

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

Monday, February 4, 2002

9:00 A.M. Worksession

AGENDA

1. **Citizen Comments?Dr. Anita Keith-Foust**

Dr. Anita Keith-Foust has requested time on the agenda to make comments to the Commissioners about extending water and sewer connections to the Kentington Heights subdivision.

2. **Initiatives to Prevent Juvenile Gang Violence**

District Court Judge Craig Brown will make a presentation to inform the Board of County Commissioners of recent initiatives and proposals to address juvenile gang violence, including collaborative efforts with Durham Public Schools, law enforcement, and other agencies. Judge Brown is Chair of the County's Criminal Justice Partnership Board, which recently addressed this issue through the work of a subcommittee. This presentation was previously made to the Youth Coordinating Board (YCB) and the Juvenile Crime Prevention Council (JCPC).

County Manager's Recommendation: The Manager recommends that the Board receive the presentation.

3. **Wellness Partnership Report**

The Wellness Partnership Steering Committee will present a brief report highlighting the history of the Wellness Partnership and the services it provides to schoolchildren in Durham County. The partnership helps to support school-based wellness centers that provide primary care for all students, provided written parental permission is first obtained. Wellness centers are located at several schools in Durham County.

Resource Person(s): Donna Smith, Co-Chair; Susan Epstein, Co-Chair; Terris Kennedy, Evelyn Schmidt; Brian Letourneau; and Judy Orser.

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and express its appreciation to the Wellness Partnership for its efforts in Durham County.

4. **Request from Sheriff on County Salaries**

Sheriff Worth Hill has requested to speak with the Board of County Commissioners about salaries.

Resource Person(s): Worth Hill, Sheriff

County Manager's Recommendation: Receive the presentation and advise the staff if any additional information/action is necessary.

5. **Bar Association Presentation**

The Durham County Bar Association has requested an opportunity to speak with the Board of County Commissioners about the "progress and scope of plans for a new courthouse."

Resource Person(s): Ruth Cohen Hammer, President; Julia Borbley-Brown, Executive Director

County Manager's Recommendation: Receive the presentation and advise the staff if any additional information/action is necessary.

6. **Update on American Tobacco Historic District Project**

On May 8, 2000, the Board of County Commissioners voted to support the American Tobacco Historic District Project by providing public parking in the amount of \$18,437,300, which represents the provision of 1,870 parking spaces in public parking decks. Two hundred and fifteen (215) spaces are planned in the County's parking structure to serve the new Judicial Center.

On May 22, 2000, the Board held a public hearing to determine the need for public parking in the aforementioned area and voted to direct staff to prepare a resolution based upon the evidence presented. As a result, on June 12, 2000, the Board of County Commissioners passed a resolution establishing the need for public parking, which laid the foundation for entering into agreements to provide public parking in this area. The Board directed staff to begin drafting documents which would provide for the construction and financing of the parking structures, as well as delineate the relationship between the City and County relating to this project. Since that time, staff has been working with officials from Capitol Broadcasting Company and the City of Durham to draft the documents; however, final negotiations have not been completed due to the slower than anticipated progress of the American Tobacco Historic District Project.

Mike Hill, Vice President and General Counsel of Capitol Broadcasting Company, will make a presentation to inform the Board of County Commissioners of the recent progress made on the project, including an updated design and timeline.

Resource Person(s): Mike Hill, Vice President and General Counsel, Capitol Broadcasting Company; Carolyn P. Titus, Deputy County Manager; and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board receive the presentation, ask questions, and provide direction to staff on proceeding with the project.

7. **Report to the Board on Franchising Discussions with Local Solid Waste Collectors and the Status of Local Recycling Programs Associated with Construction Debris**

The General Services Director will provide a brief report to the Board on franchising discussions with local solid waste collectors serving the unincorporated areas of Durham County and the current status of local recycling programs associated with construction debris.

At a regular meeting of the Board on February 26, 2001, the Board directed staff to investigate the feasibility of (1) franchising solid waste collection outside the City limits; and (2) look at recycling programs associated with construction debris.

1. Franchising Discussions with Local Solid Waste Collectors: On March 22, 2001, individual interviews were conducted with the following companies previously identified as waste collectors in the unincorporated areas of Durham County:

Tim Fadul	Waste Management	10411 Globe Road, Morrisville, NC
Rick Prather	BFI	5111 Chin Page Road, Durham, NC
Lee Bodenhamer	Waste Industries, Inc.	148 Stone Park Court, Durham, NC
Brent Kirchhoff	Republic Waste Services	825 Purser Drive, Raleigh, NC

In addition, on March 23, 2001, a telephone interview was conducted with the following company that was unavailable the previous day:

Mike Hurdle Clayton and Hurdle Disposal Services, Inc. Hurdle Mills, NC

Each solid waste collector was asked 15 questions relating to: the number of households served, current levels of service, number of staff employed by the company, current rate charges per household, service capabilities, how franchising the unincorporated areas of Durham County would affect their business, etc. A copy of the questions and responses are attached for review.

In summary, three of the five firms interviewed currently serve Durham County residents. One is a "mom and pop" operation with 500 customers in Northern Durham County. The ages of all firms range from 10 to 20 years of service to the Durham area. Residents currently being served are on a weekly pick-up schedule. All firms interviewed were interested in increasing the number of customers served. While the three larger companies can provide a countywide service, the two smaller firms were interested in a sectional approach. Each firm interviewed has received a summary of the conducted survey and was informed of the scheduled report to the Board at today's Worksession.

2. Update on Recycling Programs Associated with Construction Debris: Since the February 26, 2001 Board meeting, several discussions have taken place with both Durham City Transfer Station and Orange County Solid Waste representatives in reference to current options for recycling Construction and Demolition (C&D) waste.

According to David McCary, Solid Waste Director for the City of Durham's Solid Waste Transfer Station, recycling construction and demolition materials is currently available through five private deconstruction service companies in the Triangle area.

In April 2001, Blair Pollock, Orange County Solid Waste Program Manager, advised "Orange County is not even close to getting their ordinance approved because they have a lot of details to work out." He estimated it would be June 2001 before the Orange County BOCC would approve the proposed Ordinance Regulating Recyclable Materials and Licensing the Collection of Regulated Recyclable Material with projected implementation in March 2002.

In an update on January 2002, Dave Ghiradelli, Orange County Solid Waste Management, advised that the Orange County BOCC voted to enact the proposed "Regulated Recyclable Material" (RRM) ordinance on July 1, 2002--four months later than first anticipated. The new ordinance creates a list of materials that cannot be landfilled including unpainted, untreated lumber and plywood (called "clean waste"), scrap metal, pallets, and corrugated cardboard. Generators would be required to separate the material for recycling or deliver it mixed to "Certified Commingled Recycling facilities." Other provisions in the Orange County ordinance would require: licenses of anyone who hauls RRM in vehicles larger than 9,000 pounds; recyclable material permits before zoning and building permits are issued; delaying some demolition projects to assess the recyclability of the materials; enforcing tip fee surcharges at the Landfill; and issuing civil penalties at job sites for non-compliant disposal.

Resource Person(s): Mike Turner, Director of General Services

County Manager's Recommendation: The Manager recommends that the Board receive the report and instruct staff as to any additional action that may need to be taken.

8. **Quasi-Judicial Appeal--Terry Peterson Residential Twenty, LLC v. County of Durham**

The Sedimentation and Erosion Control Division of the County Engineer Office has assessed a civil penalty against Terry Peterson Residential Twenty, LLC in the amount of \$30,160.00. The Administrative Law Judge, following a trial of the matter, affirmed the civil penalty but reduced it to \$22,620.00. The decision is a recommended decision to the Board of Commissioners. The developer, Terry Peterson Residential Twenty, LLC, and Durham County have filed exceptions to the findings of the Administrative Law Judge.

The Board is requested to review the matter on the record produced and make a determination to either 1) accept the decision of the Administrative Law Judge; 2) reduce the civil penalty to \$6,032.00 as requested by the developer; or 3) reinstate the entire civil penalty of \$30,160.00. This is a quasi-judicial proceeding in which the Board sits as an appellate body and determines the matter without hearing additional evidence. The entire transcript of the proceedings is available to the Board, if desired, but was not reproduced due to its size and the fact that both parties provided written exceptions which did not appear to require a reading of the transcript.

The County Attorney can not make a recommendation to the Board as one of the Assistant County Attorneys represented the County in the proceeding before the Administrative Law Judge.

County Manager's Recommendation: Select one of the options listed above based upon the Board's review of the ruling.

9. **Ethics Policy**

It has been suggested that the Planning Commission and some or all of the other boards which are staffed by the Planning Department be required to submit a disclosure statement as is required of the Board of Health, Board of Adjustment, and Board of Equalization and Review.

Resource Person(s): Ellen Reckhow, Vice Chairman; Chuck Kitchen, County Attorney

County Manager's Recommendation: Select which additional boards the Board of Commissioners desire to have the members file a disclosure statement. The staff will then bring back an amended ethics policy for the Board's adoption at the next meeting.

10. **Impact Fee Ordinance**

The County Attorney has prepared a draft Impact Fee Ordinance and will review the applicable provisions of the Ordinance with the Board. The Board is requested to provide staff with directions as to any changes to be made in the Ordinance.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Review the Ordinance with the County Attorney and give directions as to changes desired. Following review, direct that the Ordinance be sent to the Planning Commission for comment.