

**THE BOARD OF COUNTY COMMISSIONERS**

**DURHAM, NORTH CAROLINA**

Monday, August 13, 2001

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session** Pledge of Allegiance
2. **Agenda Adjustments**

Vice-Chairman Reckhow added a closed session to the end of the meeting regarding a personnel matter.

Chairman Black moved agenda item No. 5, Report From "5 Yes! For Durham's Future" Communications Committee," to follow approval of the minutes. She also moved item No. 11, Report From Tax Administrator on Revaluation," to follow the consent agenda.

3. **Minutes**

- a. June 4, 2001 Worksession
- b. June 6, 2001 Budget Worksession
- c. June 11, 2001 Budget Worksession
- d. June 11, 2001 Hearing on Possible Removal of ABC Board Members
- e. June 11, 2001 Closed Session and Regular Session
- f. June 14, 2001 Worksession
- g. June 25, 2001 Closed Session and Regular Session
- h. July 2, 2001 Worksession

***Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the June 11, 2001 Budget Worksession, June 11, 2001 Hearing on Possible Removal of ABC Board Members, June 11, 2001 Closed Session and Regular Session, June 14, 2001 Worksession, and July 2, 2001 Worksession Minutes of the Board as submitted. The June 4, 2001 Worksession, June 6, 2001 Budget Worksession, and June 25, 2001 Closed Session and Regular Session Minutes of the Board were approved as corrected.***

***The motion carried unanimously.***

4. **Consent Agenda**

- a. Proclamation for Lincoln Hospital's Centennial Observance (proclaim Saturday, August 18 as Lincoln Hospital Centennial Day" in recognition of 100 years of outstanding community service);
- b. Reschedule September 3, 2001 Worksession (consider holding on Thursday, August 30, 2001 at 9:00 a.m. due to Labor Day holiday on September 3);

- c. Transfer Surplus Equipment to Redwood Volunteer Fire Department (transfer one surplus Automatic External Defibrillator for Redwood VFD's use when a Paramedic is not readily available);
- d. Approval of Order in Sovereign Development Company Petition (approve the order authorizing the \$1,800 excise stamp tax refund as decided at the Board's August 6, 2001 meeting);
- e. Approval of Bonds of ABC Board Members (approve bonds for Eric C. Michaux, Charles D. Watts Jr., and Julia Borbely-Brown with July 1, 2001 effective date);
- f. Approval of Bond of George K. Quick, Finance Director (approve the \$250,000 bond with July 1, 2001 effective date);
- g. Liability Claims and Subrogation Recovery for FY 2000-2001 (receive the report of Risk Management);
- h. Street Annexation Petition Kilt Way (Callender Estates) (adopt resolution to approve the addition of Kilt Way to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- i. Appointments Durham and Wake Counties Research and Production District (appoint nominees to the service district as recommended by Elizabeth H. Rooks, of Research Triangle Foundation of NC);
- j. Appointment Board and Commission (appoint William Colley Jr. to the Durham County Emergency Medical Services Council to represent Parkwood Volunteer Fire Department and Rescue);
- k. Property Tax Releases and Refunds for June 2001 (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);
- l. Addendum to Durham County Solid Waste Management Plan Update (adopt the resolution to approve minor revisions to the 10-year comprehensive plan);
- m. Budget Ordinance Amendment No. 02BCC000001?Engineering Department (approve Budget Ordinance Amendment No. 02BCC000001 to appropriate \$6,000 to the Stormwater Plan Review Fees object code from another existing revenue code);
- n. Budget Ordinance Amendment No. 02BCC000002?Office of the Sheriff (approve Budget Ordinance Amendment No. 02BCC000002 to recognize \$93,487 of deferred revenue received from the State Forfeiture [drug stamp] Program revenue);
- o. Budget Ordinance Amendment No. 02BCC000003?Emergency Medical Services (EMS) (approve Budget Ordinance Amendment No. 02BCC000003 to reimburse Durham Regional Hospital in the amount of \$143,889 for goods and services received during the conversion of EMS to the County's responsibility);
- p. Budget Ordinance Amendment No. 02BCC000004?Library (approve Budget Ordinance Amendment No. 02BCC000004 to recognize and expend a \$800 grant from NC Humanities Council for speaker fees);
- q. Budget Ordinance Amendment No. 02BCC000005?Library (approve Budget Ordinance Amendment No. 02BCC000005 to recognize and expend a \$10,000 LSTA Planing grant for the Library's strategic planning process);
- r. Budget Ordinance Amendment No. 02BCC000006?Library (approve Budget Ordinance Amendment No. 02BCC000006 to recognize and expend a \$15,000 LSTA Technology Planning Grant to contract a consultant to update the Library's technology plan);
- s. Capital Projects Budget Ordinance Amendment No. 02CPA000001?Emergency Medical Services (EMS) purchase and renovation of Lebanon Volunteer Fire Department Building on Milton Road (approve Capital Projects Budget Ordinance Amendment No. 02CPA000001 to appropriate remaining project funds of \$777,500);
- t. Capital Projects Budget Ordinance Amendment No. 02CPA000002?Agricultural Building Renovation Project (approve Capital Projects Budget Ordinance Amendment No. 02CPA000002 in the amount of \$150,000 which represents the County contribution for this capital project for FY 2001-2002); and
- u. Capital Projects Budget Ordinance Amendment No. 02CPA000003?Animal Shelter Expansion/Renovation Project (approve Capital Projects Budget Ordinance Amendment No. 02CPA000003 in the amount of \$270,000 which represents the County contribution for this capital project for FY 2001-2002).

***Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve consent agenda item Nos. 4(a) through 4(u) with the exception of item No. 4(o).***

***The motion carried unanimously.***

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***Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to delay action on consent agenda item No. 4(o) until the August 27 meeting at which time staff was directed to provide the Commissioners with detailed costs.***

***The motion carried unanimously.***

5. **Report From 5 Yes! For Durham's Future" Communications Committee**

John Burness, senior vice president for public affairs and government relations at Duke University, and Phail Wynn, president of Durham Technical Community College, have organized a committee of local business people and concerned citizens who are supporting Durham County's \$74.4 million bond referendum.

The committee is currently recruiting volunteers, developing communications strategies and raising private funds to finance the campaign. The goal is to ensure that the entire package passes in November. John Burness and Phail Wynn will report on the committee's progress thus far.

County Manager's Recommendation: Receive the report on the work of "5 Yes! For Durham's Future" as provided by Mr. Burness and Dr. Wynn.

***The Commissioners received this report.***

6. **Public Hearing on Coordinated Transportation: FY 2001-2002 Rural Operating Assistance Program (ROAP) Grant Application Approval**

The Cooperative Extension Service is requesting Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP) with the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First and general public employment transportation needs for Durham County residents. The application proposes \$78,292 of governmental revenue to be allocated to support transportation for Durham County Elderly and Disabled residents through the Elderly and Disabled Transportation Assistance Program (EDTAP) and \$18,135 to support transportation for Work First Transitional/Employment. These funds require no local match while supporting the transportation needs of citizens through County and nonprofit human service agencies. Funding will be used to assist with transportation services from July 1, 2001 through June 30, 2002.

The NCDOT annually allocates funds for EDTAP and Work First. Durham County will receive a total of \$96,427 for FY 2001-2002. Funds shall be used to provide services for the noted agencies:

Council of Senior Citizens                      Dept. of Social Services (Adult)

Durham Exchange Club Industries   Retired and Senior Volunteer Program

**Services for the Blind**

Resource Person(s): Cheryl Lloyd, County Cooperative Extension Director, and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: Approval of the ROAP application for submittal to NCDOT.

***Commissioner Heron moved, seconded by Vice-Chairman Reckhow, approval of the ROAP application for submittal to NCDOT.***

***The motion carried unanimously.***

**7. Public Hearing for Zoning Ordinance Text Amendment Nonconforming Lots (TC116-01)**

Staff is proposing an amendment to Section 19.5 of the Zoning Ordinance that covers the development of vacant nonconforming residential lots of record. The proposed amendment allows a lot that was lawfully created and met the zoning regulations at the time prior to January 1, 1994 and is a minimum of 50 feet in lot width to be developed by right. The amendment also changes certain language involving required recombinations of adjacent nonconforming lots of record in both Section 19 and the Watershed Ordinance.

Resource Person(s): Dennis Doty, Planner, and Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the Public Hearing and approve the amendment, if appropriate, based upon public comment.

***Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to defer action on this item so staff can consider comments and issues and make directed changes.***

***The motion carried unanimously.***

**8. Public Hearing for Zoning Ordinance Text Amendment to Reduce the Separation Requirements Between Kennels and Single Family Residential Uses in Non-Residential Zoning Districts**

Staff is recommending an amendment to Section 7 Supplementary Requirements to remove the existing 300 foot separation between kennels and single family uses in non-residential zoning districts and replace the separation with a solid fence between the uses.

Resource Person(s): Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing, receive public comment, and approve the amendment to the ordinance.

***Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the amendment to the ordinance.***

***The motion carried with the following vote:***

*Ayes: Cousin, Heron, and Reckhow*

**Noes: Black Bowser**

***Absent: None***

**8. Public Hearing for Zoning Ordinance Text Amendment-Requirements to Discourage the Use of "Spite Strips" in Rezoning Requests**

Staff is proposing an amendment to Section 15.2.1 of the Zoning Ordinance that establishes the application process for rezonings to add provisions 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(s): Dick Hails, Interim Planning Director

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

***Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to have staff consider the comments regarding this item and bring it back before the Board at the August 27, 2001 meeting for approval.***

***The motion carried unanimously.***

**9. Public Hearing AB-TAK III, Applicant (Rezoning Case P01-06)**

AB-TAK, III will present to the Board of County Commissioners a request to rezone 3.63 acres located on the east side of Stallings Road, north of Patterson Road PIN #0861-03-01-7899; 0861-03-01-7695 (TM 667, Block 1, Lot 3A, 24) Request: RD to R-15, F/J-B. The proposal is in general conformance with the draft small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on June 12, 2001 and voted 5-2 to recommend approval.

The public hearing for this request was advertised on July 27 and August 3, 2001 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing, receive public comment, and approve the rezoning, if appropriate, based on public comment.

Chairman Black moved, seconded by Vice-Chairman Reckhow, to approve the rezoning.

***The motion carried unanimously.***

10. **Report From Tax Administrator on Revaluation**

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

Resource Person(s): Steve Crysel, Tax Administrator

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

The Board received this report; Chairman Black gave direction to Tax Administrator Steve Crysel to give another update to the Commissioners regarding the status of the revaluations at the August 27, 2001 Regular Session.

11. **Board and Commission Appointments**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions:

- Animal Control Advisory Committee ***the Clerk will readvertise the position***
- Civic Center Authority ***Angie Elkins***
- Durham County Emergency Medical Services Council ***no appointment made***
- Jury Commission ***Patricia A. Carrington***
- Library Board of Trustees ***Ann Craver, William F. McKee III, Elsa E. Woods, and Jacqueline Hall***
- Transportation Advisory Board ***Shauna L. Dozier***
- Women's Commission ***Melissa Maloko and Kimberly O'Neil***

Resource Person: Garry E. Umstead, CMC, Clerk to the Board

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***Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to adjourn into closed session to discuss a personnel matter [NCGS 143-318.11(a)(6)].***

***The motion carried unanimously.***

***Chairman Black convened into open session. Direction was given to staff in closed session; however, no action was taken.***

***The meeting was adjourned at approximately 10:20 p.m.***