

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, September 10, 2001

AGENDA

1. **Opening of Regular Session** Pledge of Allegiance
2. **Agenda Adjustments**

Add as item 6.5. Occupancy Tax

Add C.C. Spaulding and school system discussion after consent agenda
3. **Consent Agenda**
 - a. ***Budget Ordinance Amendment No. 02BCC000008?Library (approve Budget Ordinance Amendment No. 02BCC000008 to recognize and expend an LSTA Hispanic Services grant in the amount of \$28,560);***
 - b. Budget Ordinance Amendment No. 02BCC000009?Cooperative Extension (approve Budget Ordinance Amendment No. 02BCC000009 to appropriate \$15,000 in revenue and budget for school-age child care programs);
 - c. Budget Ordinance Amendment No. 02BCC000010 and 02CPA000004?Wastewater Treatment Plant Improvement Capital Fund Project (approve Budget Ordinance Amendment No. 02BCC000010 and 02CPA000004 to appropriate \$1 million of retained earnings of the Sewer Utility Enterprise Fund to be transferred to the Wastewater Treatment Plant capital project);
 - d. Authorize EMS Contract with Zoll Medical for Defibrillator Purchase (to purchase four (4) M Series ECG Monitor/Defibrillators);
 - e. Amendments to Vehicle Operations Policy (approve minor changes to make the administration of policy more equitable and efficient);
 - f. Resolutions Approving Board of Education Multi-Year Contracts for Capital Outlay (approve the two resolutions as well as the contracts);
 - g. Increase of Flexible Benefits Spending Credit, Health Insurance Renewal (approve the spending credit increase from \$160 to \$165 per pay period);
 - h. Substantial Equivalency (grant approval to petition the State for Substantial Equivalency to establish a local personnel system for DHHS employees that approximates the State system and allows for administration of personnel actions at the County level);
 - i. Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System Keystone East (authorize the County Manager to execute the Utility Contract for these additions to the County sanitary sewer system); and
 - j. Offer to Purchase County Property (612 Bingham Street) (retain the deposit and return the parcel to the surplus property listing).

Commissioner Heron raised questions about items 3(e), 3(f), and 3(h).

Vice-Chairman Reckhow raised questions about item 3(d).

Commissioner Cousin raised questions over item 3(f). David Lee of Durham Public Schools addressed the Commissioner's questions.

Consent Agenda item 3(i)- Bob Novak, (Citizen of Durham County), signed up to speak. Questions addressed by Glen Whisler and the County Manager.

Commissioner Herron moved, the motion was seconded by Vice-Chairman Reckhow to approve Consent Agenda.

The motion carried unanimously.

C. C. Spaulding School Safety Issues, raised by Chairman Black.

No action was taken.

4. Public Hearing Zoning Ordinance Text Amendment High Density Residential Development (TC121-01)

Staff is proposing an amendment to Section 4 of the Zoning Ordinance to create new or revised zoning districts in which high density residential development could occur. These districts are directly related to major transit facilities and would only be allowed within Compact Neighborhoods as defined in the 2020 Plan. The Zoning Committee of the Durham Planning Commission recommended these changes, along with several added provisions, by a vote of 7-0 at its August 2001 meeting.

Resource Person(s): Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive public comment and approve the text amendment, if appropriate, based on public comment.

Planning Director suggested that public hearing be continued.

The following persons signed up to speak on this item:

Jim Schaafsma (TTA)-master plan for successful transit, supportive of Text Amendment.

Vice-Chairman Reckhow motioned that amendment be approved, with clarification. Seconded by Commissioner Cousin.

The motion carried with a 4 to 1 vote:

Ayes: Black, Bowser, Cousin, Reckhow,

No: Heron

A second motion was made by Vice-Chairman Reckhow to move sections 2,3,and 4 with a clarifying paragraph. Move to direct planning staff to include on the list of items to be studied in the unified development plan, requiring open space in nonresidential zones.

Seconded by Cousin.

The motion passes 5-0.

Section 1 referred back to zoning commission.

5. Zoning Ordinance Text Amendment Nonconforming Lots (TC116-01)

Staff is proposing an amendment to Section 19.5 of the Zoning Ordinance that covers the development of vacant nonconforming residential lots of record. The proposed amendment allows a lot that was lawfully created and met the zoning regulations at the time prior to January 1, 1994 and is a minimum of 50 feet in lot width to be developed by right. The amendment also changes certain language involving required recombinations of adjacent nonconforming lots of record in both Section 19 and the Watershed Ordinance. This item was first heard at the August 13, 2001 BOCC meeting but was deferred for further clarification on setbacks and other wording. These changes have been made and are described in the Staff Recommendation in the staff report. (The public hearing was held and properly closed at the meeting of August 13, 2001.)

Resource Person(s): Dennis Doty, Planner and Dick Hails, Interim Planning Director

County Manager's Recommendation: The County Manager's recommendation is that the Board receive the presentation and approve the amendment.

Commissioner Heron moved to approve ordinance, seconded by Commissioner Bowser

Motion carried unanimously.

6. Appointments Durham and Wake Counties Research and Production District

Ms. Elizabeth H. Rooks, Director of Physical Development, Research Triangle Foundation of NC, requests that the Board of County Commissioners, on behalf of the Research Triangle Park owners and Tenants Association, appoint the following nominees to the service district:

	<u>Term</u>
Joseph Griscti	7/10/01 - 6/30/04
MEMA	
Ray Gunner	7/10/01 - 6/30/04
IBM Corp.	
Larry Lawrence	7/10/01 - 6/30/04
Cisco Systems Inc.	
Robb Teer	7/10/01 - 6/30/04
Teer Associates	

The following recommendation is to fill the unexpired term for M. S. Huang of Delta Products who has been transferred to California.

David Gouveia	6/30/01 - 6/30/02
Eisai Inc.	

Elizabeth Rooks (Research Triangle Foundation) explained what the committee is charged with and elaborated on each of the nominees.

Motion made by Commissioner Heron

Seconded by Vice-Chairman Reckhow.

Motion carries unanimously.

6.5 Occupancy Tax

Manager Ruffin introduced the issue of an additional one percent increase in the hotel occupancy tax, raising it from the current 5% to 6%, stemming from a meeting earlier that day of City and County officials with the legislative delegation.

Manager's recommendation is to authorize the delegation to propose enabling legislation, allowing Durham to raise an additional one-cent in occupancy tax. The Manager recommends those funds be used for: Cultural Arts Master plan, Cultural arts reserve fund, museum of life and science to defer their debt service created by BioQuest expansion, City of Durham for their downtown theater, and Marketing for the Convention and visitors bureau.

Speakers addressed questions raised by Commissioner Bowser:

-Shelly Green (Vice President of marketing for the Convention and Visitors Bureau).

-Mr. Hunter (Chair of Convention and Visitors Bureau).

Marcia Conner (Durham City Manager) explained City's position and addressed questions.

The following people signed up to speak on this issue:

Mike Hill

Bill Kalkhof (DDI)

County Attorney explained legal issues regarding proposal.

Motion was made by Vice-Chairman Reckhow to endorse an increase in the hotel room occupancy tax of 5% to 6% with proceeds to be pursuant to an interlocal agreement.

The Board agrees in principle to the distribution of monies outlined by the manager. Seconded by Commissioner Heron.

Language to be drafted by County Attorney.

Motion passes unanimously.

7. Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Alcoholic Beverage Control Board

EVonne Coleman and Charles T. Wilson, Jr. were appointed.

- Animal Control Advisory Committee

Carol S. Charping was appointed

Resource Person: Garry E. Umstead, CMC, Clerk to the Board

There being no further business, the Chairman adjourned the meeting at 9:12pm.