

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

Monday, November 1, 2010

9:00 A.M. Worksession

**MINUTES**

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

**Citizen Comments**

Lois Murphy addressed the Board regarding Bragtown Branch Library and Durham County's noise ordinance. She expressed concerns that the Bragtown Library was not appropriately serving the community and that it lacked resources as other libraries in Durham County. She hoped that the next budget would include adequate funding to remodel the facility. She expressed frustration with the excessive noise in her community. She hoped that the Board would revisit the noise ordinance regarding this issue.

Billy Totten spoke to the Commissioners about the location of a transmission tower near his residence. He voiced concerns about the ordinance not addressing a public forum regarding this issue.

Victoria Peterson expressed concerns to the Board about the nonprofit funding process. She asked about the process to receive nonprofit funding from the County and how other economic development dollars were dispersed. She urged the Commissioners, County Attorney Siler, and County Manager Ruffin to review best practices regarding nonprofit funding.

Oliver Leary spoke to the Commissioners about issues surrounding Animal Control. He expressed concerns about the current tethering law. He stated that the current law of investigating procedures and what facts to prove a violation of the law in Durham County should be improved and revisited. He asked that the Board consider the following:

- Develop clear and defined steps all Animal Control officers must follow by determining what are useable facts concerning the violations. The current rules are vague as written and do not conform to the true intent of State law;
- Animal Control officers should be required to follow up on all claims filed with the Agency within 48 hours of any and all witnesses named or discovered during the investigation;

- Investigating procedures and practices by Animal Control officers of law violations must be handled the same way in all claims; and
- Animal Control officers should be required to go to court upon receiving written notice from any citizen, upon spelling out the details to the Director of Animal Control, what the officer would testify about, rather than getting the officer to Court by subpoena.

The Board thanked the citizens for their comments and concerns.

#### Directive

Staff to respond to the citizens' concerns and questions and follow up with the Commissioners.

#### **Update on the Durham County Element of the Regional Transit Plan**

Mark Ahrendsen, City of Durham/DCHC MPO, introduced this item. He stated that the Congestion Relief/Intermodal Transport Fund (HB148) contains the Local Government Public Transportation Sales Tax Act that allows for a one-half percent sales tax increase to fund public transportation. The tax must be approved in a referendum scheduled by the Board of County Commissioners. In order to levy the tax, a plan that provides for the allocation of the proceeds must be developed.

Staff presented the status of the Durham County Element of the Regional Transit Plan, described the interconnectedness of the plan with the alternatives analysis passenger rail project currently being conducted by the Triangle Transit Authority, and identified the upcoming milestones for each of these projects.

Mr. Ahrendsen outlined the presentation as follows:

- Previous transit initiatives
  - STAC
  - 2035 LRTP
  - Intermodal Bill
- Current rail study – Triangle Regional Transit Program (TRTP)
  - Objective
  - Transitional Analysis
  - Alternatives Analysis
- Corridor Screening Criteria Metrics
  - Mobility
  - Socio-Economic
  - Land Use
  - Financial
- Other Considerations
  - Highest Performing Corridor (Durham-Orange)
  - Highest Performing Corridor in Wake
  - Regional Corridor (Wake-Durham)

- Next Steps and Milestones

Meg Scully discussed the Durham County Element of Regional Transit Plan and Financial Analysis as follows:

- Plan Development
- Regional Projections
- Federal/State Funding Assumptions
- Rail Scenarios & Bus Hours
- Local Service (DATA)
- Regional Service (TTA)
- Other Investments in each Scenario
- Public Involvement
- Orange County Plan
- Wake County Plan

Mr. Ahrendsen concluded the presentation by summarizing the Durham County process relating to elements & financial analysis.

The Board posed the following concerns and questions:

- What is being done in Northern Durham County?
- Explain light-rail service and light corridor-rail service.
- Why would the service be more expensive?
- Would the light-rail be electric or diesel?
- Cost & Ridership Analysis
- Park & Ride
- When is the actual implementation?
- Was consideration given regarding the line that currently runs from Durham to Chapel Hill?
- Are there other alignments in the general corridor that would be reviewed between Durham and Chapel Hill?
- Is the long-range vision plan being reviewed in terms of what can be done?
- Funds set aside from rental car fees for the rail system.
- Would the Board have to address the half-cent tax as a separate tax in the future?
- What percentage of rental car fees is generated from individuals passing through the community?
- When would the plan be complete for Durham, Orange, and Wake counties?
- Do right-of-ways have to be purchased by the organizations?
- Has any property been purchased on the new alignment between Durham and Chapel Hill?

Wib Gulley, General Counsel, Triangle Transit, provided a response to the Board's concerns pertaining to funds allocated for rail systems.

Patrick McDonough, AICP, Senior Transportation Planner, Triangle Transit, addressed the Commissioners' concerns about the amount of money received from rental car tax.

#### Directives

1. Bring a report to the Board regarding money spent for rail services or money to be held for rail services;
2. Include numbers and context to eliminate confusion in future reports; also, include the long-range land use plan;
3. Mr. Ahrendsen to include additional information regarding the bus scenarios and conduct an analysis of what the bus services would be. Analyze the hours of operation and estimate how many people would be riding the bus;
4. Consider expanding the scope of the Triangle Authority Region;
5. Bring an assessment to the Board regarding the corridor alignment through the northern part of Orange County;
6. Place on the February Worksession for discussion.

#### **James A. Whitted School History, Current Conditions, and Proposals for the Future of the Property**

Motiryo Keambiroiro, General Services Director, introduced this item. She highlighted that James A. Whitted School was vacant and had been substantially weathered and vandalized. She gave the following presentation:

- The Beginning
- History of Whitted School
- Operation Breakthrough
- County Maintenance of Whitted School
- Ariel View of Whitted School
- Umstead Street Housing Stock
- Roof Damage and Vandalism
- Interior Vandalism
- Welded Door Vandalized
- Continued Vandalism and Access
- Posted signage of hazards defaced
- Neighboring Residents
- Recommendation Option 1 and Option 2

Wendell Davis, Deputy County Manager, expounded on why the project was removed from the Capital Improvement Plan. He also discussed the City's interests and concerns regarding the facility.

Vice-Chairman Reckhow thanked Ms. Keambiroiro for the overview. She questioned the recommendations. She asked that Ms. Keambiroiro consider having an architect who is familiar with historic rehab to determine whether the building could be salvaged.

County Manager Ruffin suggested that an assessment be made of the newer portion in terms of following the option of preservation.

Ms. Keambiroiro responded to concerns and questions posed by the Board.

Directives

1. Place on the January Worksession.
2. Place on the November 9 Joint City-County Committee meeting for discussions.
3. Have a discussion with the City about the source of funding.

**Closed Session**

Commissioner Howerton moved, seconded by Commissioner Heron, to discuss matters relating to the location or expansion of a business or industry pursuant to G. S. §143-318.11(a)(4).

The motion carried unanimously.

**Reconvene from Closed Session**

Chairman Page announced that the Board met in closed session; direction was given to staff.

Respectfully submitted,



Angela M. Pinnix  
Administrative Assistant  
Clerk to the Board's Office