

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

Monday, June 10, 2002

7:00 P.M. Regular Session

**MINUTES**

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

**Opening of Regular Session**

Chairman Black opened the meeting with the Pledge of Allegiance.

**Agenda Adjustments**

Chairman Black discussed moving the Public Hearing on the FY 2002-2003 Recommended Budget forward in the agenda.

**Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the May 13, 2002 Regular Session Minutes as submitted.

The motion carried unanimously.

**Designation of Durham County as a "StormReady" Community**

The National Weather Service has devised a program called "StormReady" to help communities deal with severe weather. "StormReady" is a nationwide community preparedness program that uses a grassroots approach to help communities develop plans to handle all types of severe weather—from tornadoes to tsunamis. The program encourages communities to take a new, proactive approach to improving local hazardous weather operations by providing emergency managers with clear-cut guidelines on how to improve their hazardous weather operations. To receive the designation counties must:

- establish a 24-hour warning point and emergency operation center
- have more than one way to receive severe weather warning and forecasts and to alert the public
- create a system that monitors local weather conditions
- promote the importance of public readiness through community seminars
- develop a formal hazardous weather plan.

Currently, there are 386 communities in 40 states with this distinction.

Durham County Emergency Management Director Jeff Batten will introduce Mr. George Lemons who will provide a brief presentation about the program and designate Durham County as a “StormReady” community.

County Manager's Recommendation: Receive the presentation designating Durham County as a StormReady community.

Durham County Emergency Management Director Jeff Batten introduced Mr. George Lemons, Warning Coordinator for Meteorologists, with the National Weather Service in Raleigh.

Mr. Lemons made a short presentation to honor Durham County as a National Weather Service “StormReady” community. He advised the importance of communities preparing for weather, as most state-of-emergencies are the direct result of bad weather. Durham County has met all the criteria for this designation. Mr. Lemons presented a plaque making this designation.

Mr. Batten thanked Mr. Lemons for the recommendation and thanked staff members for their team efforts on this project to make this designation possible.

No official action was required or taken on this agenda item.

### **2001 Annual Crime Prevention Awards**

Ms. Linda W. Hayes, Chair of the Governor’s Crime Commission, will represent the Crime Commission in the presentation of the 2001 Annual Crime Prevention Awards.

The award recipients are the Durham County Sheriff’s Office in the category of “Older Adults Program” and Steve Hall of the Durham Police Department in the category of “Law Enforcement Officer” from a large jurisdiction.

NOMINEE: Durham County Sheriff’s Office, TRIAD Unit  
CATEGORY: Law Enforcement Agency  
NOMINATED BY: Sheriff Worth Hill, Durham County Sheriff

NOMINEE: Officer Steve Hall  
CATEGORY: Law Enforcement Officer  
NOMINATED BY: James Anderson, Durham Housing Authority

Resource Person(s): Commissioner Heron and Ms. Linda W. Hayes

County Manager's Recommendation: Present the awards to the Durham County Sheriff's Office, TRIAD Unit, and Officer Steve Hall of the Durham Police Department, along with sincere congratulations by the entire organization.

Ms. Hayes presented the awards. Police Officer Hall, Sheriff Hill, and the deputies involved spoke in appreciation of the recognition. Ms. Hayes commented that Sheriff Worth Hill is an active member of the Governor's Crime Commission.

Officer Steve Hall of the Durham Police Department is assigned to the Durham Housing Authority. Officer Hall developed a program—"Streetlights to Starlights"—to demonstrate the positive experience of camping to children in public housing. He has been a role model in mentoring efforts with juveniles and in juvenile crime prevention.

The Durham County Sheriff's Office, TRIAD Unit, received the "Large Department of Crime Prevention" Award. The department started TRIAD in 1999. It is a grassroots concept of a three-way cooperative effort between the AARP, National Sheriff's Association, and the International Association of Chiefs of Police. The effort attempts to identify ways to reduce the criminal victimization of the elderly. The program has been very successful in crime prevention.

No official action was required or taken on this agenda item.

### **Certificate of Achievement for Excellence in Financial Reporting**

Durham County Finance Department has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Finance Report (CAFR) for Fiscal Year ended June 30, 2001. Durham County has received this distinction for the past nine years.

This award is presented annually by the Government Finance Officers Association of the United States and Canada to government units whose comprehensive annual financial reports achieve the highest standard in government accounting and financial reporting.

County Manager's Recommendation: Present the plaque to Mr. George Quick, Finance Director, and commend the staff for receiving this outstanding recognition.

Mr. Quick introduced Ms. Fox-Kirk, Deputy Finance Director, and Ms. Brown-Linton, who helped make this award possible. Mr. Quick advised that these individuals, along with others, are primarily responsible for this recognition. He thanked the Commissioners for recognizing receipt of this award.

Chairman Black read the award text into the record:

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE  
IN FINANCIAL REPORTING

Presented to the County of Durham, North Carolina  
for its Comprehensive Annual Financial Report  
for the Fiscal Year Ended June 30, 2001.

A Certificate Of Achievement For Excellence In Financial Reporting is presented by the Government Finance Officer Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial report achieved the highest standards in government accounting and financial reporting.

No official action was required or taken on this agenda item.

**Comments About the EMD Pharmaceuticals Announcement**

Commission Chairman MaryAnn E. Black requested time on the agenda to make brief comments about the EMD Pharmaceuticals Announcement.

She advised that she heard many positive comments from EMD representatives about Durham County and its elected officials last Wednesday, while at Treyburn Country Club with Commissioner Heron, County Manager Ruffin, and Deputy County Manager Titus. EMD has praised Durham officials for their understanding of the issues, asking the hard questions, but also then negotiating and making it possible for EMD to locate its headquarters here.

EMD Pharmaceuticals, a German-based company, will locate its United States headquarters in Treyburn. The company will eventually employ 1,000 persons. Chairman Black commented that she hopes that EMD will also locate a proposed manufacturing plant in Durham.

Chairman Black thanked County Manager Mike Ruffin, Deputy County Manager Carolyn Titus, the Chamber of Commerce, and County Commissioners for their efforts to persuade EMD Pharmaceuticals to come to the Treyburn Industrial Park in northern Durham County. This company will bring needed new jobs to the area.

**Consent Agenda**

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

- \*(a) Capital Projects Budget Ordinance Amendment No. 02CPA000016 for the Little River Regional Park

- (approve Budget Ordinance Amendment No. 02CPA000016 to increase the Little River Regional Park Capital Project Ordinance from \$335,000 to \$632,012);
- (b) Offer to Purchase County Property (2300 Fitzgerald Avenue) (pursue the upset bid process at this time. A resolution to offer the property in an “upset bid” sale is included in this package. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
  - \* (c) Sublease Agreement for Classroom Space at Criminal Justice Resource Center (authorize the execution of the sublease agreement between Durham County and Carolyn Cordasco, LCSW);
  - (d) Cultural MasterPlan Steering Committee (CMSC) Appointment (approve the addition of Mr. Jim Wise to the Cultural MasterPlan Steering Committee);
  - \* (e) Appointment—2002 NACo Annual Conference Voting Delegate (appoint Chairman Black as the designated delegate); and
  - (f) Reappoint Commissioner Philip R. Cousin Jr. to the Board of Directors of Downtown Durham Inc. for the term July 1, 2002 to June 30, 2003 to represent the County Commissioners.

The motion carried unanimously.

\*Documents related to these items or discussion follow:

Consent Agenda 7(a). Capital Projects Budget Ordinance Amendment No. 02CPA000016 for the Little River Regional Park (approve the budget ordinance amendment to increase the Little River Regional Park Capital Project Ordinance from \$335,000 to \$632,012).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2001-02 Capital Projects Ordinance  
Amendment No. 02CPA000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for Little River Land Acquisition and Open Space Acquisition & Development.

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Little River Land Acquisition	\$335,000	\$297,012		\$632,012
Open Space Acquisition & Dev.	\$700,019		\$52,384	\$647,635

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

This the 10<sup>th</sup> day of June, 2002.

(Capital Projects Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda item 7(c). Vice-Chairman Reckhow commented she hoped consideration would be given to moving the Criminal Justice Resource Center to the former Jail Annex (Johnson Motor Company building). Since the tenant has left, there is much empty space there. This would be a cost-saving measure.

Ms. Gudrun Parmer, Director for the CJRC, answered that she has explored the possibility of ending the lease early at 102 East Main Street. The Jail Annex space has been under consideration, and the daytime classes have been moved there. However, the evening classes remain at the Main Street location due to lack of staff to man the Jail Annex for the evening classes.

The Commissioners discussed liability insurance for the sublease of classroom space at 102 East Main Street. Ms. Cordasco is required to carry insurance for her use of the space. The County Attorney offered to have the County's insurance on the Main Street site reflect an additional insured to increase the County's liability protection. This met with the Commissioners' approval.

Consent Agenda item 7(e). Chairman Black made it known that the County would not be paying for her trip to the NACo Annual Conference in New Orleans. The alternate voting slot was left open, as there would be no other Commissioners attending the conference.

### **Durham Public Schools—Surplus of Real Property: Bragtown Site**

On May 23, 2002, the Durham Public Schools Board of Education declared the former Bragtown Elementary property to be surplus.

Pursuant to North Carolina General Statute § 115C-518, the Board of Education offers the Board of County Commissioners the opportunity to acquire or decline this property.

Resource Person(s): Mr. Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools

County Manager's Recommendation: The site no longer serves a purpose of Durham Public Schools and has been leased to a charter school for several years. The site is comprised of two parcels totaling almost ten acres.

Mr. Osteen presented the item. He advised the two parcels are too small on which to build a school. The most recent appraisal was just above \$1 million.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to decline the offer for purchase of this property. A letter is to be sent to the school system recommending that it apply the funds from the sale of this property to the school debt.

The motion carried unanimously.

### **Public Hearing on the FY 2002-03 Recommended Budget**

The Board of County Commissioners will conduct a public hearing to receive input from citizens on the FY 2002-2003 recommended budget. To be able to hear from all interested citizens, the Commissioners usually set a time limit of three minutes for each speaker.

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

Chairman Black opened the Public Hearing and gave each speaker three minutes.

The speakers follow:

Spence Foscue, 404 Morgan Creek Road, Chapel Hill, is a ten-year Durham County employee in Public Health. He stated that his salary has not kept pace with others in his profession. He thus supported the recommendation for reinstatement of the longevity benefit and an increase of the insurance plan's flex dollars.

Linda Fullwood, 7 St. Andrews Court, Durham, is a 22-year County employee with the Department of Social Services. She stated she finds it offensive that long-time, experienced employees who have endured over the years receive 2½-percent increases while newer employees receive 5-percent increases. She supported the proposal to reinstate the longevity benefit and was thankful for the recognition that the employee makes a difference.

Michelle Stephens, 2146-29 Charles Street, Durham, is a County employee in the Department of Social Services. She stated she recognized the County is in a budget crunch, but that doesn't decrease the need for employee compensation. She spoke to the need for longevity and five-percent merit increases for all who qualify. They are essential to the morale of long-term employees.

Ann Craver, 4116 Cricket Lane, Durham, is Vice-Chairman of the Library Board of Trustees. She supported the County Manager's proposed budget recommendations of improvements to staff salaries and benefits, enhanced security, and technology upgrades. These issues mirror those that have most concerned the Library Board recently, and will drive the library's future.

Snezana Cvejic, 150 Ridge Trail, Chapel Hill, is a psychiatrist employed eight years with the County at The Durham Center. She asked the Commissioners for support for the County Manager's recommended return of the longevity benefit, five-percent merit increases, and increase of the flex benefit to \$200 per pay period. She has noticed that staff is leaving because salaries are not keeping pace with inflation and outside compatible salaries. The shortage increases the caseload for those employees who remain and compromises the patient care.

Carolyn S. Morris, 5126 Inverness Drive, Durham, is a County employee in the Department of Social Services. She spoke in support of the recommended compensation changes. The Food Stamps division has not had full staffing in four years. Workers carry 1½ caseloads; supervisors carry ½ caseload. It's difficult to take vacation time. Turnover is extremely high; morale is low. Salaries have not kept pace with inflation in recent good years. Now they must be addressed.

Stephen Hopkins, 604-B Barnes Avenue, introduced Mr. Appleby for the Campaign for Decent Housing.

Bob Appleby, 207 Watts Street, spoke on behalf of the Durham Affordable Housing Coalition. He addressed the HOPE VI Project for the Campaign for Decent Housing. The Durham Housing Authority's community and support service is only targeting Few Gardens inhabitants. Mr. Appleby asked the Commissioners to increase the DSS budget by \$120,000 so that the functions of the community support services can be given to the other residents of the geographical area of the HOPE VI Project

Gwendolyn Beasley, 4619 Brunt Drive, is Director for Consumer Counseling Services and a member of the Campaign for Decent Housing. She advised that there are 500-600 families in the area of the HOPE VI Project who are not being assisted through supportive services. She asked that case managers be funded through the DSS to assist families in transition with day care, emergency assistance, rental, financial, and credit counseling.

Lorisa Siebel, 2410 Park Place, Durham, spoke in support of the Campaign for Decent Housing, which is trying to make sure that every home in Durham County is safe and healthy. The Campaign works throughout the city and county to reduce lead poisoning and to bring housing up to minimum code

Joyce McNeill, 2416 Faucette Avenue, Durham, is employed in the Durham County Library. She spoke to support the County Manager's recommended budget and the many employee benefits offered including the EAP. While employed full-time, she has used the Employee Assistance Program to earn a Master's degree in public administration. She asked the Commissioners to approve the compensation package, which would help provide an adequate standard of living for employees and address important employee issues of longevity, safety, and 5-percent merit increases across the board. With some employees earning at poverty level (\$15,020) or slightly above for a family of three, this should be the year for the employees.



Pam Jascot, an employee with the Durham County Library, gave her time to Joyce McNeill.

Warren Harris, 9 East Gleewood Place, Durham, employed with the Department of Social Services, spoke to represent the PAC (Personnel Advisory Committee) which serves as a liaison between the department staff and the line staff. He asked the Commissioners to consider the approval of the 5-percent merit increase across the board and reinstatement of the longevity benefit. Employees want to be able to support their families and make ends meet. He thanked the Commissioners for the opportunity to speak at the public hearing.

Jack Steer, 2416 Dawn Trail, representing himself and Durham County homeowners, called for the County's operations budget to be trimmed by \$3 million to \$5 million. This would offset increasing the debt service for the next ten years. Departments' expenses should be monitored to determine where budgets could be trimmed. Employee reductions could be determined on a pinpointed basis. Decreasing the current budget would permit the County to give full services as well as full CIP. The Practice of service-on-demand would have to cease; essential services to those truly in need would continue.

Dabney Hopkins, 1700 Sprunt Avenue, Durham, spoke representing People's Alliance. She asked for Commissioner support for (1) implementation of impact fees to offset the cost of infrastructure in new development; (2) a requirement that new developments include a percentage of affordable homes (Carrboro, Chapel Hill, and Davidson have already done this); and (3) ensure that there are enough new social workers to meet the needs of the community.

Susan Page, 112 Phelps Road, Hillsborough, is a 12-year County employee in the Clerk to the Board's office. She spoke to support the compensation measures as proposed in the recommended budget: reinstatement of the longevity benefit, setting all merit increases in five-percent increments, and increasing the health care plan's benefit dollars to \$200 per pay period. She asked the Commissioners to consider the high cost of employee turnover, the fairness of the longevity benefit and its reinstatement petition which netted over 750 signatures, and the absence of an adequate COLA in previous years. The Commissioners were asked not to place the County employees last in budget considerations.

Dr. Lavonia I. Allison, PO Box 428, Durham, spoke representing the Durham Committee for the Affairs of Black People. She asked the Commissioners to look closely in the budget at the areas of health, senior citizens, and education. She addressed her concerns that Hillside High School has not taken the advice of a year-long study by Triangle J Council of Governments to reduce class size from 29 to 20 and that requests for counseling services be met.

Diane Wright, 210 Cherry Grove Street, Durham, is a County employee with the Department of Social Services. She spoke in support of the recommended measures to improve employee compensation and reminded the Commissioners that some DSS employees qualify for that agency's services because of the low-pay structure and difficulty affording medical benefits for their children. Approval of the recommended compensation measures would let employees know they are respected and appreciated.

Jim Polk, 512 Latta Road, Durham, is Chairman on the DSS Work First Advisory Committee. He asked the Commissioners not to cut the DSS budget in those areas that impact negatively on low-income families: childcare, job training, and education funds.

The failing economy makes these more necessary. Childcare has suffered cuts up to 25%. To help persons compete, funds in the employment and training category should be maintained at minimum with consideration for an increase.

Steven Matherly, 2022 West Club Boulevard, Durham, representing People's Alliance, spoke for livable wages. He asked the Commissioners to approve the recommended compensation improvements to include contractors who work for the County.

There being no other speakers, Chairman Black closed the public hearing.

Chairman Black thanked the speakers for coming and letting the Board hear their comments. She advised that the Commissioners would continue to deliberate on the budget for next fiscal year with upcoming budget worksessions. The budget for FY 2002-2003 will be voted on at the last meeting in June 2002.

**Public Hearing—Bass, Nixon & Kennedy Inc.—Applicant (Rezoning Case P02-02)**

Bass, Nixon & Kennedy Inc. will present to the Board of County Commissioners a request to rezone a 1.84-acre site at 1425 S. Miami Boulevard, PIN 0840-04-72-5122 & 0840-04-72-7100 (Tax Map 656, Block 1, parcels 21 & 22). Request: R-20 (Residential 20) & GC (General Commercial) to GC(D) (General Commercial with Development Plan) & CT(D) (Commercial Trades District with Development Plan); F/J-B. The proposal is in general conformance with the small area plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on May 14, 2002 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on May 24 and May 31, 2002 in the Durham Herald-Sun.

Resource Person(s): Frank Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment. The Zoning Committee and the Planning staff have recommended approval.

Chairman Black opened the public hearing that was properly advertised.

Mr. Harry Mitchell with Bass, Nixon & Kennedy Inc., the applicant for the rezoning, 10405A Ligon Mill Road, Wake Forest, NC, spoke on behalf on Mr. and Mrs. Thee Dixon, the property owners. He advised that a site plan was approved by the development review board. An existing building on the lot has already been demolished for replacement by the retail building. Rezoning would allow for construction of a new retail building and replacement of an existing contractor's warehouse with a new building.

There being no persons signed to speak, the Chairman closed the public hearing and brought the item before the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the request for rezoning.

The motion carried unanimously.

(Legal description recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Public Hearing—Tim Ashby, Kingdom Hall of Jehovah’s Witnesses, Applicant (Rezoning Case P02-15)**

Tim Ashby for Kingdom Hall of Jehovah’s Witnesses will present to the Board of County Commissioners a request to rezone 0.85 acres on the east side of Highway 501, just south of the Black Horse Run subdivision, PIN 0828-04-80-5633 (Tax Map 928, Block 1, Lot 18A). Request: R-20 (Residential 20 District) to RD (Rural District); MLR-A. The proposal is in general conformance with the small area plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on May 14, 2002 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on May 24 and May 31, 2002 in the Durham Herald-Sun.

Resource Person(s): Frank Duke, Planning Director

County Manager's Recommendation: The County Manager recommends approval.

Dick Hails, Assistant Planning Director, introduced the agenda item.

Chairman Black opened the public hearing which was properly advertised.

Tim Ashby, Kingdom Hall of Jehovah’s Witnesses, the applicant for the project, stated that it was found that the church property was divided by two zoning designations. The applicant wished to bring the total property into one zoning designation, RD (Rural District). A portion of the property then could be sold for use as a conference center.

There being no one else to speak, Chairman Black closed the public hearing and returned the item for Board discussion.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the rezoning.

The motion carried unanimously.

(Legal description recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Follow Discussion on Crossman Communities of N.C. Inc., Applicant (Rezoning Case P01-78)**

A public hearing on this request was held and closed by the Board of County Commissioners at its meeting on May 13, 2002. The Board took no action at that time. Staff was asked to investigate and meet with concerned citizens from the adjacent Hillview Terrace community, who had expressed concerns at the public hearing regarding street and storm drainage problems in the neighborhood, particularly on Felicia Street.

Since then, County stormwater and planning staff have visited the site. In addition, a community meeting was held at the Mt. Level Church on Hebron Road on May 23, which was attended by staff and 13 community members. Many community members would like the Board to request that NCDOT improve the existing stormwater culverts and network in the neighborhood and upgrade and maintain Felicia Street. NCDOT currently maintains some of the neighborhood streets and not others. Staff would support the Board submitting such a request to NCDOT.

In addition, the Board needs to consider making a decision on the pending rezoning request. PIN 08334-03-11-6522, 03-31-5464, 03-31-7450 (Tax Map 780, Block 1, Lots 1, 3, 2E) Request: R-20 (Residential 20 District) to PDR 4.69 (Planned Density Residential-4.69 units/acre); F/J-B, E-B Watershed Protection Overlay. The proposal adds acreage into an approved PDR-4.69 project increasing the unit count by 74. The proposal is in general conformance with the North Durham small area plan as proposed for amendment April 8. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 12, 2002, and voted 6-1 to recommend approval.

The public hearing for this request was advertised on April 5 and April 12, 2002 in the Durham Herald-Sun and held and closed at the Board's Regular Session on May 13, 2002.

Resource Person(s): Dick Hails, Assistant Planning Director; Bill Noyes, County Stormwater; and Frank Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive the follow-up staff report and approve the rezoning application. Both planning and engineering staff conducted site visits, and a community meeting was held to discuss the specific concerns of the residents. The residents have requested that the Board write NCDOT and request, on their behalf, improvements to the existing stormwater culverts.

Dick Hails, Assistant Planning Director, presented the follow-up report from City-County Planning. At the May 13 Public Hearing, concerns of Hillview Terrace citizens concerning stormwater runoff and road conditions in the neighborhood were heard. Subsequently, the matter was carried over for Planning staff to investigate the matter and

provide information to the Hillview Terrace residents. Staff conducted site visits and held a community meeting.

William H. Noyes, P.E., Sedimentation and Erosion Control Officer, County Engineering Department, reported that Felicia Street is located in the 100-year flood plain designation and is subject to frequent flooding. The subdivision itself is situated at the bottom of a drainage area. Site visits revealed that stormwater conveyance systems have inadequate slope, and that many driveway drainage pipes were either half-submerged or obstructed by dirt and debris and in need of cleaning. Felicia Street is not maintained by the NCDOT.

Vice-Chairman Reckhow and Commissioner Heron expressed the opinion that under current regulations, the houses subject to runoff could not be built. Questions were raised whether any of the residents with problems have flood insurance and whether there is government money available through the HOME program or CDBG to help residents in flood plain areas.

Commissioner Bowser asked if anything would be done to Felicia Street to help with the flooding problem. Mr. Noyes advised that improvements could be made by simple maintenance without a great expense: cleaning out the drainage systems and eliminating brush from outfalls.

Commissioner Bowser asked if the proposed new development with its retention measures would hurt or help the adjacent Hillview Terrace community. He advised he did not want to approve a project that would add to the existing problem. Mr. Noyes advised that he had reviewed the engineer's computations with six stormwater basins and their release rate which would impact the local area. No adverse computations were found that would hinder development.

Mr. Hails commented that there is much apprehension from Hillview residents that the proposed new development upstream would add to the current runoff problems. But there could be better maintenance and better function and performance from the existing culvert system. The question is who would take responsibility to upgrade/provide simple maintenance for the current conditions of the culvert system.

Commissioner Cousin asked whether the NCDOT had given any rationale as to why it would not extend its maintenance of Hillview Terrace into Felicia Street. Mr. Hails replied that a representative of the City Stormwater office suggested that the NCDOT had declined to take over maintenance of Felicia Street because it is in a certified flood plain area.

Commissioner Cousin suggested that a letter be drafted on behalf of these residents requesting NCDOT to pick up maintenance on Felicia Street. He stated he agreed with Commissioner Bowser that it appeared the detention ponds proposed in the new development could not guarantee there would be no adverse effect on Felicia Street from future stormwater runoff.

The Commissioners and Planning staff held a lengthy discussion concerning placing a condition for rezoning approval on the applicant. The applicant would be responsible for cleaning ditches and putting in sufficient piping to carry water away from these homes. Mr. Duke, Planning Director, advised this would be asking the developer to make offsite improvements that probably would not benefit his site. This would be impractical.

County Attorney Kitchen suggested that after the Board makes its decision, it might wish to request the Emergency Management coordinator to investigate the situation and seek available federal hazard mitigation money to help those residents in the flood plain with flooding problems.

Chairman Black called for the three persons to come forward who had signed to make comments. They were as follows.

Dr. Lavonia I. Allison, representing the Durham Committee for the Affairs of Black People, spoke against approval of this item. She commented that increasing the neighborhood density by building more houses would create greater problems for the houses in the flood plain area. She expressed the opinion that the Durham Planning Commission's Zoning Committee should never have recommended approval.

James A. Covington Sr., 715 Felicia Street, spoke against approval of the rezoning request until the neighborhood storm drainage problems were addressed. He commented that the builder promised two years ago to take care of the problem in the back property.

Lillie Izi, 702 Felicia Street, asked for help with the neighborhood storm drainage problems. She asked why homes were allowed to be built in the flood plain, and stated that her flood insurance had been canceled. She was disappointed that FEMA funds had run out. She expressed the opinion that removing trees for new development would increase the runoff in both Hillview Terrace and the proposed Summer Meadow.

Tony Tate, landscape architect, representing Crossman Communities of NC Inc., spoke representing the developer. He stated he could not commit his client at this point to financing a project that has no defined scope. He was of the opinion that the engineer has demonstrated to the stormwater department that the developer can control the stormwater on this site, as required by the ordinance.

Chairman Black called for a motion on the item.

Commissioner Cousin moved, seconded by Commissioner Bowser, to deny the rezoning request.

The motion carried unanimously.

Chairman Black asked the County Manager to investigate whether there is any FEMA money available to purchase houses in this floodplain. She asked that he contact Mr. Covington and Ms. Izi to advise whether money can be found to help them.

She asked Dr. Allison to address City Council regarding its rezoning practices

### **Board and Commission Appointments**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the advertised boards and commissions. The Commissioners held discussion, then voted on the applicants. (Asterisks indicate appointments.)

#### Bicycle and Pedestrian Advisory Commission

One vacant position in the youth/children advisory position (term expires June 2004).

Phillip T. Barron—Cousin

\* Andrew Henry—Black, Heron, and Reckhow

Peter Hymas—No Votes

Robert E. Marra—No Votes

#### Board of Adjustment

Two vacant positions (one regular position and one alternate position). Both terms expire June 30, 2005.

\* Kathy Wright-Moore (regular position)—Black, Bowser, Cousin, Heron, and Reckhow

David A. Smith—No Votes

#### Citizens Advisory Committee

Two vacant positions (terms expire June 30, 2005).

Sarah Rebecca Carpenter—No Votes

\* Robert H. Dean Jr.—Black, Bowser, Cousin,

\* James A. Spivey—Black, Bowser, Cousin, Heron, Reckhow

John A. Steer—Heron, Reckhow

#### City-County Appearance Commission

One vacant position (term expires April 1, 2005).

Stephen K. Hiltner—Bowser, Cousin

\* George Ettore Staniziale Jr.—Black, Heron, Reckhow

#### Environmental Affairs Board

One expired term for the public health position (term expires June 1, 2005).

\* Dr. Marian Johnson-Thompson—Black, Bowser, Cousin, Heron, and Reckhow

#### Nursing Home Community Advisory Committee

Five expired terms (expire February 2003) (initial term for one year; subsequent terms for three years).

\* Joan P. Pepper—Black, Bowser, Cousin, Heron, and Reckhow

Planning Commission

Three vacant positions (one representing Triangle Township; one representing Oak Grove/Carr Township, and one at-large position). (must live in City) (terms expire June 2005).

- \* Stephen Bocckino (Triangle Township)—Black, Bowser, Cousin, Heron, and Reckhow
- \* Jackie S. Brown (Oak Grove/Carr Township)—Black, Bowser, Cousin, Heron, and Reckhow
- \* George H. Conklin (at-large)—Black, Bowser, Cousin, Heron, and Reckhow
- Kathy Wright-Moore (at-large)—No Votes
- Mohammad Saeed Rashdi (at-large)—No Votes
- Manuel L. Rojas (at-large)—No Votes
- Robert E. Singdahlsen (at-large)—No Votes

Social Services Board

One expired term (three-year term expires June 30, 2005).

- \* Pamela Stanback Glean—Black, Bowser, Cousin, and Reckhow
- Shirley Price—No Votes

Women's Commission

Two terms (one unexpired term ends June 2003 and one expired term ends June 2005).

- \* Yolanda Mangum-Gordon—Cousin, Heron, Reckhow
- Dr. Angela O. Terry—Black, Heron
- \* Kimberly Thornton—Black, Cousin, Reckhow

Workforce Development Board

Two terms to be appointed (one private sector and one public sector) (terms end June 30, 2004).

- \* Jason Redmond—Black, Bowser, Cousin, and Reckhow
- \* James R. Tabron—Black, Bowser, Cousin, and Reckhow

Adjournment

There being no further business, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board

GEU:SBP