County Commissioners, a complete list of the legislative goals from the North Carolina Association of County Commissioners as adopted by the Board of Directors of the Association for presentation at the Legislative Goals Conference, and requested legislative items from the Department of Social Services and Health Departments.

Resource Person(s): Deborah Craig-Ray, Public Information Director; Chuck Kitchen, County Attorney

County Manager's Recommendation: Select the priority, seek, and support legislative goals so that the Staff can prepare a legislative package.

#### 15. **Commissioner Liaison Appointments**

The Board of Commissioners will consider the appointment of its members to act as liaisons to various other boards and commissions. The list of current appointments and the list of boards and commissions are attached. The Board members were asked to submit their preferences to the Clerk. The recommended appointments will be presented at the meeting.

County Manager's Recommendation: Suspend the rules and approve the appointments as decided by the Board.



**Last updated: July 23, 2006**

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200 E Main Street, Durham, NC 27701  
[webmaster@durhamcountync.gov](mailto:webmaster@durhamcountync.gov)  
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