

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

Monday, February 26, 2001

***AGENDA***

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. a. December 12, 2000 BOCC/Legislative Delegation/City Council/Durham Public Schools Board of Education
  - b. b. January 2, 2001 Worksession
  - c. c. January 8, 2001 Regular Session

***Commissioner Reckhow moved, seconded by Commissioner Cousin,  
to approve the Minutes, as corrected.***

***The motion carried unanimously.***

4. **Resolution of Support for "Durham Health Partners"**

At the February 5, 2001 Worksession, the Board heard a presentation from Chairman Ruth Mary Meyer, Board of Directors, Durham Health Partners, and Janna Horton, Director of Planning. The presentation included a discussion of the organization's mission, as well as a report on the Durham County Health Needs Assessment. A resolution of support has been prepared at the Board's request.

County Manager's Recommendation: Approve the resolution of support for "Durham Health Partners" and forward a copy to Ruth Mary Meyer, Board Chairman of Durham Health Partners.

5. **Proclamation Recognizing "National School Breakfast Week"**

A proclamation recognizing March 5-9, 2001 as "National School Breakfast Week" has been prepared for the Board's approval. Tracy Bates, Health Promotion Nutritionist in the Public Health Department, will be on hand to talk about related events.

County Manager's Recommendation: Approve the requested proclamation and present to Ms. Bates.

6. **Consent Agenda**

- a. a. Street Annexation Petition Hardscrabble Drive (Hardscrabble Plantation) adopt the resolution to approve the addition of Hardscrabble Drive (Hardscrabble Plantation) to the

- state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- b. b. Cancellation of the March 5, 2001 Worksession (cancel the March 5, 2001 Worksession due to the absence of two Board members);
  - c. c. Adoption of the Durham County Stormwater Ordinance (adopt the proposed ordinance which incorporates comments from the Division of Water Quality);
  - d. d. Standard Non-Reimbursable Contracts for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contracts for the additions of Audubon Park Subdivision and Enthalpy Analytical Lab to the County sanitary sewer system);
  - e. e. Property Tax Releases and Refunds for Fiscal Year 00-01 (accept the property tax release and refund report as presented, and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds that are presented for the consent agenda);
  - f. f. Appointment Durham and Wake Counties Research and Production District (appoint Larry Lawrence as requested by Ms. Elizabeth H. Rooks on behalf of the Research Triangle Park Owners and Tenants Association);
  - g. g. Budget Ordinance Amendment No. 01BCC000048--Library--To receive Smart Start Funds and Establish Provisional Part-time Position (approve for the Library to receive \$30,000 in Smart Start funds and authorize the establishment of a provisional part-time Senior Library Assistant position to implement contract provisions of this grant);
  - h. h. Budget Ordinance Amendment No. 01BCC000049--Mental Health--To Receive \$20,000 from the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services (MH/DD/SAS) (approve for the Durham Center to receive a one-time allocation in the amount of \$20,000 from the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services (MH/DD/SAS) to provide additional services to persons with developmental disabilities); and
  - i. Budget Ordinance Amendment No. 01BCC000050--Sheriff--To Recognize Deferred Revenue (approve for the Sheriff to recognize deferred revenue in the amount of \$15,000 for a Drug Free America campaign and building modifications for the new communication dispatch room. There is no impact to County local dollars).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

***Commissioner Heron moved, seconded by Commissioner Reckhow, to approve Consent Agenda items, a, d, e, f, g, h, and i.***

***The motion carried unanimously.***

***(Items b and c were removed by Vice-Chairman Reckhow and moved to the end of the agenda for discussion.)***

**7. Public Hearing to Consider Adopting an Ordinance which Amends the Zoning Ordinance to Require Bicycle Parking Facilities in new Developments**

Durham lacks safe and sufficient bicycle parking, yet data shows that bicycle parking is one of the most important investments for encouraging and improving bicycle travel in urban and suburban areas. The current-built environment rewards driving over walking, cycling, or

using transit. Making bicycle parking at least as convenient as motorized vehicle parking would assist local programs for better alternative transportation, traffic demand management, and public health. Support for bicycling has been recommended in several plans adopted by the Board during the last decade.

Bicycle parking is one facility improvement that can be made most effectively at the local level of government when it is combined with new development requirements. The Joint City-County Planning Commission and the Zoning Committee have unanimously endorsed the proposed additions to Section 9 of the Zoning Ordinance ["Standards for Parking, Loading, Sidewalk, and Trash Handling Facilities"] to include requirements for bicycle parking facilities. The Planning Department recommends that the Board adopt the proposed additions to Section 9 of the Ordinance.

Resource Person(s): Norman R. Standerfer, Planning Director, Beth Timson, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve amending the zoning ordinance to require bicycle parking facilities in new developments.

***Beth Timson provided a photo example of bad parking and nonexistent parking situations for bicycles in Durham.***

***Commissioner Reckhow moved, seconded by Commissioner Cousin, to approve the item.***

***The motion carried unanimously.***

#### 8. **Durham Smart Growth Audit Presentation**

In 2000, the City and County contracted with Duncan Associates to perform a smart growth audit. The consultant conducted an extensive review of Durham planning and capital improvement documents. In addition, the consultant conducted a series of meetings with key Durham officials and citizens to glean their insights about smart growth. In November 2000, Duncan Associates produced the first draft of the Durham Smart Growth Audit. The Joint City-County Planning Committee reviewed the draft report. The consultant made minor modifications to the final report.

The Smart Growth Audit contains numerous recommendations to manage better Durham's future growth and development. The recommendations are broad and far-reaching and include specific actions related to land use planning, capital facilities planning, urban form, and development design.

After the consultants make presentations to the City Council and Board of County Commissioners, the Planning Department will distribute copies of the audit to the five advisory boards and commissions that participated in the March 2000 Smart Growth Summit. The Planning Director recommends that the County Board of Commissioners receive a report from Duncan Associates about the Durham Smart Growth Audit.

Resource Person(s): Norm Standerfer, Planning

County Manager's Recommendation: The Manager's recommendation is that the Board receive a report from Duncan Associates about the Durham Smart Growth Audit.

**The Commissioners received a report from Duncan Associates representative Mr. Kelly.**

**Commissioners Bowser, Reckhow, and Cousin asked questions of Mr. Kelly and made comments. Most comments centered on impact fees and connecting neighborhoods for pedestrian, bike, and auto use to reduce traffic on state roads.**

**Chairman Black advised this item will go back to the Joint C/C Planning Committee. Commissioner Reckhow suggested that the Board direct the Manager to work with the City Manager regarding smart growth. Planning Director Standerfer commented that the recommendations will be evaluated at the April meeting. Sixty-five percent of the recommendations are issues which probably will be addressed when they find funding. A lot of the recommendations are not new.**

**Commissioner Reckhow moved, seconded by Commissioner Heron, to receive report from Duncan Associates and direct the County Manager to work with the Planning staff in terms of moving forth with the audit's recommendations.**

**The motion carried unanimously.**

9. **Declaration of Surplus Property 3.03 Acres at Brogden Middle School**

On January 25, 2001, the Board of Education of the Durham Public School System declared 3.03 acres at Brogden Middle School, 1001 Leon Street, as surplus property in order to facilitate the widening of Interstate Highway 85 by the North Carolina Department of Transportation. The land is wooded, unused, and serves no current or future use for the school.

N.C.G.S. 115C-518 prescribes that the Board of Education must first offer the property to the Board of County Commissioners at a fair market price or at a price negotiated between the two boards. If the Board of County Commissioners does not choose to obtain the property, then the Board of Education may dispose of the property in accordance with the provisions of Chapter 160A of the General Statutes.

Resource Person(s): Mr. Hugh Osteen, Executive Director of Facilities Services for Durham Public Schools

County Manager's Recommendation: The Manager recommends that the Board reject the offer to acquire the property, which will permit the Board of Education to proceed with the disposal thereof.

**Commissioner Reckhow moved, seconded by Commissioner Cousin, to reject the offer to purchase the property.**

**The motion carried unanimously.**

10. **10. Review of First-Semester Dropout Report for Durham Public Schools**

The Superintendent of Durham Public Schools provided a report to the Board of County Commissioners on February 9, 2001, which included information regarding the first-semester dropout rate for the 2000-2001 School Year. The report indicates that Durham Public Schools realized a 19 percent reduction (51 fewer students) from the previous academic year.

Resource Person(s): Andrea Dennis, School Board Liaison

County Manager's Recommendation: The Manager recommends that the Board review the report and direct staff if any additional action is necessary.

***Chairman Black commented that the decrease in dropout numbers is to be commended, but the school board should continue to strive to keep its students in school. The YCB should involve itself in dropout intervention it needs to be more active in its efforts. She suggested that students and parents meet to receive counseling regarding remaining in school.***

**Commissioner Heron suggested that the school board should provide an accounting as to why only 50% of long-term suspended students do not elect to attend the Lakeview alternative school.**

***Commissioner Bowser indicated he is of the opinion that Durham Tech should be considered a place for higher education that high school students should be encouraged to stay in school and not consider Durham Tech an alternative to finish their high school education.***

***No formal action was taken on this item.***

10a. **Presentation by TJCOG on "The Regional Solid Waste Future Search: One Year Later"**

The Director of General Services requests the opportunity for a representative from Triangle J Council of Governments to present a report on "The Regional Solid Waste Future Search: One Year Later."

In February 2000, local government staff from Chatham County, Durham County, Johnston County, Orange County, Wake County, City of Durham, City of Raleigh, Town of Cary, and Town of Chapel Hill spent three days reviewing the past, examining the present, and exploring the future related to the region's solid waste management. In addition to local government staff, elected officials, related solid waste professionals, and citizens participated.

The motivation for TJCOG to host this regional solid waste event came from the fact that at current projected recycling rates, our six-county region will still be land filling a huge amount of trash over the next 25 years. Judy Kincaid, Solid Waste Planning Director for the Triangle J Council of Governments, will provide the Board with a power point presentation and respond to questions.

Resource Person(s): Mike Turner, Director of General Services, Judy Kincaid, Triangle J Council of Governments

County Manager's Recommendation: The Manager's recommendation is that the Board allow the representative from Triangle J Council of Governments to make the presentation and respond to any questions by the Board.

***The Commissioners received the report from Ms. Kincaid. She spoke to the need to plan for the increasing amount of solid waste in our community and outlined goals that municipalities should adopt to attempt to manage this future growth of solid waste.***

***Commissioners Reckhow and Heron spoke to the need to find a way to recycle leftover construction materials especially wood which would otherwise be placed in our landfill. Various suggestions were made for use of leftover material.***

***Commissioner Reckhow moved, seconded by Commissioner Bowser, to accept the report and direct the staff to investigate the feasibility of (1)franchising private haulers outside the county and (2)look at a recycling program associated with construction debris.***

***The motion carried unanimously.***

11. **Appointment of 2001 Board of Equalization and Review**

North Carolina General Statute 105-322 requires the Board of Commissioners to adopt a resolution to appoint the Board of Equalization and Review. This must be done by the first Monday in March. The Board of Commissioners must also consider a compensation rate. The 2000 Board of E & R compensation rate was \$50.00 per session. A session consists of one 3-hour block of time. Due to the revaluation, the Board will be meeting more often and possibly longer than a three-hour session.

The Commissioners must appoint a Chairman and a Vice-Chairman for the 2001 Board of Equalization and Review.

Resource Person(s): W. Steven Crysel, Tax Administrator

County Manager's Recommendation: The Manager's recommendation is that the Board adopt the resolution to appoint the 2001 Board of Equalization and Review.

***The Commissioners advised they were not ready to appoint the E & R board members at this meeting.***

***Commissioner Reckhow moved, seconded by Commissioner Bowser, to approve the resolution and to appoint the Board of Equalization and Review at the first Regular Session in March, 2001.***

***The motion carried unanimously.***

**Added Item: Sales Tax Distribution Method Mike Ruffin, County Manager and Chuck Kitchen, County Attorney**

***A resolution was adopted by the Board of County Commissioners on April 24, 1995 which set the respective sales tax distributions for the City and County of Durham. Pursuant to the resolution, a notice needs to be sent to the City of Durham by March 1, 2001 to effect a change for FY 2002, if the County has proposed changes to the formula or distribution method.***

***County Manager's Recommendation: Authorize a notice to be sent to the City of Durham that the County of Durham desires to alter either the formula or the method of distribution of the sales tax.***

***Commissioner Heron moved, seconded by Commissioner Bowser, to send a letter to the City to discuss the formula, the method of distribution, the implementation of an adequate public facility ordinance, and other related issues.***

***The motion carried unanimously.***

***Consent Agenda Items Removed for Discussion:***

***6(b) Cancellation of the March 5, 2001 Worksession***

***Commissioner Reckhow moved, seconded by Commissioner Heron, to approve the item.***

***The motion carried unanimously.***

***6(c) Stormwater Ordinance***

***Commissioner Reckhow moved, seconded by Commissioner Heron, to approve the item.***

***The motion carried unanimously.***

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***There being no further business, the meeting adjourned at 9:55 p.m.***