

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

Monday, April 22, 2002

AGENDA

5:00 P.M.

Recommendations for the Southwest Durham Drive and Transit Corridor

On April 8, 2002, the Board of County Commissioners reviewed the findings of a design charette recently sponsored by the Durham Area Designers to explore and consider alternatives to the alignment of the Southwest Durham Drive and Fixed Guideway routes in southwest Durham. The parcel of land recently purchased by the Durham Public Schools served as the catalyst for the charette, which recommended an alternate route for Southwest Durham Drive as well as the proposed transit corridor. Mr. George Smart, an area landowner, has also produced an alternate for the Board's consideration. Neither route would traverse the proposed school site.

The school system needs to proceed with the design of its site in order to open a new elementary school in the fall of 2004. While any final regional alignment of the transit routes will require careful study, local governing bodies must first determine if some other alternative to the currently proposed corridor merits consideration.

Resource Person(s): George Smart, area property owner; Dan Jewell, member, Durham Area Designers; and Hugh Osteen, Assistant Superintendent, Durham Public Schools

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and determine if any recommendation regarding the proposed alignment should be forwarded to the Transportation Advisory Committee (TAC).

Regular Session

7:00 P.M.

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
 - a. a. February 7, 2002 BOCC/DPS Board of Education
 - b. b. March 14, 2002 BOCC/Legislative Delegation/The Durham Center Area Board
 - c. c. March 25, 2002 Regular Session

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the February 7, 2002 BOCC/DPS Board of Education and the March 14, 2002 BOCC/Legislative Delegation/The Durham Center Area Board Minutes as submitted and the March 25, 2002 Regular Session Minutes as corrected.

The motion carried unanimously.

4. Introduction of Interim Mental Health Director

The Board will have an opportunity to meet Ms. Ellen Holliman, the newly-appointed Interim Area Director of The Durham Center.

Ms. Holliman's background includes over 30 years of experience in management, working with both public and nonprofit agencies as well as with the private sector. She has held positions with O?Berry Center, the Division of Mental Health, Developmental Disabilities and Substance Abuse Services as a Regional Manager of Developmental Disability Services; Area Director of the Davidson County Area Program; and more recently, serves as a human services consultant to area programs and private nonprofit programs statewide.

In January of this year, Ms. Holliman was appointed to the North Carolina Commission for Mental Health, Developmental Disabilities and Substance Abuse Services. The commission has two primary responsibilities: to establish rules for state agencies and community programs and to advise the Secretary of Health and Human Services on all state plans required by federal or state law.

Ms. Holliman holds a BS degree from Appalachian State University and has had additional course work and training in business management, personnel management, and program administration.

Ms. Holliman was appointed by the Area Board of Mental Health, Developmental Disabilities and Substance Abuse Services as of April 1, 2002 and will continue her interim appointment for one year.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The Manager recommends that the Board welcome Ms. Ellen Holliman as Interim Area Director of The Durham Center.

5. Introduction of New Animal Control Administrator and Animal Shelter Manager

Mike Turner, Director of General Services, will introduce Cindy Bailey as the new Animal Control Administrator. Patty Croom, President of the Animal Protection Society of Durham Inc., will introduce Dean Edwards as the new Animal Shelter Manager.

On March 18, 2002, Ms. Bailey was selected as the County's Animal Control Administrator. Ms. Bailey previously served the Animal Protection Society of Durham Inc. as the Shelter Manager from 1990 until 1999 and as the Durham County Animal Control Administrator from October 1999 through October 2000 prior to leaving her position for family-related medical reasons. Ms. Bailey is a North Carolina State University graduate with a bachelor's degree in Animal Science. Also, she has received certification from the National Animal Control Training Academy and the National Cruelty Investigations School at the University of Missouri in Columbia, Missouri.

On October 15, 2001, Mr. Edwards was appointed by the Animal Protection Society of Durham Inc. as the Animal Shelter Manager. Mr. Edwards has seven years prior experience with the Society for the Prevention of Cruelty to Animals (SPCA) in Lakeland, Florida. Five of those years, he served as

a member of the Board of Directors and the remaining two years as the Executive Director for the Animal Shelter. Mr. Edwards also has three and one-half year's experience with the Animal Protection Society of Orange County, North Carolina as the Associate Director of the County's Animal Shelter. Mr. Edwards is a Manatee Community College graduate with an Associates degree in Business Administration and a graduate of the National Academy of Broadcasting in Washington, DC.

The County Animal Control Division and the Animal Shelter are located at 2117 E. Club Boulevard.

Resource Person(s): Michael Turner, Director of General Services, and President Patty Croom, Animal Protection Society of Durham Inc.

County Manager's Recommendation: The County Manager recommends that the Board welcome Cindy Bailey as the new Animal Control Administrator and Dean Edwards as the new Animal Shelter Manager.

6. **Consent Agenda**

- a. a. Property Tax Releases and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- b. b. Lease Agreement (706 Rigsbee Ave.) (authorize the execution of the Lease Agreement between Durham County and LifeSpan Inc.);
- c. c. Final Offer to Purchase County Property (0 Kenmore Road) (approve the offer of \$4,600 submitted for 0 Kenmore Road by Ms. Hilda Tillman and prepare a non-warranty deed for the Chairman's signature. This action is consistent with the Board's policy of recovering the County's investment and returns the property to the tax rolls);
- d. d. Ambulance Franchise Renewals (approve the franchise renewals as requested);
- e. e. Approval of Construction Contract with Norina Electrical & Mechanical Co. for the Integration and Installation of a Fire Alarm System for the Carmichael Building (Project No. IFB 02-020) (authorize the execution of a contract with Norina Electrical & Mechanical Company in the amount of \$52,300 and authorize the County Manager to execute change orders, if necessary, not to exceed \$7,845); and
- f. Disposal of Obsolete Personal Computers (approve the request and applaud the organizations involved for their efforts to save the County money while supporting the education of young people).

Chairman Black pulled consent agenda item No. 6(d) to be excused from voting on this item (conflict of interest).

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve consent agenda item Nos. 6(a, b, c, e, and f).

After discussion on consent agenda item Nos. 6(b and f):

The motion carried unanimously.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve consent agenda item No. 6(b).

The motion carried with the following vote:

***Ayes: Bowser, Cousin, Heron, and Reckhow
Noes: None***

Excused: Black

7. **Public Hearing?The NRP Group, LLC, Applicant (Rezoning Case P02-1)**

The NRP Group, LLC will present to the Board of County Commissioners a request to rezone 31.29 acres between Danube Lane and Cub Creek Road, south of Carver Street extension. PIN 0833-01-35-8770, 8690, 9511, 9431, 9361, 9282, 6604, 6524, 6454, 6375, 6296, 7115, 7046; 0833-14-34-7964, 7885, 8706, 8635, 8564, 9413, 9396, 0265, 8273; 0833-01-45-0102, 0033, 2047, 2125, 2216, 1385, 1464, 1544, 1624, 1704, 4276, 4196, 5007, 3855, 3775, 3696, 4526, 4436, 4556; 0833-14-44-0931, 0720, 1706, 2802, 2974, 4791, 3685, 2599, 1591, 2378, 3482, 4497, 5570, 6564 (Tax Map 738, Block 1, Lots 14-29; Block 3, Lots 1-21; Block 4, Lots 1-3, 6-14, and 39-44) Request: The proposal is in general conformance with the small area plan. Staff recommends denial. The Zoning Committee of the Durham Planning Commission conducted a public hearing on March 12, 2002 and voted 6-1 to recommend denial.

The public hearing for this request was advertised on April 5 and April 12, 2002 in the Durham Herald-Sun.

Resource Person(s): Vonda Frantz, Senior Planner, and Frank Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing, receive public comment, and deny the rezoning, if appropriate, based on public comment. Staff is recommending denial of this application due to access issues related to adjacent parcels. The Zoning Committee has recommended denial.

Chairman Black continued the public hearing for two weeks (until the May 13 Board meeting) so the issues of stormwater runoff, access, and the appropriateness of density can be addressed.

8. **Public Hearing--Land Use Plan Amendments Calendar Year 2001**

According to adopted procedures, coordination of land use plan amendments is required on an annual basis. The procedures require a public meeting before each governing body for the purpose of rectifying any differences between the adopted land use plans of the City and County. During calendar year 2001, the City Council approved three plan amendments for areas within the City's zoning jurisdiction while the Board of County Commissioners approved two plan amendments within the County's zoning jurisdiction; thus, coordination of the affected plans is necessary. As a result of pending litigation (since resolved), no amendments in the NC 54/I-40 Corridor Study Area are presented at this time.

The resolutions amending the future land maps of the East Central Durham and the Southwest Durham Plans were adopted by City Council on September 17, 2001 (13-0) and December 17, 2001 (6-0), respectively. Plan amendment procedures do not require that Board adopt resolutions for an amendment; however, an affirmative vote by the Board to rectify differences between amended versions and adopted versions of the East Central Durham Plan and the Southwest Durham Plan is required.

Resource Person(s): Frank Duke, Planning Director and Dwight Yarborough, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board amend the future land use maps of the East Central Durham Plan and Southwest Durham Plan as shown in the attached staff reports. This action will not require any amendments to the 54/I-40 Corridor Study area.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to amend the future land use maps of the East Central Durham Plan and Southwest Durham Plan.

The motion carried unanimously.

9. **Public Hearing--Land Use Plan Amendment #A01-18 (North Durham Plan)**

In the adopted Plan, the future land use designation for the area on the north side of Hebron Road between Denfield Street and the existing residential subdivision along West Avenue is high density residential. Modification of the North Durham Plan to indicate medium density residential uses on the subject site affords an opportunity to establish a land use pattern that is more compatible with existing and planned residential development in the area. While the modification reduces the amount of land designated for high-density uses, a better arrangement of uses in the general area is achieved. Additionally, the modification affords flexibility in design to produce integrated developments while lessening the demands on traffic arteries.

The proposed amendment to designate the subject site for medium density residential uses is supported by the goals of the North Durham Plan and the 2020 Plan. The relationship of the subject site to existing and planned residential development supports the potential for medium density residential development. The Planning Department recommends approval of the proposed amendment. The Planning Commission reviewed the proposed amendment and recommended approval (11-0) at its meeting on January 23, 2002.

Resource Person(s): Frank Duke, Planning Director, and Dwight Yarborough, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board amend the North Durham Plan FLUM to designate the area on the north side of Hebron Road between Denfield Street and West Avenue for medium density residential uses.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the land use plan amendment.

The motion carried unanimously.

10. **Major Site Plan Approval?AW North Carolina?4112 Old Oxford Highway**

To approve a Major Site Plan for a building and parking expansion to an existing manufacturing facility located in the F/J-A Watershed District.

Arcadis G&M and Shimizu America Corporation, on behalf of AW North Carolina, is proposing building additions with related parking to an existing light manufacturing facility at the intersection of Old Oxford Highway and Teknika Parkway. The building expansions consist of a 9,800-square-foot addition to the cafeteria on the south side of the building and a 435,344-square-foot assembly factory expansion on the east side of the existing structure. The plan also includes parking lot expansions from the existing 268 spaces to a total of 640 spaces, which exceeds the minimum requirement of 569 parking spaces for this use. These expansions will result in a total impervious surface coverage of 24.8 percent.

As required under Sec. 5.5.5(1) of the Durham Zoning Ordinance, consideration of this site plan has been advertised in the Durham Herald-Sun.

Resource Person(s): Dennis Doty, Planner, and Steve Medlin, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board approve this site plan.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the site plan.

The motion carried unanimously.

11. **Interlocal Agreement Regarding the Membership of the Durham Tourism Development Authority**

In December 2001, the General Assembly enacted Chapter 480 of the Session Laws of North Carolina which consolidated Durham County's room occupancy tax provisions, authorized a 1% increase of the tax, and created the Durham Tourism Development Authority (hereinafter "Authority"), a public authority under the Local Government Budget and Fiscal Control Act. Pursuant to Chapter 480 of the Session Laws, from March 1, 2002, through June 30, 2004, the Board of Directors of the Authority will be the members of the Durham Convention and Visitors Bureau Board of Directors and the Durham Convention and Visitors Bureau Advisory Board. Beginning July 1, 2004, membership of the Authority will be as specified by this Interlocal Agreement. Further, Chapter 480 of the Session Laws mandates that this Interlocal Agreement be entered into by May 1, 2002. This agreement may be amended at any time by the parties.

Board approval is requested in order to comply with Chapter 480 of the Session Laws of North Carolina.

Resource Person(s): Carol S. Wolff, Assistant County Attorney

County Manager's Recommendation: Approve the Interlocal Agreement between Durham County and the City of Durham regarding the Membership of the Durham Tourism Development Authority.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the interlocal agreement.

The motion carried unanimously.

12. **Board Appointments?Durham County Hospital Corporation Board of Trustees**

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the Durham County Hospital Corporation Board of Trustees.

Resource Person(s): Garry E. Umstead