

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

Monday, March 10, 2003

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and
Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D.
Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

There were no adjustments to the agenda.

Minutes

Commissioner Heron moved, seconded by Commissioner
Cousin, to approve the November 11, 2002 Regular Session
Minutes and the December 2, 2002 Special Session
Minutes of the Board as submitted.

The motion carried unanimously.

Consent Agenda

Commissioner Jacobs moved, seconded by Commissioner
Heron, to approve the following consent agenda items:

- * (a) Budget Ordinance Amendment No. 03BCC000044—
Social Services—Additional Funding for Durham's
Home and Community Care Block Grant (approve
Budget Ordinance Amendment No. 03BCC000044 to

- accept additional funding for the Home and Community Care Block Grant);
- * (b) Budget Ordinance Amendment No. 03BCC000045—Social Services—Budget Reduction for TANF Domestic Violence (approve Budget Ordinance Amendment No. 03BCC000045 to accept a funding reduction for TANF Domestic Violence in Social Services' budget);
 - * (c) Budget Ordinance Amendment No. 03BCC000046—Cooperative Extension—Addition of Division of Juvenile Justice and Delinquency Prevention Funding (approve Budget Ordinance Amendment No. 03BCC000046 to receive funding from DJJDP in the amount of \$555,038);
 - (d) Approve Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (approve the application. This has been placed on the consent agenda, as it is a recurring grant application and approval process that the County participates in each year.);
 - * (g) Resolution Endorsing the Triangle GreenPrint Regional Open Space Assessment (endorse the resolution supporting the regional planning effort);
 - (k) Approval of Durham's Covenant for Education (endorse the initiative); and
 - (l) Approve Appointment to Community Child Protection Team (appoint Commissioner Heron to serve on the Community Child Protection Team).

The motion carried unanimously.

Commissioner Jacobs thanked Commissioner Heron for taking her place on the Community Child Protection Team. She explained for the record that she withdrew as its liaison due to a conflict with its meeting schedule. She also serves as liaison on the Carolina Theatre Board, which meets at the same time and on the same day.

Documents related to these items follow:

Consent Agenda 4(a): Budget Ordinance Amendment No. 03BCC000044—Social Services—Additional Funding for Durham's Home and Community Care Block Grant (approve Budget Ordinance Amendment No. 03BCC000044 to accept additional funding for the Home and Community Care Block Grant).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services (Home and Community Care Block Grant).

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$323,461,987	\$56,440		\$323,518,427
<u>Revenues</u>				
Intergovernmental Revenues	\$261,222,384	\$56,440		\$261,278,824

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of March, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(b): Budget Ordinance Amendment No. 03BCC000045—Social Services—Budget Reduction for TANF Domestic Violence (approve Budget Ordinance Amendment No. 03BCC000045 to accept a funding reduction for TANF Domestic Violence in Social Services' budget).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$323,518,427		\$18,657	\$323,499,770

Revenues

Intergovernmental Revenues	\$261,278,824	\$18,657	\$261,260,167
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of March, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(c): Budget Ordinance Amendment No. 03BCC000046—Cooperative Extension—Addition of Division of Juvenile Justice and Delinquency Prevention Funding (approve Budget Ordinance Amendment No. 03BCC000046 to receive funding from DJJDP in the amount of \$555,038).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2002-03 Budget Ordinance
 Amendment No. 03BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Cooperative Extension.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Economic & Physical Development	\$ 2,468,268	\$15,500		\$ 2,483,768
Human Services	\$323,499,770	\$28,576		\$323,528,346
<u>Revenues</u>				
Intergovernmental Revenues	\$261,260,167	\$44,076		\$261,304,243

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of March, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(g): Resolution Endorsing the Triangle GreenPrint Regional Open Space Assessment (endorse the resolution supporting the regional planning effort).

The resolution follows:

RESOLUTION
IN SUPPORT OF THE TRIANGLE GREENPRINT
ASSESSMENT AND PLANNING PROCESS

WHEREAS, open space provides critical benefits to Durham County residents including parks, greenways, historic and scenic landscapes, habitat for wildlife and native plants, water and air quality protection, and agricultural and timber products; and

WHEREAS, important open space will continue to be lost in the absence of immediate comprehensive open space planning; and

WHEREAS, continued loss of important open space is detrimental to the quality of life of Durham County residents; and

WHEREAS, the North Carolina General Assembly passed a law making it the State's goal to permanently protect an additional one million acres of open space (G.S. 113A-241); and

WHEREAS, the Triangle J Council of Governments, Triangle Land Conservancy, and NC Division of Parks and Recreation have formed the Triangle GreenPrint Project and have released a Regional Open Space Assessment; and

WHEREAS, the Regional Open Space Assessment documents important open space areas in the six-county Triangle region that were identified by 140 professional and citizen open space experts; and

WHEREAS, the Regional Open Space Assessment identifies many open space areas that can only be fully enjoyed by Durham County citizens if Durham County cooperates with other government jurisdictions to protect them; and

WHEREAS, the likelihood of protection of these open space areas will be enhanced through awareness of their significance, and through adoption and implementation of formal plans for their protection; and

WHEREAS, the next step in the process would be development of a regional open space plan and implementation strategy:

THEREFORE, BE IT RESOLVED THAT THE DURHAM BOARD OF COUNTY COMMISSIONERS

Recognizes the efforts of the 140 technical experts and citizens who provided their expertise to develop the Regional Open Space Assessment as an overview of Triangle open spaces that are worthy of some level of protection; and

Requests that the County study the Regional Open Space Assessment and its database, and incorporate applicable findings into new planning efforts and updates, as appropriate and as time permits; and

Requests that the County share with the GreenPrint Project information about any important open space that may have been overlooked in the Regional Open Space Assessment so that it may be incorporated in future documents; and

Requests that the County continue to engage in meetings with neighboring counties to discuss how the jurisdictions may cooperate to protect cross-jurisdictional open space; and

Requests that the County provide updates to the Triangle GreenPrint Project regarding the County's newly protected open spaces so that this information can be added to the regional and statewide databases; and

Requests that the County investigate ways to increase the funding available to open space protection; and

Commits itself to supporting the concept of regional cooperation on land protection projects, and to taking a leadership role in helping to protect a regional network of open spaces; and

Agrees to be an active partner in developing a regional plan and implementation strategy for a network of regional open space; and

Requests that the County identify for inclusion in an initial implementation map, several open space sites that the County has already targeted for protection efforts over the next two years; and

Requests that both the County and City work with their local legislative delegation to obtain North Carolina General Assembly approval of additional planning and fiscal tools, including but not limited to the Transfer of Development Rights, which can assist in the preservation of open space.

This the 10th day of March, 2003.

/s/ Ellen W. Reckhow, Chairman

Consent Agenda Items Removed for Discussion

Consent Agenda 4(e): Public Health—Approve the Restructuring of User Fees in the Environmental Health Division (approve the restructuring of user fees in the Environmental Health Division).

Commissioner Heron asked, regarding independent food vendors on street corners, whether they must be permitted or pay privilege fees, pass inspections, or pay sales tax.

Mr. Donnie McFall, Environmental Health Director, advised that these food stands are now illegal. Before October 1, 2002, they could do business once per month on two consecutive days maximum. They are no longer permitted. As of October 1, 2002, the State rules, under which the Health Department operates to issue permits to food preparation facilities, eliminated the exemption for those units. The only exemptions allowed now are for nonprofit, tax exempt organizations. Health Department officials canvas the food stands on weekdays; those found to be operating illegally are shut down.

Mr. McFall added that these operations increase in the spring. The Health Department depends on citizens to report sightings on weekends. The Health Department issued a press release when the law changed.

Chairman Reckhow suggested that the Health Department issue another press release to make the public aware that these are no longer legal or inspected.

Consent Agenda 4(f): Durham City-County Interlocal Cooperation Agreement for Planning (adopt the City-County Interlocal Cooperation Agreement for Planning).

Dr. Lavonia I. Allison, representing the Durham Committee on the Affairs of Black People, requested that this item be pulled for discussion. She was concerned that the proposed agreement had not been reviewed by the Board of Adjustment to allow for that board's input. She was also concerned that the Planning Commission has, on occasion, recommended denial of a zoning or site request while the Planning Department staff has recommended approval. She asked what the Planning Commission's role is as relates to Planning Department staff.

Mr. Frank Duke, City-County Planning Director, responded to Dr. Allison's concerns. He noted that, 11 months ago, copies of the initial proposed interlocal agreement were distributed to members of the Board of Adjustment and the City-County Planning Commission. The two groups were invited to make comments and suggestions for change. The Planning Commission made suggestions; however, the Board of Adjustment offered no changes. Mr. Duke explained that the Durham Planning Commission functions as an advisory body; the Planning Department functions as a technical body reviewing technical compliance with ordinances and with the adopted area plans. The Planning Commission has a responsibility to listen to public comment and render their opinion based, not just on those technical comments, but also on any public comment that is made. Thus, it is very possible to receive conflicting recommendations from staff, on a technical basis.

In answer to Vice-Chairman Bowser's question, Mr. Duke stated that the Planning Department does provide the Planning Commission with technical information when asked. There are areas that the Planning Commission may consider, such as school capacity, while the Planning Department is not allowed, because there is nothing written

in an ordinance, policy, or plan that it may consider. This explains some of the levels of disagreement.

After extensive discussion, the following motion was made to accommodate the Durham County Board of Adjustment:

Commissioner Cousin moved, seconded by Commissioner Jacobs, to defer action on Consent Agenda item 4(f) until the April 14, 2003 Regular Session to allow the Durham County Board of Adjustment to receive copies of the agreement in advance of its next meeting, and enable discussion and submittal of any recommendations. The Durham City Council would be asked to defer its vote until the BOA has a chance to review the agreement.

The motion carried unanimously.

Chairman Reckhow asked the County Attorney to discuss the section regarding the ETA (Extra-Territorial Area) with Planning Director Frank Duke and decide an approach before the item is returned to the Board for consideration.

Consent Agenda 4(h): Hiring of Relative by the Sheriff of Durham County (allow Sheriff Worth L. Hill to hire Ms. Sharla Hill).

Ms. Cecily Smith, Attorney for the Office of the Sheriff, related that Sheriff Worth Hill has asked the Board of County Commissioners to approve the hiring of his daughter-in-law, Sharla Hill. Ms. Hill is acting as a telecommunicator and is receiving a salary.

Ms. Smith stated that the County Attorney, Chuck Kitchen, feels this is necessary and has called for this approval, as he interprets the word "appointee" as applying to all hired personnel, in addition to deputies. Ms. Smith recited the three case laws on which she based her opinion that the County Attorney's request was unnecessary.

In answer to Commissioner Heron, Ms. Smith advised that Ms. Hill filled an existing open position. The position was not newly created. She is adequately qualified and is doing a good job.

Commissioner Heron stated her continuing concern that the Sheriff's communications center must be combined with the 911 center. As is, two communications centers are being funded.

County Attorney Kitchen distributed copies to the Commissioners of N.C.G.S.A. § 153A-103, the annotated state statute on which he based his request for Commissioner approval. The state statute sets forth the limitations on the Sheriff and the Register of Deeds for employment of relatives. He then explained his interpretation.

Consent Agenda 4(i): Approval of Legislative Agenda for the Durham Crime Cabinet (approve and authorize the Chairman to forward a letter to members of Durham County's legislative delegation communicating the Board of County Commissioners' support).

Dr. Lavonia I. Allison, representing the Durham Committee on the Affairs of Black People, requested that this item be pulled for discussion. She stated that a number of items on the legislative agenda for the Crime Cabinet gave her concern. She expressed the opinion that stricter laws were recommended to increase punishment, but nothing was brought up about retraining, correction, or teaching skills to young males. She wanted the document reviewed by concerned persons and a person with a legal background before it is sent to the legislative delegation.

Chairman Reckhow explained that this was the beginning of a process. The items were discussed by a Crime Cabinet subcommittee, then by the full Crime Cabinet, and then by the County Commissioners at a worksession. The legislative agenda received positive feedback in a meeting with the local legislative delegation and the Crime Cabinet. She commented that members of the delegation stated they were striving for passage of a couple of the items with which Dr. Allison expressed her concern. Chairman Reckhow stated it was appropriate to move the agenda forward due to deadlines for bill introduction.

Commissioner Heron agreed that the legislative agenda should be moved forward. She suggested that it could be debated later in the process.

Consent Agenda *4(j): Approval of Memorandum of Understanding with Durham Public Schools (approve the Memorandum of Understanding that was approved by the Board of Education on February 27, 2003).

Dr. Lavonia I. Allison, representing the Durham Committee on the Affairs of Black People, requested that this item be pulled for discussion. She was concerned with the current text of the Memorandum of Understanding, especially numbers 7 and 10. She also wanted a copy of the "2003-2004 Schedule for Informational Reports" distributed by the Durham Public Schools. She wanted access to the "retention report" at the end of the school year, not in October of the next school year. She said, "This is too late and doesn't leave time for assessment."

Chairman Reckhow agreed that each time the MOU is sent out, it should include a copy of the "2003-2004 Schedule for Informational Reports." This would allow for any needed changes in the schedule. Also, the year's student retention report for grades 1, 3, 5, 6, and 8 should be distributed earlier than October of the next school year.

Chairman Reckhow suggested that the Board approve the MOU and that a copy of the schedule be included for changes to next year's MOU.

Vice-Chairman Bowser, referring to item number 8 in the MOU, asked the County Attorney how a portion of a school site would be separated to allow for joint use (co-

locating). County Attorney Kitchen answered that the NC Constitution would require that the County pay full price for the property—even though the County funded the purchase initially for the school system. A school property bought with bond funds has even more restrictions. An amendment, although proposed, has not been brought forth to the NC Legislature to correct this and other restrictions of co-locating.

Vice-Chairman Bowser urged that all technical issues such as these be dealt with before they become a part of the MOU.

Chairman Reckhow agreed and stated that the County Manager and the Durham Public Schools Superintendent have been requested to develop a protocol for implementation of such a site division and co-location of a public facility. This should be ready for presentation at the next meeting with the Board of Education and County Commissioners. Such a protocol would mean that no decision on a school site would be made until there is discussion with the Board of County Commissioners. Also, the County and Durham Public Schools could each initially purchase portions of a site when the County seeks to build a new library branch.

Commissioner Heron commented that, if the school system purchases a site, it is paid for with taxpayer money. If the County later purchases a portion of the same site, it is paid for again with taxpayer money. It makes more sense for the County to purchase a portion of the site initially.

The Memorandum of Understanding follows:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered this 10th day of March, 2003 by and between the DURHAM COUNTY BOARD OF COMMISSIONERS and the DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION.

WHEREAS, the Durham Public Schools has presented and the Durham County Commissioners have approved its proposed Fiscal Year 2002-2003 Budget; and

WHEREAS, the Board of County Commissioners and the Board of Education mutually desire to improve the educational achievements of all Durham school children; and

WHEREAS, members of the Board of County Commissioners and the Board of Education understand the importance of regular communications during the budget process and throughout the school year,

IT IS NOW THEREFORE AGREED THAT:

1. The Durham Public Schools shall follow the budget process and format for the 2004 Fiscal Year that was utilized for the 2001, 2002, and 2003 Fiscal Years. The budget document will incorporate measurable objectives and key accomplishments.

2. The Durham Public Schools shall provide the Board of County Commissioners with reports according to the established 2002-2003 Schedule for Information Reports as prepared by the Durham Public Schools Office of Public Affairs. The reports will include disaggregated information. These reports shall be disseminated at the same time copies are provided to the Board of Education.
3. A copy of all reports provided to the Office of Civil Rights will be provided to the Clerk to the Board of County Commissioners. Reports/topics will be addressed during quarterly joint meetings.
4. The Durham Public Schools shall provide the Board of County Commissioners with copies of the following program evaluations upon completion:
 - Lakeview School
 - DPS Third Grade Reading Goal
 - Hillside High School Plan Evaluation/Status Report
5. The Board of Education, with input from concerned citizens including, a Latino organization and the Committee on the Affairs of Black People, but not limited to members of organizations in the African-American and Latino communities and other appropriate stakeholders, representing the population most at risk, will continue to set measurable goals and outcomes in an effort to further reduce the dropout rate.
6. The Durham Public Schools shall continue to work with Durham County to develop alternative education programs for all suspended students with the goal of reducing the number of long- and short-term suspended students.
7. The Durham Public Schools and the Durham County Board of Commissioners shall provide one another appropriate information regarding school funding as such information is released to the public.
8. The Superintendent of Durham Public Schools and the Durham County Manager, working with representatives from both boards, will direct appropriate staff members to develop future school sites in a manner that ensures maximum use (co-locating parks, libraries on school sites or jointly using existing and expanded facilities) by the public. This will require joint planning prior to the purchase of school sites and prior to finalizing the architectural specifications for school buildings.
9. The Durham Public Schools will consult with the Durham County Board of Commissioners on school construction and develop energy-efficient and cost-effective plans and specifications with focus on the recommendations included in the state planning report of April 1993.
10. The Board of County Commissioners and the Durham Public Schools Board of Education shall jointly meet in the last quarter of the fiscal year to review compliance with this Memorandum of Understanding prior to the commencement of budget discussion for the 2003-2004 Fiscal Year.

COUNTY OF DURHAM

DURHAM PUBLIC SCHOOLS
BOARD OF EDUCATION

/s/ Ellen W. Reckhow, Chairman
Durham Board of County Commissioners

/s/ Kathryn Meyers, Chairman
Board of Education, Durham Public Schools

Attest: /s/ Garry E. Umstead, Clerk

Attest: /s/ Debbie Terrell, Board Liaison

Commissioner Vote on Items Pulled From the Consent Agenda

After extensive discussion of these items pulled from the Consent Agenda, the following motion was made:

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda items 4(e), (h), (i), and (j).

The motion carried unanimously.

Public Hearing for Land Use Plan Amendment # A02-19—Hamlin Road Subdivision

This item is a plan amendment for the North Durham Plan. The applicant, E. T. Development Corporation, requests to designate 65.41 acres from High Density Residential and Industrial to Low Density Residential. The property is located on the south side of Hamlin Road northeast of Riley Drive. The Planning Commission considered this item at a public hearing held January 22, 2003 and recommended denial primarily based on school and road impacts.

Planning Department Recommendation - Approval

Planning Commission Recommendation - Denial (1/22/03—6 to 5)

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

County Manager's Recommendation: The Manager's recommendation is that the Board hold the hearing and approve the amendment if appropriate, based upon public comment to designate the area located on the south side of Hamlin Road northeast of Riley Drive for Low Density Residential use.

Mr. Frank Duke, City-County Planning Director, introduced the agenda item. He said the basis for the request was actions/discussions being taken to remove "Eno Drive" (labeled Northeast/Northwest Durham Parkway on map provided in agenda package) from the roadway plans in this area. The North Durham Plan designated this property for high-density residential and industrial land use designation based on Eno Drive being through this property. Recent discussions to move Eno Drive suggest it's appropriate to revisit the land use. The request is consistent with the text of the North Durham Plan, most specifically with transportation policy.

The change in land use designation would cause an increase in trips on Hamlin Road and Old Oxford Road. Both roads appear to have the capacity to handle this change. The schools serving this area (Glenn Elementary and Chewning Middle School) do not have the capacity to accommodate this re-designation.

The County Commissioners discussed the parkway alignment—which has not been finalized—with the Planning Director. They agreed that much will depend on environmental issues and the EIS (Environmental Impact Study).

The Commissioners, Planning Director, and County Attorney also discussed the propriety of re-designating the adjacent parcel from its current High Density Residential to Low-Density Residential.

Chairman Reckhow opened the public hearing, which was properly advertised.

The following speakers made comments:

Mr. Jan Beeker, 1518 Hamlin Road, Durham, NC 27704, asked the Board to retain the current zoning. He did not wish it to change from high density residential and industrial, but he also did not want development to come.

Mr. Larry Thomas, 9 Preakness Drive, Durham, NC 27713, spoke representing ET Development Corporation. He supported the re-designation to allow the development of a subdivision of 140 single-family homes under a PDR 2.17 zoning.

Mr. Brian W. Harley, 1406 Hamlin Road, Durham, NC 27705, said he opposed any kind of development on this land and wanted it kept rural. He said that if the land must be developed, he would rather see single-family rather than multi-family development on this property.

There being no other speakers, Chairman Reckhow closed the public hearing and returned the item for Commissioner discussion.

Chairman Reckhow and Planning Director Frank Duke continued the discussion regarding the propriety of re-designation of the adjacent property from High Density to Low Density to avoid having a pocket of high-density activity surrounded by low-density activity. Mr. Duke advised that the map used by Mr. Thomas of ET Development Corporation differed from the official map in Planning Department. Mr. Duke recommended that, if the Board decided by vote in favor of this request, the Planning staff should be directed to initiate an amendment to the remainder of this high-density residential use that abuts this property.

Chairman Reckhow agreed that staff should be directed to proceed to re-designate this other piece to Low-Density. There is a process to change the land use designation under the North Durham Area Plan. This is not a rezoning. The current zoning is RD (Rural District) which allows housing.

Commissioner Jacobs asked the Planning Director for clarification on this request. Planning Director Duke confirmed Commissioner Jacobs' belief that there would be little difference in traffic impact between single-family housing and multi-family housing.

There is, however, a greater impact in school enrollment per unit with single-family housing.

The Commissioners held extensive discussion concerning the difference between the area's zoning and its land use designation under the North Durham Area Land Use Plan, and the question of whose map shows the most-recent alignment of the proposed roadway (Planning or City Transportation).

Chairman Reckhow called for Planning to strive to acquire the latest maps before presenting an agenda item in the future. Commissioners Reckhow and Heron agreed that there is no longer an Eno Drive. There is a new corridor, named the Northern Durham Parkway, which has been redefined in this area and goes north. The new map would be helpful to the developer.

The Commissioners indicated they were not ready for vote on this agenda item. The following motion was made to defer action for a month:

Commissioner Jacobs moved, seconded by Commissioner Heron, to defer this item to allow the Planning Department to acquire a new map from Transportation indicating the route reserved for the Northern Durham Parkway.

The motion carried unanimously.

Major Site Plan—Wachovia RTP Bank Revisions (D02-658)

O'Brien Atkins Associates, PA, on behalf of Wachovia Bank, has submitted a site plan for revisions to an existing one-story, 8,150-square-foot bank, including the addition of two drive-up teller lanes, two bicycle parking spaces, and a dumpster. The proposal also includes the relocation of one automated teller machine, the addition of another new automated teller machine, and nine new motor vehicle parking spaces, with a net removal of 13 motor vehicle parking spaces on a ± 2.45 -acre portion of a larger ± 21.56 -acre site, zoned SC & MTC. The proposed facility will be located north of NC 54, east of Park Drive, and west of Davis Drive. (PIN 0747-01-09-5980 [part]; tax reference 544-1-2A-50 [part]; County Atlas Page 98, Blocks A-2 & A-3) Governing Body approval is required for projects requiring a Traffic Impact Analysis, which has been reviewed for this development. The motion by the Board should include approval of the use of the existing pedestrian/jogging trail on the south side of NC 54 to satisfy public sidewalk requirements of the Zoning Ordinance, in keeping with the pedestrian master plan for Research Triangle Park.

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

County Manager's Recommendation: The Manager's recommendation is that the Board hear the merits of the site plan and approve.

Mr. Frank Duke, City-County Planning Director, introduced the agenda item. He stated that the site plan complied fully with all ordinance requirements. Therefore, staff and the development review board recommended approval.

A correction to the staff report was made to indicate that the project would be served by County water and sewer services (rather than City).

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the site plan revision to include use of the existing pedestrian/jogging trail on the south side of NC 54 to satisfy public sidewalk requirements of the Zoning Ordinance, in keeping with the pedestrian master plan for Research Triangle Park.

The motion carried unanimously.

Lebanon Volunteer Fire Department EMS Contract Amendment

The Board is requested to approve a contractual amendment to reflect changes in the scope of EMS service provided by Lebanon Volunteer Fire Department. The change in scope of service is outlined in the summary and will also result in a reduction in the current Fiscal Year EMS allocation.

Resource Person(s): J.M. Tezai, EMS Director

County Manager's Recommendation: The Manager recommends that the Board consider the request and approve the contract amendment.

Chairman Reckhow introduced Mickey Tezai, the EMS Director to present the agenda item.

Mr. Tezai explained that the Lebanon Volunteer Fire Department moved in July 2002 from the Milton Road site, which was annexed into the City, to its current Russell Road site. The County purchased the Milton Road site for EMS support services. At the Lebanon VFD's request, EMS agreed to move the Durham County Paramedic to the Russell Road station for a six-month trial period. During that time, it was determined that the average emergency response time increased from six minutes to an unacceptable nine minutes. The Paramedic was moved back to the Milton Road site in January 2003. Lebanon advised it could not accommodate moving the ambulance and driver back to the Milton Road site, and has changed its participation to the first-responder level. Thus the contract reflects a modification of services, with EMS providing the Paramedic and driver when staffing allows, and for assistance to be provided by the Bahama Volunteer Fire Department to meet staffing shortages.

The Commissioners asked questions and made comments, to which Mr. Tezai responded.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the contract amendment.

The motion carried unanimously.

Adjournment

There being no further business, the meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:SBP