

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

Monday, January 26, 1998

7:10 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 and Commissioners William V. Bell, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

County Manager David F. Thompson requested time on the agenda to review upcoming meetings and worksessions.

Vice-Chairman Reckhow requested time on the agenda to discuss Cablevision's rate increase.

Chairman Black asked that items be added to: (1) make an alternate appointment to the Upper Neuse River Basin Association; and (2) discuss scheduling a meeting with the newly-appointed Secretary of the North Carolina Department of Transportation regarding Eno Drive.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the January 5, 1998 Worksession Minutes of the Board as submitted.

The motion carried unanimously.

Consent Agenda

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

- * (a) Five (5) mid-size, 4-door sedans for the Durham County Sheriff's Department (authorize the County Manager to enter into a contract with University Ford Inc. for the acquisition of five mid-size, 4-door sedans for the Durham County Sheriff's Department);
- * (b) Property tax release and refund report (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- * (c) Coordinated Transportation—approval of funds for transportation services for elderly and disabled residents (EDTAP grant funds) (approve the appropriation of grant funds for Coordinated Transportation [Budget Ordinance Amendment No. 98BCC000022] and authorize the County Manager to increase the current purchase order of \$51,628 to \$85,974); and
- * (d) Cooperative Extension—request for appropriation of fund balance (authorize the appropriation of the prior year grant funds [\$7,790] as requested by the Budget Officer [Budget Ordinance Amendment No. 98BCC000023]).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 4(a). Five (5) mid-size, 4-door sedans for the Durham County Sheriff's Department (authorize the County Manager to enter into a contract with University Ford Inc. for the acquisition of five mid-size, 4-door sedans for the Durham County Sheriff's Department).

DURHAM COUNTY BID TABULATION

BID NO. 98-016

FIVE (5) 1998 MID-SIZE 4-DOOR SEDANS - DURHAM COUNTY SHERIFF DEPARTMENT

BID OPENING: JANUARY 5, 1998

2:00 P.M.

BIDDER	TERMS/DELIVERY	MAKE/MODEL	UNIT PRICE	TOTAL BID
Bobby Murray Chevrolet, 1820 Capital Blvd., Raleigh, NC	No Response		\$	\$
Capital Ford Inc. 4900 Capital Blvd.	No Response			

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Raleigh, NC				
Cross Roads Ford 1101 Buck Jones Road Raleigh, NC	No Response			
Don Lacefield Chevrolet Churton St. Extension Hillsborough, NC	No Response			
Elkins Chrysler Plymouth, 125 E. West Expressway, Durham, NC	No Response			
Henderson Lincoln- Mercury, 158 Bypass & Dabney Dr., Henderson, NC	No Response			
Morgan Dodge 3601 Hillsborough Rd., Durham, NC	No Response			
Performance Chevrolet P O Box 2287, Chapel Hill, NC	No Response			
RPM Lincoln Mercury 3621 Chapel Hill Blvd. Durham, NC	No Response			
Rick Hendrick Chevrolet, 600 E. Main St., Durham, NC	No Response			
University Ford Inc. 600 Carr Street Durham, NC	Delivery: 40-190 days Terms: Net 20	Ford Taurus	\$15,200.00	\$76,000.00

Consent Agenda 4(b). Property tax release and refund report (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, clerical errors, etc., the report details releases and refunds for the month of December 1997.

For current FY 1997-98, releases and refunds amounted to \$133,254.09 in taxes for real property, \$104,109.82 in taxes for personal property, \$37,946.81 in taxes for registered motor vehicles, \$550.00 in City vehicle fees, and \$315.00 in solid waste fees.

For prior years, releases and refunds amounted to \$58,442.27 in taxes and fees.

(Recorded in Appendix A in the Permanent Supplement of the January 26, 1998 Minutes of the Board.)

Consent Agenda 4(c). Coordinated Transportation—approval of funds for transportation services for elderly and disabled residents (EDTAP grant funds) (approve the appropriation of grant funds for Coordinated Transportation [Budget Ordinance

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Amendment No. 98BCC000022] and authorize the County Manager to increase the current purchase order of \$51,628 to \$85,974).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000022

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Coordinated Transportation.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$173,400,870	\$34,346		\$173,435,216
<u>Expenditures</u>				
Human Services	\$205,640,680	\$34,346		\$205,675,026

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

This the 26th day of January, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 4(d). Cooperative Extension—request for appropriation of fund balance (authorize the appropriation of the prior year grant funds [\$7,790] as requested by the Budget Officer [Budget Ordinance Amendment No. 98BCC000023]).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Cooperative Extension.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
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Revenues

Other Financing Sources	\$5,768,993	\$7790	\$5,776,783
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Expenditures

Econ. & Physical Development	\$3,324,968	\$7790	\$3,332,758
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of January, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Public Hearing--Rex Alan Blalock (Rezoning Case P97-78)

Rex Alan Blalock presented to the Board of County Commissioners a request to rezone two lots (4.3± acres) at 120 and 208 Bill Poole Road, south of Robb Court and west of North Roxboro Road in the Rougemont area. (Tax Map 901, Block 2, Lot 1 [partial] and Lot 2[partial]). Request: (Residential-15 District) R-15 to (Rural District) RD. In the Durham 2020 Comprehensive Plan, the site is shown on the Community Growth Map as being "Rural Area." The Future Land Use Map (FLUM) of the Mangum Township Small Area Plan, adopted by the Board of County Commissioners on October 27, 1997, shows the site as rural residential. Currently, single-family dwellings and mobile homes constitute over 99 percent of all housing units in Mangum Township. Staff recommended approval of the request based primarily on conformance with these plans. The Zoning Committee of the Durham Planning Commission conducted a public hearing on December 9, 1997, and voted 7-0 to recommend approval.

Harold Smith, Senior Planner, Durham City-County Planning Department, was present to answer any questions of staff regarding the request.

Paul Norby, City-County Planning Director, said Mr. Smith would follow up on several requests made by the Commissioners at their Worksession. Color maps on land use in the Rougemont area of the rezoning request would be distributed and a video of the site would be shown.

Mr. Smith presented the staff report to the Commissioners.

Chairman Black opened the public hearing that was properly advertised.

Rex Blalock, 208 Bill Poole Road, Rougemont, asked the Commissioners to change the zone from R-15 to RD on lots 120 and 208 on Bill Poole Road so a manufactured home may be placed on the 4.3± acres.

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As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners.

Commissioner Heron moved, seconded by Commissioner Bell, to approve rezoning case P97-78.

The motion carried unanimously.

Public Hearing--Ticon Inc. (Rezoning Case P97-73)

Ticon Inc. presented to the Board of County Commissioners a request to rezone 27.04 acres at the southwest corner of Page and New Page Roads, adjacent to and north of Lumley Road (TM 649-1-1A, 1D, 1 partial, 1F partial). Request: Rural District (RD) to Light Industrial with Development Plan (I-2 [D]). The Southeast Durham Small Area Plan is under development. The current draft Future Land Use Map suggests medium density residential as appropriate for the site. The 2005 Plan supports residential development at greater than 6 units per acre. The 2020 Plan shows the area used for Suburban Neighborhood purposes. Page Road is a minor thoroughfare according to the adopted Thoroughfare Plan. Staff recommended denial. However, if the Board determines the request should be approved, staff recommends provision for the additional right of way be made. The Zoning Committee of the Durham Planning Commission conducted a public hearing on November 11, 1997, and voted 4-3 to recommend denial.

Sheila Stains-Ramp, Senior Planner, Durham City-County Planning Department, was present to answer any questions of staff regarding the request.

Ms. Stains-Ramp told the Commissioners that a request had been made by the applicant to defer this rezoning request until the February 9, 1998 Regular Session.

Jack Markham, attorney representing Ticon Inc., said the petitioner would like a two-week deferral on this request to finalize details for the two homeowners' associations. Representatives from the homeowners' associations agreed with the deferral request.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to delay action on rezoning Case P97-73 until February 9, 1998.

The motion carried unanimously.

A Public Hearing to Consider an Ordinance to Amend the Zoning Ordinance Provisions Regarding Standards for Campaign Signs

Questions were raised during the last City Council campaign season about regulations regarding the placement of political signs. Staff prepared an amendment to clarify the standards later revised as Version A. The standards resemble those of other Triangle jurisdictions. On a split vote in November, the Joint City-County Planning Committee recommended a modified version of the proposal (Version B). The Zoning Committee of

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the Planning Commission reviewed both proposals in December and unanimously supported Version A.

Paul Norby, City-County Planning Director, said this agenda item has two optional proposed ordinances. Planning staff made a proposal regarding standards for campaign signs to the Joint City-County Planning Committee. The committee decided to recommend a version that was not as strict as the one staff had proposed. The version would allow campaign signs in the right of way but would prohibit larger campaign signs (up to 32 square feet in size) that the present ordinance allows in Commercial Districts. The larger signs (up to 32 square feet) would be eliminated under both Versions A and B. In Version A, staff proposed a revision to prohibit campaign signs any closer than eight feet from the curb line or beyond a sidewalk along a street and would prohibit the larger campaign signs.

Mr. Norby said Version B proposed by the Joint City-County Planning Committee would allow smaller signs in the right of way, but not larger signs. Both versions also proposed a 30-day maximum time period before an election that such signs can appear; signs must be taken down within 12 days after the election.

At its meeting last Monday night, City Council adopted Version B with one exception—signs can appear 45 days before an election as opposed to 30 days.

County Attorney Chuck Kitchen commented that if the Commissioners want to consider a similar change (45 days), Version B should be sent back to the Planning Commission for consideration and approval since the commission did not see the proposal adopted by City Council. (The Planning Commission unanimously recommended Version A.)

The Commissioners asked Mr. Norby several questions and made comments about the proposed ordinance change.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak at the public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners.

County Attorney Kitchen suggested that the language in Section One, 19a be changed from “may not obstruct” to “shall not obstruct.”

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to adopt Version A with the change suggested by County Attorney Kitchen and to respectfully request that City Council reconsider its position.

The motion carried unanimously.

An Ordinance to Amend the Zoning Ordinance Regarding Sign Standards follows:

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TC67-97

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
REGARDING SIGN STANDARDS

WHEREAS, the Durham Board of County Commissioners wishes to amend the zoning ordinance; and

WHEREAS, revisions to the Sign section of the zoning ordinance will clarify the ordinance and reduce clutter within the jurisdiction:

NOW THEREFORE, BE IT ORDAINED THAT:

SECTION 1

That current Section 12.3.19 be deleted and replaced with:

19. Temporary political signs erected in connection with elections or political campaigns provided that:
 - a. No such sign or portion thereof shall be placed closer than 8 feet from the curb or edge of the road or, where street sidewalks are in place, no closer than the edge of a sidewalk farthest from the street or road, if applicable, or on any utility poles; the signs shall not obstruct drivers' vision clearances at an intersection.
 - b. Such signs shall not be posted earlier than 30 days prior to a primary, general, or special election and are to be removed within 12 days after the election.
 - c. Such signs shall not exceed 6 square feet per sign and not exceed 6 feet in height.
 - d. Signs found to be in violation of this Section may be removed by Zoning Enforcement Officers.

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SECTION 2

That Section 12.5 "Prohibited Signs" be amended to add:

11. All signs, including supports, frames, and embellishments, which are located within a public right of way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right of way or on public property, except as allowed elsewhere in this Section.

SECTION 3

That this ordinance become effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

Mr. Norby said the adopted ordinance would be distributed to the candidates through the Board of Elections.

Public Hearing on Revisions to Ordinance Requirements Related to Storm Water Protection

The City Engineering Department proposed amendments to the development ordinances to address storm water protection. The Commissioners considered the proposals in June 1997 and asked for more information regarding the guidance information for storm water plans.

Paul Norby, City-County Planning Director, introduced the zoning and subdivision ordinance revisions.

Chairman Black opened the public hearing that was properly advertised.

Ken Wright, Director of the Engineering Department, discussed guidance information for storm water plans.

The Commissioners asked several questions to which Mr. Wright responded.

Questions arose about how the zoning ordinance affects single-family homes.

Mr. Wright requested the public hearing be continued for two weeks so he could consider alterations to the zoning ordinance relative to single-family homes.

The Commissioners agreed to continue the public hearing for two weeks until February 9, 1998.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to defer the public hearing and the vote on the ordinance related to storm water protection until February 9, 1998.

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The motion carried unanimously.

Public Hearings to Consider Amendments to the Zoning and Subdivision Ordinances Described as: TC 65-97 (Consideration of Revised Standards for Historic Plaques) and Companion Amendments TC 68-97 and TC 69-97 (Consideration of Revised Street Standards for Amendment Into the Zoning and Subdivision Ordinances)

The following amendments were proposed for adoption into the Durham Zoning and Subdivision Ordinances to improve the efficiency of the ordinances. These proposals were unanimously recommended for approval by the Joint City-County Planning Committee at its October meeting. The Zoning Committee of the Planning Commission held public hearings on these items at its November meeting and recommended approval. The amendment proposals to be considered at separate public hearings are:

1. TC 65-97: An amendment to modify the Zoning Ordinance to establish standards for historic plaques.
2. TC 68-97: An amendment to modify the Zoning Ordinance to permit greater variety in allowed residential street types. The amendment is accompanied by another amendment to propose similar changes to the ordinance.
3. TC 69-97: An amendment to modify the Subdivision Ordinance to permit greater variety in allowed residential street types. This is the second part of a two-part amendment to modify the Zoning and Subdivision Ordinances regarding streets. (The amendments may be considered together during the public hearing, but decisions must be rendered separately.)

City Council adopted these same amendments at its December 15, 1997 meeting.

County Manager's Recommendation: Approval of the amendments.

Bonnie. Estes, City-County Planning Department, asked the Board to hold three separate public hearings on the amendments. She then introduced proposed amendment TC 65-97 brought forth by the Historic Preservation Society.

Chairman Black opened the public hearing that was properly advertised.

Tom Miller, 1110 Virginia Avenue, representing the Historic Preservation Society, urged the Board to adopt the proposed ordinance amendment. He gave brief comments about the society's plans for historic markers in Durham County.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners.

Vice-Chairman Reckhow moved, seconded by
Commissioner Heron, to adopt amendment TC65-97 to

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modify the Zoning Ordinance to establish standards for historic plaques.

The motion carried unanimously.

The Zoning Ordinance amendment follows:

TC65-97

AN AMENDMENT TO THE ZONING ORDINANCE
REGARDING HISTORIC PLAQUES

Whereas, the Durham Board of County Commissioners wishes to amend the Durham zoning ordinance; and

Whereas, the Historic Preservation Society of Durham desires to implement a plaque program to identify houses and buildings of historical and architectural importance; and

Whereas, the current regulations concerning signs do not accommodate the plaque programs; and

Whereas, the proposed changes maintain the intentions of the zoning ordinance regarding limits on signs, yet allow for recognition of historic buildings:

NOW THEREFORE, BE IT ORDAINED:

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SECTION 1

That SECTION 12.3 (20) (Signs Allowed Without A Permit) be revised to read:

"Attached or free-standing historical or memorial markers erected by a governmental agency or private, nonprofit historical preservation or educational organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state, or countywide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place, or event of historical, civic, cultural, natural historical, scientific, or architectural significance. Each such sign or marker shall be made of cast metal, cut masonry, painted wood, or metal or other similar weatherproof material. Freestanding signs shall not exceed 18 sq. ft. in area. Signs attached to buildings shall not exceed 6 sq. ft. in area."

SECTION 2

That the Zoning Ordinance be renumbered to accommodate this change.

SECTION 3

That this ordinance become effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

Paul Norby, City-County Planning Director, explained proposed amendments TC68-97 and TC69-97 to modify the Zoning Ordinance and Subdivision Ordinance, respectfully.

Kenneth Wright, City Engineer, discussed the proposed amendments.

The Commissioners asked questions about the proposed amendments to which Mr. Wright responded.

Chairman Black opened the public hearing that was properly advertised regarding amendment TC68-97.

As no one asked to speak at the public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt amendment TC68-97 to modify the Zoning Ordinance to permit greater variety in allowed residential street types.

The motion carried unanimously.

The Zoning Ordinance amendment follows:

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TC68-97

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO
PROVIDE FOR REVISED PUBLIC AND PRIVATE STREET STANDARDS

WHEREAS, the Durham Board of County Commissioners wishes to amend the zoning ordinance; and

WHEREAS, the zoning ordinance establishes standards for residential streets; and

WHEREAS, Durham has adopted a 2020 Plan which includes an objective to develop standards to allow for greater variety in street types and street standards; and

WHEREAS, new street standards will allow for greater flexibility in street design and layout and create a more livable community with a higher quality of life and more choice in living environments:

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1

That SECTION 7 (Supplementary Requirements) item 1. of the subsection titled "Recreational Activities, Commercial Outdoor," be rewritten to read as follows:

"1. The use shall have access to a major or minor thoroughfare. No direct access points through a residential street shall be allowed."

SECTION 2

That SECTION 8 (Performance Standards) of the zoning ordinance be rewritten so that Section 8.1.13(2)(C) (Ingress and Egress Requirements) read as follows:

"2.C Dedicated Public Street--No Public Maintenance: Shall be permitted outside the UGA if the street accesses 6 parcels or less. No design or construction standards shall be applicable to this situation; however, the right-of-way dedication shall comply with minimum design requirements for public and private residential streets within Durham City and County."

SECTION 3

That SECTION 9 (Standards for Parking, Loading, Sidewalks, and Trash Handling Facilities) shall be rewritten so that Sections 9.8.1 [b] and [c] read as follows:

"b. On one side of collector streets and nonresidential streets with existing or projected traffic of 2,000 or more vehicles per day;
c. On one side of residential streets of all types that are not cul-de-sacs."

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SECTION 4

That the ordinance be renumbered to accommodate this change.

SECTION 5

That this ordinance become effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

Chairman Black opened the public hearing that was properly advertised regarding proposed ordinance amendment TC69-97.

As no one asked to speak at the public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners.

Commissioner Bowser moved, seconded by Commissioner Bell, to adopt ordinance amendment TC69-97 to modify the Subdivision Ordinance to permit greater variety in allowed residential street types.

The motion carried unanimously.

The Zoning Ordinance amendment follows:

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TC 69-97

AN ORDINANCE TO AMEND THE DURHAM SUBDIVISION ORDINANCE
TO PROVIDE STANDARDS FOR
NEW RESIDENTIAL PUBLIC AND PRIVATE STREETS

WHEREAS, the Durham Board of County Commissioners wishes to amend the subdivision ordinance; and

WHEREAS, the subdivision ordinance establishes standards for residential streets; and

WHEREAS, modifications to these standards will improve the health, safety, and welfare of the citizens as well as foster the goals of the Durham 2020 Plan:

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1

That in SECTION 3 (Definitions and Rules of Construction) that the following definitions which are listed as subsections of 3A in the Subdivision Ordinance under the definition of "Streets" be revised as follows:

Replace the existing definition for "Collector" with the following definition:

"Collector: A local street which serves as a connector street between local residential streets, commercial development, and the thoroughfare system; such streets typically collect traffic from 250 to 400 dwelling units."

Delete the definition for "Residential (Limited)" and replace it with the following definitions:

"Residential Major Local: Loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares or major traffic generators and do not collect traffic from more than 250 dwelling units."

"Residential Local: Loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares or major traffic generators and do not collect traffic from more than 100 dwelling units."

"Residential: Loop streets less than 2,500 feet in length or streets less than one mile in length that do not connect thoroughfares or major traffic generators and do not collect traffic from more than 25 dwelling units."

SECTION 2

That the following modifications be made to Section 5 (Minimum Design Standards for Preliminary and Final Plats):

That the opening paragraph and Subsection 1 and 2 of Section 5G (Street Standards) be rewritten as follows beginning at the first sentence of each such section through the

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second subparagraph (2) as follows: (underscores indicate new words and strike throughs indicate deleted words)

"The proposed street layout shall be coordinated with the existing street system of the surrounding area and shall conform to official plans for major and minor thoroughfares and collector streets, including the Durham-Chapel Hill-Carrboro Urban Area Thoroughfare Plan, with respect to location, alignment, cross-section, etc. Street design shall satisfy the minimum requirements of the City of Durham and the NC Department of Transportation, as applicable. The following street standards may be modified or varied by the approving transportation agency to accommodate unique subdivision conditions.

1. Right-of-Way Widths: A proposed street right of way must be of sufficient width to accommodate the required cross section. However, in no case shall the proposed right of way be less than the currently adopted standards ~~listed below~~ unless the approving authority determines that special circumstances exist which make the dedication or reservation of the full right of way unnecessary or impractical.

<u>Street Type</u>	<u>R.O.W. Width</u>
Freeway	Thoroughfare Plan*
Thoroughfare	Thoroughfare Plan*
Minor Thoroughfare	Thoroughfare Plan*
Collector	60 feet
Local	50 feet
Residential [Limited]	40 feet **
Private	To be determined

~~*Consult adopted Thoroughfare Plan documents for recommended right of way width.~~

~~**Supplemented by utility easements.~~

~~These standards represent the normally required rights of way. Additional right of way may be necessary in the area of interchanges, medians, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis.~~

Private Streets and Roads: Permanent private access easements, streets, and roads shall be permitted in ~~small~~, residential ~~and non-residential~~, subdivisions serving no more than 6 lots or within Unique Planned Developments or any non-residential development. Such facilities shall be designed and constructed to the minimum design standards for public and private residential streets within Durham City and County. ~~requirements with respect to traffic capacity, safety, and long term access and maintenance~~. Roads intended for future acceptance by the N.C. Department of Transportation as public roads shall be designed and constructed to the department's standards."

That Subsection 5J (2) and 5J (3) of Section 5J (Minimum Design Standards for Preliminary and Final Plats) be rewritten as follows: (underscores indicate new words and strike throughs indicate deleted words)

- "2. ~~on one side of collector streets in nonresidential areas (streets with existing or projected traffic of 2,000 or more vehicles per day);~~ on one side of collector streets

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and nonresidential streets with existing or projected traffic of 2,000 or more vehicles per day.

3. ~~on one side of all non-thoroughfare streets in residential (limited) and cul-de-sac streets;~~
on one side of residential streets of all types that are not cul-de-sacs."

SECTION 3

That Subsection 6F (3) and (4) (Streets and Alleys) of Section 6 ([Improvements Required for Final Plat Approval) be rewritten as follows: (underscores indicate new words and strike throughs indicate deleted words.)

- "3. Collectors and all categories of ~~Local and Residential. (Limited)~~ Streets

Full required right-of-way dedicated and improvements installed by subdivider on existing streets subdivider shall dedicate or reserve additional right-of-way and install improvements as required to serve proposed development.

4. Private Streets and Alleys

Rights-of-way or easements as required for approved private streets and alleys shall be established and improvements installed to the minimum design standards for public and private residential streets within Durham City and County. ~~Streets and roads intended for future acceptance by either the N.C. Department of Transportation or the City of Durham shall be improved to applicable public standards.~~

Subdivisions utilizing private streets shall be subject to Section 8.1.13 of the Zoning Ordinance and shall not receive Final Plat approval until the subdivider furnishes an attorney's certification that restrictive covenants, deeds of easement, and/or other legal documents have been filed for perpetual road maintenance and access arrangements for adjoining properties and for City/County services. All final plats containing private streets and roads shall contain a note requiring a disclosure statement to be furnished to all subsequent purchasers of property shown on the plat."

SECTION 4

All other Code sections in conflict with this ordinance are hereby repealed.

SECTION 5

The ordinance shall be renumbered to accommodate this change.

SECTION 6

This ordinance shall be effective upon adoption.

(Subdivision Ordinance amendment recorded in Ordinance Book _____, page _____.)

Holding the 1998-99 HUD Consolidated Plan Needs Public Hearing

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The Planning Department requested that the Board of County Commissioners hold the 1998-99 Consolidated Plan Needs Public Hearing on January 26, 1998. The date for the public hearing was set by the Board of County Commissioners at its January 12, 1998 meeting. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that two public hearings be held prior to submission of the Consolidated Plan to HUD. The purpose of the first public hearing is to receive public comment and proposals pertaining to HOME program needs in Durham. City Council is scheduled to hold its needs public hearing on February 2, 1998.

Paul Norby, City-County Planning Director, reviewed the request and recommended that the County's 1998-99 Consolidated Plan Needs Public Hearing be held at tonight's meeting. Michael Pullum, Senior Planner, attended the meeting to answer questions.

County Manager's Recommendation: To hold the 1998-99 Consolidated Plan Needs Public Hearing on January 26, 1998 to fulfill requirements of the adopted Citizen Participation Plan for use with the HUD Consolidated Plan.

Mr. Pullum introduced the subject.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak at the public hearing, Chairman Black closed the hearing and referred the matter back to the Commissioners.

No official action was taken on this agenda item.

Eastman Development--Major Site Plan Reapproval

The Board of County Commissioners approved this site plan/preliminary plat in October 1997 with notice requirements on the existence of the Eno Drive alternate corridor that crossed the site. The applicant, Eastman Development, has requested that the BOCC reconsider the requirement of alternate corridor notice. A letter from NCDOT, provided to the County Attorney's office, clarifies the official NCDOT status of the alternate corridor. The applicant's attorney has been in contact with the County Attorney and the County Attorney feels satisfied, based on his communication with NCDOT, that the alternate corridor affecting this site needs no current or future protection. Reapproval of the preliminary plat is also requested; the October 1997 approval has lapsed.

Sheila Stains-Ramp, Senior Planner, and Chuck Kitchen, County Attorney, were present to respond to questions.

The Commissioners asked questions to which Ms. Stains-Ramp and Mr. Dwayne Stewart (Dwayne Stewart and Associates Inc.) responded.

Commissioner Bell asked County Attorney Kitchen to explain the letter he received from the North Carolina Department of Transportation.

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Commissioner Heron asked Mr. Kitchen several questions regarding Eno Drive.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the site plan with no stipulation of notification on Eno Drive alternate corridor that crossed the site.

The motion carried unanimously.

Ms. Stains-Ramp said the motion as voted on was a reapproval of the preliminary plat and site plan.

(Tax Map number ____: recorded in Ordinance Book ____, page ____.)

Offer to Purchase County Property

The County has received an offer from Central Medical Park of 2609 North Duke Street to purchase a strip of land along the rear of 2422 & 2432 Broad Street where the Animal Control Department and Youth Home are located on an 8.3-acre tract. This property borders the Central Medical Park property. The strip contains .88 acres; the amount offered is \$40,000.

Central Medical Park desires this strip of land for development of a parking lot to support expansion of the medical park with construction of a new 10,000-square-foot building to be built in early 1998. This land development and new construction will add approximately \$1 million to Central Medical Park's property tax valuation. At the current tax rate, this development will generate approximately \$16,400 in new County and City property taxes. Another new building is planned for early 1999.

The County's property is zoned residential (R-8) and the offer to purchase is made subject to Central Medical Park obtaining an Office/Institutional (OI-1) zoning for the property.

Planning, General Services, Animal Control, and Youth Home Departments have evaluated the potential sale. The proposed sale will have no adverse effect on County operations or the Youth Home's future expansion capability.

County Manager's Recommendation: Receive the offer submitted by Central Medical Park and adopt the resolution whereby the property is advertised as an "Upset Bid" sale.

Marvin Pope, Real Estate Manager, said the offer presented to the Board in the agenda was revised whereby the offer now being made is not subject to the condition of rezoning.

Vice-Chairman Reckhow asked if Mr. Pope was absolutely sure that sale of this property would not prohibit future expansion to the Youth Home (additional parking, etc.). Are we certain that Durham County will not need this land?

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Mr. Pope responded that according to the information he has received, expansion can occur without the subject property.

Vice-Chairman Reckhow requested that Mr. Pope come back to the Board with different Youth Home expansion scenarios to be sure that the subject property is not needed for future Youth Home expansion.

County Attorney Chuck Kitchen said the Planning Department should be positive no setback problems exist for the County if the property is sold.

Chairman Black recommended the Board proceed with the notice of sale and advertise for "upset bids" while the Planning Department reviews setback requirements for the Youth Home and Animal Control.

Commissioner Bell moved, seconded by Commissioner Heron, to advertise the property for sale and to receive "upset bids."

The motion carried unanimously.

The resolution follows:

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in the City of Durham, Durham County, North Carolina and properly described as follows:

.88-acre strip to the rear of 2422 & 2432 Broad Street involving
tax map parcels 326-02-001 & 326-02-002A

WHEREAS, Central Medical Park has made an offer to the County to purchase the above property for \$40,000.00 and has made a bid deposit in the amount of \$2,000.00 which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;

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5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on January 26, 1998.

/s/ Garry E. Umstead
Clerk, Board of Commissioners

The Durham Crime Cabinet Report

The Durham Crime Cabinet Report is the culmination of an eight-month effort initiated by the City and County of Durham and the Greater Durham Chamber of Commerce to bring all available resources to bear on reducing Durham's crime level. The effort involves improved coordination among agencies and incorporating new technologies and strategies which have proven effective in other jurisdictions. More attention will be given to juvenile justice matters and improved communication will occur between law enforcement and the public schools with the deployment of additional school resource officers, anti-truancy efforts, and focusing on young persons on probation. Finally, a key focus will be the enforcement of municipal ordinances through an Ordinance Enforcement Court and a renewed emphasis on cleaning up Durham's roadways and neighborhoods of litter, graffiti, and other nuisances that detract from the quality of life.

County Manager's Recommendation: The County Manager recommends that the Board endorse the initiatives presented in the report and direct staff to include the initiatives in the County's FY 1998-99 Integrated Work Plan and upcoming budget process. The County Manager also recommends that the Cabinet be authorized to coordinate the pursuit of grants and other sources of revenue pertaining to crime reduction initiatives.

Vice-Chairman Reckhow provided an overview of the efforts being made by the Durham Crime Cabinet and the crime reduction goal for Durham City/County.

The Durham Crime Cabinet roster and crime reduction goal follow:

DURHAM CRIME CABINET
Membership

January 26, 1998

*Cochairs Ellen Reckhow, Board of County Commissioners and
Howard Clement, City Council*

James Anderson, Durham Housing Authority
MaryAnn E. Black, Chairman, Durham County Commissioners
Reyn Bowman, Durham Convention & Visitors Bureau
Patrick Byker, Durham Chamber of Commerce
Major Wes Crabtree, Durham County Sheriff's Office
Ann Denlinger, Durham Public Schools Superintendent
Arnold Dennis, Durham County Social Services
James Ellis, Adult Probation & Parole
P. Lamont Ewell, Durham City Manager
Lt. Col. Kent Fletcher, Durham Police Department
Jim Hardin, District Attorney
Larry Haverland, Durham County Sheriff's Office
Sheriff Worth Hill, Durham County Sheriff
Orlando Hudson Sr., Resident Superior Court Judge
Bill Kalkhof, Downtown Durham Inc.
Frank Meachem, Durham Housing Authority
Tom Stark, Durham Chamber Crime Prevention Committee Chair
Nick Tennyson, Mayor of Durham
David Thompspon, Durham County Manager
Ken Titus, Chief District Court Judge

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CRIME REDUCTION GOAL FOR DURHAM CITY/COUNTY

Cochairs Reckhow and Clement, in concert with Lt. Col. Fletcher and Durham County Sheriff Hill, have agreed that Durham adopt as its goal a 6 percent reduction in the crime rate by the year 2000.

(Crime in Durham increased by 29 percent between 1990 and 1996.)

Mr. Byker's report comprised the following subcommittees of the Durham Crime Cabinet:

SUBCOMMITTEES OF THE DURHAM CRIME CABINET

- Technology Improvement
 1. Warrant Control System
 2. Criminal Justice Geographic Information System (GIS)
 3. Research & implement 311 non-emergency communication system
- Zero-Tolerance/Broken Windows
 1. Enforcement of municipal ordinances (e.g. panhandling, loitering, illegal dumping, and housing code violations) through the Ordinance Enforcement Court
 2. Roadway and community clean-up
 3. Comprehensive community education
- Drug Interdiction
 1. Fully staff the Sheriff's Anti-Crime/Narcotics (SAC/NARC) unit
- Repeat Offenders
 1. Focus investigative efforts on repeat offenders and habitual felons through combining Police Department investigative resources with the District Attorney
- Youth Focus
 1. Reduce Truancy by 50 percent by the year 2000
 2. Expand School Resource Officers (S.R.O.s) to all middle schools
 3. Implement an all-encompassing Youth Development Board
- Strengthen Community Policing
 1. Implement Operation Night Light to visit juveniles on probation during evening hours
 2. Maintain and enhance current community policing efforts in public housing communities
 3. Expand the use of volunteers in law enforcement agencies
- Re-Entry Process/Monitoring Parolees
 1. Target 16 to 21-year-old probationers and reduce recidivism to 10 percent by the year 2000
 2. Increase scope and utilization of Day Reporting Center

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The Commissioners asked questions and made comments about the Durham Crime Cabinet Report.

Vice-Chairman Reckhow called on Deputy County Manager Michael Palmer to discuss nine grants the cabinet is requesting from federal and state agencies. The total amount of the grants is \$1.6 million.

Vice-Chairman Reckhow stated the only action needed is approval of the resolution in support of the Environmental/Local Ordinance Enforcement Court.

Commissioner Bell moved, seconded by Commissioner Bowser, to approve the resolution in support of Environmental/Local Ordinance Enforcement Court.
The motion carried unanimously.

The resolution follows:

RESOLUTION IN SUPPORT OF ENVIRONMENTAL/LOCAL ORDINANCE
ENFORCEMENT COURT

WHEREAS, Durham has identified a profound need to enhance enforcement of its local ordinances pertaining to the quality of life, as well as the health, safety, and welfare of its citizens; and

WHEREAS, Durham City and County Governments have identified neighborhoods that have houses in violation of the minimum housing code, weed infested vacant lots, abandoned vehicles, illegal dumping sites, zoning code and health code violations, and other blights on the appearance of the community; and

WHEREAS, other illegal behaviors, such as noise ordinance violations, public drunkenness, aggressive panhandling, and loitering significantly diminish the quality of life of the law abiding residents of Durham; and

WHEREAS, the City and County of Durham want to change the way their respective ordinances are enforced to achieve a higher rate of compliance and a better quality of life for its citizens; and

WHEREAS, the Environmental/Local Ordinance Enforcement Court has been a proven vehicle for achieving enforcement of local ordinances pertaining to environmental issues in other cities; and

WHEREAS, the Environmental/Local Ordinance Enforcement Court is expected to be a district court geared solely to hearing matters pertaining to enforcement of local ordinances pertaining to the quality of life, as well as the health, safety, and welfare of Durham's citizens:

January 26, 1998

NOW, THEREFORE, BE IT RESOLVED by the City Council of Durham and the Board of County Commissioners for Durham County that:

Both local governments support the creation and implementation of an Environmental/Local Ordinance Enforcement Court for Durham, and direct City and County administrations to move forward on the Environmental/Local Ordinance Enforcement Court as quickly as possible.

This resolution shall be effective upon adoption.

Vice-Chairman Reckhow said the Durham Crime Cabinet probably would request funding during the budget process for operational support.

Cablevision Rates

Vice-Chairman Reckhow expressed concern about Cablevision's standard service rate increase from \$16.20 to \$18.95 (an increase of \$2.75 or 17 percent). Citizens can file a complaint regarding the increase with the local franchising authority within 90 days of the effective date (1-1-98) of the change.

Citizens were also encouraged to file complaints with the County Commissioners or City Council. A complaint file should be maintained so the Commissioners could contact our congressmen. In addition, citizens should send letters of complaint to their congressmen.

County Attorney Chuck Kitchen gave the Commissioners the present status of the complaint process.

Commissioner Bell moved, seconded by Commissioner Heron, that the County Attorney send a letter of complaint to the Federal Communications Commission (FCC) and Cablevision of Durham Inc. in the first or second week of February 1998.

The consensus of the Board was to write the letter; however, County Attorney Kitchen advised the Board to wait until February to write the letter. Therefore, no vote was taken on the motion.

Appointment—Upper Neuse River Basin Association

Chairman Black informed the Board that she received a letter from Raleigh Mayor Tom Fetzner requesting an alternate director be appointed from Durham to the Upper Neuse River Basin Association.

Commissioner Bell moved, seconded by Commissioner Bowser, to appoint Vice-Chairman Reckhow to represent Durham County as alternate director to the Upper Neuse River Basin Association

January 26, 1998

The motion carried unanimously.

Eno Drive Meeting

Chairman Black commented she received a letter from Wayne Cash and Larry Holt, dated January 21, 1998, requesting the Commissioners schedule a meeting regarding Eno Drive with the newly-appointed Secretary of Transportation, Norris Tolson.

Commissioner Heron suggested that prior to a meeting, the Board communicate with Secretary Tolson and refer him to information he received from the Eno River Association and the Alternative Committee.

County Manager David F. Thompson said he would follow up with a letter to Secretary Tolson.

Monthly Bullet List

County Manager Thompson advised the Commissioners that beginning in March, he will distribute a monthly bullet list at the end of the meeting for his comments.

Meeting Schedule

County Manager David F. Thompson proposed the following the meeting schedule:

February 2, 1998	Worksession	Canceled
February 16, 1998	Commissioner Retreat	10:00 a.m. to 5:00 p.m.
February 9, 1998	Closed Session	6:00 p.m.
	Regular Session	7:00 p.m.
February 23 or 24, 1998	Reserve for hospital merger discussion	
March 2, 1998	Worksession	Canceled (NACO Conference)

Commissioner Bowser moved, seconded by Commissioner Bell, to cancel the March 2, 1998 Worksession.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to defer the February 2, 1998 Worksession until the February 16, 1998 Commissioner Retreat.

The motion carried unanimously.

Adjournment

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Commissioner Bowser moved, seconded by Commissioner Bell, to adjourn the meeting at 9:45 p.m.

The motion carried unanimously.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS