

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

Monday, August 13, 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

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.

Minutes

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 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 and Regular Session Minutes of the Board were approved as corrected.

The motion carried unanimously.

Commissioner Heron stated that, for the record, the June 11, 2001 Hearing on Possible Removal of ABC Board Members Minutes included letters from two ABC Board members. She reviewed the ABC Board's travel policy and determined that the accountant is not required to bill board members for spouses' expenses. The policy plainly states that if the travel exceeds actual expenses, the employee will submit a check or cash for the amount due. Commissioner Heron wished to clarify this because accusations in Ms. Williams' letter weren't correct regarding the travel policy.

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. Mr. Burness and Dr. Wynn reported 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.

Chairman Black thanked Mr. Burness and Dr. Wynn for taking the leadership on this initiative. She asked that the Commissioners commit to speaking at several of the committee's presentations to inform citizens about the five issues in the bond, to explain the tax issue, and to answer other questions as well.

Each Commissioner agreed to make the commitment.

Chairman Black also asked the County Manager to make a commitment for staff to work with the Commissioners in whatever capacity they can.

Vice-Chairman Reckhow requested that the County Manager relay to the delegation that it must take responsibility in finding a way to replace funds that have been removed from local governments.

Dr. Lavonia I. Allison, 1315 McLaurin Avenue, Durham Committee on the Affairs of Black People, voiced that the committee agrees with 70 percent of the bond referendum (four of the five issues). She also spoke about the inequities that have existed among students for years.

Consent Agenda

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

- * (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);
- (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);
- * (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); and
- * (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).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 4(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) follows:

PROCLAMATION

WHEREAS, Lincoln Hospital, incorporated in 1901, began operations in a frame building located at Proctor Street and Cozart Avenue; and

WHEREAS, following a request from Dr. A. M. Moore, Mr. John Merrick, and Dr. Stanford L. Warren, Mr. Washington Duke donated an initial gift of \$8,550 to establish a hospital for the African-American community; and

WHEREAS, from humble beginnings and limited resources, Lincoln Hospital began a history of providing outstanding medical services, gaining much public support in the process; and

WHEREAS, in November 1924, a second hospital was completed from funds donated by the Duke family and contributions raised from private citizens as well as the Durham City and County governments; and

WHEREAS, with a \$2-million bond referendum Lincoln further expanded its facilities in 1950, and continued to serve the African-American community by providing top notch healthcare and training for generations of nurses and physicians; and

WHEREAS, the focus of the institution changed in 1976 following a merger between Lincoln Hospital and Watts Hospital, resulting in the current Lincoln Community Health Center; and

WHEREAS, Lincoln provides outstanding medical services today, continuing a legacy that will be perpetual through its patients, nurses, physicians, staff, and community supporters:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim Saturday, August 18, 2001 as

"LINCOLN HOSPITAL CENTENNIAL DAY"

in Durham County. We further call upon all citizens to celebrate the numerous and significant accomplishments that this healthcare institution has made by providing quality medical services to citizens and medical training to professionals in this community for a century.

This the 13th day of August, 2001.

/s/ Five Commissioners
Durham County Commissioners

Consent Agenda 4(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).

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

BEFORE THE BOARD OF
COMMISSIONERS

IN RE: SOVEREIGN DEVELOPMENT)
COMPANY, L.L.C.)

ORDER

THIS matter coming on to be heard and being heard before the Board of Commissioners for the County of Durham at its August 6, 2001 meeting upon petition for a refund of excise taxes paid to the Register of Deeds of Durham County. Based on the testimony presented at the hearing and on the evidence presented, the Board makes the following FINDINGS OF FACT:

1. On or about January 24, 2001, the Petitioner caused a deed to be recorded in the Register of Deeds Office on which excise taxes were paid in the amount of \$3,600.00.
2. The excise tax was paid in error as the transaction was except from excise taxes pursuant to G.S. § 105-228.29(6).
3. The amount of the excise taxes which were retained by the County as its share of the excise taxes was in the amount of \$1,800.00.
4. The deed has been re-recorded in the Durham County Register of Deeds Office on August 6, 2001 showing that no excise stamp tax is owed for the transaction.

Based on the foregoing findings of fact, the Board makes the following CONCLUSIONS OF LAW:

1. The Board of Commissioners has jurisdiction over this matter.
2. The Petitioner is entitled pursuant to G.S. § 105-228.37 to a refund of the County's share of the excise stamp tax in the amount of \$1,800.00.

IT IS THEREFORE ORDERED:

1. The Finance Officer for the County of Durham shall pay to the Petitioner the sum of \$1,800.00 as a refund of the excise stamp tax erroneously paid.

2. The Clerk to the Board of Commissioners shall send a copy of this Order to the Secretary of Revenue for the State of North Carolina.

This the 13th day of August, 2001.

/s/ MaryAnn E. Black
Chairman

(SEAL)
Teste: A true copy

/s/ Garry Umstead
Clerk to the Board

Consent Agenda 4(g). Liability Claims and Subrogation Recovery for FY 2000-2001 (receive the report of Risk Management).

Comparison of Total Money Spent for Liability Claims

<u>Fiscal Year</u>	<u>Money Spent</u>
1998-1999	\$19,928.62
1999-2000	\$67,128.58
2000-2001	\$48,036.67

Comparison of Total Subrogation Recovery

<u>Fiscal Year</u>	<u>Money Received</u>
1998-1999	\$27,061.79
1999-2000	\$26,932.12
2000-2001	\$11,251.07

Consent Agenda 4(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).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina
County of Durham
Road Description: Kilt Way (west of the intersection of Russell Road) Length (miles--.3)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 13th day of August, 2001.

Witness my hand and official seal this the 14th day of August, 2001.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

Consent Agenda 4(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).

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 June 2001.

Releases & Refunds for 2000 & 2001 Taxes:

Real	\$ 3.58
Personal	\$ 6,299.98
Registered Vehicles	\$ 36,613.77
Vehicle Fees	<u>\$ 395.00</u>
Total for 2000 & 2001 Taxes and Fees	\$ 43,312.33

Prior Years (1981-1999) releases and refunds for June are in the amount of \$2,503.33.

Total Current Year and Prior Year Releases and Refunds \$45,815.66

(Recorded in Appendix A in the Permanent Supplement of the August 13, 2001 Minutes of the Board.)

Consent Agenda 4(l). Addendum to Durham County Solid Waste Management Plan Update (adopt the resolution to approve minor revisions to the 10-year comprehensive plan).

The Department of General Services requested that the BOCC adopt a resolution approving minor revisions to the Durham County 10-Year Comprehensive Solid Waste Management Plan (SWMP).

On June 26, 2000, the BOCC approved a three-year revision to the 2000-2010 SWMP as required by General Statute § 130A-309.09A(b). On June 8, 2001, the North Carolina Department of Environment and Natural Resources informed Durham County that the Solid Waste Section had completed its compliance review and recommended the following areas be addressed:

1. Identify alternate facilities permitted to accept Construction and Demolition (C&D) waste generated within the County.
2. Identify alternate facilities permitted to accept Land Clearing and Inert Debris (LCID) generated within the County.
3. Provide a list of potential debris management sites for handling large volumes of disaster-related waste, staging areas for processing and management of the waste, and contracting for clean-up activities with the County.

In response to this request from DENR, the Department of General Services prepared an update to the SWMP for BOCC approval.

The addendum and resolution follows:

ADDENDUM TO DURHAM COUNTY
2000-2010 SOLID WASTE MANAGEMENT PLAN UPDATE
DURHAM, NORTH CAROLINA

1. The following is a replacement for Part V, Section G of the Plan Update. New information is highlighted.

Part V. SOLID WASTE MANAGEMENT METHODS:
ASSESSMENT OF PROGRAMS AND DESCRIPTION OF INTENDED ACTIONS

G. Disposal of Solid Waste

Current Program: The Durham County Landfill closed on December 1984. The facility has been converted to the Durham County Sheriff's Office obstacle course and firing range. Private contractors collect and haul residential waste generated in Durham County to the Durham City Transfer Station on East Club Boulevard. Solid waste generated at the County's convenience centers is also transported, under contract with BFI, to the City Transfer Station.

Land Clearing and Inert Debris (LCID) waste generated in Durham County will typically be taken to the City LCID Landfill (Permit # 32B) located at 1833 Camden Avenue. The point of contact with the City is Nancy Newell at (919) 560-4381. However, if extraordinary circumstances dictate a need to utilize other facilities, the following LCID contacts have been established:

- ***Currin Landfill (Permit #32D) at Coley Road, Durham NC. The point of contact is Allan or Glenn Currin at (919) 876-1138.***
- ***B & B Topsoil (Permit #3205-Y) at 1800 Hamlin Road, Durham NC. The point of contact is Michelle Hunt at (919) 477-6328.***
- ***Waste Industries, Inc. (Permit #32J) at 148 Stone Park Court, Durham NC. The point of contact is Tarry Gautney at (919) 596-1363.***

Construction and Demolition (C&D) waste generated in Durham County will typically be handled at the City Waste Disposal and Recycling Center (Permit #3204-Y) at 2115 East Club Blvd. The point of contact is Nancy Newell at (919) 560-4381. However, if extraordinary circumstances dictate a need to utilize other facilities, the following contacts have been established:

- ***Granville County C&D landfill (Permit #3902) at 6584 Landfill Road, Oxford NC. The point of contact is Jason Falls at (919) 603-1354.***
- ***Browning-Ferris Industries C&D landfill (Permit #9214) at State Road 1153, Holly Springs NC. The point of contact is Don Plessinger at (919) 557-0519.***
- ***Material Reclamation, LLC (Permit #9224) at 421 Raleigh View Road, Raleigh NC. The point of contact is Chris Roof at (919) 835-3655 ext. 121.***

Intended Actions: Durham County's plan is to continue handling the disposal and transfer aspects of the solid waste program in the current manner. Construction and demolition waste will continue to be managed at the City and other state permitted construction and demolition landfills.

2. The following is a replacement for Part VI, Section E of the Plan Update. New information is highlighted.

Part VI. EDUCATION, SPECIAL WASTES, ILLEGAL DISPOSAL, AND PURCHASING: ASSESSMENT OF PROGRAMS AND DESCRIPTION OF INTENDED ACTIONS

E. Disaster Response

Current Program: *The City and County of Durham have a joint Emergency Operations Plan that addresses debris removal and disposal during an emergency or disaster. City and County Solid Waste staff are on 24 hours stand-by for debris removal and disposal. Tipping fees for the appropriate waste are waived during the response/recovery phases of the emergency or disaster. In addition, City Solid Waste forces are prepared to receive contaminated petroleum soil and clay from city or county property at the City Landfill and maintain the soil for remediation.*

The following sites have been identified as emergency staging areas and will be coordinated with Jeff Batten, Durham City/County Emergency Management Director – 919-560-0660, pager 506-6460, cellular 632-1597 for the processing and management of disaster-related waste:

- The City of Durham Landfill “Borrow Area” within the closed municipal landfill at 1833 Camden Avenue, Durham NC. The point of contact is Nancy Newell at (919) 560-4381.
- The parking lot of the Durham County Stadium at 2700 Stadium Drive, Durham NC. The point of contact is Mike Turner at (919) 560-0431.
- Hansen Aggregate at 1423 Bacon Road, Durham NC. The point of contact is Thomas Smith at (919) 479-0500.
- Falls Lake “borrow area” in Durham County. The point of contact is Thomas Freeman at (919) 846-9332 with the US Army Corp of Engineers at Falls Lake Dam, Raleigh NC.

The availability of these sites is contingent on any current projects that may have begun between the time of identification and time of disaster need.

In addition, the following private contractor has been identified in the event tub-grinding services are needed. The debris will then be recycled into reusable chips, which are a valuable source of fuel, and as landscape ground cover:

- Charles Blythe Equipment Company, Box 69, Trenton NC. The point of contact is Terry Blythe at (800) 635-0907.

Intended Actions: Continue *successful current programs*

- The County and City Emergency Operations Plan will be maintained and updated as necessary. Contracts for disposal services will include provisions for assistance in emergency situations.

RESOLUTION TO APPROVE THE DURHAM COUNTY
COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN UPDATE

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and,

WHEREAS, NC General Statute § 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan, which the County did on June 27, 1997; and

WHEREAS, Durham County is required to update the 10-year comprehensive solid waste management plan every three years, which was done on June 26, 2000; and

WHEREAS, the County of Durham has been requested by the North Carolina Department of Environment and Natural Resources to provide additional information regarding alternate locations for the disposal of construction and demolition (C&D) waste, land clearing and inert debris (LCID), and the management of disaster-related waste:

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Durham County hereby approve the Addendum to the Durham County 10-Year (2000-2010) Comprehensive Solid Waste Management Plan Update dated July 2001.

Adopted by the Board of Commissioners during its Regular Session on this the 13th day of August, 2001.

/s/ MaryAnn E. Black, Chairman
County Commissioners

Attest: /s/ Garry E. Umstead, CMC
Clerk to the Board

Consent Agenda 4(m). Budget Ordinance Amendment No. 02BCC000001—Engineering Department (to appropriate \$6,000 to the Stormwater Plan Review Fees object code from another existing revenue code).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000001

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 Engineering Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
License and Permits	\$ 42,017,636	\$6,000		\$ 42,023,636
Intergovernmental	\$229,118,354		\$6,000	\$229,112,354

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

This the 13th day of August, 2001.

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

Consent Agenda 4(n). Budget Ordinance Amendment No. 02BCC000002—Office of the Sheriff (to recognize \$93,487 of deferred revenue received from the State Forfeiture [drug stamp] Program revenue).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000002

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 Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$ 32,791,136	\$93,487		\$ 32, 884,623
<u>Revenues</u>				
Intergovernmental	\$229,112,354	\$93,487		\$229,205,841

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

This the 13th day of August, 2001.

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

Consent Agenda 4(p). Budget Ordinance Amendment No. 02BCC000004—Library (to recognize and expend a \$800 grant from NC Humanities Council for speaker fees).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000004

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 Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Culture & Recreation	\$ 7,664,484	\$800		\$ 7,665,284
<u>Revenues</u>				
Intergovernmental	\$229,205,841	\$800		\$229,206,641

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

This the 13th day of August, 2001.

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

Consent Agenda 4(q). Budget Ordinance Amendment No. 02BCC000005—Library (to recognize and expend a \$10,000 LSTA Planing grant for the Library's strategic planning process).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000005

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 Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Culture & Recreation	\$ 7,665,284	\$10,000		\$ 7,675,284
<u>Revenues</u>				
Intergovernmental	\$229,206,641	\$10,000		\$229,216,641

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

This the 13th day of August, 2001.

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

Consent Agenda 4(r). Budget Ordinance Amendment No. 02BCC000006—Library (to recognize and expend a \$15,000 LSTA Technology Planning Grant to contract a consultant to update the Library’s technology plan).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000006

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 Library.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Expenditures</u>				
Culture & Recreation	\$ 7,675,284	\$15,000		\$ 7,690,284
<u>Revenues</u>				
Intergovernmental	\$229,216,641	\$15,000		\$229,231,641

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

This the 13th day of August, 2001.

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

Consent Agenda 4(s). Capital Projects Budget Ordinance Amendment No. 02CPA000001—Emergency Medical Services (EMS) purchase and renovation of Lebanon Volunteer Fire Department Building on Milton Road (to appropriate remaining project funds of \$777,500).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Capital Projects Ordinance
Amendment No. 02CPA000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Lebanon Building pay-as-you-go project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Lebanon Building	\$77,500	\$777,500		\$855,000

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

This the 13th day of August, 2001.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(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).

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Capital Projects Ordinance
Amendment No. 02CPA000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Cooperative Extension Renovation pay-as-you-go project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Cooperative Extension Renovation	\$ -0-	\$150,000		\$150,000

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

This the 13th day of August, 2001.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Items Removed for Discussion

Consent Agenda 4(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).

After considerable discussion, Commissioner Bowser asked the County Attorney to determine whether this could be a liability. Also, Commissioner Bowser requested more information on the nominees, including whether they live in Durham County. He wished to see an official application.

Chairman Black directed the County Manager to contact Ms. Rooks to satisfy Commissioner Bowser's questions.

The Commissioners agreed, by consensus, to defer action on consent agenda item No. 4(i) until the August 27, 2001 meeting pending the additional information requested by Commissioner Bowser.

Consent Agenda 4(o). Budget Ordinance Amendment No. 02BCC000003—Emergency Medical Services (EMS) (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).

Commissioner Reckhow asked that action be delayed for two weeks. In the meantime, the County Attorney was requested to get additional information from Duke on the limits and boundaries of the negotiations.

After a lengthy discussion, the following motion was made:

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 the requested information.

The motion carried unanimously.

Consent Agenda 4(u). Capital Projects Budget Ordinance Amendment No. 02CPA000003—Animal Shelter Expansion/Renovation Project (approve \$270,000 which represents the County contribution for this capital project for FY 2001-2002).

Commissioner Bowser wanted to know how much of the \$270,000 would be spent on architectural design services.

Chairman Black asked that the County Manager revisit the Board with an itemized list of how the \$270,000 is being spent.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the following capital projects ordinance amendment:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Capital Projects Ordinance
Amendment No. 02CPA000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Animal Shelter Expansion/Renovation pay-as-you-go project.

PAYG FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
Animal Shelter Expansion/Renovation	\$ -0-	\$270,000		\$270,000

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

This the 13th day of August, 2001.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

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(s): 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.

Chairman Black gave direction to Tax Administrator Steve Crysel to give another update regarding the status of the revaluations at the Board's August 27, 2001 Regular Session and again at the September Worksession.

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

The Cooperative Extension Service requested that the Board approve 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 that \$78,292 in governmental revenue 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 would 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
<u>Services for the Blind</u>	

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.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

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

The motion carried unanimously.

Public Hearing for Zoning Ordinance Text Amendment—Nonconforming Lots (TC116-01)

Staff proposed an amendment to Section 19.5 of the Zoning Ordinance that covers the development of vacant nonconforming residential lots of record. The 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 was that the Board hold the Public Hearing and approve the amendment, if appropriate, based upon public comment.

Chairman Black opened the public hearing that was properly advertised.

Mr. Bill Ripley, 1912 Hwy. 54, expressed that this is a needed ordinance change. He felt that specific nuances in the ordinance must be worked out and asked the Commissioners to delay action for two weeks to consider modifications.

Chairman Black asked that the County Attorney review this ordinance while taking under consideration the three issues introduced by Mr. Ripley.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to defer action on this item and staff was directed to revisit the comments and issues that were raised.

The motion carried unanimously.

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 recommended 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 was that the Board hold the public hearing, receive public comment, and approve the amendment to the ordinance.

Chairman Black opened the public hearing that was properly advertised.

Two citizens had signed to speak at this hearing; however, they left the meeting prior to discussion of this item.

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

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

Public Hearing for Zoning Ordinance Text Amendment-Requirements to Discourage the Use of “Spite Strips” in Rezoning Requests

Staff proposed 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 was that the Board hold the public hearing, receive public comment, and approve the text amendment.

County Manager Ruffin changed his recommendation subsequent to information made available to him in discussions with the County Attorney today. His new recommendation was that the Board hold the public hearing, receive public comment, and then direct the staff accordingly based on discussions that will ensue.

Chairman Black opened the public hearing that was properly advertised.

Steve Bocckino, 7340 Abron Drive, Durham 27713, spoke in favor of this amendment.

Bill Ripley, 1912 Hwy. 54, Durham, said the amendment restricts developers' flexibility and will have negative consequences.

Larry D. Hall, 315 E. Chapel Hill Street, felt that certain issues should be considered prior to approval, including the impact on future infield development and affordable housing.

After a lengthy discussion, the Commissioners directed staff to make changes to this zoning ordinance text amendment.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to continue the public hearing for two weeks and for staff to consider the comments regarding this item and bring it back before the Board at the August 27, 2001 meeting.

The motion carried unanimously.

Public Hearing—AB-TAK III, Applicant (Rezoning Case P01-06)

AB-TAK III presented 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 was in general conformance with the draft small area plan and 2020 Plan. Staff recommended 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 was that the Board hold the public hearing, receive public comment, and approve the rezoning, if appropriate, based on public comment.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

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

The motion carried unanimously.

Board and Commission Appointments

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

Animal Control Advisory Committee: One unexpired veterinarian position and one unexpired at-large position; terms expire January 2003.

The Clerk was directed to readvertise for these positions.

Sean Newton Haugh—no votes
Kimberly O’Neil—no votes

Civic Center Authority: One expired term (expires July 31, 2004).

*Angie Elkins—Black, Heron, and Reckhow
Mohammad Saeed Rashdi—Bowser and Cousin

Durham County Emergency Medical Services Council: One expired term to represent the Durham County Ambulance Division and two expired consumer positions; terms expire June 2004.

Kimberly O’Neil—Bowser and Reckhow

(No appointment made. Applicant did not receive a majority of votes.)

Jury Commission: One expired term (expires July 2003).

*Patricia A. Carrington—Black, Bowser, Cousin, Heron, and Reckhow

Library Board of Trustees: Four expired terms (expire July 31, 2004).

Laura Drazin Boyes—Cousin
Tom Clark—Cousin
*Ann Windon Craver—Black, Bowser, Heron, and Reckhow
*Jacqueline Hall—Black, Cousin, Heron, and Reckhow
Dr. John E. Harrington—no votes
Amy Leigh—no votes
*William F. McKee III—Black, Bowser, Heron, and Reckhow
Mohammad Saeed Rashdi—Bowser
*Elsa E. Woods—Black, Bowser, Cousin, Heron, and Reckhow

Transportation Advisory Board: One expired term (expires October 2003).

*Shauna L. Dozier—Bowser, Cousin, Heron, and Reckhow

Women’s Commission: Three terms (expire June 2004).

*Melissa Shaw Maloko—Black, Bowser, Cousin, Heron, and Reckhow
*Kimberly O’Neil—Black, Bowser, Cousin, Heron, and Reckhow

Closed Session

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.

Open Session

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

Adjournment

Chairman Black adjourned the meeting at approximately 10:20 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board