

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

Monday, August 27, 2001

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, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

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

Agenda Adjustments

Chairman Black announced the removal of several agenda items. The resolution honoring the life of John P. "Jack" Bond III will be placed on a September agenda when a family member can be present to receive it. Consent Agenda items 5(b) and 5(c) will be brought before the Board at a later date.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the August 6, 2001 Worksession Minutes as corrected.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the August 13, 2001 Regular Session Minutes as corrected.

The motion carried unanimously.

Recognition of the Strengthening Families Initiative—NCACC Award

The North Carolina Association of County Commissioners, at its Annual Conference in Cumberland County, on August 10, 2001 presented Durham County with the “Counties as the Catalyst” Award for efforts to develop strategic plans that close the academic achievement gap that exists between Durham County children. The team of organizations guided by the Durham Public Education Network was recognized by a resolution for its innovation and creativity in addressing the needs of children in Durham Public Schools. The following agencies and organizations collaboratively participated in this Strengthening Families Initiative supported by the NCACC and the Jordan Institute for Families.

Durham Public Education Network
Cooperative Extension, Durham Center
Department of Social Services
Triangle United Way

Durham Chamber of Commerce
Durham Public Health Department
Durham Public Schools
Durham Youth Coordinating Board

This initiative resulted in a clearly defined set of strategies for supporting parents, teachers, and community stakeholders. These organizations, along with community members, are successfully continuing to pursue avenues for implementing these plans.

The Board recognized Ms. Kay James, Executive Director, Durham Public Education Fund. Ms. James thanked the Commissioners for being recognized with this award. She thanked the partners for the opportunity to work together and commented on the leadership that helped to make this initiative become a reality. She stated that this is the beginning of the work to be done together towards improving education for all children in the Durham community.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director and Caroline Harper, Cooperative Extension

County Manager’s Recommendation: Present a resolution recognizing the efforts of the Durham Public Education Network, Cooperative Extension, Department of Social Services, and Triangle United Way to improve the quality of life for Durham County children.

The resolution was read into the Minutes.

RESOLUTION

WHEREAS, the growth and development of the county and the well-being of all of its citizens are dependent upon the foundation provided for children; and

WHEREAS, Durham Public Education Network formed a partnership with Durham County’s Cooperative Extension, Department of Social Services, Public Health Department, Youth Coordinating Board, Durham Chamber of Commerce, Durham

Public Schools, and Triangle United Way to plan strategically with the community to address the educational achievement gap between minority and majority youth in our community; and

WHEREAS, this partnership provided innovative and creative opportunities for all citizens to share in the development of a strategic plan for closing the educational achievement gap; and

WHEREAS, this partnership has embraced new partners, ideas, and opportunities for implementing this community plan and committed its resources to improving the quality of life for our youngest citizens; and

WHEREAS, this partnership was supported and recognized by the North Carolina Association of County Commissioners as a Counties as Catalyst Award recipient on August 10, 2001; and

WHEREAS, the citizens of Durham County benefited and continue to benefit from the collaborative and innovative spirit of the partnership:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby recognize the Durham Public Education Network and its partners for its service to Durham County's youngest and most valuable citizenry.

This the 27th day of August, 2001.

/s/Five Commissioners
Durham County Commissioners

Ms. Deborah Craig-Ray, Public Information Officer, advised that one person had signed to speak on this item—Dr. Lavonia I. Allison.

Chairman Black recognized Dr. Allison and stated that she would have three minutes for comment.

Dr. Allison complemented the initiative members for their resolve to continue to seek to "close the gap." She commented that while the dropout rate has decreased, the student retention numbers for 1999 and 2000 increased. She approved the effort to involve parents. Regarding the reporting of suspension and dropout data, Dr. Allison endorsed breaking out the category "minority" by race rather than combining African-American, Asian, and Hispanic students into this one category. She offered to share with the Durham Public Education Network the recommendations of the Applied Research Center.

August Anchor Award Winner—David Skaggs

Mr. David Skaggs, Durham County Tax Office, was the winner of this month's Anchor Award. He is an experienced property appraiser who reviews thousands of parcels of land throughout the County. During natural disasters such as Hurricane Fran, tornadoes, and more, he has been a member of the County's damage assessment team. A local attorney was so impressed with his professionalism during an encounter earlier this year, that she wrote his supervisor to commend the exceptional way he does his job.

Mr. Steve Crysel, Tax Administrator, praised Mr. Skaggs' work and introduced him. Mr. Skaggs thanked the Board for the award and local attorney Grace C. Boddie for her letter that initiated the award.

The Commissioners added their thanks to Mr. Skaggs for his outstanding professionalism.

Consent Agenda

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

- (a) Board Appointment (appoint Commissioner Philip R. Cousin Jr. to the Board of Directors of Downtown Durham Inc. to represent the County Commissioners);
- (d) Offer to Purchase County Property—717 Kent Street (pursue the "Upset Bid" process as recommended by the County Manager);
- (e) Authorization for signatory authority for Deputy Finance Officer [approve the request for Deputy Finance Officer Susan Fox-Kirk to sign documents per N.C.G.S. § 159-28(A)];
- * (f) Settlement of 2000 property taxes (receive and approve the 2000 Property Tax Settlement Report and authorize relieving of taxes more than 10 years past due and motor vehicles taxes more than 2 years past due);
- * (g) Property tax releases and refunds for FY 2001-2002—July 2001 (accept the report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- (h) Approval of contract with Capitol Link Inc. to develop a needs strategy and prepare four applications for federal or state grants (approve the contract and authorize the Chairman to execute contract documents on behalf of the County); and
- (i) Volunteer Fire Department Service Contracts (approve contracts between County of Durham and Bahama, Eno, Lebanon, and Parkwood VFDs to standardize fire service expectations within Durham County).

Vice-Chairman Reckhow asked to comment on 5(d). Given that the proposal is to use the parcel for parking in a residential district, she wanted more information to assure that

the use would be consistent with the zone and also information on screening and buffering since this is a strategic parcel in the community.

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(f). Settlement of 2000 property taxes (receive and approve the 2000 Property Tax Settlement Report and authorize relieving of taxes more than 10 years past due and motor vehicles taxes more than 2 years past due.

Property Tax Settlement Report
 For Tax Year 2000
 (unaudited)

	2000 Real & Personal Taxes	2000 Vehicle Taxes	Total 2000 Taxes
<u>County</u>			
Taxes Due	\$117,028,360.87	\$13,098,133.13	\$130,126,494.00
Less: Collections Uncollectable	\$114,886,856.99 \$ 341,016.51	\$10,920,753.60	\$125,807,610.59 \$ 341,016.51
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Taxes Outstanding	\$ 1,800,487.37	\$ 2,177,379.53	\$ 3,977,866.90
Percent Collected	98%	83%	97%
<u>City of Durham</u>			
Taxes Due	\$ 60,978,206.69	\$ 7,601,062.39	\$ 68,579,269.08
Less: Collections Uncollectable	\$ 59,700,455.50 \$ 122,786.22	\$ 6,224,641.62 \$	\$ 65,925,097.12 \$ 122,786.22
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Taxes Outstanding	\$ 1,277,751.19	\$ 1,376,420.77	\$ 2,654,171.96
Percent Collected	98%	82%	96%
<u>Town of Chapel Hill</u>			
Taxes Due	\$ 777,575.30	\$ 117,859.17	\$ 895,434.47
Less: Collections	\$ 775,304.89	\$ 107,110.85	\$ 882,415.74
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Taxes Outstanding	\$ 2,270.41	\$ 10,748.32	\$ 13,018.73
Percent Collected	99%	91%	99%
Uncollectable Bankruptcy Accounts Less Than \$4.00	\$ 8,230.56		

Consent Agenda 5(g). Property Tax Releases and Refunds for FY 2001-2002—July 2001 (accept the report as presented and authorize the Tax Assessor 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 July 2001.

Releases & Refunds for 2001 Taxes:

Personal	\$ 1,729.60
Registered Vehicles	\$17,547.63
Vehicles Fees	<u>150.00</u>
Total for 2000 and 2001 Taxes and Fees	\$19,427.23

Prior Years (1997-2000) releases and refunds for July 2001 are in the amount of \$149,006.93.

Total Current Year and Prior Year Releases and Refunds \$168,434.16

(Recorded in Appendix A in the Permanent Supplement of the August 27, 2001 Minutes of the Board.)

Consent Agenda Items Removed for Discussion

Consent Agenda 5(j). Budget Ordinance Amendment No. 02BCC000007—EMS (approve Budget Ordinance Amendment No. 02BCC000007 to reimburse Durham Regional Hospital for \$143,889 in expenses incurred by EMS).

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item 5(j).

The motion carried with the following 4-1 vote:

Ayes: Black, Cousin, Heron, and Reckhow

No: Bowser

Commissioner Bowser related his reason for voting against the item. He stated he did not agree with the grounds maintenance item on the list (provided at a previous meeting) of services represented as being provided by Durham Regional Hospital. Because he did not know whether or not that service had been deleted from the list to be reimbursed, he stated he could not vote to approve 5(j).

At Chairman Black's request, EMS Director Mr. Mickey Tezai explained that trash handling and dumpster fees had been categorized by Durham Regional as grounds maintenance. Grounds mowing had been provided at no charge.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the EMS Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$32,884,623	\$143,889		\$33,028,512
Nondepartmental	\$18,597,038		\$143,889	\$18,453,149

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

This the 27th day of August, 2001.

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

Commissioner Comments on Legislative Items

Commissioner Bowser wished to comment regarding NC Senate Bill 587, which includes prohibiting the taking of deer with dogs. He stated that he did not vote for that item on the Board's legislative agenda package, and that he has not known during his tenure for the Durham Legislative Delegation to take any proposal to Raleigh that was not a unanimous vote from the Board.

Chairman Black remarked that she had received one phone call regarding the item and had advised the caller that Commissioner Bowser had cast the one vote against the item.

Commissioner Heron made a statement to clarify that Senate Bill 587 does not prohibit hunting in Durham County, only the taking of deer with the aid of dogs in Durham County. This bill came about due to the destruction of property by dogs running deer and to avoid shooting at deer in the proximity of residences.

Public Comment—Little River Corridor Open Space Plan

Ms. Jane Korest, Senior Planner, C/C Planning Department, presented an overview of the plan.

The Draft Little River Corridor Plan presents a long-term vision for preserving the most important open spaces in the Little River study area, particularly to achieve the goals of habitat preservation, water quality, and scenic character. This plan is the second of a series of open space plans whose purpose is to provide more detailed guidance to open space preservation within significant river and stream corridors in Durham.

Implementation of the Plan's recommendations will require a joint effort of private landowners, the County and City, other governmental agencies, and nonprofit organizations. The plan is intended to serve as a blueprint to guide these various efforts. In most cases, the plan stresses a voluntary, cooperative partnership with landowners that recognizes the stewardship role that landowners have had with their property over the past decades. Implementation recommendations include further research studies, new regulatory provisions in Durham's ordinances, acquisition of easements or fee simple purchases in high-priority areas, and additional recreational amenities. Implementation will depend on the interest on the part of landowners, and available funding.

The Planning Committee of the Planning Commission and Durham Open Space and Trails Commission considered the plan at their June meetings. Both recommended approval subject to some minor changes.

Resource Person(s): Jane Korest, Senior Planner, Dick Hails, Interim Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comments on the draft plan, and adopt the plan with the minor changes as noted or amend as appropriate.

Ms. Korest stated there had been seven community meetings to involve the public from June 2000 through May 2001. About 250 landowners within the study area received at least one mailed notice about the process; neighborhood organizations were also notified. Three display ads were placed in the newspaper during the process. Over 60 copies of the draft plan have been reviewed by different members of the community. Over 115 residents and interested citizens have either attended a meeting or been involved in some part of the process.

Ms. Korest stressed that the plan needs to be a partnership with the private landowners, the City, and the County to implement the recommendations. The available funding will affect how quickly the goals can be implemented.

The plan recommends some changes to Durham's development ordinances including "conservation by design". This would allow for the clustering in new developments with smaller lot sizes in exchange for an equal amount of open space. This permits an equal amount of development without affecting the scenic character of an area.

Another key recommendation is to perform research to permit alternative wastewater systems. Any option would have to be considered carefully to protect the Little River's WSII classification by the state.

It was recommended that a separate effort be made involving landowners along South Lowell Road concerning the development of a scenic roads overlay zone for that road.

The draft Little River Corridor Open Space Plan before the Commissioners was reviewed by the Planning committee and recommended for approval on June 13, 2001. The Durham Open Space and Trails Commission considered the plan and recommended approval on June 20, 2001.

The Chairman called for Commissioner comments before hearing the public comments. Vice-Chairman Reckhow praised the plan but expressed her concern that land would be developed before the plan could be adopted and put into action. Ms. Korest and Planning Director Dick Hails addressed Vice-Chairman's concerns.

Chairman Black was concerned that clustering might not save trees over time. Ms. Korest said trees would be protected permanently under conservation by design. No developer could come back years later and clear trees that had been purposely protected.

Chairman Black opened the meeting for public comment.

Five persons made comments on the agenda item:

Dr. Tom Krakauer, 128 Whitehorse Run, Bahama, NC 27503, Director of the Museum of Life and Science and board member of the Triangle Land Conservancy. Dr. Krakauer stated he supported the plan in its entirety and called it an excellent way to preserve for future generations those critical features that exist in the Little River corridor and along South Lowell Road.

Annette Montgomery, 1 Citation Drive, Durham NC 27713, Chairman of Durham Open Space and Trails Commission. The DOST recommended approval of the plan. Ms. Montgomery commented she and the committee had long awaited conservation-by-design techniques utilized. She stressed the need for caution regarding alternative wastewater treatment and the need for strong maintenance plans.

Don Moffitt, President of the Eno River Association, 2114 Wilson Street, Durham, NC 27705. He spoke on behalf of the Association and himself and commended the Planning staff for their efforts in putting together the open space plan. He advised he was impressed with the open process to include staff, landowners, and environmentalists. He urged the Commissioners not to delay in their effort to implement the open space plan.

Bob Brueckner, President of the Carolina Canoe Club, 32 Sandstone Ridge Drive, Durham, NC 27713. Mr. Brueckner expressed his thanks for being included in the process and for having five river accesses in the open space plan.

Hildegard Ryals, 1620 University Drive, Durham, NC 27707. Ms. Ryals advised she owns property on South Lowell Road. She congratulated staff and urged the Board to approve the open space plan with enthusiasm and to follow conservation by design which would allow cluster development. This would save trees, save money for

developers, and save the best parts of the land for the future. Ms. Ryals has been an active supporter of the Triangle Land Conservancy and the Eno River Association.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt the plan with minor changes.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to direct the County Manager to request the Environmental Affairs Board to research the feasibility and advisability of allowing alternative wastewater treatment systems including package plants, associated with Conservation by Design. Also, she asked that the EAB provide recommendations to the Commissioners regarding any conditions to protect the environment.

The motion carried unanimously.

Public Comment—Little River Regional Park and Natural Area Use Recommendation Report

It was requested that the Commissioners approve the Little River Park Advisory Committee's "Recommendations on Allowed Uses in the Little River Regional Park and Natural Area."

Durham and Orange Counties have acquired the 391-acre property (262 acres in Durham County) for the Little River Regional Park and Natural Area. In the fall of 2000, both Boards of Commissioners established the Little River Park Advisory Committee to assist staff in the development of use recommendations and park facilities for use by the general public. This input included research by staff, comments and review by the Committee, and a series of public meetings.

This report and recommendations are based on seven meetings held during the fall of 2000 and the spring of 2001, during which members toured the park property, evaluated property and resource values, received input from several user groups, and gathered citizen input on desired park uses and facilities. Effort was made to include both input from potential users and from the adjacent property owners who will be affected by the development of the park and its use by the general public.

The report is being presented to both Durham and Orange Counties for review and approval. It represents committee recommendations on what uses should and should not be allowed in the Park. The recommendations are provided in three categories:

a)allowed uses (hiking trails, picnic area, hard surface trail loop, playground etc.);
b)conditional uses (horseback riding, mountain biking, group camping); and c)prohibited
uses (motorized vehicles, hunting, firearms).

Resource Person(s): Dick Hails, Assistant Planning Director, and Mike Giles, Open
Space Land Manager

County Manager's Recommendation: Approve the use recommendations for the Little
River Regional Park and direct staff to proceed with the selection process for bidders for
conceptual and site design, and authorize staff to work with Orange County to develop a
draft interlocal agreement for park management for the board's review at a future
meeting.

Mr. Mike Giles, Open Space Land Manager, presented the agenda item. The advisory
committee was given the charge of deciding what to do with the park. The ten members
are from Durham and Orange County Governments, environmental groups from the two
counties, and adjacent or nearby landowners. The park has been awarded a Land and
Water Conservation grant of \$262,000 for development. With the Commissioners'
approval, the charge is to hire a design and consultant team to present a proposal by
winter to both Boards of Commissioners. The selection and bidding process would
begin next spring for park development. Hopefully, construction would begin in
summer with the park opening in the fall of 2002.

Approve the allowed uses and conditional uses so we can move forward in this first step
of the Little River plan for park development.

The Commissioners asked questions and made comments.

Chairman Black opened the meeting for comments. The speakers and their comments
follow:

Clare Reece-Glore, 920 Urban Avenue, Durham, NC 27701. Ms. Reece-Glore stated
she represented the North Carolina Horse Council Statewide Trails Committee. She
thanked the Little River Advisory Committee and the planners involved in this process
and offered the Trails Committee's help if needed.

Don Moffitt, 2114 Wilson Street, Durham, NC 27705, represented the Eno River
Association. He praised the two counties' collaboration in this project. He commended
the Little River Advisory Committee and staff for having developed the plan allowing
for multiple uses while being sensitive to the river corridor and natural resources on the
site. He urged the Commissioners to approve the use recommendations, to direct staff to
proceed with design and development, and authorize staff to work on an interlocal
agreement with Orange County.

Lee Beck, 3518 Quail Roost Road, Bahama, NC 27503, represented the Durham Open
Space and Trails Committee. He praised the work of staff and the committee for its
collaboration and professional expertise in bringing this plan forth. He offered his full
support for the plan.

Gaynor Collester, 500 N. Duke Street, Durham, NC 27701, represented the Durham-Orange Mountain Bike Organization (DOMBO). He encouraged the Board to allow his group to help design, build, and maintain the mountain bike trails, if approved. He reported that his group, totaling over 100, is gaining expertise in trail building and would be a strong ally for the environment.

Since there were no other speakers, Chairman Black called for discussion by the Board. The Board approved the item with the following motion.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the use recommendations for the Little River Regional Park and to direct staff to proceed with the selection process for bidders for conceptual and site design. The Board authorized staff to work with Orange County to develop a draft interlocal agreement for park management for the Board's review at a future meeting.

The motion carried unanimously.

Public Hearing (Continued)—Zoning Ordinance Text Amendment—Requirements to Discourage the Use of “Spite Strips” in Rezoning Requests (TC122-01)

City/County Planning staff proposed an amendment to Section 15.2.1 of the Zoning Ordinance that establishes the application process for rezonings to be used to discourage the use of “spite strips” as a way to bypass the filing of protest petitions in rezoning cases.

Resource Person: Dick Hails, Interim Planning Director

County Manager's Recommendation: the Manager recommended that the Board hold the public hearing, receive public comment, and approve the text amendment.

Chairman Black advised that this item was before the Board at the previous Regular Session.

Dick Hails, Interim C/C Planning Director, stated there has since been discussion with the County Attorney about concerns raised with the original draft wording. Planning staff has reverted to the earlier language that the Joint C/C Planning committee had approved.

The public hearing was opened and closed with no persons signed to speak. Chairman Black placed the item before the Board for disposition.

Vice-Chairman moved, seconded by Commissioner Cousin, to approve Zoning Ordinance Text Amendment TC122-01.

The motion carried unanimously.

The Zoning Ordinance Text Amendment follows:

TC122-01

AN ORDINANCE AMENDING SECTION 15 OF THE DURHAM ZONING ORDINANCE TO PROHIBIT THE USE OF "SPITE STRIPS" IN REZONING REQUESTS AS A WAY TO BLOCK POTENTIAL PROTEST PETITIONS

WHEREAS the Durham Zoning Ordinance establishes a process for amending the official zoning map; and

WHEREAS the Zoning Ordinance and state statute allow for adjacent and nearby property owners to file a protest petition on a pending rezoning request; and

WHEREAS the Durham Board of County Commissioners wishes to prohibit the use of "spite strips" as a way to circumvent the filing of a valid protest petition; and

WHEREAS the Durham Board of County Commissioners determines that it furthers the public health, safety, and welfare to make the change to the Zoning Ordinance described below for the reasons described in this Ordinance and in the reports and testimony considered by the Durham Board of County Commissioners.

NOW, THEREFORE, be it ordained by the Durham Board of County Commissioners that:

Section 1. Section 15.2.1 of the Durham Zoning Ordinance is hereby amended to add the words underlined as shown below.

Application forms for map amendments are available in the City-County Planning Department. A zoning map amendment may be initiated by the Governing Body, the Planning Commission, the Board of Adjustment, the Planning Department, or any citizen.

Such completed applications shall consist of all information required by the application and the specified filing fee. A completed application may be filed with the Planning Department at times specified by the Planning Department.

Zoning text amendment proposals that are not initiated by the Planning Department staff or Governing Body, should be submitted to the Planning Department for a staff conference prior to official submittal in order to clarify form and language.

If the boundaries of a rezoning request stop short of an exterior property line, that portion of the property outside that boundary must be sub-dividable and/or developable as per both the existing zoning on the property and other requirements of the ordinance.

All zoning requirements must be capable of being met within the boundaries of the area being rezoned. If they cannot, the rezoning must be expanded to include necessary property being used to meet zoning requirements.

If the boundaries of a rezoning request in process are modified so as to 1) remove property from the request, and 2) have the effect of separating other adjoining properties from the boundaries of the modified request, that change will be considered a substantial change from the original request and shall result in the modified request being considered a new rezoning request and requiring resubmittal with a new application and applicable fees.

SECTION 2. All ordinances in conflict are hereby repealed to the extent of the inconsistency.

SECTION 3. This ordinance is effective upon adoption.

Public Hearing—Rezoning Case P01-22—Arcadis Geraghty & Miller Inc., Applicant (Fountains Investment LLC)

Arcadis Geraghty & Miller, Inc. presented the Board of County Commissioners with a request to rezone 42.146 acres located on Leigh Farm Road between NC 54, I-40 and the Corps property. PIN 0708-02-59-4664 (TM 485-1-1). Request: OI-1 (D) and OI-2 (D) Change in Development Plan; F/J-B, MTC. The proposal is in general conformance with the adopted small area plan and 2020 Plan, and the Draft I-40-NC 54 Corridor Study. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on June 12, 2001, and voted 7-0 to recommend approval, pending the addition of listed suggestions to the plan.

The public hearing for this request was advertised on August 10 and August 17, 2001 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp, Planning Supervisor, and Dick Hails, Interim Planning Director

County Manager's Recommendation: Approval

Mr. Hails remarked that this rezoning is a minor modification of rezoning with a development plan approved by the Board in 1998. The staff report included a chart showing specific differences between the current rezoning development plan of record on the site (P98-33) and the one now before the Board (P01-22). The changes are fairly minor and mostly concern the parking areas.

Vice-Chairman Reckhow requested that Planning work to designate a ten-foot-wide paved greenway trail as opposed to a five-foot-wide sidewalk. This was the recommendation of DOST (Durham Open Space and Trails Commission) as well. Mr. Hails advised that he would pass this request along and lobby for it.

Chairman Black opened the public hearing for signed speakers.

The following persons signed to speak on this item:

Randy King, 2301 Rexwoods Drive, Raleigh, NC, represented the owner through the applicant Arcadis Geraghty & Miller Inc. Mr. King advised that revisions had been made to the development plan over the past year to address issues concerning soils, layout efficiency, and accommodating difficult uses which had appeared would add external traffic into the site. The revisions improved the plan for the community and interested groups.

Tom Miller, 1110 Virginia Avenue, Durham, NC 27705, represented Leigh Farm Park Advisory Committee. The rezoning before the Commissioners was at the request of the Leigh Farm Park Advisory Committee. Mr. Miller thanked the developer for meeting the wishes of the committee and urged the support of the Board for what was felt to be a better plan than the original and was compatible with the surrounding land uses.

Peter Schubert, 927 Bluestone Road, Durham, NC 27713, represented CAUSE which participated along with the Leigh Farm Park Advisory Committee on this project. Mr. Schubert thanked the developers for striving to meet the requested of the various diverse groups involved. He approved the proposed rezoning, but expressed his concern over the area's transportation gridlock during rush hour. He asked the Commissioners to make improving the Highway 54 corridor in southwest Durham the highest transportation priority.

Chairman Black closed the public hearing and placed the item before the Board for disposition.

Vice-Chairman Reckhow asked that the record reflect that under the agreement with the original development plan, the last 85,000 SF of the project can only be built when Highway 54 is improved and widened.

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve the request to rezone 42.146 acres located on Leigh Farm Road between NC 54, I-40 and the Corps property from OI-1 (D) and OI-2 (D) Change in Development Plan; F/J-B, MTC.

The motion carried unanimously.

New Hope Creek Open Space Acquisition

The Board of County Commissioners were requested to approve the Fee Simple Purchase of approximately 27.7 acres as part of the New Hope Corridor Open Space Project.

The County previously approved the purchase of a conservation easement on this parcel on May 14, 2001. During negotiations of the easement stipulations, the property owner, Trammel Crow Residential, requested that the County purchase the property.

The County has approved the purchase of nine properties totaling 325.7 acres within the New Hope Creek acquisition area. In 1997, the County received a \$750,000 Clean Water Management Trust Fund grant to assist the County with land acquisition and protection in the New Hope Creek Corridor. The CWMTF dollars greatly stretch the County's public investment in funds allocated for New Hope Creek land acquisition.

The proposed purchase is for approximately 27.7 acres of wooded bottomland with Mud Creek frontage, which is a major tributary of New Hope Creek. The parcel may be purchased for \$1,400 per acre, with an estimated total acquisition cost of \$46,080. It is estimated that approximately \$38,246 of these costs would be reimbursed by the CWMTF, leaving the County's share of the purchase at approximately \$7,834 after reimbursements are received.

Resource Person(s): Dick Hails, Interim Planning Director, and Mike Giles, Open Space Land Manager

County Manager's Recommendation: Approve the 27.7-acre purchase (PIN #0800-02-56-4962) as an important addition to the County's New Hope Creek Corridor Open Space project.

Mr. Mike Giles explained the events under which the conservation easement has changed to a Fee Simple Purchase.

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to approve the purchase of 27.7 acres (PIN #0800-02-56-4962) of wooded bottomland with Mud Creek frontage, as an addition to the County's New Hope Creek Corridor Open Space project.

The motion carried unanimously.

Agreement Between Durham County and Bethesda Volunteer Fire Department

Bethesda Volunteer Fire Department requested that its full-time fire and rescue personnel become Durham County employees. This would be the second Volunteer Fire Department to request this program. Since November of 1997, Durham County has had

seven full-time employees working for Lebanon Volunteer Fire Department under the proposed agreement. This agreement has worked well at Lebanon. The County has been able to recruit, hire, and retain high-quality professionals for Lebanon Fire Department. Without the benefits and stability of Durham County Government, these individuals would have sought employment with another governmental entity. Bethesda felt that Durham County could offer its employees better benefits and the possibility of career development for future advancement in the fire service.

The proposed agreement established a formalized partnership between Durham County and Bethesda VFD for the purpose of providing 13 full-time fire and rescue personnel for the Bethesda district. These employees would provide fire and rescue services exclusive to the Bethesda Fire, Rescue, and EMS districts except where requested or automatic mutual aid is needed. These employees would be regular employees of the County and the day-to-day operational supervision provided by the Bethesda Fire Chief. The overall program would be supervised by the Durham County Fire Marshal.

The funding for these 13 positions would be provided solely by Bethesda Volunteer Fire Company Inc. from the fire district tax revenues. The County would withhold a sufficient amount of fire tax revenues collected from the Bethesda fire tax district to pay for the salaries and benefits of these employees. Bethesda would be responsible for the operating costs associated with these positions as well as providing them complete and appropriate clothing, daily uniforms, and necessary fire suppression equipment and tools.

Preston L. Burgess, Bethesda Fire Chief, and James R. Strickland, President of Bethesda's Board of Directors were to be in attendance to answer questions if necessary.

Resource Person(s): Jeffrey L. Batten, Durham County Fire Marshal

County Manager's Recommendation: Authorize the County Manager to execute the proposed Agreement to commence October 1, 2001 and to be renewed every two (2) years unless terminated by either party upon ninety (90) days written notice.

County Attorney Chuck Kitchen addressed a question from Chairman Black regarding the contract.

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

Chairman Black asked for an explanation of fire coverage overlap by volunteer fire departments and the City Fire Department. Mr. Batten explained that the overlap is due to automatic mutual aid. Regulations necessitate a combination of efforts by both departments sometimes because a given number of responders must be present before firefighters can attack a fire scene.

Vice-Chairman Reckhow asked the County Manager to research the indirect cost of making firefighters County employees. Other departments such as Human Resources would have a greater burden placed on it. The County Manager advised he would research the preparation of an indirect cost allocation plan that would assign certain costs by function that could be applied to any contract under consideration.

Commissioner Heron asked that the Commissioners not lose sight of what the volunteers do for the County. They provide a free service for which the County would otherwise have to pay a great deal.

The motion carried unanimously.

Report From Tax Administrator on Revaluation

The Tax Administrator provided a brief report to the Board regarding the status of revaluation.

Resource Person: Steve Crysel, Tax Administrator

County Manager's Recommendation: The Manager recommended that the Board receive the report and instruct staff as to any additional action that may need to be taken.

Mr. Crysel advised there were 13,507 informal revaluation appeals received. Of those, the Tax Department has not changed the value for 6,618—or 49 percent. The Tax Department has changed (decreased) the value of 5,808—or 43 percent. Of almost 90,000 parcels, only 1,127—8 percent—increased in value.

Completion of splits and transfers and the informal appeal process should be done by Friday.

Commissioner Bowser asked questions regarding discrepancies in values placed on residential properties. Mr. Crysel explained the process and its variances to Commissioner Bowser.

Consent Agenda Item Pulled for Discussion—Settlement of 2000 Property Taxes:

Commissioner Bowser pulled Consent Agenda item 5(f) for discussion. He asked for clarification of the report. Tax Administrator Steve Crysel and Deputy Tax Administrator Kim Simpson addressed Commissioner Bowser's questions.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda item 5(f).

The motion carried unanimously.

Adjournment:

There being no further business, Chairman Black adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:SBP