

November 23, 1998

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

Monday, November 23, 1998

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 MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser and Becky M. Heron

Absent: Commissioner William V. Bell (excused)

Presider: Chairman Black

**Opening of Regular Session**

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

**Motion to Excuse Commissioner Bell**

Commissioner Heron moved, seconded by Commissioner Bowser, to excuse Commissioner Bell from the meeting.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow, Commissioner Bowser, and Commissioner Heron

Noes: None

Absent: Commissioner Bell

**Agenda Adjustments**

Chairman Black added the "Resolution of Support for Coordinating Council on Senior Citizens' Grant Proposal." to the agenda. This item would be heard after the consent agenda.

County Attorney Chuck Kitchen asked that an item be added to schedule a public hearing regarding the Triangle Township Plan amendment. This agenda item should be considered prior to agenda item No. 6, "Public Hearing--Brier Creek Associates, LP (Rezoning Case

Commissioner Bowser requested a discussion concerning Fortune magazine deleting Durham County from its list as a favorable part of the country in which to live.

**Consent Agenda**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda item:

\*(a) Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report).

November 23, 1998

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron  
Noes: None  
Absent: Commissioner Bell

\*The document related to this item follows:

Consent Agenda 3(a). Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of October 1998.

For FY 1998-99, releases and refunds amounted to \$1,645,852.78 in taxes for real property, \$395,966.60 in taxes for personal property, \$18,814.56 in taxes for registered motor vehicles, \$295.00 in city vehicle fees, and \$2,255.00 in solid waste fees.

For prior years, releases and refunds amounted to \$281,060.75.

(Recorded in Appendix A in the Permanent Supplement of the November 23, 1998 Minutes of the Board.)

Commissioner Heron said proposed legislation has been drafted requiring that tax release and refund reports be maintained in the Clerk to the Board's office.

**Resolution of Support for Coordinating Council on Senior Citizens**

Commissioner Heron asked that a resolution of support be prepared for the Coordinating Council on Senior Citizens' application for grant funds to build a Multipurpose Senior Resource Center. The \$100,000 requested from the N.C. Division on Aging is earmarked for capital projects. Ms. Joan Pelletier was available to respond to questions regarding the request.

Chairman Black read the following resolution into the record:

RESOLUTION

WHEREAS, the Council for Senior Citizens is a private, nonprofit, United Way agency; and

WHEREAS, the Council operates Durham's Senior Centers, which are focal points for

WHEREAS, through the centers, seniors participate in special events, enjoy hot lunches, and receive assistance with health issues, transportation, phone calls to homebound seniors, recreation, and referrals to other appropriate agencies; and

WHEREAS, seniors make up a growing number of Durham County's population and are healthy, active, contributing members of our community; and

WHEREAS, by the year 2000, 12.5 percent of Durham County's total population will be 60 years of age or older, and that number will continue to increase; and

November 23, 1998

WHEREAS, a proposed Multipurpose Senior Resource Center, to include health care areas, indoor and outdoor recreation areas, an auditorium, dining facilities, adult day health services, classrooms, and more would provide a broad range of services and programs to meet the needs of older adults in Durham County, in a comprehensive setting:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby support the Coordinating Council for Senior Citizens' \$100,000 grant application for state funding from the N. C. Division of Aging. The intent of this funding is to provide one-time assistance for senior center capital projects; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded as part of the grant application made by the Coordinating Council for Senior Citizens.

This the 23<sup>rd</sup> day of November, 1998.

Lyles V. Storch, Past President, Council for Senior Citizens, and Cecil Patterson, President, Council for Senior Citizens, were at the meeting in support of the resolution.

Mr. Storch said the Council for Senior Citizens is negotiating with the City of Durham for the City to donate the Star Warehouse property on Rigsbee Avenue for a Multipurpose Senior Resource Center. The project will cost \$3 million.

Mr. Storch thanked the Commissioners for approving the resolution.

#### **Nursing Home Facilities Report**

Chairman Black stated she visited the Horizon Rehabilitation Center and Treyburn Rehabilitation and Nursing Center last week. The Southeast Regional Director accompanied Chairman Black on the tour and made various suggestions to improve conditions in the facilities.

Chairman Black said the Commissioners will consider these suggestions at their January planning retreat.

Ms. Joan Pellettier, Director, Council for Senior Citizens, made remarks about the nursing home situation.

Chairman Black and Commissioner Heron will visit several nursing homes in the near future.

Chairman Black urged citizens to submit applications for the Nursing Home Community Advisory Committee.

#### **Presentation and Comments by SunShares Recycling Inc. (Tidewater Fibre Corporation)**

Ms. Abrilla Robinson, Executive Director for SunShares Recycling Inc., recently acquired by Tidewater Fibre Corporation of Norfolk, Virginia, requested the opportunity for a SunShares representative to address the Durham County Board of Commissioners. SunShares Board of Directors and staff wished to express their appreciation for Durham County's support and recycling efforts over the past six years.

Mr. John Manuel, Sunshares Board member, presented the Commissioners, County Manager David F. Thompson, and General Services Director Michael Turner with plaques from Sunshares Board of Directors and staff as tokens of appreciation.

The plaques read:

November 23, 1998

Environmental Champion for Inspired Leadership  
and Dedicated Service to the  
Environmental Ideals and Mission of Sunshares

Vice-Chairman Reckhow expressed concern about the educational component of the Sunshares contract. She asked Mr. Turner to examine the educational component of the Tidewater Fibre Corporation agreement.

**A Public Hearing on Zoning Ordinance Amendment TC 79-98--Criteria for Granting Use Permits**

Conduct the public hearing and consider the amendment. This proposal resulted from suggestions by the Attorney's Office and Board of Adjustment to amend the criteria for granting use permits. These changes are primarily technical in nature. They will improve Zoning Ordinance clarity, enable a stronger defense from legal challenges, and improve the efficiency of the ordinance.

Resource Persons: Lowell Siler and Bonnie Estes

County Manager's Recommendation: Adoption of the amendment to the Zoning Ordinance identified as TC 79-98.

Chairman Black opened the public hearing that was properly advertised.

Connia H. Watson, 3725 Suffolk Street, Durham Board of Adjustment Chairman, spoke in support of the amendment. He said the changes will help the Board of Adjustment accomplish its responsibilities more effectively.

The Commissioners thanked Mr. Watson for his work for Durham County over the past years.

As no one else asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Zoning Ordinance Amendment TC 79-98--criteria for granting use permits.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron

Noes: None

Absent: Commissioner Bell

Zoning Ordinance Amendment TC 79-98 follows:

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE  
TO MODIFY THE CRITERIA USED FOR GRANTING USE PERMITS  
AND THE LENGTH OF VALIDITY OF THE PERMITS

WHEREAS, the Durham Board of County Commissioners wishes to amend the zoning ordinance; and

WHEREAS, these changes are generally technical in nature; and

WHEREAS, these changes will improve the efficiency of the ordinance; and

November 23, 1998

WHEREAS, these changes reflect a process that is preferred by the Board of Adjustment and the elected boards; and

WHEREAS, these changes will better allow the deciding body to consider the desires of more neighboring property owners when making a decision; and

WHEREAS, the allowances for extensions will simplify the work of the approving bodies:

NOW, THEREFORE, BE IT ORDAINED THAT:

#### SECTION 1

That Sections 13.1.3, 13.1.4, 13.1.5, 13.1.6, 13.1.7, 13.1.8 and 13.1.9 of the Zoning Ordinance regarding Minor Use Permits be rewritten to read as follows:

##### 13.1.3 General Findings

Applications for Minor Special Use Permits shall be approved only if the Board of Adjustment finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use, the Supplementary Requirements Section of this ordinance, and the considerations identified below; and
3. Will not adversely affect the health or safety of the public.

If the Board of Adjustment fails to find conformance with the conditions listed above, or makes findings which are inconsistent with those conditions listed above, then the proposed permit shall be denied.

##### 13.1.4 Considerations

The applicant shall demonstrate that the considerations listed below have been addressed. If an application is denied, the Board shall specify which of these considerations, if any, were not adequately addressed.

1. Circulation: Number and location of access points to the property and the proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Parking and Loading: Location of off-street parking and loading areas.
3. Effect on Nearby Property: Effects of the proposed use on nearby property, including, but not limited to the effects of noise, glare, odor, and traffic.
4. Service Entrances and Areas: Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.
5. Utilities: Location and availability of utilities.
6. Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.
7. Signs and Lighting: Locations of exterior lighting and signs with reference to glare, traffic safety, economic effect, and compatibility with other property in the area.
8. Open Spaces: Location of required yards and other open spaces and preservation of existing trees and other natural features.

9. *Compatibility*: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
10. Any other review factors which the Board of Adjustment considers to be appropriate to the property in question.

The Board of Adjustment may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this ordinance.

#### 13.1.5 Coordination with Site Plans

When required, site plan applications shall be filed concurrently with minor special use applications. Since most of the information included in site plans would be informative to the Board of Adjustment in decision making, copies of site plans shall be sent to the Board of Adjustment and presented at the public hearing. However, all approvals of special uses shall be conditioned on approval of the site plan. No building permit may be issued until the special use and the site plan are approved.

#### 13.1.6 Coordination with Variances

Applications for variances may be submitted concurrently with requests for minor special uses. Notifications and hearings may be combined. However, decisions shall be rendered separately for any variance and the special use.

#### 13.1.7 Resubmittals

An application for a special use which has been denied may be resubmitted only if there has been a change in circumstances as determined by the Planning Director or the Director's designee.

#### 13.1.8 Amendments

Field alterations or revisions to approved special uses may be approved by the Development Review Board (DRB) if the special use still meets the intent of the standards established with the original approval. The applicant may appeal a decision of the DRB to the Governing Body.

Major changes to approved special uses shall require submittal of a new application.

#### 13.1.9 Expiration; Extensions

A use permit shall become null and void in the following cases:

- a. If a site plan is not approved within 24 months of the date of permit approval.
- b. Where an approved site plan or building permit expires.
- c. Where a building permit is not issued within 24 months of the date of approval, in cases where a site plan is not required.

### SECTION 2

That Sections 13.2.3, 13.2.4, 13.2.5, 13.2.6, 13.2.7, 13.2.8 and 13.2.9 of the Zoning Ordinance regarding Major Use Permits be rewritten to read as follows:

#### 13.2.3 General Findings

Applications for Major Special Use Permits shall be approved only if the Governing Body finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use, the Supplementary Requirements Section of this ordinance, and the considerations identified below; and
3. Will not adversely affect the health or safety of the public.

If the Governing Body fails to find conformance with the conditions listed above, then the proposed permit shall be denied.

#### 13.2.4 Considerations

The applicant shall demonstrate that the considerations listed below have been addressed. If an application is denied, the Governing Body shall specify which of these considerations if any, were not addressed.

1. *Circulation*: Number and location of access points to the property and the proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. *Parking and Loading*: Location of off-street parking and loading areas.
3. *Effect on Nearby Property*: Effects of the proposed use on nearby property, including, but not limited to the effects of noise, glare, odor, and traffic.
4. *Service Entrances and Areas*: Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.
5. *Utilities*: Location and availability of utilities.
6. *Screening and Landscaping*: Installation of screening and fencing where necessary to protect adjacent property.
7. *Signs and Lighting*: Locations of exterior lighting and signs with reference to glare, traffic safety, economic effect, and compatibility with other property in the area.
8. *Open Spaces*: Location of required yards and other open spaces and preservation of existing trees and other natural features.
9. *Compatibility*: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.
10. Any other review factors which the Governing Body considers to be appropriate to the property in question.

The Governing Body may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this ordinance.

#### 13.2.5 Coordination with Site Plans

In cases where a site plan is required, site plan applications shall be filed concurrently with major special use applications and the information shall be provided to the Governing Body during its deliberations. However, all approvals of special use permits shall be conditioned on approval of the site plan. No building permits may be issued until the site plan and special use permit are approved. Site plan approval may be conditioned on the approval of variances.

13.2.6 Coordination with Variances

Applications for variances may be filed with the Board of Adjustment under standard procedures at any time prior to the issuance of a building permit. If the Board of Adjustment grants a variance prior to approval of the special use, the Governing Body shall be advised of the variance approval. Any approved variance shall be determined to be null and void if the major special use is not approved by the Governing Body.

13.2.7 Resubmittals

An application for a special use which has been denied may be resubmitted only if there has been a substantial change in circumstances as determined by the Planning Director or the Director's designee.

13.2.8 Amendments

Minor field alterations or minor revisions to approved special uses may be approved by the Development Review Board (DRB) if the special use still meets the intent of the standards established with the original approval. The applicant may appeal a decision of the DRB to the Governing Body.

Major changes to approved special uses shall require submittal of a new application.

13.2.8 Expiration; Extensions

A use permit shall become null and void in the following cases:

- a. If a site plan is not approved within 24 months of the date of permit approval.
- b. Where an approved site plan or building permit expires.
- c. Where a building permit is not issued within 24 months of the date of approval, in cases where a site plan is not required.

SECTION 3

That the zoning ordinance be renumbered if necessary to accommodate this change.

SECTION 4

That this ordinance become effective upon adoption.

(Zoning Ordinance Amendment TC 79-98 recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Set Public Hearing for Triangle Township Plan Amendment**

The Board of Commissioners was requested to set a public hearing for its December 14, 1998 Regular Session to consider adopting an amendment to the Triangle Township Plan adopted by the Board in October of 1993. The amendment would change the land use designation shown on the Triangle Township Plan Future Land Use map of an area east of Page Road and South of Globe Road in eastern Durham County from Office to Industrial. The area in question abuts the border with Wake County. The amendment is in response to a ruling of the County Attorney regarding the plan.

Chairman Black called on County Attorney Chuck Kitchen to present this item to the Commissioners.

County Attorney Kitchen said the rezoning request (agenda item No. 6) has no development plan and is not in compliance with recommendations in the small area plan. Rezoning proponents question a small area of land zoned office and completely surrounded by industrial properties. If the Board feels it is appropriate to consider this rezoning, he suggested amending the small area plan for compliance with the rezoning



November 23, 1998

request. Mr. Kitchen suggested the Board send this matter back to the City-County Planning Committee for its first meeting in December and set the public hearing for December 14, 1998.

County Attorney Kitchen said the second concern should be discussed by the Commissioners at a worksession. During the last two years, about one-third of the rezoning requests have not complied with small area plans. The Board may choose to discontinue funding the small area plans since developing the plans involves much staff time. The plans should be considered when the Commissioners consider a rezoning request.

A lengthy discussion followed between the Commissioners, Planning staff, and County Manager about small area plans.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to set the public hearing regarding the Triangle Township Plan amendment for December 14, 1998, refer the matter back to the City-County Planning Committee, and notify Triangle Township residents who worked on the plan about the public hearing.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron

Noes: None

Absent: Commissioner Bell

**Public Hearing--Brier Creek Associates, LP (Rezoning Case P98-43)**

P98-43 (Brier Creek Associates, LP) was deferred by the Board on October 26 for the applicant to submit a development plan. Because of a scheduling hardship on the project, the applicant declined to attach a development plan to the rezoning because of the additional time required to prepare and process a new development plan with this rezoning request.

Staff supported the original request without the development plan because the site does not impact sensitive environmental resources or neighborhoods on or adjacent to the site. In addition, major development of this type is underway adjoining this site in Wake County and along Chin Page Road in Durham County.

This use is felt to be generally compatible with the land uses called for in the 2020 Plan and the Triangle Township Plan. This rezoning does not conform to the exact provisions of the 2020 Plan and Triangle Township Plan. The rezoning is considered to be a minor deviation from the provisions of these plans, particularly due to the large amount of industrial land uses called for in the Triangle Township Plan adjacent to this site. It also fits well with recent development trends in this area since these plans were adopted.

Gail Sherron, Planner, Durham City-County Planning Department, was present to answer any questions of staff regarding the request.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to table the rezoning request until the December 14, 1998 Regular Session.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron

November 23, 1998

Noes: None  
Absent: Commissioner Bell

**Durham County Teen Court and Restitution Program**

Durham County Teen Court and Restitution Program requested approval of \$20,000 in intergovernmental revenues. The Sunshine Lady Foundation awarded \$20,000 to Teen Court and Restitution with Durham County being the fiscal agent.

The Sunshine Lady Foundation exists solely due to the generosity of Mrs. Doris Buffett Bryant. Mrs. Bryant decided to give away her \$10 million fortune thereby creating The Sunshine Lady Foundation. Mrs. Bryant chose acquaintances (“sunbeams”) from her address book to become good will agents. Each good will agent agreed to give away \$10,000 of her money. The Foundation has given donations to community centers, elementary schools, rape crisis intervention agencies, cancer patients, a family with a physically challenged child, and provided scholarships for 48 youngsters to attend college.

The Sunshine Lady Foundation continues to receive and grant funding requests. Ms. Jane Volland read the article in the Durham Herald Sun Newspaper and responded.

Teen Court is designed to provide middle and high school students with an alternative system of justice that will increase their understanding of the legal system and allow positive peer pressure to operate as an effective deterrent to delinquent and criminal behavior. The Durham County Restitution Program is a centralized program that holds certain offenders accountable by placing them in supervised community service work projects and monitoring compliance.

Fiscal note: No subsequent year impact is anticipated from this amendment.

Ms. Volland with Durham County Teen Court and Restitution Program was the contact person for this amendment.

County Manager’s Recommendation: Approval of budget amendment No 99BCC000018 as submitted.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve FY 1998-99 Budget Ordinance Amendment No. 99BCC000018 in the amount of \$20,000.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron  
Noes: None  
Absent: Commissioner Bell

DURHAM COUNTY, NORTH CAROLINA  
1998-99 Budget Ordinance  
Amendment No. 99BCC000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for Durham County Teen Court and Restitution in Human Services.

**GENERAL FUND**

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovt'l	\$175,744,977	\$20,000		\$175,764,977

Expenditures

Human Svcs	\$208,658,886	\$20,000	\$208,678,886
------------	---------------	----------	---------------

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

This the 23rd day of November, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Youth Coordinating Board Report**

A group of ten County and City representatives (Commission Chairman MaryAnn E. Black, Commission Vice-Chairman Ellen Reckhow, Commissioner Becky Heron, Chief District Court Judge Ken Titus, Mayor Pro Tem Howard Clement, School Board Chairwoman Kathryn Meyers, Dr. Donna-Marie Winn, Deputy County Manager Michael Palmer, Assistant City Manager Greg Bethea, and Youth Coordinating Board Director Anita Daniels) went to Minneapolis, Minnesota November 5-6 to meet with elected officials and staff from the Minneapolis Youth Coordinating Board. Anita Daniels presented findings (similarities and differences) between the two programs relative to structure, funding, programming, etc.

County Manager's Recommendation: No action is required at this time as this is for informational purposes only.

YOUTH COORDINATING BOARD ANALYSIS

<u>Minneapolis</u>	Structure	<u>Durham</u>
--State-authorized joint powers agreement between City Council, Schools, Parks & Recreation, Library, & County Commissioners		--interlocal agreement between City Council & County Commissioners
--13-member board (all elected officials)		--12-member board (elected officials and appointed staff only)
--taxing authority		--County Government department
--monthly meetings		--quarterly meetings
--3 management committees		--3 management committees
--YCB oversight for 0-5 age groups in Minneapolis; expanding to St. Paul		--State initiative (Smart Start) for 0-5 age groups
--6 YCB administrative staff		--no program staff to date
--approximately 24 program staff		--year established: 1997
--year established: 1986		

<u>Minneapolis</u>	Programs	<u>Durham</u>
--Way to Grow—local early childhood initiative		--preparing memorandum of understanding w/Smart Start (state initiative)
--Redesign—family resource centers located in the schools to provide health & social services to families and youth		--Communities that Care initiative through Governor's Crime Commission
--Places to Grow—a report of youth development opportunities		--unified database for youth (proposed)
--7 neighborhood early learning centers—a brick & mortar project that creates facilities in neighborhoods for existing or developing early childhood, family programs, & support services to occupy		
--What's Up? youth—information line		

November 23, 1998

<u>Minneapolis</u>	Funding	<u>Durham</u>
--total budget, \$6.8 million		--total budget, \$167,000
--administration—483,429 (10% equal payments by City, County, & Schools, 2% by Parks & Recreation, and 1% by Library)		--administration—167,000 (60% from Co., 40% from City)
--corporate & foundation revenue (Way to Grow program & inkind for What's Up facility)		--Anticipated \$80,000 from Governor's Crime Commission for Communities That Care project
--reimbursements for health plan & local collaborative time study		--Crime Commission funding for unified database system (proposed)

The Commissioners asked questions and made comments about the Youth Coordinating Board. Ms. Daniels responded.

Commissioner Heron anticipates the elimination of youth services program duplication.

Vice-Chairman Reckhow hopes to consolidate the youth programs for better efficiency.

Vice-Chairman Reckhow said the resolution of cooperation that the Commissioners passed two years ago with the City and schools is very important and should be implemented.

Chairman Black expressed that the Commissioners should establish a Youth Advisory Board comprising community teens. The three management teams should include a representative from the Mental Health arena. Cooperation of youth services functions is important.

No official action was taken on this agenda item.

**Department of Social Services Carolina Access Initiative**

Carolina Access is a program implemented by the NC Department of Human Resources to develop more efficient arrangements for delivering and coordinating health care for Medicaid recipients. Carolina Access seeks to demonstrate that those who pay for services can, by coordinating the delivery of services, control costs while improving access to quality health care for Medicaid recipients. The Access program has been in existence in Durham County since April 1991. A new care management phase of Carolina Access called Access II is being implemented in Durham County. As a part of this implementation, the Department of Social Services is requesting four new social worker positions to be part of an interdisciplinary Care Management Team. The Team will identify at-risk members of the Durham Carolina Access population who are enrolled in one of Durham's three Carolina Access primary care practices (Lincoln Community Health Center, Duke Family Medicine, and Duke Pediatrics). This identification will take place through the use of a brief health status survey that will be administered at DSS. Risk factors include trigger diagnoses and medications, as well as other factors such as frequency of health care utilization. The goal of Team interventions will be to impact positively the use of health care services among at-risk individuals. The four social workers will be housed at the Duke Pediatrics offices on Hillandale Road. The total costs associated with salary and benefits for these positions is \$84,747 for the remainder of this fiscal year (December 1, 1998 - June 30, 1999). The estimated annualized cost for these positions is \$145,280. There are no County dollars associated with these position costs. Arnold Dennis and Dan Hudgins were available as DSS resource persons for this item.

County Manager's Recommendation: Approve the request for four new social workers for the new care management phase of Carolina Access. Dan Hudgins, Director of the Department of Social Services, has confirmed that these four new positions will not be paid with local dollars. Fifty (50%) percent of these funds will come from Federal

November 23, 1998

Medicaid funds not currently received and the other fifty (50%) percent will come from new North Carolina Foundation for Advanced Health Programs funding.

Mr. Hudgins presented the request to the Commissioners.

The Commissioners asked questions and made comments about the proposal. Mr. Hudgins responded.

Commissioner Heron asked Mr. Hudgins for a list of canceled Social Services programs. She asked for an explanation relative to their cancellation.

Mr. Hudgins said he will send the monthly Work First update to the Commissioners.

Commissioner Bowser asked about follow regarding Work First participants.

Mr. Hudgins said the state is conducting participant follow-up.

Commissioner Bowser requested that information concerning the follow-up process be given to the Commissioners.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the request for four new social workers for the new care management phase of Carolina Access at a cost of non-County dollars in the amount of \$84,747. The motion also includes that performance measurements be established prior to advertising the positions.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron

Noes: None

Absent: Commissioner Bell

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1998-99 Budget Ordinance  
Amendment No. 99BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,764,977	\$84,747		\$175,849,724
<u>Expenditures</u>				
Human Services	\$208,658,886	\$84,747		\$208,743,633

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

This the 23<sup>rd</sup> day of November, 1998.

November 23, 1998

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Recommendation to Adjust Hours of Operation for County Convenience Centers**

The Department of General Services requested BOCC approval to reduce the hours of operation at the County's residential convenience centers located in Parkwood, Bahama, Redwood, and Rougemont from seven days a week to six days a week. The current hours of operation at all convenience centers are Monday through Saturday from 7:00 a.m. until 7:00 p.m. and Sunday from 1:00 p.m. until 7:00 p.m.

This recommendation comes as a result of difficulties with the volume of residential waste at the County's convenience centers. The problem began when the City of Durham closed its landfill and began to transfer solid waste out-of-state. Prior to the transfer station opening, the landfill was open all day on Saturday. This allowed the County to empty twelve 40-cubic-yard open-top containers from the convenience centers late Saturday afternoon to accommodate Sunday's waste. When the City landfill closed and the new transfer station opened on January 1, 1998, the City reduced its hours of operation and now closes at 12:00 noon. This reduction in hours of operation allows the City sufficient time to load all waste delivered Saturday morning for a contractor to transport out of County. This is necessary because the North Carolina Department of Environment and Natural Resources (NCDENR) will not allow the City to leave waste on the ground or at the transfer station overnight. By not dumping the County boxes late Saturday afternoon, the boxes are half full at the 7:00 p.m. closing. When the site opens on Sunday at 1:00 p.m., the boxes fill up quickly and trash overflows onto the ground. On Monday mornings, after BFI empties the boxes, General Services Solid Waste and Litter Control staff spends approximately 5 hours with inmates picking up the overflow of waste by hand and loading it into the boxes.

Closing the four convenience centers 52 Sundays a year will result in a estimated savings of \$20,959.20 per year verses \$3,404.00 to rent and set up 9 additional 40-cubic-yard boxes.

Michael Turner, Director of General Services, presented this item.

County Manager's Recommendation: The current situation needs to be addressed since it is a violation of NCDENR regulations to leave trash on the ground, and the County is wasting resources by having General Services' employees clean up these sites. The Board must make a decision whether it wishes to continue the Sunday convenience site hours or continue to incur the current costs plus a minimum of \$3,404 to rent additional boxes. The Manager brings this to the Board's attention, even though the dollar costs are low, because he is concerned about the current inequities of this system and wishes to be cautious in expending any additional funds. Based on the cost savings and concerns over expanding this service, he concurs with staff's recommendation, but it is a Board decision as to the level of service the County will provide at these sites.

The Commissioners asked questions and made comments about the proposal. Mr. Turner responded.

Commissioner Bowser recommended that the County incur the current costs plus a minimum of \$3,404 to keep the service available seven days a week.

Vice-Chairman Reckhow suggested continuing Sunday service. However, in the 1999 mail out, inform the citizens of the problems and let them know that Sunday service will increase the cost and may increase their fee. Ask for citizen feedback.

Chairman Black said the service will continue for the time being. The survey will be done in 1999 for citizen input. The Board will then reconsider the matter.

November 23, 1998

Mr. Turner will meet with Tidewater Fibre Corporation concerning the education component of the County's contract.

**Fortune Magazine Rating**

Commissioner Bowser expressed concern about Fortune magazine dropping Durham in its rating as a favorable part of the country in which to live. In prior years, Durham and Raleigh have been listed; however, this year Durham was dropped from the list while Raleigh remains. Furthermore, several of Durham's resources were included in Raleigh's description.

Commissioner Bowser requested that Chairman Black write a letter to Fortune magazine stating that the Commissioners disagree. Hopefully, the next ratings will include Durham.

Chairman Black stated the letter will be written.

**Board Discussion on the Proposed Durham Northwest and Northeast Loop Corridor (Eno Loop)**

Chairman MaryAnn Black requested that the Board discuss an appropriate response to NCDOT Secretary E. Norris Tolson's outstanding request for County Commission input on the referenced corridor.

Chairman Black stated she received a letter from Secretary Tolson asking for a comment by November 30, 1998. She wished to respond to his letter by November 30.

Chairman Black was distressed that the funding for Durham County has decreased.

Chairman Black asked Commissioner Heron for an update regarding the City-County Planning subcommittee.

Commissioner Heron said she sent a letter and a packet of information to Secretary Tolson and has received no acknowledgment of receipt from him. The goal of the subcommittee is to reach consensus on a set of transportation actions, both road and non-road. Support can be given to the policies of the Durham 2020 Plan. The subcommittee received a thoughtful report from the Environmental Affairs Board at the end of September. The report and Planning staff's response to issues raised in the report were discussed at the last two meetings. The Department of Transportation has indicated that a new report on projected transportation deficiencies should be ready in December. The subcommittee has reviewed proposals from the following four sources: NCDOT, Durham Chamber of Commerce, Eno River Association, and the 1996 Eno Drive Citizens Committee. Aerial photographs will be reviewed at the next meeting. The subcommittee will go on field trips and follow the referenced routes. The objectives are that the transportation actions would support economic development in the appropriate places consistent with the 2020 Plan and protect the natural environment and neighborhoods from negative impacts of transportation facilities. The subcommittee's efforts will result in a multi-model transportation system for Durham County. This process will take one to three months to complete. The subcommittee will present a plan for community consensus. The Commissioners must examine the state's equity formula and determine its fairness to Durham County. The County has major road needs that have been delayed three or four years. The subcommittee's main focus is Eno Drive.

Vice-Chairman Reckhow reviewed Durham County/Wake County funding comparisons.

November 23, 1998

Durham County/Wake County Funding Comparisons  
NCDOT Division 5

	Funds Programmed in the 1998-2004 TIP (Thousands)	Funds Programmed in the Draft 2000-2006 TIP (Thousands)	Change (Thousands)	Change (%)
Durham County	\$ 222,742	\$ 229,545	\$ 6,803	3.05%
Durham Loop (Northeast/Northwest)	<u>\$ 34,900</u>	<u>\$ 12,298</u>	<u>\$ -22,602</u>	<u>-64.80%</u>
Total	\$ 257,642	\$ 241,843	\$ -15,799	6.10%
Wake County	\$ 336,079	\$478,383	\$142,304	42.30%
Wake Loop (Northern Wake Expressway I-540)	<u>\$ 192,609</u>	<u>\$ 209,311</u>	<u>\$ 16,702</u>	<u>8.60%</u>
Total	\$ 528,688	\$ 687,694	\$159,006	30.00%
Orange County	\$ 34,630	\$ 46,986	\$ 12,356	35.68%

Vice-Chairman Reckhow said TEA-21 federal funding represents a 50 percent increase in money coming into North Carolina. Nevertheless, Durham County's percentage is decreasing with less money over the next six years. Many highway projects in Durham have been delayed one to four years. "In the scheme of things, Wake County is doing very, very well and Durham County is doing very, very poorly on funding."

Vice-Chairman Reckhow suggested that the Commissioners correspond with Secretary Tolson to inform him that Durham County has insufficient resources in the draft TIP to meet the needs of its growing population and community. The Commissioners need an explanation concerning the 5 percent reduction in funding while Wake and Orange Counties have substantial increases. The letter should be sent to Secretary Tolson, Governor Hunt, and the Durham Delegation. The Commissioners should discuss this matter with Carolyn Grant, North Carolina Transportation Board member. Durham County needs a higher share of the transportation dollars. The County is being short changed.

Chairman Black said it appears that Durham County is being penalized. If we do not build the loop, we will lose the money. There are a number of issues to be addressed in the letter to Secretary Tolson.

Commissioner Heron said one problem is that a representative from Durham has not served on the State Board of Transportation for several years. The local delegation should be involved in the dispute about Durham County's percentage of highway funding.

Commissioner Bowser said the letter should not indicate, in anyway, the Commissioners perceive this as a loss of highway funding in Durham County. He felt there was no loss of funding. The letter should be strongly worded. One strong point Durham has is the number of commuters who use our roads. Raleigh should not take funding from Durham since Durham is accommodating this incoming traffic. The Department of Transportation should be told of Durham County's highway system needs.

Chairman Black stated we need an explanation of why Durham County's funding is decreasing while Wake and Orange County funding is increasing.



November 23, 1998

Chairman Black said this is not a public hearing; however, three citizens wish to speak.

Donna Deal, 3730 Knollwood Drive, suggested the letter be sent to the Transportation Advisory Committee and City representatives. She also commented that a study should be conducted on Eno Drive.

Brian J. Morton, 4417 Sunny Court, stated he is a strong proponent of Eno Drive alternatives and of protecting Eno River. He asked the Commissioners to fund a comprehensive and objective study of transportation problems in northern Durham.

Wayne Cash, 3706 Snow Hill Road, talked about transportation events since 1994.

Vice-Chairman Reckhow suggested a study be conducted about highway funding to determine our funding gap concerning state figures and our options. The first question of the study should be whether Durham County is getting its fair share of state funding.

County Manager David F. Thompson said Deputy County Manager Michael Palmer will be responsible to write the letter by November 30, 1998. Mr. Palmer will ask for input from each Commissioner as well as City administration to be sure we are in agreement.

**Closed Session: Potential Relocation of Business**

Chairman Black said the Board of County Commissioners will go into Closed Session to discuss the potential relocation of a business to Durham County pursuant to North Carolina General Statute 143-318.11(a)(4).

Commissioner Heron moved, seconded by Commissioner Bowser, to go into Closed Session to discuss the potential relocation of a business to Durham County pursuant to North Carolina General Statute 143-318.11(a)(4).

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron

Noes: None

Absent: Commissioner Bell

**Reconvene Into Public Session**

Chairman Black said that Durham County proposes to participate in an economic development project by reimbursing the costs of certain site preparation activities, such as extending water and sewer utilities, site clearing and site grading, and associated development fees to AISIN AW Company, LTD. AISIN AW Company is proposing to locate a new 250,000-square-foot automotive components assembly facility in Durham County. The costs of the site preparation activities and associated development fees are estimated at \$2,000,000. The Board of County Commissioners intends to reimburse these costs over a five-year period with revenues from the County's General Fund after the proposed facility is constructed. This industrial enterprise is expected to stimulate the local economy, promote business, increase the tax base, and result in the creation of at least 150 new jobs within the first two years of operation.

A public hearing on the proposed County expenditure for this economic development project will be held on Monday, December 14, 1998 at 7:00 p.m. in the County Commissioners' Room located on the second floor of the Durham County Administrative Complex.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to set the public hearing for

November 23, 1998

December 14, 1998 at 7:00 p.m. in the County Commissioners' Room on the second floor of the Durham County Government Administrative Complex.

The motion carried with the following vote:

Ayes: Chairman Black, Vice-Chairman Reckhow,  
Commissioner Bowser, and Commissioner Heron

Noes: None

Absent: Commissioner Bell

**Adjournment**

Chairman Black adjourned the meeting.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board

GEU:VCS