

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

Tuesday, January 2, 2007

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Room, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and
Commissioners Philip R. Cousin Jr. and Michael D. Page

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

Motion to Excuse

Vice-Chairman Heron moved, seconded by Commissioner
Cousin, to excuse Commissioner Cheek from the January 2,
2007 Worksession.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Designation of Voting Delegate to the Legislative Goals Conference

Vice-Chairman Heron moved, seconded by Commissioner
Cousin, to suspend the rules.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Commissioner Cousin moved, seconded by Commissioner
Page, to appoint Chairman Reckhow as the voting delegate
and Vice-Chairman Heron as the alternate delegate to the
Legislative Goals Conference.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Recommendations to Amend the Affordable Housing Policy

Jane Korest, Open Space and Real Estate Manager, stated that at the November 6, 2006 Worksession, the Board of County Commissioners received a presentation from the Campaign for Decent Housing. The Group had several requests to the County, including a request to amend the Board's previously adopted Policy for Conveying Real Property for Affordable Housing, which sets forth the process and conditions for the disposition of surplus property obtained through foreclosure to eligible nonprofit organizations for the construction of affordable housing. This Policy was adopted in June 2005. At the November meeting, the Board directed staff to review the Policy and make recommendations to the Board regarding the feasibility of making the properties available for both homeownership and low-income rental for special needs populations, to post surplus properties on the website by December 31, 2006, and to determine from the list of surplus properties which properties were most appropriate to make available under the Policy.

Ms. Korest informed the Board that the surplus property list has been posted on the County's website since November 9, 2006; the webpage is an initial version and will continue to be updated with more detail as time permits. The staff prepared an initial screening of the County surplus properties to determine which parcels are most suitable for potential conveyance to affordable housing nonprofits. Presently 67 surplus properties are on the list, including 13 that would not be available due to a current bid in process to purchase them. There are 19 properties that staff believes are marketable and could be sold to recover the County's investment, which is primarily made up of the unpaid taxes and associated costs that led to the foreclosure action. If little interest is expressed after a reasonable time period of attempting to market them, staff would recommend that these properties also be made available to the nonprofits as well. There are 18 surplus properties that are recommended to be made available for conveyance to affordable housing nonprofits if desired by the groups. Finally, there are 14 remaining surplus properties that are not recommended for conveyance to the nonprofits because they are considered undesirable or infeasible for residential use, due to lot size restrictions, location in the floodplain, or stream buffer issues.

The Policy is currently restricted to nonprofits constructing housing for homeownership; however, staff recommends that the Policy be amended to also allow for the construction of rental housing, with the same conditions that the tenants meet the low to moderate income requirements set forth in the current Policy.

The median income requirements are required by N.C.G.S. 153A-378(3) and therefore are required of any owner or occupier of housing constructed pursuant to the Policy. It is staff's recommendation that rental property be available to all persons that meet the median income requirements set forth in the Policy, which would include those with special needs. Thus, no change in the Policy regarding special needs is recommended.

Commissioner Cousin expressed interest in providing affordable housing. He pledged to work with nonprofits that purchase properties in Durham. He also expressed that his primary concern is facilitating homeownership.

Per a question by Commissioner Page, Ms. Korest stated that rather than the nonprofits having to bid on the property and going through the normal upset bid process, the parcels available to the nonprofits that meet the requirements would be brought back before the Board for conveyance.

Gene Cook, Executive Director for Rebuild Durham, stated that the ultimate goal in the Affordable Housing Results Based Accountability Community Taskforce is that every person, including persons with special needs, has safe, decent, and affordable housing. Nonprofits must be monitored because of income requirements.

The Board held a discussion about homeownership.

Commissioner Page stated that the community initiative is to build 12 ramps by January 15; however, inspection permits must be acquired. He asked about the possibility of getting the \$83-inspection fee waived.

County Attorney Chuck Kitchen stated that a one-time waiver may be granted for the \$83-fee; however, a document must be drafted to prevent future issues with citizens requesting the waiver of inspection fees.

Directives

1. Make amendments to the Policy; state that the Board will reevaluate the Policy in January 2008; bring back amendments to the Board at the January 22, 2007 Regular Session; and share amendments with the Affordable Housing Results Based Accountability Taskforce.
2. Publish Policy on the County's website.
3. Staff to work with the City and County Attorneys' offices regarding inspection fees.

Amendment to County Manager's Contract

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to suspend the rules.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to amend the County Manager's contract.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

East End Connector Presentation

Jan Anderson, RS&H, NCDOT Consultant, gave a presentation on the results of the alternatives analysis for the East End Connector project. The East End Connector is a proposed highway project that will link the Durham Freeway (NC 147) and US 70 (Miami Boulevard) with a new freeway facility and upgrade US 70 from Pleasant Drive to north of Holloway Street (NC 98). Four alternatives plus a no-build alternative will be studied in terms of impacts on the environment, residents, businesses, cultural resources, historic landmarks, utilities, and costs. She presented the four alternative plans listed below:

- **Alternative 1** is the alignment closest to Durham, running east-west between East End Avenue and Hoover Road. The alignment interchanges with the Durham Freeway south of Briggs Avenue and interchanges with US 70 at Carr Road. Alternative one has a moderate amount of impacts on natural resources (wetlands and streams) and has a moderate impact on residents and businesses. This alternative has a moderate impact on a cemetery. of the four plans Alternative one and two have the highest estimated construction costs.
- **Alternative 2** is located just south of Alternative 1. This alignment interchanges with the Durham Freeway about three-quarters of a mile south of Briggs Avenue, bisects East End Avenue and interchanges with US 70 in the vicinity of Carr Road. Alternative two has a moderate amount of natural resource impacts and has the highest impact on residents and businesses. This alternative would also have a high impact on churches and cemeteries. Of the four plans Alternatives one and two have the highest estimated construction costs.
- **Alternative 3** is located south of East End Avenue. The alignment interchanges with the Durham Freeway south of Briggs Avenue and interchanges with US 70 near Carr Road. Of the four plans, Alternative three has the lowest amount of natural resource impacts and the lowest

impact on residents and businesses. Of the four plans the estimated construction costs for Alternative three are lowest.

- **Alternative 4** is the southernmost alternative and is located close to Glover Road. It interchanges with the Durham Freeway north of Glover Road and interchanges with US 70 south of Pleasant Drive. This alternative has a low level of impact to natural resources and a moderate impact on residents and businesses. Of the four plans, Alternative four has a moderate estimated construction cost.

Ms. Anderson informed the Board that the next public meeting to discuss the alternative plans is scheduled for January 30, 2007 from 4:00 to 7:00 p.m. at Living Waters Church at Lynn Road and US 70.

In response to Commissioner Page's question regarding the community's input, Ms. Anderson stated that once the alternatives are presented at the community meeting, the issues raised will be taken back to the NCDOT to be evaluated.

Report by County Attorney on Proffers and School Financing

County Attorney Chuck Kitchen gave a presentation explaining the legal strictures on proffers by developers concerning payments for school construction. He discussed the following:

- Background
- Proffers
- Contract Zoning
- Facts in Kerik v. Davidson County
- Superior Court & Court of Appeals Decision
- Implications for School Proffers

Directives

1. Forward the land use items to the County Manager's office.
2. Have the County Manager follow up as appropriate.

Closed Session

Commissioner Cousin moved, seconded by Commissioner Page, to adjourn to closed session to consult with an attorney and preserve the attorney-client privilege and to discuss County v. Mansour, 06 CVS 6694, and to instruct the staff regarding the terms for acquiring the property owned by Canaday's Cab Company and Robert Lee Burton, 528 East Main Street, Durham, North Carolina, pursuant to N.C.G.S. § 143-318.11(a)(3) & (5).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Reconvene to Open Session

Commissioner Page moved, seconded by Commissioner Cousin, to suspend the rules.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve the purchase of 528 East Main Street, Durham, North Carolina, pursuant to N.C.G.S. § 143-318.11(a)(3) & (5).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 11:16 a.m.

Respectfully Submitted,

Angela M. McIver
Staff Specialist
Clerk to the Board's office