

REVISED
(Item No. 7a added)

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

Monday, August 4, 2003

9:00 A.M. Worksession

AGENDA

1. **Citizen Comments: Domestic Partner Benefits**

The following citizens have requested time on the agenda to speak to the County Commissioners about extending full benefits to domestic partners of Durham County:

Ms. Sara Terry
Ms. Doris Taylor
Ms. Debney Hopkins
Mr. Steven Matherly
Ms. Stacey Poston
Ms. Cleo Von Bizzell
Ms. Sandra A. Covin
Mr. Kenneth Levine
Father Scott Benhase
Reverend Dr. Margarita Suarez
Ms. Diane Wright

Each citizen will be allowed three minutes to speak.

2. **Citizen Comments: Julius T. Bartell**

Mr. Julius T. Bartell has requested time on the agenda to speak to the County Commissioners regarding a waste spill.

3. **Request(s) from Chief District Court Judge**

Judge Elaine O'Neal, Chief District Court Judge, has asked to address the Board of County Commissioners in regards to the following issues:

1. The need to move forward with the design and construction of the new courthouse.
2. The placement of a community resource center in the Judicial Building.
3. An update on the court system, specifically regarding the need for additional clerks, judges, assistant district attorneys, etc.

Resource Person(s): Elaine O'Neal, Chief District Court Judge, Judicial District 14

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and advise if any additional staff investigation is desired.

4. **Offer from the Durham County Bar Association to Fund Electronic Law Library**

George H. Lawrence, representing the 14th District Judicial Bar Association, has formally proposed an offer to fund a fully-equipped, electronic law library in the new judicial building. A Bar Association representative will be present to make the offer in person and discuss its possibilities.

Resource Person(s): George H. Lawrence, Consultant; Julia Borbely-Brown, Director of the 14th District Judicial Bar Association; and Patrick Baker, Elected Board President

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

5. **Report on "The Healing Place" Visit**

The Board of County Commissioners received a presentation at the May 3, 2003 Worksession by a group of concerned leaders from the faith community regarding the lack of adequate residential and detoxification services for individuals with substance abuse problems in Durham. The leaders had come together with a proposal to provide residential substance abuse services at the Oakleigh facility, located adjacent to Durham Regional Hospital. The County Commissioners were very responsive to their concerns and pledged their support by encouraging collaborative efforts with Duke University Medical Center, The Durham Center, and other significant stakeholders in the community.

Subsequently, a small group of the community leaders and officials from The Durham Center organized a visit to The Healing Place, a residential program designed to address the problems of substance abuse and homelessness in Wake County. The Healing Place is viewed as an excellent example of what is possible when an entire community rallies to address a significant community need.

On July 8, 2003, Commissioner Philip Cousin led over 30 individuals from the faith community, law enforcement, Duke University Medical Center, Durham Regional Hospital, Health Partners, local homeless shelters, as well as county department heads and Durham Center board members and staff on a site visit to The Healing Place.

Resource Person(s): Rev. Philip R. Cousin Jr., County Commissioner

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners receive the report.

6. **Update on the Durham Cultural Master Plan**

The Durham Cultural Master Plan is a countywide, community-wide, plan to:

- Document Durham's cultural strengths and assets and identify needs;
- Identify Durham's vision for cultural resources that reflect and serve the diverse and vibrant population of the county;
- Establish the framework for the long-term coordination of public and private sectors to realize that vision; and
- Create a logical plan and implementation strategies for stabilization and sustainability of existing cultural institutions and resources and for future cultural development.

The Durham Arts Council is administering the cultural planning process for the County, lead by a 62-member Cultural Master Plan Steering Committee appointed by the Board of County Commissioners. In February 2003, the Board of County Commissioners awarded the contract to conduct the process of creating the Cultural Master Plan to Wolf, Keens & Company consultants.

This report and presentation will bring the Board up to date on the current status and progress of the Cultural Master Plan.

Resource Person(s): Sherry DeVries, Executive Director, Durham Arts Council; and Peter Anlyan, MaryAnn Black, and Sylvia Kerckhoff, Co-Chairs of the Cultural Master Plan Steering Committee

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

7. **CAARE Incorporated**

The Board is requested to receive a presentation from Ms. Patricia Ameachi, Executive Director, CAARE Incorporated, about the services she provides to the HIV/AIDS population in Durham County.

Resource Person(s): Commissioner Joe W. Bowser

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

7a. **Authorize County Manager to Execute Purchase Contract for the YMCA**

On January 27, 2003, the Board of Commissioners held a closed session discussion regarding the potential acquisition of the childcare center located at 218 Seminary Street adjacent to the Downtown YMCA. The purpose of acquiring the center is to relocate the Head Start population from Whitted School. During that discussion, the Board requested that staff conduct research on several questions. On April 14, 2003, the Board held a subsequent discussion, and responses were presented to the questions posed. At the conclusion of the April 14 discussion, the Board inquired about parking requirements for the facility. The Planning Director provided feedback indicating that there were no parking spaces specifically designated for the childcare center since the area is zoned CBD. However, the YMCA in moving forward with the transaction indicated that it was willing to designate approximately five parking spaces directly adjacent to the front entrance.

At the conclusion of the April 14, 2003 discussion, staff was instructed to allocate funding, in the 2003-2004 budget, to acquire the YMCA childcare center for \$750,000 over a four-year period. Included in the 2003-04 budget is \$187,500 for the initial installment. Three additional payments in that amount are scheduled over the next three fiscal years in the County's CIP. Staff is requesting that the Board authorize the County Manager to execute a purchase contract for the acquisition of the YMCA Childcare Center located at 218 Seminary Street and instruct the County Attorney to prepare the documents for financing.

Resource Person(s): Wendell M. Davis, Deputy County Manager; George Quick, Finance Director; Glen Whisler, County Engineer; and Charles Chapman, CEO Operation Breakthrough

County Manager's Recommendation: The Manager's recommendation is that the Board Authorize the Manager to execute a contract for the purchase of the YMCA Childcare Center in the amount of \$750,000 to be paid over four years with the first installment of \$187,500 being made from the 2003-04 budget. The Manager further recommends that the Board authorize the County Attorney to execute the necessary documents for the financing of the center. The facility is located at 218 Seminary Street, and is being acquired for the purposes of relocating the Head Start Population from Whitted School.

8. Settlement of 2002 Property Taxes, Charge of 2003 Property Taxes to the Tax Collector, and Presentation of Settlement

As required by N.C.G.S. 105-373, the Tax Administrator is herewith submitting the settlement report of 2002 property taxes.

N.C.G.S. 105-373(h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that are not instituted within ten years of said taxes becoming due.

Furthermore, pursuant to G.S. 105-321(b), the Board of County Commissioners charges the Tax Collector with the 2003 property tax receipts.

The Tax Administrator requests authorization to relieve charges of taxes that are beyond the statute of limitation of ten years and those vehicles that are more than two years past due. This request is consistent with last year's settlement, which was authorized by the Board.

Resource Person(s): Kenneth L. Joyner, Tax Administrator

County Manager's Recommendation: The County Manager recommends that the Board suspend the rules, receive and approve the 2002 property tax settlement report, charge the Tax Collector with 2003 property taxes, and authorize the relieving of taxes that are more than ten years past due and motor vehicles taxes that are more than two years past due.

9. **Review of Bragtown Library Branch Expansion Proposal**

At the June 23, 2003 Board meeting, Commissioner Joe Bowser requested that the staff bring forward the proposal for an expansion of the Bragtown Library Branch, which was not included in the County's adopted Capital Improvement Program (CIP). Upon review, the following was determined:

1. In the fall of 1999, the Library Board and Director submitted a proposal from its Master Facility Plan for an expansion of the Bragtown Library Branch. The proposal was included in the

Manager's Recommended CIP in the spring of 2000; however, it was removed by the Board prior to adoption in June of 2000. Concerns raised by the Board included the close proximity to the Main and North Libraries as well as the cost involved given the number of Bragtown Library patrons.

2. In the fall of 2002, the new library director resubmitted the proposal for the expansion of the Bragtown Library Branch. The proposal was brought forward for the Board's consideration on March 3, 2003, but was not included in the CIP approved by the Board on June 23, 2003.

The original Bragtown Branch proposal consisted of constructing a new 10,000-square-foot library on a new tract of land at a cost of \$2,736,065.

Resource Person(s): Carolyn P. Titus, Deputy County Manager, and Philip Cherry III, Library Director

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and provide direction to staff.

10. **Adequate Public School Facilities Policy**

The Board of County Commissioners has expressed a desire that the City and County implement a policy tying rezonings with a residential component to the availability of classroom space in public schools. The proposed policy establishes a level of service for public schools of each type and provides a methodology for employing the policy during the rezoning process.

The Planning Committee reviewed the current version of the policy on June 11, 2003 and recommended approval with a vote of 3-2. A copy of the minutes of the Planning Committee is attached.

The Planning Department recommends that the Board provide further direction regarding the adoption of an Adequate Public School Facilities Policy.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director, and Chuci Kitchen, County Attorney

County Manager's Recommendation: The County Manager recommends that the Board provide direction regarding any changes to the proposed Adequate Public School Facilities Policy and direct that the policy be placed on the August 11, 2003 consent agenda for adoption.

11. **School Impact Fee Ordinance [TC03-10]**

The Board of County Commissioners expressed a desire to establish impact fees on residential property to recover better the costs development imposes on the public to provide public school facilities. The proposed ordinance language establishes a recommended impact fee for schools at \$2,000 for single-family residences and \$1,000 for multi-family residences (a \$500 reduction from the recommendation presented in December of 2001).

The rationale for moving forward with the adoption of an impact fee ordinance has been discussed during several meetings.

1. The County has been seeking legislative authority for ten years. While numerous local bills have been presented by Durham County's legislative delegation, none has passed due to intensive lobbying by real estate and home building interests.
2. The City of Durham has imposed impact fees for years for streets, parks, open space, water, and sewer. Clearly, public school facilities are equally important.
3. The recommended school impact fees are less than the aggregate of City impact fees.
4. Impact fees will provide Durham County with another financing tool to keep pace with infrastructure needs without putting too great of a burden on the property tax rate.
5. The reduction of the burden on property taxes for public school improvements will make Durham County more competitive for economic development. (Tax rates are often a critical issue for industries considering a Durham County plant location.) In addition, a companion method of financing public school improvements will help the residents with low or fixed incomes stay in their homes by buffering them from tax increases.
6. The ordinance under consideration offers a fair approach that shares the cost of new school facilities between impact fees and property taxes.
7. There are several large residential projects, either in the pipeline or soon-to-be-announced, that will create significant school capacity needs.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, Durham County Attorney; and Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board schedule a public hearing to consider the proposed ordinance. In addition, the Manager requests authorization to update the School Impact Fee Study in accordance with data recently released in regards to the 2000 Census.



Last updated: July 23, 2006

© 2013, Durham County Government, North Carolina. All rights reserved.
200 E Main Street, Durham, NC 27701
webmaster@durhamcountync.gov
[Website Disclaimer & Policies](#)