

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

Monday, June 26, 2006

4:00 P.M.

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 Lewis A. Cheek and Michael D. Page

Absent: Philip R. Cousin Jr.

Presider: Chairman Reckhow

Closed Session—Personnel Matters

Commissioner Page moved, seconded by Vice-Chairman Heron, that the Board of County Commissioners adjourn to Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

Register of Deeds Willie Covington
Sheriff Worth Hill
Tax Administrator Kenneth Joyner
County Attorney Chuck Kitchen

The motion carried with the following vote:

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

7:00 P.M. Regular Session

Opening of Regular Session—Pledge of Allegiance

Motion to Excuse

Commissioner Page moved, seconded by Commissioner Cheek, to excuse Commissioner Cousin from the June 26 meeting, as he was out of town.

The motion carried with the following vote:

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

Motion Resulting from the 4:00 Closed Session

Chairman Reckhow announced that the Board met in closed session from 4:00 to 6:00 p.m. with four officials to review performances and determine salary increases. The Commissioners agreed that the officials had performed in an excellent manner during the past year. The recommended salary increases follow:

Register of Deeds Willie Covington	\$ 98,000
Sheriff Worth Hill	\$110,000
Tax Administrator Kenneth Joyner	\$101,000
County Attorney Chuck Kitchen	\$149,000

Commissioner Heron moved, seconded by Commissioner Page, to approve the salary recommendations.

The motion carried with the following vote:

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

Agenda Adjustment

Chairman Reckhow noted that the revised agenda reflected the deletion of Consent Agenda Item No. 8s, "Order Closing the Revaluation Special Revenue Fund (adopt the order to effect the change in the new Budget Ordinance)". She also noted that the revised May 31, 2006 Budget Worksession Minutes reflected a one-word change.

Announcement

Chairman Reckhow congratulated the Durham County employers recognized at a lunchtime ceremony at the Millennium Hotel for the Durham Commute Trip Reduction Program. Congressman David Price spoke at the awards ceremony. Three Innovator Awards were presented to:

EMC Corporation	(small business)
AW North Carolina Inc.	(medium business)
Duke University and Duke Hospitals	(large business)

Leadership awards were presented to:

Syngenta Biotechnology Inc.	(small company)
Wal-Mart Inc.	(medium company)
GlaxoSmithKline	(large company)

Other awards:

Employer With Highest Percentage Of Employees Using Alternative Commuting Modes—IBM Corp.

Employee Transportation Coordinator of the Year—Denise Selden from GlaxoSmithKline

Chairman Reckhow reported the steady reduction in single-occupancy vehicle trips from 86 to 84 percent. The largest increases this year were in carpooling and telecommuting. The program continues to be successful.

Chairman Reckhow acknowledged all other businesses that participate in the Commute Trip Reduction Program efforts.

Minutes

Vice-Chairman Cheek moved, seconded by Commissioner Page, to approve as submitted the following Minutes of the Board:

June 5, 2006 Worksession
May 31, 2006 Budget Worksession
June 12, 2006 Regular Session

The motion carried with the following vote:

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

Recognition—NC Council of Community Program Award to Ellen Holliman

Chairman Reckhow stated that on May 22, the North Carolina Council of Community Programs recognized Ellen Holliman, Durham Center Area Director, to receive its 2006 Emerging Leadership Award. (Ms. Holliman took the helm of The Durham Center in April 2002 and guided the organization through the complex and challenging transition from its role as provider of direct services to manager of those services [part of North Carolina's mental health reform initiative]). The Emerging Leadership Award recognized Ms. Holliman's commitment to quality community care evidenced by The Durham Center's creation of rapid response homes for children, a 24/7/365 crisis facility, and evidence-based practices for adults, including Assertive Community Treatment, Integrated Dual Disorder

Treatment Teams, Illness Management and Recovery, Family Psychoeducation, and Supported Employment. The result of these innovative programs has been a substantial reduction in the use of State institutions for inpatient care and a dramatic reduction in out-of-home placements of children.

Chairman Reckhow recognized Ms. Holliman's husband and Area Mental Health Board members who were in attendance.

Ms. Holliman remarked that she represents 50+ Durham Center employees who work for the benefit of Durham citizens. She accepted the award on their behalf.

Ms. Holliman expressed appreciation to the Commissioners for their "tremendous" support and for taking the time to recognize her award.

Recognition of NC Council of Community Programs Award for Doug Wright

Chairman Reckhow stated that on May 22, the North Carolina Council of Community Programs recognized Doug Wright, The Durham Center Area Board Chair, with its 2006 Area Board Leadership Award. The Award recognizes members of local Area Boards whose overall contributions have been important in serving persons with mental, physical, and chemical disabilities. (Mr. Wright has chaired the Board of The Durham Center since 2002 and has provided crucial leadership during the organization's transition to a service management role. Under Mr. Wright's leadership, the Board commissioned a thorough Community Substance Abuse Needs Assessment and Plan and a Community Assessment and Plan for Persons with Developmental Disabilities. These Plans involved the input of hundreds of people, including consumers and representatives of other key community agencies.) The Leadership Award recognized Mr. Wright's tireless efforts to assemble a Board of dedicated citizens working actively and collaboratively to formulate good public policy by involving the community and the people it serves, creating a system that is more responsive to people with mental health, substance abuse, and developmental needs.

Mr. Wright thanked the Commissioners for the recognition and accepted the award on behalf of the Area Mental Health Board. He thanked all Area Board members, including Chairman Reckhow, and expressed appreciation to County Manager Ruffin for his FY 2006-07 Budget recommendation.

June Anchor Award Winner—Tom Dougherty

Chairman Reckhow recognized Tom Dougherty, Senior Maintenance Equipment Technician for General Services, who was selected to receive the June Anchor Award. Mr. Dougherty was recognized for assisting another County employee during a medical emergency.

Mike Turner, General Services Director, provided background on Mr. Dougherty's nomination. While on a work order assignment at the Public Health Center, Mr. Dougherty noticed Penny Ray, an employee, hyperventilating and in tears. He quickly checked her pulse, which was extremely high (exceeding 45 beats in 15 seconds, or 180 beats per minute)

and noticed she was clammy and beginning to change colors. Mr. Dougherty realized this situation as a medical emergency and called 911. He then alerted the Wackenhut security guard and got a wheelchair to move Ms. Ray inside the building. If Mr. Dougherty had not helped Ms. Ray, she could have had a heat stroke or possibly a heart attack.

Mr. Dougherty accepted the Anchor Award and the \$200 check, while thanking the Commissioners for the acknowledgment.

Adoption of FY2006-2007 Budget Ordinance

Durham County Manager Michael Ruffin thanked the Commissioners for the many hours they spent deliberating over next year's budget. He also thanked Pam Meyer, Budget and Management Services Director, and her entire staff of budget analysts who did a great job helping everyone understand the budget numbers.

County Manager Ruffin stated, "The budget ordinance before you tonight is the governing document that provides the appropriations reflected in the line-item budget that the Commissioners reviewed and ultimately approved. I know how pleased we all are to see a budget ordinance for the next fiscal year that is balanced (required by North Carolina law), but in doing so does not include an increase in the property tax rate of 80.9 cents per \$100 of valuation. For the property taxpayers, this means the County property tax bills they receive this fall will include no increase. We all worked very diligently to produce a budget in which all the needs of the County could be met without increasing the property tax rate. For example, next year, Durham Public Schools will receive an approximate 5% increase in funding, increasing their total appropriation to \$90.3 million; that neither includes almost \$3 million in other direct services provided for the school system for nurses, social workers, resource officers, nutritionists nor the millions the County pays each year in debt issued for new and newly-renovated schools. Next year our debt service payment will increase from \$34.9 million to \$40.5 million. The vast majority of that increase is for debt associated with our school system. Durham's public school system is more than adequately funded to meet its challenges for the next academic year. We have another major partner in education—Durham Technical Community College. Education is a life-long process and we are fortunate to have one of the finest, if not the finest, technical community colleges in the state of North Carolina—one that helps our citizens continue to learn and acquire the skills that life now demands. Many citizens do not realize that their local tax monies help fund Durham Tech. In fact, next year, \$4.1 million has been appropriated for Durham Tech. In taxpayer terms, that is almost two cents in property taxes; and, just like Durham Public Schools, the \$4.1 million appropriation for Durham Tech does not include millions of dollars in additional debt that the County has incurred to assist in providing a modern campus. We also partner with nonprofit agencies to help provide a number of services needed in our community. Our partners help us with after-school programs, literacy initiatives, and substance abuse services, not to mention services for the blind, senior citizens, and the homeless. Next year, 36 nonprofit agencies will help Durham County reach out and continue to make a difference in the lives of our citizens. The budgets of 29 County departments have been funded. These departments provide some of the best services offered by county governments anywhere. That is why we are constantly parading award-winning departments and employees in front

of the Board during every Commissioner meeting. I never ceased to be amazed by the work they do to improve the quality of lives for our citizens. Your appropriation levels for next year will enable us to continue all of our services at the already high service levels through which we provide them. Even though this is a budget ordinance without a tax rate increase, it is a budget ordinance that ensures this County will continue to provide the services our citizens want and need. Again, thank you for your hard work.”

Chairman Reckhow thanked County Manager Ruffin for his leadership on the budget; she also thanked the Budget staff. This is the first year in about five years that the line is being held on property tax. Huge pressure is placed on county governments across the state related to property tax. Approximately one-third of counties statewide will raise their property tax for FY 2006-07; last year about 45 counties raised their property tax. Durham County is actively working with its local delegation in regards to this session of the General Assembly with items such as additional court funding, mental health funding, and Medicaid. North Carolina is now the only state in the country where local county governments must provide a local match. Medicaid relief would be very helpful in reducing the pressure on county governments. Chairman Reckhow mentioned three new initiatives included in this year’s budget: (1) public health—to provide enhanced dental care and nutrition counseling for pregnant women and young children; (2) systematic process to improve the substance abuse services by initially enhancing infrastructure support and System of Care as it relates to adults with substance abuse issues; and (3) funding to implement recommendations from the salary study for the employees.

Vice-Chairman Heron informed the taxpayers that the Commissioners are being very careful with their tax dollars. She was pleased to reiterate that Durham County is one of the few counties in the state requesting no tax increase this year.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve the FY 2006-2007 Annual Budget Ordinance. (This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.)

The motion carried with the following vote:

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

ANNUAL BUDGET ORDINANCE
Durham County
North Carolina
FY 2006-07

WHEREAS, the proposed budget for FY 2006-07 was submitted to the Board of Commissioners on May 22, 2006 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on June 12, 2006, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 26, 2006, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2006 and ending June 30, 2007, there are hereby appropriated from taxes and other revenues the following by function and fund:

Section 1. Summary of Appropriations by Fund and Function - FY 2006-07								
	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Enterprise Debt Service Fund	Total Appropriation
General Government	\$27,906,398	---	---	---	---	---	---	\$27,906,398
Public Safety	\$46,774,859	---	---	\$4,178,854	---	---	---	\$50,953,713
Transportation	\$12,500	---	---	---	---	---	---	\$12,500
Environmental Protection	\$3,223,524	---	---	---	---	---	---	\$3,223,524
Economic & Phys. Development	\$3,521,209	---	---	\$307,162	---	---	---	\$3,828,371
Human Services	\$391,013,235	---	---	---	---	---	---	\$391,013,235
Education	\$94,805,984	---	---	---	---	---	---	\$94,805,984
Cultural and Recreation	\$10,668,585	---	---	---	---	---	---	\$10,668,585
Utilities	---	---	---	---	---	\$9,359,608	---	\$9,359,608
Other	\$6,197,528	\$470,876	\$31,508,491	\$1,653,606	\$40,571,867	---	\$3,234,657	\$83,637,025
Total Appropriations	\$584,123,822	\$470,876	\$31,508,491	\$6,139,622	\$40,571,867	\$9,359,608	\$3,234,657	\$675,408,943

Section 2. Summary of Revenues by Fund and Revenue Category - FY 2006-07								
	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Enterprise Debt Service Fund	Total Appropriation
Taxes	\$199,969,438	---	\$29,230,536	\$4,186,974	---	---	---	\$233,386,948
Licenses & Permits	\$803,000	---	---	---	---	\$473	---	\$803,473
Intergovernmental	\$316,825,150	---	---	---	\$6,970,000	---	---	\$323,795,150
Contributions & Donations	\$1,770,648	---	---	---	---	---	---	\$1,770,648
Investment Income	\$1,308,562	---	\$30,000	\$11,620	\$50,000	\$2,000	---	\$1,402,182
Rental Income	\$1,521,000	---	\$415,555	---	\$26,400	---	---	\$1,962,955
Service Charges	\$40,200,642	---	---	\$1,274,211	\$246,321	---	---	\$41,721,174
Enterprise Charges	---	---	---	---	---	\$7,849,855	---	\$7,849,855
Sewer Connection Fees	\$603,000	---	---	---	---	\$496,880	---	\$1,099,880
Other Revenues	\$566,584	\$470,876	---	---	\$1	\$10,400	---	\$1,047,861
Other Financing Sources	\$20,555,798	---	---	\$666,817	\$33,279,145	\$1,000,000	\$3,234,657	\$60,568,817
Total Revenue	\$465,180,840	\$470,876	\$31,508,491	\$6,139,622	\$40,571,867	\$9,359,608	\$3,234,657	\$675,408,943

Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2006 at an anticipated collection rate of 98.2 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate
Durham County-countywide	\$.8090

Section 4. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad

valorem taxes within the county on January 1, 2006 at an anticipated collection rate of 98.06 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate	District	Rate
Bahama Fire District	\$.0600	Lebanon Fire District	\$.0750
Bethesda Fire District	\$.0650	New Hope District	\$.0675
Eno Fire District	\$.0570	Parkwood Fire District	\$.1100
		Redwood Fire District	\$.1000

Section 5. There is hereby levied a tax at the rate shown below, per \$100.00 valuation of property listed for taxes as of January 1, 2006, for property located within the Durham County portion of the Durham-Wake Counties Research Triangle Park Research and Production Service District for the raising of revenue for said district. The anticipated collection rate is 98.06 percent.

	Tax Rate	Appropriation
Research & Production Service District	\$.0187	\$307,162

There is hereby appropriated to the Durham-Wake Counties Research and Production Service District from the net proceeds of this tax the amount of \$307,162, for use in said district in such manner and for such expenditures as is permitted by law from the net proceeds of this tax. In the event the actual net proceeds from the tax levy of the Research and Production Service District exceed the appropriated amount, the actual net proceeds from the tax shall constitute the appropriation from said tax levy.

Section 6. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules. (See Attachment 1)

Section 7. The following authorities shall apply to transfers and adjustments within the budget:

- a. The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b. The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c. The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d. The County Manager may enter into the following agreements within funds:
 - Form and execute grant agreements within budgeted appropriations;
 - Execute leases of up to \$15,000 for normal and routine business within budgeted appropriations;
 - Enter consultant, professional, maintenance, or other service agreements of up to \$40,000 within budgeted appropriations;
 - Approve renewals for service and maintenance contracts and leases;

- Purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;
 - Reject any and all bids and re-advertise to receive bids;
 - Waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e. County Manager can transfer between functions, and/or funds for merit, pay plan adjustments, health benefits, and reclassifications.
- f. Transfers between funds and transfers from the contingency account may be executed **only** by the Board of Commissioners.

Section 8. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated and unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

Current Expense Fund	\$3,630,020
Capital Outlay Fund	<u>\$ 508,795</u>
Total Appropriation	\$4,138,815

Section 9. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance.

The total local appropriation for Durham Public Schools for FY 2006-07 is as below:

Current Expense	\$ 88,127,705
Capital Outlay	<u>\$ 2,370,000</u>
Total Appropriation	\$90,497,705

- a. In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b. The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c. Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.
- d. Durham Public Schools is authorized to use Public School Building Capital Funds and Public School Building Bond Funds for capital outlay requests, with the approval of the Board of Commissioners.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 10. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocates sufficient funds to continue the teacher supplement at a rate of 12.5 percent for teachers with less than 10 years experience; 13.5 percent for teachers with 10-20 years experience; and 14.5% for teachers with 20 years or more experience.

Section 11. In accordance with G.S. 159-13.1, the following financial plans for intragovernmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue \$2,277,757
 Estimated Expense \$2,277,757

CAFETERIA PLAN FUND

Estimated Revenue \$13,250,808
 Estimated Expense \$13,250,808

Section 12. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund	\$146,051
George Linder Memorial Fund	\$250
Community Health Trust Fund	\$7,846,255

Section 13. This ordinance incorporates an amendment in the capital financing policy to designate County Contribution at 9.7% of dedicated revenues for pay-as-you-go projects instead of 20%.

Section 14. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Adopted this the 26th day of June 2006.

ATTACHMENTS

Department	Type of Fee	FY 2005-2006 Adopted Fees	FY 2006-2007 Adopted Fees
Animal Control			
	Impoundment:		
	1st Offense + boarding fee + civil penalty	\$25	same
	2nd Offense + boarding fee + civil penalty	\$60	same
	3rd Offense + boarding fee + civil penalty	\$95	same
	4th Offense & subsequent offenses	\$150	same

Boarding:		same
Dogs	\$12/day	same
Cats	\$8/day	same
Civil Penalties:		
1st Offense	\$50/Offense	same
2nd Offense	\$100/Offense	
3rd Offense and Subsequent Offense	\$150/Offense	same
License Fee:		
Unaltered animals	\$75/animal	same
Altered Animals	\$10/animal	same
Elections		
Reports - Letter Size	\$.01 per page	same
Diskettes and CDs - Processing Fee	\$25	same
Labels - Duplex on 8 1/2 X 11 paper	\$.01 per page	same
Copies	\$.05 per page	same
Street Index (Address + Precinct Information)	\$12.50	same
Certificates	\$1	same
Maps:		
- 8 1/2 X 11	\$2	same
- 34 X 42	\$10	same
Fire Marshal	see attached detail	
General Services		
Solid Waste Management Fee (County)	\$80.00/year	same
Solid Waste Management Fee (City)	\$60.00/year	same
Solid Waste Management Fee: (Out-of-county users)	\$120.00/year	same
Register of Deeds		
Copy Fees - uncertified copies	\$.25 /page from Copier; \$.10 /page from Computer	same
Copy Fee-Map	18x24 \$2.00 11X17 \$3.00 (Kodak Printer)	same
Instruments in General	\$14 1st page (\$3 each additional page)	same
Deeds of Trust & Mortgages	\$14 1st page (\$3 each additional page)	same
Non-Standard Document	\$25 plus recording fee	same
Register of Deeds Probate	\$2	same
Plats	\$21 (plus \$5 for certified copy)	same
Right of Way Plans	\$21 (\$5 each additional page)	same
Certified Copies	\$5 1st page (\$2 each additional page)	same
Comparison of copy for certification	\$5	same
Notary Public Qualification	\$10	same
Marriage Licenses:		same
Issuing a license	\$50	same
Issuing a delayed certificate w/one certified copy	\$20	same

	Proceeding for correction w/one certified copy	\$10	same
	Certified Copies of Birth, Death and Marriages	\$10	same
Public Health			
	Well Permit (includes one water sample)	\$250	same
	Water Sample	\$50	same
	Well & Septic Tank Reports	\$200/report	same
	Septic System Improvement Permits:		
	Conventional Systems	\$140	same
	Low Pressure System Installation (includes monitoring)	\$525	same
	Pump conventional permit	\$275	same
	Reconnection Permit	\$100	same
	Type V System (plan review)	\$15/connect	same
	Type V System (inspection)	\$115	same
	Type V System (monitoring)	\$10/connect/annual	same
	Application for Improvement Permit 0-2 acres	\$175	same
	Application for Improvement Permit 2-5 acres	\$200	same
	Application for Improvement Permit 5+ acres	\$225+\$10/acre	same
	Appeal Charge 0-2 acres	\$75	same
	Appeal Charge 2-5 acres	\$100	same
	Appeal Charge 5+ acres	\$125+\$10/acre	same
	Appeal of Permit Condition	\$100	same
	Individual Swimming Pool Fee	\$150/year	same
	Each additional swimming pool per complex	\$75	same
	Wading Pool or Spa Permit	\$40	same
	Pool Plan Review (includes initial permit)	\$200	same
	Tattoo Artist Permits	\$100	same
Library			
	Overdue fines:		
	0-40 days (excluding juvenile books)	25 cents/day maximum \$6/book	same
	over 40 days (including juvenile books)	\$10/book	same
	Legal Notice Fee	\$15/account at time of notification 60 days	same
	Video tapes, filmstrip viewers	\$1.10/day up to \$20/item when 20 days overdue	same
	AV rental equipment	\$5.10/day per item no maximum	same
	Bookmobile adult collection	25 cents/day maximum charge of \$10 (begins at 5 cents on 8th day)	same
	Duplicating	10 cents/page	same
	Out-of-county users	\$45	same
	Meeting room refreshments fee	\$25	same
	NOTE: Library also charges for lost & damaged books as well as overdue penalties and equipment rents.		
Environmental Engineering			
	Permits, 12,000 sq. ft. to 1 acre (per job charge)	\$205	\$235
	Permits for more than 1 acre (per acre charge)	\$425	\$490

Re-Inspection Fee	\$100	\$200
2nd Re-Inspection Fee	\$200	\$400
Unauthorized Land Disturbance Activities:		
Permits for more than 1 acre (per acre charge)	\$850	\$980
Permits, 12,000 sq. ft. to 1acre (per job charge)	\$410	\$470
Stormwater Plan Review:		
Stormwater Plan Review 21,780 sq. ft. to 1 acre (per job charge)	\$100	\$200
Stormwater Plan Review more than 1 acre (per acre charge)	\$150	\$300
Stream Delineation Cape Fear River Basin	\$500 Base Fee + \$25/acre	\$600 Base Fee + \$25/acre
Re-Issuance of Revoked Permits:		
Permits (per acre charge)	\$425	\$490
Permits, 12,000 sq. ft. to 1 acre (per job charge)	\$205	\$235
Extensions:		
Permits for more than 1 acre (per acre charge)	\$107	\$122.50
Permits 12,000 sq. ft. to 1acre (per job charge)	\$52	\$58.75
Land Disturbance Plan Review, per acre charge	\$65	\$75

Utilities

Monthly Service Fees (County customers with City Water)	\$2.44/hundred cubic feet	\$2.59/hundred cubic ft.
Monthly Service Fees (County customers without City Water):		
1 or 2 Bedrooms	\$13.20	\$13.99
3 Bedrooms	\$29.70	\$31.48
4 or more Bedrooms	\$50.33	\$53.35
Plan Review Fee (per submittal)	\$65	same
Inspection/Management Fee (per linear foot)	\$1.00	same
Re-inspection Fee (per inspection)	\$100	same
Lateral Fee (per service)	\$1,500	\$2,400
Capital Recovery Charges:		
Single Family (Min. 2 Bedrooms)	\$564 each	\$592 each
Single Family (Each Bedroom above 2)	\$282/Bedroom	\$296/Bedroom
Multi-Family Units (Apartments, Duplexes, etc.; Min. 2 Bedrooms)	\$564 each	\$592 each
Multi-Family Units (Apartments, Duplexes, etc.; Each Bedroom above 2)	\$282/Bedroom	\$296/Bedroom
Multi-Family (Motels, Hotels)	\$282/Room	\$296/Room
Multi-Family (Motels, Hotels with cooking facilities in room)	\$412/Room	\$433/Room
Nursing/Rest Home	\$141/Bed	\$148/Bed
Nursing/Rest Home with Laundry	\$282/Bed	\$296/Bed
Office - per shift	\$58/Person	\$61/Person
Factory - per shift	\$58/Person	\$61/Person
Factory with Showers - per shift	\$82/Person	\$86/Person
Store, Shopping Center, Mall	\$282/1000 s.f.	\$296/1000 s.f.
Store, Shopping Center, Mall with Food Service (ADD)	\$94/Seat	\$99/Seat
Restaurant (Greater of Per Seat or Per 15 s.f. of dining area)	\$94	\$99
Restaurant - 24 Hour Service	\$118/Seat	\$124/Seat
Restaurant - Single Service	\$58/Seat	\$61/Seat
School - Day with Cafeteria, Gym, Showers	\$35/Student	\$37/Student

School - Day with Cafeteria Only	\$29/Student	\$30/Student
School - Day with neither Cafeteria nor Showers	\$25/Student	\$26/Student
School - Boarding	\$141/Person	\$148/Person
Church (not including Food Service, Day Care, Camps)	\$6/seat	same
Miscellaneous (based on Daily Average Flow)	\$2.344/Gallon	\$2.461/Gallon

SURCHARGE FEES:

BOD (Biochemical Oxygen Demand) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 250 mg/L if not permitted

\$349.18 per 1,000 pounds BOD same

TSS (Total Suspended Solids) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 180 mg/L if not permitted.

\$60.44 per 1,000 pound TSS same

TKN (Total Kjeldahl Nitrogen) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 40 mg/L if not permitted.

\$0.50 per pound TKN same

TP (Total Phosphorous) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 5 mg/L if not permitted.

\$3.31 per pound TP same

Emergency Medical Services (EMS)

Basic Life Support (BLS) Service Fee + Mileage	\$400 + \$7 per mile	same
Advance Life Support #1 (ALS #1) Service Fee + Mileage	\$475 + \$7 per mile	same
Advance Life Support #2 (ALS #2) Service Fee + Mileage	\$525 + \$7 per mile	same
Extra Attendant	\$50 per transport	same
Special Event Coverage (3 hour minimum)	\$100 per hour	same
Waiting Time (After initial 30 minutes)	\$75 per 30 minutes	same
Treatment (without transport)	\$250	same
Bike Team Services	\$50 per hour	same

**RESOLUTION ESTABLISHING FEES AND SURCHARGES CHARGED BY
 THE CITY-COUNTY PLANNING DEPARTMENT FOR DEVELOPMENT
 REVIEWS, PUBLIC HEARING NOTIFICATION, TECHNOLOGY AND OTHER
 SERVICES; and BY THE CITY-COUNTY INSPECTIONS DEPARTMENT FOR
 TECHNOLOGY SERVICES**

WHEREAS, the City Council annually establishes fees for various services offered by the Planning Department; and

WHEREAS, the City Council desires to implement a 'one-stop shop' application automation program; and

WHEREAS, the City Council desires to collect fees to offset the actual costs associated with the processing of development applications;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM THAT:

Section 1

The fees charged by the Durham Planning Department shall be as follows:

A. Zoning Map Change (Rezoning):

(Per acre fees shall be calculated on the entire project and shall not be calculated on a pro rata share. Cases with multiple zones, or, as in MU, multiple use categories, are charged the highest base fee applicable according to the zone or use categories proposed, plus the per acre fee according to the acres in each of the categories proposed.)

1. Residential, Single Family, 1 acre or less: \$250.00 per case, plus technology surcharge of 4%, plus surcharges for advertising, letter notice, and signs;
2. Residential, Single Family (non-PDR), greater than 1 acre and less than 20 acres: \$2250.00, plus \$55.00 per acre (rounded up), plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
3. Residential, Single Family (non-PDR), greater than 20 acres: \$3075.00, plus \$55.00 per acre (rounded up), plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
4. PDR, less than or equal to 30 acres: \$3325.00, plus \$55.00 per acre (rounded up), plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
5. PDR, greater than 30 acres: \$3575.00, plus \$55.00 per acre (rounded up), plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
6. Office, Residential other than Single Family or PDR, Commercial, Industrial, or Research zones: \$3875.00, plus \$65.00 per acre (rounded up), plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
7. Re-Review Fees (applicable to all development applications): Half of filing fee, up to \$3500.00, plus technology surcharge of 4%, applicable following initial and first re-review and charged for each subsequent review.

B. Board of Adjustment Applications:

1. Custodial Care (single residential unit on same lot as primary residential unit, for custodial care purposes): \$75.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice, and signs;
2. Small Day Care Use Permit (up to 12 persons being cared for): \$475.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
3. Non-revenue Generating Single Family Use Permit (fences, etc.): \$475.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice, and signs;
4. Wireless Communication Facilities Use Permit: \$3165.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs, plus \$5000.00 for independent professional consultant review;
5. All Other BOA Applications (any other Use Permit, Appeal, Variance, etc.): \$1200.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice, and signs;

C. Major Special Use Permit Applications:

1. Wireless Communication Facilities Use Permit: \$3165.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs, plus \$5000.00 for independent professional consultant review;
2. Traffic Impact Analysis (TIA) Use Permit: \$1975.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice and signs;
3. All Other Major Special Use Permit Applications: \$1975.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice, and signs;

D. Site Plans:

1. Simplified Site Plan - Small (Less than 1000 s.f. of new building area/1 acre disturbed area/5% increase in parking area or minor amendments to site plan of record that do not involve changes to the SIA): \$400.00, plus technology surcharge of 4%; plans which do not require an initial re-review will be reimbursed 33% of the original review fee;
2. Simplified Site Plan - Large (More than 1000 s.f. of new building area/ 1 acre disturbed area or other improvements that do not qualify in other categories): \$1875.00, plus \$25.00 per 1000 square feet of gross building area (rounded up), or \$25.00 per lot, or \$25.00 per attached dwelling unit plus technology surcharge of 4%; plans which do not require an initial re-review will be reimbursed 33% of the original review fee;
3. Minor Site Plan: \$2750.00, plus \$25.00 per 1000 square feet of gross building area (rounded up), or \$25.00 per lot, or \$25.00 per attached dwelling unit plus technology surcharge of 4%; plans which do not require an initial re-review will be reimbursed 33% of the original review fee;
4. Major Site Plan: \$3400.00, plus \$25.00 per 1000 square feet of gross building area (rounded up), or \$25.00 per lot, or \$25.00 per attached dwelling unit, plus technology surcharge of 4%; plus surcharge for letter notice on those projects requiring governing body approval, plans which do not require an initial re-review will be reimbursed 33% of the original review fee;
5. Re-Review Fees (applicable to all development applications): Half of filing fee, up to \$3500.00, plus technology surcharge of 4%, applicable following initial and first re-review and charged for each subsequent review.
6. Landscape Extensions: Major non-residential greater than 25,000 square feet in gross floor area - \$300.00, minor non-residential less than 25,000 square feet in gross floor area - \$150.00, residential \$75.00 per lot, plus technology surcharge of 4%.

E. Subdivision Plats:

1. Preliminary Plat: \$3400.00, plus \$25.00 per lot, plus technology surcharge of 4%, plus surcharge for letter notice on those projects requiring governing body approval; plans which do not require an initial re-review will be reimbursed 33% of the original review fee;
2. Final Plats with Greater Than 6 Lots: \$675.00, plus \$25.00 per lot, plus technology surcharge of 4%; plans, which do not require an initial re-review, will be reimbursed 33% of the original review fee;

3. Final Plats with Less Than 6 Lots: \$150.00, \$25.00 per lot, plus technology surcharge of 4%; plans, which do not require an initial re-review, will be reimbursed 33% of the original review fee;
 4. Exempt Final Plats: \$150.00, plus technology surcharge of 4%.
 5. Re-Review Fees (applicable to all development applications): Half of filing fee, up to \$3500.00, plus technology surcharge of 4%, applicable following initial and first re-review and charged for each subsequent review.
 6. Landscape Extensions: Major non-residential greater than 25,000 square feet in gross floor area - \$300.00, minor non-residential less than 25,000 square feet in gross floor area - \$150.00, residential \$75.00 per lot, plus technology surcharge of 4%.
- F. Landscape Re-Inspection Fees: \$100.00 plus technology surcharge of 4% for first re-inspection, for each subsequent re-inspection the fee will increase by \$100.00 (example 1st -\$100.00, 2nd - \$200.00, 3rd -\$300.00, etc).
- G. Land Use Plan Amendment: \$1600.00, plus technology surcharge of 4%, plus surcharges for advertising and letter notice.
- H. Common Signage Plan Review: \$150.00 plus technology surcharge of 4%.
- I. Street/Alley Closings and Renaming: \$1225.00, plus technology surcharge of 4%, plus surcharges for advertising, letter notice, and signs.
- J. Zoning, Subdivision, and UDO Ordinance Text Amendment: \$1500.00, plus technology surcharge of 4%, plus surcharge for advertising.
- K. Zoning and Business Verification Letters: \$25.00, plus technology surcharge of 4%.
- L. Home Occupation Permit: \$25.00, plus technology surcharge of 4%.
- M. Formal Letter of Interpretation: \$40.00 plus technology surcharge of 4%.
- N. Vested Rights Determination: \$475.00 plus technology surcharge of 4%.
- O. Surcharges:
1. Newspaper Advertising for:
 - a. Zoning Map Change, Land Use Plan Amendment: \$125.00; if case has to be heard by both governing bodies, \$190.00.
 - b. BOA, Major Special Use Permit, Street Renaming or Street Closing, Vested Rights Determination: \$90.00
 - c. Zoning or Subdivision Ordinance Text Amendment: \$190.00.
 2. Letter Notice for:
 - a. Zoning Map Change, Land Use Plan Amendment, Major Site Plan, Preliminary Plat: \$90.00
 - b. BOA, Major Special Use Permit, Street Renaming, or Street Closing: \$50.00

3. Signs: For Zoning Map Change, BOA, Major Special Use Permit, Street Renaming or Street Closing: \$100.00. If multiple signs are necessary to adequately notify neighbors, multiple signs will be charged for at the case intake.

P. Costs for Departmental Publications: Publications presently available: \$5.00. Reproductions or new publications will be priced according to costs.

Q. Copies Made By the Large Format Copier: \$1.00 per square foot (for example: a 3-foot by 6-foot map equals 18 square feet for a coping charge of \$18.00).

R. Standard Color Maps: \$15.00 (52 inches by 72 inches)

Section 2

The fees to be charged by the Inspections Department shall include an additional 4% technology surcharge.

Section 3

The Technology surcharge shall expire on July 1, 2009 unless the surcharge is reviewed and renewed by the City Council prior to the expiration date.

Section 4

This resolution shall be in full force and effect for submittals filed to meet submittal deadlines on or after January 1, 2006, or applications submitted prior to this date that are to be reviewed under the Unified Development Ordinance and shall supersede any conflicting resolutions.

**DURHAM CITY-COUNTY INSPECTIONS DEPARTMENT BUILDING PERMIT FEE
SCHEDULE FOR FISCAL YEAR 2006-2007
Effective March 1, 2003**

<u>Schedule/Description</u>	<u>FY 2006-07 Adopted Fee</u>
SCHEDULE A	
New Residential Dwellings (One and Two Family, Including Townhouse unit ownership):	
Up to 1200 s.f. (gross area)	\$146.00
1201 to 1800 s.f.	\$260.00
1801 to 2400 s.f.	\$302.00
2401 to 3000 s.f.	\$343.00
3001 to 3600 s.f.	\$404.00
3601 to 4200 s.f.	\$463.00
4201 to 5000 s.f.	\$532.00
5001 s.f. and over	\$579.00

SCHEDULE B

New Multifamily Residential Buildings (apartments, condominiums, triplex, and fourplex):

1st unit	\$250.00
Each additional unit, per building	\$ 94.00

SCHEDULE C

Accessory Buildings:

No footing	\$ 40.00
footing	\$ 80.00

SCHEDULE D

Residential Renovations and Additions:

Additions: 0 - \$10,000 - no footing	\$ 83.00
Additions: \$10,000 & over - no footing (add \$40.00 if footing required)	\$166.00
Interior Renovations: 0 - \$10,000	\$ 83.00
Interior Renovations: \$10,000 & over	\$166.00

SCHEDULE E

Nonresidential Buildings (based on cost of construction using the latest publication of Southern Building Code "Building Valuation Data", referencing type of construction and occupancy group with adjustment factor for North Carolina):

0 - \$5000	\$104.00
\$5001 to \$50,000	\$104.00 Plus \$7.80 per thousand or fraction thereof over \$5000
\$50,001 to \$100,000	\$456.00 Plus \$6.60 per thousand or fraction thereof over \$50,000
\$100,001 to \$500,000	\$786.00 Plus \$4.32 per thousand or fraction thereof over \$100,000
Over \$500,000	\$2,513.00 Plus \$1.25 per thousand or fraction thereof over \$500,000

SCHEDULE F

Miscellaneous:

Mobile Home (unit installation and foundation)	\$125.00
Modular Home (unit installation and foundation)	\$166.00
Moving permit (including new foundation)	\$ 83.00
Demolition Permit:	
Up to 5,000 s.f.	\$ 42.00
Over 5,000 s.f. (no additional cost per thousand)	\$ 83.00
Demolition associated with forthcoming permit	\$ 42.00
Residential Re-roofing (addition)	\$ 42.00

Commercial Roofing/Re-roofing	
0 to \$20,000	\$ 83.00
Over \$20,000	\$125.00
Residential Decks (single and two family)	\$ 83.00
Change of Occupancy permit (if no building permit is Otherwise required/no construction necessary)	\$ 42.00
Re-inspection Fees:	
Not ready for inspection	\$100.00
8 or more code violations found	\$100.00
2nd re-inspection	\$100.00
3rd re-inspection	\$200.00
4th re-inspection	\$300.00
Search and duplication fee for past permit, inspection, and Certificate of Compliance records (no cost to homeowner)	\$ 10.00/page
Address change on permit:	
Detached single-family and duplex	\$ 10.00
Multiple units (cost per building)	\$ 25.00
Issuance of duplicate placard	\$ 3.00
Work begun without permit	Double Fee
Voiding of permits (no maximum)	15% of permit cost
Homeowner's Recovery Fund	\$ 5.00
Change of contractor (no maximum)	15% of permit cost
Stocking Permit	\$ 40.00
Partial Occupancy	\$ 40.00
Posting of Occupancy (not associated with a permit)	\$ 40.00

DURHAM COUNTY FIRE PREVENTION & PROTECTION CODE
 Adopted Fee Schedule for Inspections, Permit Services, and Violations
 Fiscal Year 2006-2007
 Effective July 1, 1993

PENALTIES & FEES

Ordinance Code #	Description of Violation	Amount of Penalty
401.4.1	Permit not posted or kept on premises	\$ 50.00
501	Unpermitted open Burning (Immediate)	\$500.00
502.5.1	Careless use of lighted object (Immediate)	\$500.00
504, 706	Use of non-approved heating appliance	\$ 50.00
504.7.1	Breach in fire wall/firestops	\$ 50.00
504.7.3	Fire or exit door inoperative	\$200.00
504.7.4	Fire tower door open (Immediate)	\$500.00
506.1.2	"No Smoking" signs not posted where required	\$ 50.00
506.3.3	Smoking in prohibited areas (Immediate)	\$500.00
603.2	Sprinkler or fire alarm inoperable	\$200.00
Section 13	Fire hydrants not complying with code	\$ 50.00

603.8	Sprinkler/standpipe not complying with code	\$ 50.00
603.9	Standpipe not complying with code	\$ 50.00
603.15.6	Sprinkler heads blocked/covered (Immediate)	\$500.00
603.17	Street address numbers not posted	\$ 50.00
603.17	Street address numbers not visible	\$ 50.00
603.18	Sprinkler/standpipe needs testing	\$ 50.00
603.18	Fire alarm system needs testing	\$ 50.00
802	Storage in fire tower or access (Immediate)	\$500.00
802	Blocked egress (Immediate)	\$500.00
802.1.1,		
3101.5.3	Locked exit doors (Immediate)	\$500.00
802.2,	Overcrowding (Immediate)	\$500.00
802.3, 3101.6.6	Fire exit or aisle blocked (Immediate)	\$500.00
802.4	Storage in or on fire escape (Immediate)	\$500.00
803	Exit or egress door needs repair	\$ 50.00
805.2.1	Blocked stairwells or stairways (Immediate)	\$500.00
807, 3101.12	Exit illumination and marking	\$ 50.00
807.2	No required exit directional signs	\$ 50.00
809.2	Approved fire evacuation plan required	\$ 50.00
809.3	Fire drill performance not acceptable	\$ 50.00
809.3.2	No monthly fire drill reported	\$ 50.00
901	Improper use of flammable liquids (Immediate)	\$500.00
901	Flammable liquid not stored according to code	\$ 50.00
901.7	Improper dispensing of flam. liquid (Immediate)	\$500.00
902.2	Aboveground tanks not diked	\$ 50.00
902, 903	Tank installation not according to code	\$ 50.00
904, 905	Tank storage not according to code	\$ 50.00
1002	Spray painting in non-approved area	\$ 50.00
1002.2	Spray booth not complying to code	\$ 50.00
1503	Compressed gas cylinders not secured	\$ 50.00
2201.2	No hazardous materials permit	\$ 50.00
2201.3	Chemical storage is not according to code	\$ 50.00
3101.13.2	Maximum occupancy not posted	\$ 50.00
3101.14	Use of open flame cooking device	\$ 50.00
	Failure to get tank work permit prior to work	\$200.00
	Failure to obtain permits required by code	\$200.00
	All other violations of the code	\$ 50.00

Note: The term "Immediate" as it appears above means that the Fire Marshal's Office may issue a citation immediately and the violation must be corrected by the violating party immediately.

FIRE PREVENTION FEES

Section 1. The fees set forth in this section are fixed for the issuance of the permits required by the Fire Prevention Code. Such permits, unless stated otherwise on the face of the permit, shall be valid for a period of one year from the date of issue, subject to revocation for failure to comply with the fire Prevention Code. Renewal of permits shall be subject to fees in

effect for the period of renewal. Less than five (5) permits issued upon a single, concurrent inspection shall be subject to a total maximum fee of \$200.00; five (5) or more permits issued upon a single, concurrent inspection shall be subject to a total maximum fee of \$275.00.

<u>Technical Code #</u>	<u>Description of Activities Requiring Permits</u>	<u>Fee</u>
402.1	Airports, Heliports and Helistops	\$ 50.00
402.2	Bowling Pin & Alley Resurfacing & Refinishing	\$ 50.00
402.3	Cellulose Nitrate Motion Picture Film	\$ 50.00
402.4	Cellulose Nitrate Plastic (Pyroxylin)	\$ 50.00
402.5	Combustible Fibers	\$ 50.00
402.6	Compressed Gases	\$ 50.00
402.7	Crude Oil Production	\$ 50.00
402.8	Cryogenic Fluids	\$ 50.00
402.9	Dry Cleaning Plants	\$ 50.00
402.10	Explosives, Blasting Agents, Ammunitions (storage only) <i>This is a 90 day permit</i>	\$100.00
402.10	Blasting (explosives) <i>This is a 90 day permit</i>	\$100.00
402.11	Flammable and Combustible Liquids (per site or service station)	\$ 50.00
402.12	Flammable Finishes	\$ 50.00
402.13	Fruit Ripening Processes	\$ 50.00
402.14	Fumigation & Thermal Insecticide Fogging	\$ 50.00
402.16	High Piled Combustible Stock	\$ 50.00
402.17	Liquefied Natural Gas (LNG)	\$ 50.00
402.18	Liquefied Petroleum Gas	\$ 50.00
402.19	Lumber Storage	\$ 50.00
402.20	Magnesium	\$ 50.00
402.21	Mechanical Refrigeration	\$ 50.00
402.22	Motion Picture Projection	\$ 50.00
402.23	Organic Coatings	\$ 50.00
402.24	Ovens	\$ 50.00
402.25	Pipelines for Flammable or Combustible Liquids	\$ 50.00
402.23	Places of Assembly	\$ 50.00
402.27	Pulverized Particles (Dust)	\$ 50.00
402.28	Repair Garages	\$ 50.00
402.29	Tank Vehicles for Flammable/Combustible Liquid	\$ 50.00
402.30	Erection of Tents and Air Supported Structures (per site plus \$10.00 per Tent)	\$ 50.00
402.31	Tire Rebuilding Plant	\$ 50.00
402.32	Wrecking Yards, Junk Yards, Waste Handling Plants	\$ 50.00
502.3	Storage of Readily Combustible Materials	\$ 50.00
502.6	Manufacture and Storage of Matches	\$ 50.00
902.5	Installation, abandonment, removal or retrofitting of any AGST or UGST (per site)	\$150.00

2002.1.1	Manufacture of fireworks allowed by state law	\$ 50.00
2002.1.2	Sale, possession, use and distribution of fireworks for display outside	\$250.00
2006.1	Discharge of fireworks inside a building	\$500.00

(All other permit fees required by the Technical Code and not listed shall be \$50.000)

USER FEES

	<u>Fee</u>
Plans Review:	
Subdivision (plus \$20 per fire hydrant required)	\$ 30.00
Building—New and Renovations:	
Building less than 5,000 s.f.	\$ 50.00
Building 5,000 - 10,000 s.f.	\$ 90.00
Building 10,000 s.f. or more (plus \$20 per 5,000 s.f. over 10,000 s.f.)	\$ 90.00
Hazardous Chemicals:	
Class A - 55 gals. or 500 lbs.	\$ 50.00
Class B - 55 to 550 gals. or 550 to 5,000 lbs.	\$200.00
Class C - 550 to 5,500 gals. or 5,000 to 50,000 lbs.	\$300.00
Class D - 5,500 gals. or 50,000 lbs.	\$400.00

INSPECTION FEE SCHEDULE

All owners or tenants of buildings in Durham County, which are required to be inspected by the Durham County Fire Marshal's Office are subject to the following inspection fee schedule:

Inspection Activities:	<u>Fee</u>
Periodic Inspection	None
First inspection pursuant to permit application	None
First re-inspection for non-compliance if code requirements are met	None
First re-inspection for non-compliance if code requirements are NOT met	\$100.00
Second and subsequent re-inspections for non-compliance	\$200.00

Consent Agenda

Chairman Reckhow informed the citizens that, due to the volume of public hearings, any item(s) removed for discussion will be placed at the end of the agenda.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the following consent agenda items:

- a. Durham Chamber of Commerce Inc. Contract (approve in the amount of \$128,000 for industrial development services);
- *b. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for May 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. Contract Amendment—Extension of the Unified Development Ordinance (UDO) Contract (authorize the Manager to extend a no-cost extension to the UDO contract through June 2007);
- *d. Street Closing—Set Public Hearing for Stone Road (SC04-14) (adopt the resolution to set a public hearing for July 24, 2006 to consider the proposed public right-of-way closing);
- e. Durham Public Schools—Acquisition of Real Property (located at the intersection of Hebron Road and Old Oxford Highway in Northeast Durham; purchase price of \$30,250 per acre, 25.05 acres, for a total of \$757,762.50; final acreage price to be determined by survey but cost not to exceed \$770,000);
- f. 2005 Annual Report of the Durham Environmental Affairs Board (accept the report);
- g. Juvenile Crime Prevention Council (approve the recommended appointments of DSS Director Sammy Haithcock and School Superintendent Designee Eunice Sanders);
- *i. Budget Ordinance Amendment No. 06BCC000068—SeeSaw Studio Design Crew Grant (recognize grant revenue of \$23,323 and appropriate for expenditure in FY 2005-2006);
- j. Interlocal Cooperation Agreement between the County of Durham and the City of Durham for Local Matching Funds for Federal Transportation Planning Grants (approve the Interlocal);
- k. Contract with Cox & Company (renew to provide support and updates to the Tax Administration Department; not to exceed \$45,000 for support services);
- l. Contract with American Solutions for Business (approve to design, print, and mail forms for the Tax Administration Department; not to exceed \$190,000 for postage and \$100,000 for design, printing, internet payments, and mailing);
- m. Contract with County Tax Services Inc. (renew to conduct audits and consulting; not to exceed \$100,000);

- n. Contract with Turner Business Appraisers Inc. (renew the contract to conduct audits; not to exceed \$50,000);
- o. Contract with Tax Management Associates Inc. (renew to conduct audits and provide the model building program; not to exceed \$77,000);
- p. Interlocal Agreement with Orange County for CDBG Scattered Site Housing Project (approve to complete the Gentry property and close out the 2002 CDBG Scattered Site Housing Grant; grant the County Attorney the authority to make subsequent changes to the agreement in the event changes are made by Orange County's Attorney);
- q. Approval of Application for Public School Building Capital Fund Monies—\$2,370,000 for Existing Durham Public School Related Debt (authorize the Board Chairperson's signature on a Public School Building Capital Fund application for \$2,370,000; these funds will support County debt service payments related to 2001 General Obligation bonds issued for various Durham Public School projects);
- r. Contract Approval for Reused Wastewater Capital Project Design (authorize the Manager to execute a contract not to exceed \$191,200);
- s. (removed; see "Agenda Adjustments")
- t. Termination of Contract with Fox Lawson & Associates, LLC (authorize the Manager to send a notice of termination to Fox Lawson to terminate the contract effective immediately); and
- u. Offer to purchase 520 E. Main and 523 E. Peabody Streets for the Human Services Complex (approve the purchase of 523 East Peabody Street from Allen Stewart partnership for \$150,000 and 520 East Main Street from White's Enterprises for \$68,750, authorize the Manager to execute leases with the Bread of Life Christian Church and Frank White through July 30, 2007).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Commissioner Page moved, seconded by Vice-Chairman Heron, to excuse Commissioner Cheek from voting on consent agenda item No. h due to a conflict of interest.

The motion carried with the following vote:

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

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve consent agenda item No. h—Request Approval of Right-Of-Way Agreement with Duke Energy Corporation for Emergency Medical Services Station No. 2 located at 615 Old Fayetteville Street (authorize the Manager to enter into the agreement).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. b. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for May 2006 as presented and authorize the Tax Assessor 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 May 2006.

Releases & Refunds for 2006 Taxes:

Personal	\$ 10,232.75
Total for 2006 Taxes and Fees	\$ 10,232.75

Releases & Refunds for 2005 Taxes:

Real Estate	\$ 959.19
Personal	\$ 7,119.78
Registered Vehicles	\$ 49,735.63
Vehicle Fees	\$ 1,335.00
Total for 2005 Taxes and Fees	\$ 59,149.60

Prior years' (1996-2004) releases and refunds for May 2006 are in the amount of \$48,004.92. The total current year and prior years' releases and refunds amount to \$117,387.27.

(Recorded in Appendix A in the Permanent Supplement of the June 26, 2006 Regular Session Minutes of the Board.)

Consent Agenda Item No. d. Street Closing—Set Public Hearing for Stone Road (SC04-14) (adopt the resolution to set a public hearing for July 24, 2006 to consider the proposed public right-of-way closing).

RESOLUTION DECLARING THE INTENT OF THE BOARD OF
COMMISSIONERS OF THE COUNTY OF DURHAM
TO CONSIDER PERMANENTLY CLOSING A 137 LINEAR FOOT PORTION OF
STONE ROAD (SC04-14) AND CALLING A PUBLIC HEARING THEREON

Whereas, the County Clerk of the County of Durham has received a petition to close a 137 linear foot portion of Stone Road (SR 1956) west of Wrenn Road and south of Stone Park Court,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DURHAM THAT:

1. The Board of Commissioners proposes to consider permanently closing a 137 linear foot portion of Stone Road (SR 1956) west of Wrenn Road and south of Stone Park Court,
2. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 24th day of July, 2006 at 7:00 p.m. in the Commissioners Chambers, 200 E. Main Street, Durham, North Carolina.
3. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
4. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.
5. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.
6. If it appears to the satisfaction of the Board of Commissioners after said public hearing that the closing of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and egress to his property, the Board of Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.
7. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald Sun once a week for two successive weeks, the first publication to be not less than ten days or more than twenty-five days before the date fixed for the hearing.

This 26th day of June, 2006.

Consent Agenda Item No. i. Budget Ordinance Amendment No. 06BCC000068—SeeSaw Studio Design Crew Grant (recognize grant revenue of \$23,323 and appropriate for expenditure in FY 2005-2006).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000068

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$299,953,902	\$23,323	\$299,977,225

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Cultural & Recreation	\$ 9,675,886	\$23,323	\$ 9,699,209

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

This the 26th day of June, 2006.

Public Hearing—Proposed Secondary Road Construction Program for Durham County (2006-2007)

Chairman Reckhow called on NCDOT Division Engineer Jon Nance.

Mr. Nance updated the Commissioners on the financial challenges facing NCDOT caused by increases in major products such as fuel, concrete, and steel (an approximate 15 percent/year increase in costs). Accordingly, NCDOT is currently adjusting its projects, programs, and schedules. In addition, the federal government will not provide the funds originally intended (91 cents per \$1.00); instead, 86 cents per \$1.00 is expected due to national issues such as flooding, the war, etc. Therefore, North Carolina expects \$720 million less over the next three years. Projects are being delayed for about five months.

Mr. Nance informed the Commissioners that the state of North Carolina has the second largest highway system in the nation (78,000+ miles of roadway); however, North Carolina ranks 47th per lane mile with regard to revenues and expenditures.

Tasha Johnson, P.E., District Engineer for the North Carolina Department of Transportation, presented the Board with the Annual Secondary Road Construction Programs for Durham County (FYs 2005—2007), which is basically a two-year program. (The annual report was not presented in 2005 because of spending limits; commitments were made to active projects such as I-85, while delaying paving dirt roads). Ms. Johnson introduced Wally Bowman, Deputy Division Engineer; Joey Hopkins, Division Maintenance Engineer; and John Ing, newly appointed Durham County Maintenance Engineer.

Ms. Johnson gave the following report:

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 SECONDARY ROADS CONSTRUCTION PROGRAM**

Durham County

FY 05-06	<u>Anticipated Allocation</u>
Highway Fund	\$ 773,000
Trust Fund	\$ 617,000
Total	\$ 1,390,000

I. Paving Unpaved Roads Programmed Paving Goal: 4.10 Miles

A. Rural Paving Priority

Priority Number	SR No.	Length (Miles)	Road Name and Description	Est. Cost
1	1610	4.8	Range Road From Person Line to Granville Co. Line (Complete funding of \$1,440,000 total cost)	\$ 850,000
2	SR 1462	0.35	Patrick Road From US 501 to Begin Pavement (Remove from Unavailable Right-of-Way List)	\$ 105,000
3	SR 1624	0.7	Amed Tilley Road From SR 1662 to SR 1004 (Complete funding of \$240,000)	\$ 80,000
1F	SR 1611	1.85	Dunwoody Road From SR 1607 to SR 1603 <i>Partial Funding of \$555,000 total cost</i>	\$ 95,000
Total Miles 5.95			Subtotal ----	\$1,130,000

Note: Priority #13 - SR 1979 (Kit Creek Road) abandoned from State System May 2004.

**In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.*

II. General Secondary Road Improvements

A. Paved Road Improvements

Various Routes Subtotal \$ 70,000

B. Unpaved Road Spot Improvements

Various Routes Subtotal \$ 30,000

Subtotal \$100,000

Durham County

FY 06-07	<u>Anticipated Allocation</u>
Highway Fund	\$ 700,000
Trust Fund	\$ 600,000
Total	\$ 1,300,000

I. Paving Unpaved Roads Programmed Paving Goal: 4.10 Miles

A. Rural Paving Priority

Priority Number	SR No.	Length (Miles)	Road Name and Description	Est. Cost
1F	SR 1611	1.85	Dunwoody Road From SR 1607 to SR 1603 <i>Partial Funding of \$555,000 total cost</i>	\$ 460,000
2F	SR 1876	0.08	Ardsley Drive From End Pavement to Dead End	\$ 40,000
3F	SR 1809	1.10	Southview Road From SR 1807 to NC 98	\$ 290,000
4F	SR 1469	1.30	Harris Chapel Road From SR 1407 to Dead End <i>Partial Funding of \$350,000 total cost</i>	\$ 270,000
Total Miles 4.33			Subtotal ----	\$1,060,000

**In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.*

II. General Secondary Road Improvements

A. Paved Road Improvements

Various Routes Subtotal \$ 60,000

B. Unpaved Road Spot Improvements

Various Routes Subtotal \$ 30,000
Subtotal \$ 90,000

Vice-Chairman Heron noted that **only** 4.33 miles of unpaved roads are scheduled for paving in Durham County for FY 2006-07.

Chairman Reckhow opened the public hearing that was properly advertised.

The following citizens appealed to the Commissioners to support the paving of Southview Road:

- Thomas Freeman, 1818 Southview Road, Durham, 27703
- Julius Harrell Sr., 1015 Southview Road, Durham 27703

Chairman Reckhow closed the public hearing. She requested that staff respond to Mr. Freeman and Mr. Harrell's requests concerning Southview Road.

Ms. Johnson stated that, even though the road is listed as a priority, environmental permits and rights-of-way must be obtained before the road is paved. Southview Road should be paved in the summer of 2007.

Chairman Reckhow, Commissioner Page, and Vice-Chairman Heron asked questions of Ms. Johnson concerning Southview Road and its rank on the priority list.

Mr. Nance informed Vice-Chairman Heron that a property owner participation program still exists which requires “\$8 per edge-line foot of the road from others” and the approval and available funds from Durham’s NCDOT board member for its portion (typically between 60 to 65 percent dollar value for DOT). Mr. Nance also explained that the more heavily traveled roads are placed higher on the priority list.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Proposed Secondary Road Program.

The motion carried with the following vote:

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

Public Hearing—Zoning Map Change—Scott Mill (Z05-35)

Frank M. Duke, AICP, City-County Planning Director, requested that the Board approve a zoning map change for a 44.336-acre site located on the south side of Scott King Road, east of Herndon Road, and west of Grandale Drive. Mr. Duke stated that the request is to change the zoning designation from RR to PDR 1.990 for a residential subdivision. Additional right-of-way would be dedicated and a left-turn lane would be constructed at the site entrance on Scott King Road. The proposed zoning is consistent with the Comprehensive Plan, which designates the site for Very Low Density Residential. The property is impacted by streams, floodplain, wetlands, a gas line easement, and an electrical power line easement that restrict a significant portion of the area from development. It is located within the Northeast Creek Bottomlands, which is a natural area identified in the Durham County Inventory of Important Natural Areas, Plants and Wildlife. PINs 0727-03-33-0274, 0727-03-33-3487, 0727-03-33-5136, and 0727-03-33-6917 Request: RR to PDR 1.990 The Planning Department recommended approval based on consistency with the Comprehensive Plan and the information contained in the report.

Mr. Duke informed the Commissioners that the Planning Commission recommended denial with a 12-0 vote on April 11, 2006, finding that the requested revision to the zoning districts of the UDO is consistent with the adopted *Comprehensive Plan*; however, the Commission found that the project would adversely impact sensitive environmental areas; that there is significant opposition from the surrounding community; and that the density of the project is inconsistent with the neighboring land uses and densities.

Chairman Reckhow opened the public hearing that was properly advertised.

The following speakers requested that the Commissioners approve the zoning map change:

James E. Kerr, President, IUKA Development Corporation, 2706 Suffolk Street, Durham, 27707, provided background on the IUKA Corporation.

Robert King, Attorney for IUKA Development Corporation and Registered Agent, 1104 Lansing Avenue, Durham, 27713, spoke about IUKA Corporation's vision for the property, which began in the 1960s.

Bill Ripley, 5011 Southpark Drive, Durham, 27713, gave a PowerPoint presentation regarding the zoning map change.

Tony Tate, 5011 Southpark Drive, Durham, 27713, Landscape Architect, yielded his time to Mr. Ripley.

The following citizens spoke in ardent opposition to the zoning map change, citing environmental issues as their major concern:

Reeves Young, 5808 Williamsburg Way, Durham, 27713, relinquished his three minutes to speaker Carol Young.

Liz Pullman, 1114 Scott King Road, Durham, 27713

Carol Young, 5808 Williamsburg Way, Durham, 27713

Janet Hitti, 108 Evanshire Lane, Durham, 27713

Colleen Haithcock, 1304 Seaton Road #10, Durham, 27713

Randal Haithcock, 1304 Seaton Road #10, Durham, 27713

Chairman Reckhow closed the public hearing and referred the matter to the Commissioners for discussion.

Chairman Reckhow, Vice-Chairman Heron, and Commissioner Page spoke about the number of citizens who had contacted them expressing opposition to the zoning map change.

Commissioner Page voiced his concerns, which included lot size, buffer requirements, conservation easements, and the lack of communication between the applicant and neighbors of adjoining property. He stressed that a solution must be achieved to satisfy community concerns.

Per a question posed by Commissioner Page, Mr. Ripley responded that the price of homes would be \$300,000+.

Mr. Ripley agreed that more discussion must occur with the adjoining property owners. He asked that the Commissioners defer the request until their July 24 meeting.

Chairman Reckhow stated that she has heard no good reports about the process to date regarding the environmentally sensitive site. She noted her apprehensions concerning the project. Chairman Reckhow opposed mass grading; she favored a 100-foot buffer, larger

sized lots, and major changes to the development plan including substantial additional committed elements. She expressed dissatisfaction that proper dialogue has not occurred between the community and the applicant.

Commissioner Cheek recommended that the public hearing be reopened and continued and that the plan be sent back to the Planning Department for changes.

Discussion ensued about whether the public hearing could be reopened and continued until July 24.

Vice-Chairman Heron conveyed that 31 acres of the 44-acre tract could not be used for the 74 lots. In her opinion, homes should not be placed this close to Corps and game land. "The project is neither reasonable nor in the best interest of the public." Vice-Chairman Heron suggested that the request be denied.

Commissioner Cheek moved, seconded by Commissioner Page, that the public hearing be reopened to give the applicant time to hold community meetings to address citizens' concerns.

The motion carried with the following vote:

Ayes: Cheek, Page, and Reckhow
Noes: Heron
Absent: Cousin

Commissioner Cheek moved, seconded by Commissioner Page, that the public hearing be continued until the Board's July 24 Regular Session.

Mr. Duke informed the Commissioners that more time would be needed to hold community meetings and to amend the development plan.

Commissioner Cheek moved, seconded by Commissioner Page, to amend his motion that the public hearing be continued until the August 28 meeting of the Board.

The motion carried with the following vote:

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

Public Hearing—Zoning Map Change—Sauternes (Z05-33)

The Board was requested to approve a zoning map change for a 422.6-acre site located on the east side of Doc Nichols Road, west of Olive Branch Road, and north of Leesville Road. PINs 0769-01-19-6484, 0769-01-28-5750, 9769, 0860-03-11-5310, 0860-03-23-1165, 0860-03-32-3006, 0860-03-34-5218, 0860-03-34-9805 Request: RR and PDR 3.21; F/J-B to PDR 3.00; F/J-B The Planning Department recommended approval, based on consistency with the Comprehensive Plan and the information contained in the report. The Planning Commission recommended approval with a 10-2 vote on April 11, 2006, based on finding that the ordinance is consistent with the adopted *Durham Comprehensive Plan* and considering the information in the staff report.

Frank M. Duke, AICP, City-County Planning Director, advised the Commissioners that the Planning Department was requesting that this case be continued until the July 24 Board meeting. The Division of Water Quality (DWQ) had advised him about an hour ago that the site has additional streams that did not show up in the soil survey for the USGS maps, so they are not reflected on the development plan. The change would be consistent with the UDO but would not be consistent with the County stormwater ordinance. The applicant and Planning Department requested more time to clarify this issue with DWQ.

Chairman Reckhow opened the public hearing that was properly advertised.

Thomas Freeman, 1818 Southview Road, Durham, 27703, fervently opposed the zoning map change.

The following persons withdrew their requests to speak until the July 24 meeting:

Ron Horvath, 7002 Old Trail Drive, Durham, 27713

Drew Marsh, 616 Nantahala Drive, Durham, 27713

Kathleen Ross Alexander, PO Box 51905, Durham, 27717

Commissioner Cheek moved, seconded by Vice-Chairman Heron, that the public hearing be continued until the Board's July 24 Regular Session.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Public Hearing—Statutory Vested Rights Determination—Triangle Metro Center—West and South (VR06-01)

Steve Medlin, Planning Department, explained the request to approve a statutory vested rights determination for a 152.46-acre site located on the north side of Hopson Road, and east

and west side of Davis Drive. Craig Davis Properties requested the determination for the Triangle Metro Center West and South developments for a period of up to five years. The statutory vested rights determination will allow the property owners to develop according to the terms of approved site-specific development plans. The site-specific development plans indicate a shopping center with a maximum of 160,000 square feet, a multi-family project with a maximum of 215 units, and a transit oriented residential project with supporting commercial, office, and institutional uses. Zoning map changes were approved for the subject site under two separate approvals. Case P03-49 for Triangle Metro Center West for CC (D) and RU-M (D), which was approved on July 26, 2004 and case Z05-25 for Triangle Metro Center South for OI (D), which was approved on February 27, 2006. The Planning Department recommended approval.

Chairman Reckhow opened the public hearing that was properly advertised.

Patrick Byker, 2614 Stuart Drive, Durham, 27707, spoke in favor of the project.

Chairman Reckhow closed the public hearing and stated that the matter was back before the Board.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the statutory vested rights determination for the Triangle Metro Center West and South developments for a period of up to five years.

The motion carried with the following vote:

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

Public Hearing—Unified Development Ordinance (UDO) Text Amendment—Sedimentation and Erosion Control Revisions (TC06-05)

Frank M. Duke, AICP, City-County Planning Director, stated that the Board is requested to receive public comments and approve text amendment TC06-05 to the Unified Development Ordinance (UDO), which incorporates Sedimentation and Erosion Control Revisions into the UDO. The State of North Carolina recently revised the statutes regulating sedimentation and erosion control. The UDO must be revised to reflect these changes to be in compliance. The County Attorney's Office, in consultation with the Sedimentation and Erosion Control Division, reviewed the new requirements of State law and recommended the changes. The Joint City-County Planning Committee reviewed and recommended to move forward with the text amendment at its April 5, 2006 meeting. The Planning Commission voted 13-0 to recommend approval of TC06-05 at its April 11, 2006 meeting.

Vice-Chairman Heron asked Mr. Duke if the plan and permit requirements will remain the same.

Mr. Duke deferred to Glen Whisler, County Engineer, as Sedimentation and Erosion Control is a division of the Engineer's office.

Mr. Whisler responded that if more than one acre is disturbed, a plan is required; if more than 12,000 square feet is disturbed, a permit is required. These requirements will not change.

Chairman Reckhow affirmed that the text amendments make the requirements more stringent.

Mr. Duke agreed with Chairman Reckhow's comment.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the item, she closed the public hearing.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve text amendment TC06-05 to the UDO.

The motion carried with the following vote:

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

Public Hearing—Plan Amendment—Evaluation and Assessment Report (A06-09)

Frank M. Duke, AICP, City-County Planning Director, stated that the *Durham Comprehensive Plan* was adopted by the City Council and the Board of Commissioners on February 28, 2005. In accordance with Policy 1.1.4a, the Planning Department prepared an annual evaluation and assessment of Plan implementation and presented it to both governing Boards in early 2006. Both governing Boards directed that staff prepare plan amendments for the recommended text changes described below:

- For nine of the policies proposed for change, various City and County departments suggested refinements in the language related to who is responsible for implementing the policy.
- Staff identified one case in which a policy could be strengthened by a text revision. Policy 2.3.1h Rural Tier Compatibility of Uses would be strengthened if it specified that the policy would be implemented through the Unified Development Ordinance (UDO).
- Two policies are proposed for deletion. The County Engineering Department has requested deletion of Policy 10.3.1i, Southwest Durham County Park and the City Manager's Office has requested deletion of Policy 13.1.3c, Debris Landfill.
- One policy updates the list of approved Historic Landmarks.

Mr. Duke requested that the Board hold a public hearing and receive public comment on a Plan Amendment for the policy changes identified in the Evaluation and Assessment Report

and on seven Future Land Use Maps. The Planning Department recommended approval. The Planning Commission recommended approval on April 11, 2006 (12-0) based on direction from the City Council and Board of County Commissioners.

Chairman Reckhow expressed appreciation to staff for the text changes, which help to keep the plan current.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the item, she closed the public hearing and referred the matter back to the Board.

Vice-Chairman Heron voiced some concern with the compact neighborhood change from MHD to MDR.

Chairman Reckhow mentioned that she had initial concerns; however, the Triangle Transit Authority staff related that the changes on the south side of Hwy. 147 could be managed since the station would be located on the north side.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve Plan Amendment A06-09.

The motion carried with the following vote:

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

Preliminary Plat—Quail Ridge Subdivision (D04-644)

Frank M. Duke, AICP, City-County Planning Director, requested that the Commissioners approve a Preliminary Plat for Quail Ridge Subdivision submitted by JDavis Architects, PLLC on behalf of Worman Development, L.C., for 86 single-family residential lots on a 91.425-acre site zoned RS-20. The property is located south of West Cornwallis Road, east of Kerley Road and north of Erwin Road. PIN 0802-03-40-1503 and 0801-01-38-5292.) The Development Review Board recommended approval.

Chairman Reckhow called on Ben Atwater, PO Box 629, Siler City, 27344. Mr. Atwater requested that the Commissioners approve the preliminary plat.

The following citizens asked that the Commissioners deny the request or delay approval until their issues could be resolved:

Debbie Kulowitch, 3997 W. Cornwallis Road, Durham, 27705, requested a minimum 50-foot buffer between Worman and adjacent properties, erosion control measures on steep slopes, traffic study, no mass grading, lot size—one house per two acres, traffic light at Woodstock and Erwin intersection, and restrictions on construction work times.

Kim Gotwals, 10 Osborne Place, Durham, 27705, spoke about the unacceptable environmental community welfare and public safety risks posed by the plan.

Sarah Schwarz, 44 Wilhelm Drive, Durham, 27705, conceded her time to Ms. Gotwals.

Avner Vengosh, 4820 Montrale Drive, Durham, 27705, stated that the subdivision would adversely influence the fragile ground water system and drinking water.

Dave Pierce, 11 Osborne Place, Durham, 27705, informed the Commissioners that the rural character of the neighborhood must be preserved.

Carmen Durack, 1700 Woodstock Rd, Durham, 27705, restated the concerns expressed by citizens who spoke prior to her comments.

Chairman Reckhow made comments about her concerns with the plan. She stated that the environmentally sensitive parcels contain a significant number of streams and steep slope areas. About 29 lots (one-third) have intrusion of either steep slopes or stream buffer and about 20 have significant intrusion. Lots 30, 65, and 33 have intrusion not only into the lot, but also into the so-called designated building pad. Lot 30 does not appear to be buildable because of insufficient space for a building, a well, a septic tank, and a repair field. The plan has basic flaws. In addition, Chairman Reckhow voiced concern with the cross-access easement designated for lots 73-77. The five lots share an access easement and one driveway. The plan reflects no provisions for repair and maintenance of the driveway and is inconsistent with a typical subdivision plans as it relates to road access. Chairman Reckhow did not understand how the plan complies with basic Ordinance provisions, including minimizing loss of vegetation in the stream buffers.

Mr. Duke addressed how the plan complies with the Ordinance as it relates to steep slopes, stream buffers, and minimizing loss of vegetation. He spoke to Chairman Reckhow's specific concerns.

Commissioner Cheek requested advice from County Attorney Chuck Kitchen relating to the Board's discretion in denying the preliminary plat, since it meets the County's Ordinance requirements.

County Attorney Chuck Kitchen advised that there is no discretion providing the Board accepts the representation that the plat, in fact, meets the Ordinance requirements.

Chairman Reckhow recommended deferring the item (if the Commissioners decide that the plat complies with the Ordinance). A number of notes must be added to protect the public interest and the health and safety of the residents such as:

- minimizing loss of vegetation in the stream buffer
- repair fields not to be placed in the stream buffer
- recognition that no grading or developing can occur 10 feet beyond the stream buffer
- minimize grading in the steep slopes

- soil evaluation by a qualified soil scientist prior to final plat and acknowledgement that the number of lots may have to be reduced in conformance with the information
- how the joint driveway will be maintained and repaired
- need for a traffic light

Chairman Reckhow respectfully requested that the developer consider changes to the plat as it relates to the lots that she mentioned.

Mr. Atwater stated that he would amend the plan to comply with the Ordinance but other issues do not need to be addressed at this time.

A lengthy discussion ensued between Chairman Reckhow, Vice-Chairman Heron, Mr. Duke, and Mr. Atwater about the issues and concerns mentioned by the Commissioners.

Vice-Chairman Heron asked questions of Mr. Duke about the common driveway, improvements to Woodstock Road, and sight distance issues.

Mr. Duke read the note that NCDOT insisted be placed on the plan to address additional road improvements that may be required to improve sight distance.

Commissioner Cheek suggested that the matter be brought to closure either by the applicant agreeing to place additional notes on the plan or by the applicant requesting a vote.

Mr. Atwater stated that he did not feel that notes should be added that go beyond the applicable law as it applies to this preliminary plat.

With input from Mr. Duke, Chairman Reckhow asked Mr. Atwater to acknowledge the following:

- minimizing loss of vegetation in the stream buffers
- repair fields prohibited in the stream buffers
- structures cannot be placed 10 feet beyond the stream buffer
- before grading steep slopes, demonstrate that impacts have been minimized by looking at reducing all setbacks by up to 50 percent on interior lots
- provision about homeowners' association or other private agreement to designate how the joint driveway access will be repaired and maintained

Mr. Atwater requested approval based on the additional notes.

Vice-Chairman Heron suggested that action be delayed. She stressed the importance of a working relationship between the developer and the neighborhood.

Chairman Reckhow and Vice-Chairman Heron asked the developer to hold a neighborhood meeting and invite the residents who abut the property; in addition, prior to the July 24 Board meeting, submit the list of conditions to the Planning Department, along with others that may emerge from the meeting.

Chairman Reckhow, Vice-Chairman Heron, and Mr. Atwater discussed a feasible date for the item to be brought back to the Board.

Commissioner Page moved, seconded by Chairman Reckhow, that the developer hold a neighborhood meeting and invite residents who abut the property; in addition, prior to the July 24 Board meeting, submit the list of conditions to the Planning Department, along with others that may emerge from the meeting.

Commissioner Cheek asked the developer whether he was in agreement with the motion or whether he favored a vote at tonight's meeting.

Mr. Atwater agreed to the motion, but reiterated that many of the issues raised tonight will be resolved later (in the permitting process).

Commissioner Cheek stated that this situation is troublesome. The County's ordinances, rules, and regulations should be followed by the Commissioners. The developers presented a plan in good faith and abided by the requirements under the law.

The motion carried with the following vote:

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

Major Site Plan and Preliminary Plat—Cameron Grove Subdivision (D05-978)

Frank M. Duke, AICP, City-County Planning Director, stated that the Board is requested to approve a Major Site Plan and Preliminary Plat for Cameron Grove Subdivision submitted by Horvath Associates, PA, on behalf of Bryan Properties Inc., for 136 single-family residential lots on a 97.82-acre portion of a 251.16-acre site zoned PDR 2.240. The property is located east of Vintage Hill Parkway and northeast of Snow Hill Road. PINs 0846-01-30-5862 and 0845-03-37-2739. The Development Review Board recommended approval.

Chairman Reckhow raised the issue that of the 136 lots, 15 have major intrusion of wetlands and pond buffer.

Ron Horvath, 7002 Old Trail Drive, Durham, 27712, applicant, informed Chairman Reckhow that neither the wetlands nor their buffers would be disturbed. Platting into those lots may occur with no disturbed intrusion.

Vice-Chairman Heron asked the proximity of the lots to the Little River.

Mr. Horvath responded that the lots are approximately 400 to 500 feet away, maybe even further.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve Major Site Plan and Preliminary Plat—Cameron Grove Subdivision (D05-978).

The motion carried with the following vote:

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

Quasi-Judicial Hearing: Major Special Use Permit—Colvard Farms Community Water and Sanitary Sewer System (M06-03)

Horvath Associates, PA, on behalf of the Colvard Farms Development Company LLC, proposed the extension of a community water and sanitary sewer system from the Chatham County portion of Colvard Farms Conservation Subdivision into the Durham County portion. (PINs: 0717-03-10-9167, 0717-03-00-6276, 0717-03-00-9106)

Introduction and Swearing In

Chairman Reckhow stated that the Board is requested to hold a quasi-judicial hearing to consider a Major Special Use Permit for a community water and sanitary sewer system on parcels located within the RR district and F/J-A overlay. She stated that the quasi-judicial hearing was judicial in nature and would be conducted in accordance with special due process safeguards.

Chairman Reckhow directed all persons who had signed to testify in the case to go to the Clerk's station to be sworn in or to give affirmation. (Those persons who had not signed earlier on the special sheet and wished to speak were directed to sign and participate in the swearing-in.) After being sworn in, persons were to return to their seats.

The Clerk to the Board administered the oath to everyone who had signed up to speak.

Board Conflicts

Before opening the hearing, Chairman Reckhow gave the Board members a chance to reveal possible conflicts and to withdraw from the proceeding if necessary. Chairman Reckhow asked the Commissioners if they could rule fairly and impartially. (Conflicts are not limited to financial ones.)

None of the Commissioners revealed conflicts.

Prior Exposure to Evidence

Chairman Reckhow asked that any Board member who has any information or special knowledge about the case that may not come out at the hearing, to describe that information for the record so that interested parties would know and could respond.

County Attorney Chuck Kitchen informed that “special knowledge” includes having viewed the site.

Chairman Reckhow reported that she took a tour of the plant and the spray fields about 1½ years ago.

Explanation of Proceedings

Chairman Reckhow stated that the Board would first hear from Planning staff and other County witnesses, then from the applicants and their witnesses, and then from the opponents to the request. Parties may cross-examine a witness after the witness testifies or when questions are called for. If a witness wishes for the Board to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his/her testimony. The Board cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client’s case. Chairman Reckhow asked that witnesses identify themselves for the record before beginning testimony.

Chairman Reckhow stated that, in advance of the hearing, the Board received supporting documentation submitted by the applicant, which addressed a number of the findings.

Ron Horvath, 7002 Old Trail Drive, Durham, 27712, asked that the entire report be entered as evidence.

Testimony from Staff

Chairman Reckhow opened the hearing on (M06-03) and asked for testimony from the Planning staff.

Mike Stock, Planning staff member, presented the following report:

“Staff requests that the staff report and all attachments and exhibits be entered as a part of the permanent record. All required mail and newspaper notifications, along with the required postings on the subject, have taken place. Affidavits affirming that are within the file for public viewing.

Horvath Associates, PA, on behalf of the Colvard Farms Development Company, LLC, proposes the extension of a community water and sanitary sewer system into a section of Colvard Farms Conservation Subdivision to be located within Durham County outside of the Urban Growth Area. The community system currently functions within the Colvard Farms subdivision located in Chatham County. The existing system has been operating within the Chatham County section of the subdivision since 2001. The community water system has been permitted by the Public Water Supply Section, and the community septic system has been permitted by the Division of Water Quality (DWQ), both of which fall under the authority of the NC Department of Environmental and Natural Resources (DENR). The applicant has provided documentation in support of the required findings that has been reviewed by the County Division of Environmental Health, the County

Engineering Department, and the County Attorney's Office. The preliminary plat associated with this request received a recommendation of approval by the Development Review Board (DRB) on June 2, 2006, pending the approval of the major special use permit by the Board of Commissioners.

As a reminder, the Board must make findings of fact under Section 3.9 and 12.7 of the Unified Development Ordinance that the proposed use is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use and in conformance with Supplemental Requirements section of the Ordinance;
3. Will not adversely affect the health or safety of the public; and
4. Under Section 12.7.1C, the finding is made that the wastewater system proposed by the developer provides improved treatment over what would be provided by an on-site ground absorption or spray irrigation water treatment system.

The Board shall also consider Section 3.9.8B review factors as indicated on pages 2-5 of the staff report.

The Board may impose conditions on the permit request that it deems necessary to ensure that this project is compatible and in harmony with the surrounding neighborhood.

Staff will provide a recommendation to the Board at the conclusion of testimony for this case.”

Chairman Reckhow asked if any Board member had questions of staff.

Commissioner Heron read the following paragraph in the report:

“The County Attorney's office indicated that no documentation associated with performance bonds were provided at this time, but will be required to be provided and reviewed for sufficiency. No comments were provided by the County Engineering Department.”

Mr. Stock informed Vice-Chairman Heron that the applicant would be required to provide performance bonds that meet Ordinance requirements prior to final plats.

Chairman Reckhow asked if the applicant had questions of staff.

Mr. Horvath had no questions.

Chairman Reckhow then called on the applicant to speak.

Mr. Horvath, representing the applicant, asked to be recognized as a licensed PE in the state of North Carolina since 1982. He is currently licensed as a professional engineer in nine other adjoining states. He requested that the Board accept him as an expert in this case.

Mr. Horvath stated that his area of practice is land development; he listed his experience with the following:

- Site development design and permitting
- Grading and erosion control design
- Water and sewage collection and distribution systems
- Roadway and street design
- Sewage treatment alternatives and design
- Stormwater collection and treatment

Mr. Horvath reported that the request before the Board is for approval to extend a sanitary sewer collection system into a conservation subdivision located in Durham County from a permitted community wastewater treatment facility located in Chatham County. The sewer collection system will consist of collection/distribution piping to serve single-family lots located with the conservation neighborhood. The evidence presented tonight will demonstrate compliance with the Findings of Fact in Section 3.9.8 General Findings:

1. In harmony with the area:
 - a. The adjacent single-family lots are served by the same collection and treatment system.
 - b. With the connection to the wastewater collection system, the lot prices will be of equal value and size with the existing lots.
 - c. If the lots are served with septic fields, the proposed lots will have a sales price \$30-40,000 less than a comparable lot in Chatham County.
2. In conformance with all Special Requirements:
 - C.1 Conservation Subdivision per 6.2.4
 - C.2 Permitted by the State exh. D
 Licensed Operator exh. G
 Inspections & Reports exh. L
 - C.3 Alternative Power Supply—Emergency Generator
 - C.4 Bonding Requirements—We have no facility in Durham County to Bond
 - C.5 Catastrophic Insurance exh. J, M and K
 100% Replacement Insurance
 Additional Insurance to provide emergency services should a physical problem occur (pump and haul)
 - C.6 Wastewater system provides improved treatment over an on-site ground absorption or spray
 - C.7 Provide certification from the state regarding the proposed system:
 It was approved by the State for use within the critical watershed.
3. Will not adversely affect the health or safety of the public:
 The existing system has been operating for four years with no major violations.

It is a far better system than individual septic fields.

Chairman Reckhow remarked that no opponents have been identified; therefore, she requested that Planning staff make its recommendation.

Mr. Stock gave the recommendation as follows:

Based on the technical requirements of the UDO and the testimony presented during the hearing, staff recommends approval subject to the following conditions:

- That the project shall be completed in accordance with an approved preliminary plat, including any additional corrections and verification.
- No final plats shall be approved prior to the delivery of the County performance bonds **or other security*** equal to at least 50 percent of the replacement cost of the approved system or \$100,000, whichever is greater. Such bonds **or other security** shall be provided to the County in a form approved by the County Attorney's office.
- The Board may approve the order to grant this use permit if no additional conditions are placed upon the permit.

***Or other security**" was added by County Attorney Chuck Kitchen.

Chairman Reckhow asked for consensus from the Board to adopt the order this evening, so she could close the hearing.

After receiving consensus, Chairman Reckhow closed the hearing.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve, upon certain conditions as specified by Mr. Stock and amended by County Attorney Kitchen, Major Special Use Permit—Colvard Farms Community Water and Sanitary Sewer System (M06-03).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

The motion carried unanimously.

ORDER GRANTING, UPON CERTAIN CONDITIONS,
A MAJOR SPECIAL USE PERMIT FOR
A COMMUNITY WATER AND SANITARY SEWER SYSTEM
Colvard Farms Community Water and Sewer System (M06-03)

The Board of Commissioners of the County of Durham, having conducted a hearing on "Colvard Farms Community Water and Sanitary Sewer System" (M06-03), concerning the extension of a community water and sanitary sewer system into the Durham County portion of the Colvard Farms Conservation Subdivision, on June 26, 2006 and having considered all written and oral evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Major Special Use Permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS, based on the evidence presented at the public hearing:

The proposed use, as described in the application, with such further conditions as may be described below, meets the requirements of Sections 12.7 and 3.9 of the Unified Development Ordinance, and:

1. The approving authority makes a finding that the wastewater system proposed by the developer provides improved treatment over what would be provided through the use of an on-site ground absorption or spray irrigation wastewater treatment system;
2. Is in harmony with the area and not substantially injurious to the value of properties in the general vicinity;
3. Conforms with all general, special and supplementary requirements applicable to the use (including but not limited to sections 6.2.4 and 12.7 of the Unified Development Ordinance), and the Review Factors identified in Section 3.9.8B;
4. Will not adversely affect the health or safety of the public.

IN SUPPORT OF THESE FINDINGS AND CONCLUSIONS, THE BOARD OF COMMISSIONERS finds as fact that the descriptions and statements of fact set forth in the staff report presented as evidence to the Board of Commissioners are the facts describing the proposed use, surrounding conditions, and ordinance requirements, and the Board of Commissioners adopts by reference and includes in this decision and order all such facts as if set forth herein.

THEREFORE, THE BOARD OF COMMISSIONERS HEREBY GRANTS THE MAJOR SPECIAL USE WITH THE CONDITIONS THAT MAY BE SET FORTH BELOW:

1. The project shall be completed in accordance with an approved preliminary plat, including any additional corrections and verification.
2. No final plats shall be approved prior to the delivery to the County of performance bonds, or other surety instrument, equal to at least 50% of the replacement cost of the approved system or \$100,000 whichever is greater. Such bonds or surety shall be provided to the County in a form approved by the County Attorney's Office.

THIS SPECIAL USE PERMIT SHALL BECOME NULL AND VOID UPON DETERMINATION BY THE APPROPRIATE OFFICIALS DESIGNATED BY ORDINANCE THAT THE ABOVE CONDITIONS HAVE NOT BEEN COMPLIED WITH.

This determination and Order is effective upon and after the date of its adoption as shown by the stamp of the County Clerk below.

Register of Deeds' Salary

Chairman Reckhow stated that County Manager Ruffin brought to her attention that a discrepancy may exist between the survey information concerning the Register of Deeds' salary versus his actual salary. She asked for a motion to clarify that the Board's intent is to increase the Register of Deeds' salary by 4.25 percent and ask staff to check his current salary and make the adjustment, if necessary; in addition, the new salaries of the Register of Deeds, Sheriff, Tax Administrator, and Attorney will be effective July 1, 2006.

Commissioner Cheek moved the motion as suggested by Chairman Reckhow. Vice-Chairman Heron seconded the motion.

The motion carried with the following vote:

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

Chairman Reckhow stated that the Clerk reviewed the June 2005 meeting minutes; the Register of Deeds' current salary of \$94,000 is correct.

Board and Commission Appointments

Vonda Sessoms, Clerk to the Board, distributed ballots to the Commissioners. The Board voted and appointed the following (incumbents are underlined):

Bicycle and Pedestrian Advisory Board:
Daniel Clever (Club/Organization)
Judy Martell (Education)

Board of Adjustment:
William J. Brian Jr. (At-large)

Civic Center Authority:
Patrick Byker

Juvenile Crime Prevention Council:

Rhonda B. Parker (Parks and Recreation)
Thomas Quinn (Person under 18)
R. Patrick Radack (Business Community)
Terrance R. Scarborough (Faith Community or other Non-Profit)
Karen K. Thompson (United Way or other Non-Profit)

Women's Commission:

Rosa S. Anderson (At-large)
Annette A. Bailey (At-large)
Cheryle E. Dawes (At-large)
Marian C. Dillahunt-Andrews (At-large)
Yvonne S. Dunlap (At-large)
Lucille McMillan (At-large)
Terry E. Myers (At-large)
Paula Perez (At-large)

Workforce Development Board:

Kenneth M. Lile (Private Sector)

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 10:47 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board