

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

Monday, June 12, 2000

7:18 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 and Becky M. Heron

Absent: Commissioner William V. Bell

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Black requested that agenda item No. 11, "Request to Approve Durham's Home and Community Care Block Grant Funding Plan," be moved to the consent agenda as item No. 3(k).

Minutes

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the April 3, 2000 CIP Worksession, May 1, 2000 Joint Session—BOCC/Durham Delegation, May 1, 2000 Budget Worksession, May 8, 2000 Regional Hospital Report/Planning Department, and May 16, 2000 Joint Meeting—BOCC/City Council Minutes of the Board as submitted.

The motion carried with the following vote:
Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

NOTE: Chairman Black asked the Clerk to make a notation regarding the May 8, 2000 Regional Hospital Report/Planning Department Minutes. The \$28 million invested in costs not projected at the time of merger to maintain operations came from the Duke University Health System, which includes Durham Regional Hospital.

Consent Agenda

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

- * (a) FY 1999-2000 Budget Amendment to Recognize Funds from Office of Juvenile Justice (approve budget amendment to recognize revenues in the amount of \$104,505);
- * (b) FY 1999-2000 Budget Amendment to Recognize Funds from Wake-Area Health Education Center (Wake-AHEC) Program for the General Health Clinic (approve budget amendment in the amount of \$5,650 to recognize the funds);
- * (c) FY 1999-2000 Budget Amendment to Establish DSS Income Maintenance Caseworker Position (approve budget amendment in the amount of \$2,671 and authorization to establish the Income Maintenance Caseworker position);
- (d) Standard Non-Reimbursable Utility Contracts for Extension of the County Sanitary Sewer System for Grandale Place Subdivision, Indigo Apartments, and Imperial Center (authorize County Manager to execute the utility contracts);
- (e) Change in Purchase Limit for Library Contract with Baker and Taylor Company (amend the contract with the Baker and Taylor Company as proposed);
- (f) Authorization of Earnest Money for the Purchase of the First Union Building (authorize the County Manager to deposit \$25,000 in earnest money for the acquisition of the First Union Building, which will go toward the purchase of the facility);
- (g) Request to Utilize Commissioners' Chambers for District Civil Court Hearings (approve the request with the same restrictions that currently apply, namely that the room will be used for civil motions with judges, attorneys, and their clients);

- * (h) Resolution Determining Need for Additional Public Parking (approve the resolution);
- * (i) Resolution Changing Date of Payment of Bonds (adopt the resolution correcting the clerical error);
- (j) Set Public Hearing to Receive Comment on the Three-Year Revision to the County's Ten-Year Solid Waste Management Plan (schedule a public hearing for June 26, 2000 to receive comment on the proposed three-year revision to the Durham County Comprehensive Solid Waste Management Plan); and
- (k) Approve the Home and Community Care Block Grant Funding Plan as presented.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

*The documents related to these items follow:

Consent Agenda 4(a). FY 1999-2000 Budget Amendment to Recognize Funds from Office of Juvenile Justice (approve budget amendment to recognize revenues in the amount of \$104,505) follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000056

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Other Human Services--Office of Juvenile Justice funding.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$211,368,474	\$104,505		\$211,472,979
<u>Revenues</u>				
Intergovernmental	\$180,530,809	\$104,505		\$180,635,314

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

This the 12th day of June, 2000.

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

Consent Agenda 4(b). FY 1999-2000 Budget Amendment to Recognize Funds from Wake-Area Health Education Center (Wake-AHEC) Program for the General Health Clinic (approve budget amendment in the amount of \$5,650 to recognize the funds) follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$211,472,979	\$5,650		\$211,478,629
<u>Revenues</u>				
Misc. Income	\$ 6,442,021	\$5,650		\$ 6,447,671

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

This the 12th day of June, 2000.

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

Consent Agenda 4(c). FY 1999-2000 Budget Amendment to Establish DSS Income Maintenance Caseworker Position (approve budget amendment in the amount of \$2,671 and authorization to establish the Income Maintenance Caseworker position) follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$211,478,629	\$2,671		\$211,481,300
<u>Revenues</u>				
Intergovernmental	\$180,635,314	\$2,671		\$180,637,985

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

This the 12th day of June, 2000.

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

Consent Agenda 4(h). Resolution Determining Need for Additional Public Parking (approve the resolution).

The resolution follows:

RESOLUTION DETERMINING NEED
FOR ADDITIONAL PUBLIC PARKING

WHEREAS, the Board of Commissioners at its May 8, 2000 meeting, adopted a resolution indicating that there appeared to be a need for additional public parking in and around the property of the American Tobacco Historic District and the property owned by the City of Durham referred to as the DATA site; and

WHEREAS, the Board of Commissioners at its May 8, 2000 meeting, indicated that provided there were such a need for additional public parking that it intended to build two separate parking decks and assist the City of Durham in constructing a third deck; and

WHEREAS, the Board of Commissioners further held a public hearing on May 22, 2000, to determine if there is a need for additional public parking which public hearing had been duly advertised:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH RESOLVE:

1. Following the public hearing in this matter and considering the testimony offered by the public, the Board finds the following facts to be true:

- a. Parking needs to be available within 1/4 mile of a business or office to be used by persons frequenting the business or office.
 - b. Downtown Durham Inc. (DDI) has conducted a parking survey which has determined that between 96% and 98% of all available parking in the parking decks owned and operated by the City of Durham are now occupied, with the exception of the Durham Centre deck which is on the opposite side of downtown Durham from the proposed location of the new decks.
 - c. Based on the survey by DDI, an additional 300 parking spaces will be needed by Self Help Inc. in downtown Durham based on recent purchases.
 - d. Due to the open space design of office buildings, five to six new parking spaces are needed for one thousand square feet of office space.
 - e. The new Justice Center to be constructed by the County of Durham for its court needs will require at least 1,491 new parking spaces in addition to spaces needed for the Durham County Jail.
 - f. The American Tobacco project will create a need for at least 1900 new parking spaces for the public using new and renovated buildings that are a part of such project.
 - g. It is not possible to expand on-street parking to provide for the public parking needs described above.
1. There is, therefore, currently a need for additional off-street public parking facilities in and around the American Tobacco Historic District and the DATA site.
 2. The convenience and necessity of the County require and there is a legitimate public purpose in providing additional off-street parking facilities, including the new decks mentioned above, for the use of the public in the described areas.
 3. The described areas constitute a part of an urban development project (as such term is defined in Chapter 908 of the 1986 Session Laws of the North Carolina General Assembly) and the County will significantly benefit from participating with the City of Durham and one or more private persons in the development of such urban development project by acquiring, constructing, owning and operating or participating in the

acquisition, construction, ownership and operation of the new decks mentioned above within such urban development project.

4. The administrative staff of the County is directed to negotiate and prepare the necessary agreements in order to provide the two decks and assist the City of Durham in providing the third deck mentioned above and bring the agreements back to the Board of Commissioners for approval.

This the 12th day of June, 2000.

Consent Agenda 4(i). Resolution Changing Date of Payment of Bonds (adopt the resolution correcting the clerical error).

The resolution follows:

Chairman MaryAnn E. Black introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

**RESOLUTION AMENDING A RESOLUTION PROVIDING FOR THE ISSUANCE
OF \$8,800,000 PUBLIC IMPROVEMENT BONDS, SERIES 2000**

BE IT RESOLVED by the Board of Commissioners for the County of Durham, North Carolina:

Section 1. The resolution passed by said Board of Commissioners on May 8, 2000 entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,800,000 PUBLIC IMPROVEMENT BONDS, SERIES 2000" is hereby amended by changing the date of "December 1" in the first sentence of Section 2 of such resolution to read "November 1."

Section 2. This resolution shall take effect upon its passage.

Upon motion of Commissioner Ellen W. Reckhow, seconded by Commissioner Becky M. Heron, the foregoing resolution entitled: "RESOLUTION AMENDING A RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,800,000 PUBLIC IMPROVEMENT BONDS, SERIES 2000" was passed by the following vote:

Ayes: Commissioners MaryAnn E. Black, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Noes: None

Absent: Bell

* * * * *

I, Garry E. Umstead, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of said Board at a regular meeting held on June 12, 2000, the record having been made in Minute Book _____ of the minutes of said Board, beginning at page _____ and ending at page _____, and is a true copy of so much of said minutes as relates in any way to the passage of a resolution amending a resolution providing for the issuance of \$8,880,000 Public Improvement Bonds, Series 2000 of said County.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the County Commissioners Meeting Room in the Durham County Administrative Complex, 200 East Main Street, Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., has been on file in my office pursuant to G.S. §143-318.12 as of a date not less than seven days before the date of said meeting.

WITNESS my hand and the corporate seal of said County, this 13th day of June, 2000.

/s/ Garry E. Umstead
Clerk to the Board of Commissioners

[SEAL]

Public Hearing on the 2000-01 Recommended Budget

The Board of County Commissioners conducted a public hearing to receive input from citizens on the FY 2000-2001 recommended budget. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker.

County Manager's Recommendation: The Manager recommends that the Board receive input from speakers and incorporate in your deliberations prior to finalization of next fiscal year's budget.

Chairman Black opened the public hearing that was properly advertised. The following citizens spoke at the public hearing on the 2000-01 recommended budget:

Kay Morgan, 16 Twinleaf Place, Chairman, Durham Public Education Network, spoke in support of Durham Public Schools. She urged the Commissioners to fund the entire request for the schools. Quality education is the lifeblood of the community. We have great hopes for Durham and its students.

Ralph McKinney, 500 Fairfield Road, spoke in general terms about the budget, racism, and how citizens are mistreated.

Nancy Wardropper, 3443 Rugby Road, 27707, addressed the projected operating budget for the Durham County Library for FY 2000-01. She is a trustee for the Library system. She stated that the budget has not been reduced, but expansion has been curtailed. Demands of the Library are growing because Durham is growing. The Durham County Library has an important function relative to the public school system. The Library Board of Trustees wishes to expand library services on Sundays at all branches. She urged the Commissioners to find a way to have Sunday services at all branches.

Freddie Parker, 5 Fernwood Court, 27713, spoke about the Middle School After-School program. He spoke in favor of the program and urged the Commissioners to continue their funding for the program. The program is important for the children.

Lua M. Wells, 11 Bermouth Court, 27705, spoke in strong support of the Durham Public Library system. She thanked the Commissioners for their past support. She also urged the Commissioners to increase funding for the Library due to population growth in Durham.

Maddy Wells, 11 Bermouth Court, 27705, urged the Commissioners to increase funding for the Library. The Young Adult section should be enlarged with additional books.

LeRoy Walker, 1208 Red Oak Avenue, spoke in support of Durham Public Schools. He urged the Commissioners to continue supporting the school system. He has agreed to work with five elementary schools to do something about the impact differences. I am concerned about the schools and the future of the young people.

Anita Hammond, 2801 Shoreham Street, 27707, represented the Education Committee of the Durham Committee on the Affairs of Black People. She spoke about the schools budget and the library budget. She also spoke about closing the gap in achievement. The school system should get someone independent of the system to investigate parents' complaints.

Jim McDonald, 3818 Somerset Drive, representing the Hope Valley Neighborhood Association, requested continued financial support for Rape Crisis. He urged the Commissioners not to reduce its current level of support by \$15,000.

Lavonia I. Allison, 1315 Mclaurin Avenue, 27707, representing Durham County on the Affairs of Black People, asked the Commissioners to help close the academic achievement gap and to address the five allegations that were submitted to the Office of Civil Rights.

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.

No official action was taken on this agenda item.

Chairman Black made closing remarks about the public hearing.

Public Hearing on the 2001-06 Recommended Capital Improvement Plan (CIP)

The Board of County Commissioners conducted a public hearing to receive input from citizens on the FY 2001-2006 Recommended CIP. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker.

County Manager's Recommendation: The Manager recommends that the Board receive input from speakers and incorporate in your deliberations prior to finalization of the Capital Improvement Plan.

Chairman Black opened the public hearing that was properly advertised.

Chairman Black commented that the CIP plan being considered is not a billion dollars. The CIP amount is approximately \$525 million (\$190 million for schools and \$330 million for County Government).

Interim County Manager Carolyn P. Titus gave the Commissioners an overview of the proposed CIP. The total amount being requested is \$522 million. The projects range from a courthouse to a new human services complex and to other buildings needed for County Government. The school system has made a request of \$204 million. The County is also responsible for the capital improvement needs for Durham Technical Community College.

The County is responsible for public safety space, libraries, the health department, and other human services. Highlights of the CIP include the following:

- a) A new County Courthouse will be built in 2003--\$52,900,000;
- b) Courthouse Parking--\$19,000,000;
- c) Downtown Historic District parking for the American Tobacco Project--\$18,400,000;
- d) Emergency Medical Services and Ambulance Services need several new locations
- e) Human Services Complex will be built on East Main Street. Social Services, Public Health, and Mental Health would come together;
- f) Several buildings at Durham Technical Community College need renovating;
- g) Durham Public Schools--\$204 million requests. Board is considering funding approximately \$155 million over the next five years. Three groupings of CIP construction--FY 2001, FY 2004, and FY 2006;

- h) Durham Public Library—new library in the eastern part of the County. Proposal to look at a new North Regional Library which is an expansion in northern Durham. Renovations to additional branches will be ongoing in FY 2004.
- i) Museum of Life and Science will need capital improvements and renovations.

Chairman Black said the school system is requesting \$204,630,103. Of that amount, the Public School Building Capital Fund would be \$7,792,489. The local fund request would be \$196,837,614.

Chairman Black asked Claudia Odom, Director, Budget and Management Services, to let the citizens know how the CIP would impact the tax rate. If the Board approves the \$522,000,000 proposed, the year and amount of tax impact follows:

FY 2002	.13
FY 2003	.17.4

The revised capital finance model includes the projection of additional one-cent sales tax revenue. The projections include the repeal of the 2 percent sales tax on food products. This reduction equals approximately 13.8 percent of the total sales tax collections.

The proposed revenue projections will generate an additional \$14 million dollars, including the \$4.5 million reduction for the repeal of the 2 percent sales tax on food products in FY 2002. An additional \$2.5 million revenue reduction will occur in the operating budget to reflect the 2 percent repeal on the sale of food products. The additional one-cent sales tax will reduce the need to raise taxes as much as 15 cents. The revised model projects the maximum tax rate increase of three cents in FY 2008.

FY 2002 Budget Projections

Proposed One Cent Point of Sales Tax	\$18,563,158
Repeal of 2 Percent on Food Products (Capital Budget)	- 4,519,690
One Cent Sales Tax	\$14,043,468

Repeal of 2 Percent on Food Products (Operating Budget) -\$ 2,561,716

It is important to note historical revenue projections as it relates to the capital finance model. With the 1991 bond referendum for schools and the NC Museum of Life and Science, the amount of property tax dedicated to debt retirement was originally extended to 18 cents over 25 years, the maximum amount needed to retire the bonds with no growth projected in other capital financing revenues. Growth in sales tax, bond refinancing, and interest income has reduced the original projection from a high of 25 cents to 8.4 cents.

Ann Craver, 4116 Cricket Lane, 27707, Vice Chairman, Durham County Library Board of Trustees, spoke in support of the Library's CIP.

Stuart Wells, 711 W. Club Boulevard, 27701, Friends of the Library member, strongly supported the Regional Library Plan.

Hayes Hofler, 1007 Vickers Avenue, 27701, representing the 14th Judicial District Bar, spoke in support of a new courthouse. He thanked the Commissioners for their high priority for a new courthouse.

Charlotte Hyer, 5201 Shagbark Drive, President of the Stirrup Creek Homeowners Association, supported the Regional Library Plan. The association requested a larger rental building to house the existing library until a new library is built which will be two or three years.

Marcia Morey, District Court Judge, 201 E. Main Street, 27701, talked to the Commissioners about the need for a new courthouse.

Mike Shiflett, 1111 Oakland Avenue, 27705, asked the Commissioners to link the CIP to the Adequate Public Facilities Ordinance that is being drafted.

Michael Lakin, 3518 Racine Street, 27707, representing the Friends of the Library, urged the Commissioners to put the Library funding on a high priority. "Let's make our Library one of the best in North Carolina and the nation."

Neil Schunke, 6921 Calais Drive, 27712, questioned the Commissioners about the priority of the \$20,000,000 parking deck. We are supporting another shopping center and housing. I am not sure we have to do this. I question this priority. The money for the parking deck should be used for nonprofit organizations or give it to families that need money. I would like for the Commissioners to evaluate the parking deck.

Lavonia I. Allison, 1315 Mclaurin Avenue, 27707, stated that she was confused about the CIP proposal relative to tax rates. Property tax should not be increased for a parking deck. She asked several questions about the CIP program relative to school location.

Denise Hester, 3526 Abercromby Drive, commented on the County's bond referendum. She suggested a lease be prepared between the County and the developers of the American Tobacco Project to offset the proposed tax burden to the citizens. Concern was also expressed about the tax burden on retirees and older citizens.

Robert Brown, 611 Pharlapp Lane, Bahama, 27503, representing the Public Defenders Office, talked about the space needs in his office. We need another courthouse. He urged the Commissioners to fund the CIP plan.

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.

Chairman Black and the Commissioners made summary remarks about the CIP plan.

Interim County Manager Carolyn P. Titus made comments about funding plans.

Public Hearing on the Uniform Schedule of Values, Standards, and Rules for the 2001 Revaluation

North Carolina General Statute 105-286(a) requires that County Government perform a general reappraisal of every parcel of land and its associated permanently affixed structures at least once within an eight-year cycle. In preparation for the eight-year revaluation, staff has spent the past year developing technology and working on the schedule of values for the ensuing reappraisal of property. At the May 22, 2000 meeting, Tax Administrator Steven Crysel delivered to the Board the Uniform Schedule of Values, Standards, and Rules for the 2001 revaluation along with the procedures to adopt the rules and the timetable. The Board was requested to hold a public hearing on the Schedule of Values and receive public comment.

Resource Person(s): Steven Crysel, Tax Administrator
Jay Miller, Deputy Tax Assessor
Teresa Hairston, Revaluation Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive public comment. The revaluation timetable schedule requires that the Board consider for approval the Schedule of Values at the June 26, 2000 meeting.

Mr. Crysel made introductory remarks about the need for the public hearing.

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. Approval would be considered at the June 26, 2000 Regular Session as a consent agenda item.

Public Hearing--Intelligent Information Systems Inc. (Rezoning Case P99-79)

Intelligent Information Systems Inc. presented to the Board of County Commissioners a request to rezone 9.84 acres located at the southwest corner of the intersection of Alexander Drive and Hopson Road (Tax Map 543, Block 3, Lot 5, and Block 1, Lots 2 and 3); PIN #0737-01-35-7466, 0737-01-35-7325, and 0737-01-35-4558 Request: RD (Rural District), NC (Neighborhood Commercial District), RSCH (Research Park District) to OI-2 (D) (General Office and Institutional District) with Development Plan (F/J-B). Site development is proposed at a maximum 63,500 square feet of office space.

The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on May 9, 2000 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on May 26 and June 2, 2000 in the Durham Herald-Sun.

Resource Person(s): Norman Standerfer, Planning Director
Sheila Stains-Ramp, Senior Planner
Vonda Frantz, Case Planner

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

Mr. Standerfer made opening remarks about the rezoning request. An overview was presented to the Commissioners.

Vice-Chairman Reckhow asked a question about the rezoning request to which Al Alphine, attorney for the petitioner, responded.

Chairman Black opened the public hearing that was properly advertised.

Al Alphine, 1205 Little Creek Road, 27713, made remarks about the rezoning request.

Marilee Martin, 5001 S. Miami Boulevard, 27703, representing the architect, O'Brien Atkins and Associates. She presented the Commissioners an overview of the rezoning request. She urged the Commissioners to approve the project.

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 Bowser, to approve the request to rezone 9.84 acres located at the southwest corner of the intersection of Alexander Drive and Hopson Road.

The motion carried with the following vote:
Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

(Legal description recorded in Ordinance Book _____, page _____.)

Public Hearing to Consider Amendments to Improve the Efficiency of the Zoning Ordinance

The Board of County Commissioners was requested to adopt the following amendments to:

- a) Revise Section 7 [Supplementary Standards] to provide additional standards for day care centers [TC 98-00];
- b) Revise Section 8 [Performance Standards] regarding standards for lighting under canopies and site lighting [TC 99-00]; and
- c) Revise Sections 7 and 8 [Supplementary Standards and Performance Standards] regarding standards for vehicle repair sites, heavy equipment sites, vehicles for sale in residential areas, and storage of vacant manufactured homes in residential areas [TC 101-00].

Resource Person(s): Bonnie Estes, Planning Manager
Norm Standerfer, Planning Director

County Manager's Recommendation: The Manager recommends that the Board hold the public hearing and approve the amendments, if appropriate, based on public comments.

Ms. Estes gave the Commissioners an overview of the amendments.

The Commissioners asked questions and made remarks to which staff responded.

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 Commissioner Bowser, to approve Section 7 [Supplementary Standards] to provide additional standards for day care centers [TC 98-00].

The motion carried with the following vote:
Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

The zoning ordinance text amendment follows:

TC 98-00

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
CONCERNING STANDARDS FOR DAY CARE

WHEREAS, the Durham Board of County Commissioners wishes to amend the Zoning Ordinance, and

WHEREAS, the Zoning Ordinance establishes standards for Day Care Centers, and

WHEREAS, these standards are established to provide for the safety of the occupants of the Day Care and to protect nearby properties from the off site impacts of day care facilities, and

WHEREAS, the Board of Adjustment sought changes to these standards to improve the standards associated with Day Care sites and to offer greater protection to neighborhoods, and

WHEREAS, these changes will result in improved conditions for individuals in day care and for adjacent neighborhoods:

NOW THEREFORE, BE IT ORDAINED THAT:

SECTION 1

[Sections in *bold italic* are new]

That within Section 7 [Performance Standards], that the Subsection titled, "Day Care Facilities" be rewritten as follows:

1. The facility shall meet all state requirements for standards, licensing and inspections.
2. The facility shall meet the following space requirements if children are the primary clients of the use:

Outdoor play space: 100 square feet per child, and children at the facility for after school care, *excluding children between 0 and 12 months of age*. Parking areas may not be counted toward play spaces.

Indoor space: at least 35 heated square feet per child. The heated space calculations shall not include hallways and bathroom, closets, utility rooms, and offices.

All outdoor play space shall be useable for play purposes [as an example, streams, marsh land or other unsuitable areas shall not be credited toward the play space requirement]. Outdoor play areas must be fenced in accordance with the Standards for Fences found in Section 8.1 shall be located within the side or

rear yard. *However, the Development Review Board [DRB] may approve outdoor play space within the front yard but outside of the required front yard if the DRB finds that such play area is safe, not detrimental to the neighborhood, accessible, and generally compatible with surrounding properties.*

3. Driveways and drop off areas shall be provided so that traffic associated with the use does not impede the flow of traffic on adjacent streets. *All required parking shall be in the rear or side yards. Required parking may be located in the front yard if the DRB finds that such parking is safe, not detrimental to the neighborhood, accessible, and generally compatible with surrounding properties.*
4. Buffer requirements found in Section 10 of this ordinance shall apply. *The Board of Adjustment, and the DRB may make modifications to or reductions of the buffer and landscape standards in accordance with ordinance Section 10.6 [Subsection: "Variations"]. Any decisions to modify the buffer and landscape standards shall be included in the formal record of the approving body.*
5. When a use permit is required, the approving authority may deny the use permit, or add additional conditions and safeguards as necessary to protect the health and welfare of the *day care clients*, adjacent properties, or the neighborhood, Conditions may include a reduction in the maximum number of individuals to be cared for on site to less than that allowed by state or federal regulations. When the facility is located within an industrial area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.

SECTION 2

That the ordinance be renumbered to accommodate this change.

SECTION 3

That this ordinance become effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Section 8 [Performance Standards] regarding standards for lighting under canopies and site lighting [TC 99-00].

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

The zoning ordinance text amendment follows:

TC99-00

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
REGARDING STANDARDS FOR LIGHTING

WHEREAS, the Durham Board of County Commissioners wishes to amend the zoning ordinance, and

WHEREAS, lighting of canopies and sites can have adverse affects on adjacent properties and the safety of motorists, and

WHEREAS, many styles of lighting fixtures are available which provide for public safety yet restrict off site illumination, and

WHEREAS, improved lighting standards will contribute to the health safety and welfare of the citizens:

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1

That Section 8.1.23 [Lighting standards for Canopies] be revised to read as follows:

Section 8.1.23 Standards for Canopies: [all types of nonresidential canopies]

1. Fuel Canopies: For fuel canopies, the maximum distance to the highest point on the fascia shall be 19.5 feet as measured from the highest point of the highest grade under the canopy. No variance may be granted for additional height except when specialized design characteristics associated with architectural features of the neighborhood would warrant some modification to this standard.
2. All Canopies, including fuel canopies:
 - a. Canopies in nonresidential zones may extend into yard spaces but shall be at least 5 feet from the property lines.
 - b. Display or storage shall not be permitted as the primary use under the canopy unless outdoor displays and outdoor storage are allowed in the zoning district. For example, soft drinks may be displayed in association with fuel pumps, but storage of boats under the canopy cannot be the primary use unless outdoor storage is allowed in the district.
 - c. Lighting: Any submittal of a site plan including a canopy shall indicate the location and type of lighting for the canopy area and parking area.

3. Certificate of Compliance:

Prior to receiving a Certificate of Compliance, the applicant is required to submit documentation to the Inspections Department from a registered professional with experience in lighting, certifying that the lighting meets the following standards:

- a. *maximum illumination under the canopy – 80 foot candles average lighting with all fixtures baffled or shielded to prevent glare. All fixtures on the edge of the canopy shall have cut off shields or diffusers to prevent spill over lighting.*
- b. *maximum illumination at the edge of the property line adjacent to residential zoning– ½ foot candle*
- c. *maximum illumination at the edge of the property line adjacent to nonresidential zoning – 5 foot candles*
- d. *maximum illumination at the edge of the property line adjacent to a street – 5 foot candles.*
- e. *The approving authority may adjust the standards for the maximum illumination at the edge of a nonresidential use adjacent to another nonresidential use if the approving authority determines that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination.*
- f. *The measures used to prevent the spill over of light and glare shall be indicated on the site plan.*
- g. *Blinking or flashing lights are prohibited.*

SECTION 2

That Section 8.1.5 shall be revised to add the following items:

Glare and Exterior Lighting Standards:

Adequate lighting shall be provided in nonresidential and multifamily developments conforming with accepted engineering standards. Parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of property and to facilitate the safe passage of persons using the roads, sidewalks, and parking lots after dark. However, measures shall be provided to prevent light spill over onto adjacent properties and glare toward motor vehicle operators. The purpose of these standards is to assure that exterior lights shall be shielded so that they do not cast direct light beyond the property line. In accordance with these standards.

- a. *The maximum illumination at the edge of the property line adjacent to residential zoning – 1/2 foot candles*
 - b. *The maximum illumination at the edge of the property line adjacent to nonresidential zoning – 5 foot candles.*
 - c. *The maximum illumination at the edge of the property line adjacent to a street – 5 foot candles.*
 - d. *The maximum height for directional lighting fixtures, which are defined as fixtures designed to insure that no light is emitted above a horizontal line parallel to the ground, shall be – 25 feet*
 - e. *The maximum height for nondirectional lighting fixtures, which are defined as fixtures designed to allow light to be emitted above a horizontal line parallel to the ground, shall be 12 feet. Nondirectional lighting fixtures must be translucent or have baffles to prevent views of the light source. Nondirectional lighting fixtures are not recommended for lighting sidewalks, streets, or parking areas. The upward direction of light provided by nondirectional lighting may be found to be unacceptable by the approving body because the off site effects may be incompatible with the surrounding neighborhood.*
 - f. *The approving authority may adjust the standards for the maximum illumination at the edge of a property adjacent to another nonresidential use if the approving authority determines that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination.*
 - g. *Blinking or flashing lights shall be prohibited.*
6. *Existing fixtures: Lighting fixtures existing at the time of approval of the SubSection [6/12/00] may remain, and shall be considered nonconforming structures. Modifications, replacement, or expansions shall conform to the standards of this ordinance.*
7. *The following shall be exempt from these provisions:*
- a. *Outdoor lights used for a temporary event. A temporary use permit shall have been obtained for the event.*
 - b. *Outdoor lights used exclusively for public recreational activities, concerts, plays or other outdoor events which are open to the public, provided that the event or function meet all other applicable zoning requirements.*

- c. *Outdoor lighting used in connection with these categories shall only be illuminated while the activity takes place and during high traffic periods before and after the event.*

SECTION 3

That the ordinance be renumbered if necessary to accommodate this change.

SECTION 4

That this ordinance become effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve Sections 7 and 8 [Supplementary Standards and Performance Standards] regarding standards for vehicle repair sites, heavy equipment sites, vehicles for sale in residential areas, and storage of vacant manufactured homes in residential areas [TC 101-00].

The motion carried with the following vote:
Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

The zoning ordinance text amendment follows:

TC101-00

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
CONCERNING STANDARDS FOR VEHICLE REPAIR
AND HEAVY EQUIPMENT REPAIR

WHEREAS, the Durham Board of County Commissioners wishes to amend the zoning ordinance, and

WHEREAS, the improper placement of junked vehicles, vehicles under repair, or heavy equipment, can have blighting affects on the community, and

WHEREAS, there is evidence of repair shops using the public right of way as a business storage area, and

WHEREAS, in addition to burdening the community with an unsightly appearance, there is evidence that emergency crews might not be able to access sites and customers have no on-site parking, and

WHEREAS, the improper storage of vehicles and heavy equipment may contribute to lowered property values, hazards to children, rodent infestations, and traffic problems:

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1

THAT THE SUBSECTION OF SECTION 7 IDENTIFIED AS "SERVICE STATIONS AND VEHICLE REPAIR SHOPS" " SHALL BE AMENDED TO ADD THE FOLLOWING:

5. Vehicles associated with the use shall not be stored or repaired within federal, state, or local public rights-of-way, including streets and sidewalks.
6. Uses not covered by an existing site plan shall organize the off-street parking areas to provide adequate customer parking and access for emergency vehicles.
7. Nothing in this subsection shall be construed as allowing properties designated as service stations or vehicle repair shops to be involved in disassembling, tearing down, or scrapping of a vehicle or to permit one vehicle to be scavenged or stripped for parts for use on another vehicle.

SECTION 2

THAT THE A NEW SUBSECTION BE ADDED TO SECTION 7 [SUPPLEMENTARY REQUIREMENTS] ENTITLED "VEHICLE AND HEAVY EQUIPMENT SALES AND RENTALS:"

1. Customer and employee parking and vehicles or equipment on display shall not be parked on federal, state, or local public rights-of-way, including streets and sidewalks.
2. Junked or inoperable vehicles or equipment shall not be allowed to accumulate on the premises unless such vehicle is within a completely enclosed building. A vehicle covered with a car cover does not constitute an enclosure.
3. Vehicle or equipment repairs made on-site shall be subject to the same restrictions under Section 7.37 "Service Stations and Vehicle Repair Shops."
4. Uses not covered by an existing site plan shall organize the off-street parking areas to provide adequate customer parking and access for emergency vehicles.

5. Nothing in this subsection shall be construed as allowing properties designated as Heavy Equipment Sales and Rental establishments to be involved in disassembling, tearing down, or scrapping of a vehicle or to permit one vehicle to be scavenged or stripped for parts for use on another vehicle

SECTION 3

THAT THE FOLLOWING ADDITION BE MADE TO SECTION 8 [PERFORMANCE STANDARDS].

Section 8.1.12 Vehicle Storage and Repair and Manufactured Home Storage:

1. Unlicensed and inoperable vehicles in residential areas shall be screened so that they may not be viewed off site.

2. The following accessory uses shall be prohibited within a residential zone or on property devoted to a residential use:

- Vehicle sales. The sale of a private vehicle registered to the occupant(s) of the residence shall be exempt from this provision. No more than one such vehicle shall be displayed at a time.*
- Storage of a manufactured home unless the manufactured home is lawfully permitted under provisions found elsewhere in this ordinance.*
- Use of a travel trailer or recreational vehicle [RV] as a temporary residence or accessory dwelling. Excluded from this provision is the use of a travel trailer or RV during temporary visits of 2 weeks or less.*

SECTION 4

That the ordinance be renumbered if necessary to accommodate this change.

SECTION 5

That this ordinance become effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

2000-2001 Proposed Secondary Road Construction Program for Durham County
(Follow-up from the April 3,2000 Public Hearing)

Mr. Rodney H. Cooper, P.E. and District Engineer for the North Carolina Department of Transportation, presented the Board with the Annual Secondary Road Construction Program for Durham County (2000 – 2001). Division Engineer Jon Nance P.E., Division Maintenance Engineer Ricky E. Greene Jr., P.E., and County Maintenance Engineer Aaron S. Horton, P.E will accompanied Mr. Cooper.

This item came before the Board at the April 3, 2000 meeting. The Board raised questions about whether the maps and house count were correct for the 1.4-mile section of Hampton Road. Staff from NCDOT has investigated these concerns and provided the Board with their findings.

Resource Person(s): Rodney H. Cooper P.E., North Carolina Department of Transportation, Division of Highways, Division Five.

County Manager's Recommendation: The Manager recommends that the Board receive the information requested from the April 3, 2000 meeting on the Proposed Secondary Road Program. If there are no additional requests of the state, the Manager further recommends that the Board approve the 2000-2001 Secondary Road Program. *(Note that any changes to the priorities impact others on the priority listing.)*

Mr. Cooper said there was a question about Hampton Road (SR 1603). This road is broken into two sections. This year's program listed SR 1607 to 1610. I was asked to recount the number of homes on this section and to be sure the section on the program was the correct one on the map.

Commissioner Bowser asked several questions about Hampton Road relative to length and number of homes on the road.

The following citizens spoke about getting Hampton Road paved:

Norman Glenn, Hampton Road, Rougemont, 27572
Charlene B. Daye, 12505 Hampton Road, 27572
Thelma Glenn White, 1015 Jerome Road, Durham, 27713
Curtis Daye, 12603 Hampton Road, Rougemont, 27572

The citizens told the Commissioners the situation that exists on Hampton Road and their opinions as to why the road is not paved. They urged the Commissioners to get all of Hampton Road paved.

Chairman Black asked Mr. Cooper to answer questions from the citizens and Commissioners.

Mr. Cooper responded to all the questions.

After considerable discussion, Chairman Black asked Interim County Manager Carolyn P. Titus to write a letter to Mr. Eric Michaux, North Carolina Department of Transportation Board member, requesting that all of Hampton Road be paved.

Commissioner Bowser requested that the letter drafted to Mr. Michaux reflect that the residents on the Red Mountain end of Hampton Road have lived there longer than the residence on the portion of the road to be paved. He needs to look at any discretionary funds available to pave the entire road.

Vice-Chairman Reckhow requested that the letter ask for additional money from the state to pave more roads in Durham County.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the 2000-01 Secondary Road Program with the understanding that the Board will do what it can to get the other side of Hampton Road reprioritized and moved up on the list.

The motion carried with the following vote:
Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

The resolution follows:

RESOLUTION
DURHAM COUNTY BOARD OF COMMISSIONERS
DURHAM COUNTY, NORTH CAROLINA

THE 2000-01 SECONDARY ROAD CONSTRUCTION PROGRAM
FOR DURHAM COUNTY

WHEREAS, the North Carolina Department of Transportation has submitted a proposed Secondary Road Construction Program for Durham County for the 2000-01 Fiscal Year; and

WHEREAS, the Durham County Board of Commissioners, in accordance with North Carolina General Statute 136-44.8, held a public hearing during its April 24, 2000 Regular Session to consider public comment about the proposed Secondary Road Construction Program; and

WHEREAS, North Carolina General Statute 136-44.8 provides that the Board of County Commissioners, after the presentation and discussion of the annual Secondary Road Construction Program, may concur with the program as proposed:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that said Board does concur with the 2000-01 Secondary Road Construction Program as presented by the North Carolina Department of Transportation

and recommends that the Board of Transportation adopt the proposed program for Durham County.

This the 13th day of June, 2000.

/s/ Carolyn P. Titus
Interim County Manager

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

Southpoint Area Land Use Plan Presentation

Development interest in the NC 54/I-40 corridor has required that staff review the adopted land use plans for the area. The study area covers portions of three Small Area plans, which includes South Durham, Southwest Durham, and Triangle Township. The Southpoint subarea of the NC 54/I-40 Corridor Study is the focus of this report.

Staff worked with Paton-Zucchini consulting firm to speed the planning process. The team reviewed the adopted area plans and existing conditions and held community meetings with the stakeholder to develop the land use plan. The plan directs non-residential land uses along NC 54 and I-40. It also tapers residential density to one unit per acre at the Urban Growth Boundary. The closing of Fayetteville Road at its intersection with Scott King Road is a part of the proposal. The plan provides for development in the area while protecting existing neighborhoods and the environment. Planning staff recommended adoption of the Southpoint Area Land Use Plan.

Resource Person(s): T.E. Austin, Senior Planner, Durham City/County Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board accept this presentation as an informational item.

Mr. Standerfer introduced the agenda item with a brief overview of the Southpoint Area Land Use Plan.

Mr. Austin reviewed the land use plan in more detail.

The Commissioners asked questions and made comments about the plan to which Mr. Austin responded.

Vice-Chairman Reckhow requested an attachment outlining major principles to be used with the maps.

Commissioner Heron said the various committees need text to go along with the maps. I would say to accept this as an informational item and request some type of draft text to accompany the area.

No official action was taken on this agenda item.

Opposition to Tax Exemption

Recently, the County won a case before the Property Tax Commission in which Charles Meeker represented the apartment complex which had been financed with tax-exempt bonds issued by the City of Durham pursuant to Section 42 of the Internal Revenue Code. The rents charged on these apartments are reduced in exchange for tax credits by the Federal Government. Mr. Meeker sought to have the property taxes calculated on the reduced rents without taking into consideration the tax credits. This would have reduced the property taxes far below what comparable property owners would have to pay. The Property Tax Commission rejected the argument of Mr. Meeker and ruled in favor of the County. The time for appealing the case has not run.

The County has been furnished correspondence from Mr. Meeker seeking to have the legislature amend the tax laws to provide a break for corporations who own these types of apartment complexes; in essence, to accomplish through the legislature what he has not been able to do through the courts.

The Board was requested to authorize the administration to send a letter to the legislative delegation representing the County and the North Carolina Association of County Commissioners opposing this attempt to reduce the tax base and give a tax break to wealthy corporations at the expense of the ordinary taxpayer.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: Authorize a letter to be sent opposing the further erosion of the property tax base.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to authorize that a letter be sent opposing the further erosion of the property tax base.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

SFX Contract

The City, County, and Pavilion Partners (SFX) have negotiated a contract in which the three parties can explore the possibility of constructing a 5000-seat theater in proximity to the American Tobacco Historic District. The contract provides for a period of 120 days during which the parties would explore the feasibility of constructing the theater and negotiating a "Definitive Agreement." During this period, SFX, the City, and the County would not have discussions with other parties concerning the possibility of constructing a theater. The City and County would be furnished with confidential documents developed by SFX, as well as a determination by SFX as to site suitability.

Should the parties be unable to reach agreement during the 120-day period, there would be no liability created. After this time period, each party would be free to negotiate with other parties if a Definitive Agreement is not developed.

Resource Person(s): S. C. Kitchen, County Attorney; Carolyn P. Titus, County Manager

County Manager's Recommendation: Approve the agreement in order that the County can determine if further pursuit of a theater is warranted.

Interim County Manager Carolyn P. Titus gave the Commissioners an overview of the agenda item. She explained in detail the proposal to be considered by the Commissioners.

Ms. Titus asked the Commissioners to consider the agreement. The Manager explained the agreement to the Commissioners.

County Attorney Chuck Kitchen said we don't know how much money is involved in operational costs.

The Commissioners spoke about the proposal.

The Commissioners stated they do not want to go any further financially with this proposal.

Extension of Meeting

Commissioner Heron moved, seconded by Commissioner Bowser, to extend the meeting until 11:30 p.m.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

SFX (continued)

The Commissioners were of the opinion that the only assistance the County can help with financially, relative to the theater, is the use of the two parking decks the County has agreed to build for the new courthouse and the American Tobacco Historic District.

Chairman Black said that the Commissioners do not support the theater financially in planning or construction. The Commissioners are open to the idea of letting the parking decks be used for a public purpose to support the theater events.

The Commissioners did not take any official action on this agenda item. There was no support for the project financially.

County's Compensation Plan

Interim County Manager Carolyn P. Titus distributed to the Commissioners two options that the Board requested. The options follow:

Holiday Bonus

\$500 per employee in December

1875 (# of employees) x \$500 = \$937,500

Longevity

<u>Years of Services</u>	<u>Amount</u>	<u># of Employees</u>		<u>Total</u>
5 years but less than 10 years	\$400	283	=	\$113,200
10 years but less than 15 years	\$500	206	=	\$103,000
15 years but less than 20 years	\$600	105	=	\$ 63,000
20 years but less than 25 years	\$700	92	=	\$ 64,400
25 years or more	\$800	38	=	<u>\$ 30,400</u>
			TOTAL	\$374,000

The Manager reminded the Commissioners that in the recommended budget there is a 2.5% market adjustment. The pay range is 2.5% behind other counties. The market adjustment will cost \$1.28 million in the upcoming fiscal year. Employees who are 5 % below the market average would be given an additional adjustment. The total cost would be \$93,300. I believe all questions have been answered to date with the exception of a scenario Vice-Chairman Reckhow requested. The Human Resources Department is getting that information for the Board.

The staff and County Manager responded to the questions and comments made by the Commissioners.

No official action was taken on this agenda item.

Adjournment

Chairman Black adjourned the meeting at 11:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board