

April 24, 2000

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

Monday, April 24, 2000

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 William V. Bell (arrived 7:36 p.m.), Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

**Opening of Regular Session**

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

**Agenda Adjustments**

Commissioner Heron requested that agenda item No. 9, "Public Hearing—Ronald N. Loflin (Rezoning Case P99-87)" be moved up on the agenda. Chairman Black moved the agenda item up to No. 8.

Interim County Manager Carolyn P. Titus added a resolution to the agenda entitled, "Resolution on Delaying Congressional Action on Internet Tax Moratorium." The resolution would be read prior to the consent agenda.

Chairman Black added an item at the end of the agenda (prior to the Closed Session) to schedule CIP and budget worksessions. This item would follow agenda item No. 13.

Chairman Black said that revised supporting material was prepared on Rezoning Case P99-87.

**Minutes**

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the following minutes of the Board as submitted:

- a. February 14, 2000 Regular Session
- b. February 15, 2000 Walking Tour, CIP Criteria
- c. March 13, 2000 Special Session
- d. March 13, 2000 Regular Session
- e. March 20, 2000 CIP Worksession
- f. March 27, 2000 Joint Meeting/Durham Center Area Board

The motion carried unanimously.

**April Anchor Award Winner--Jane Korest**

Jane Korest, City-County Planning Department Senior Planner, was the winner of the April Anchor Award. She has made numerous contributions to the County of Durham. Ms. Korest has served as staff of the Open Space and Trails Commission for ten years

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and has led the County's efforts to successfully organize and negotiate the joint land purchase with Orange County from the Triangle Community Foundation. Additionally, Ms. Korest wrote both of our successful Clean Water Management Trust Fund grants--one for the New Hope Creek corridor and the most recent grant of \$377,000 for the joint land purchase with Orange County on the Little River. The Board was requested to recognize Ms. Korest's accomplishments and congratulate her on receiving the Anchor Award.

County Manager's Recommendation: Present the April Anchor Award to Jane Korest along with the sincere congratulations of the entire organization.

Interim County Manager Carolyn P. Titus presented Ms. Korest to the Commissioners. Ms. Titus talked about the contributions Ms. Korest has made to the County of Durham through the last ten years as a Senior Planner.

Ms. Titus and the Commissioners made remarks and congratulated Ms. Korest. Chairman Black presented the Anchor Award and a \$200 check to Ms. Korest.

Ms. Korest accepted the award with words of thanks and appreciation.

### **Resolution Opposing Extension or Expansion of Internet Tax Moratorium**

In keeping with the position adopted by the North Carolina Association of County Commissioners, the Association requested that the Board of Commissioners adopt the resolution and send it to our congressional delegation.

Resource Person(s): Interim County Manager Carolyn P. Titus

County Manager's Recommendation: Approve the requested resolution and forward copies to the members of our congressional delegation.

Chairman Black read the following resolution into the record:

#### RESOLUTION ON DELAYING CONGRESSIONAL ACTION ON INTERNET TAX MORATORIUM

WHEREAS, out-of-state remote sellers who conduct sales via the Internet, mail order, and phone are not required by law to collect existing sales and use taxes imposed by state and local governments; and

WHEREAS, the primary barrier to collecting taxes on remote sales in the Supreme Court's ruling in *Quill V. North Dakota* defers to Congress to authorize sales to require remote sellers to collect taxes in a manner that does not unduly burden Interstate commerce; and

WHEREAS, state and local governments are working together to implement a streamlined sales tax system that would simplify definitions, tax rates, and tax bases and use 21<sup>st</sup> Century technology in the collection process; and

WHEREAS, current laws create a competitive disadvantage and great inequities between merchants who sell from traditional "brick-and-mortar" establishments and those who sell from electronic stores; and

WHEREAS, increasing sales on the Internet, and the resulting erosion of sales and use tax revenues, will limit the ability of states and governments and school districts to finance essential public services such as police, fire, emergency medical service, education, social services, infrastructure development, and healthcare; and

WHEREAS, last year North Carolina counties lost an estimated \$41-\$52 million in sales tax revenue and a University of Tennessee study estimates that state sales tax revenue losses in 2003 will exceed \$10 billion; and

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WHEREAS, the Advisory Commission on Electronic Commerce failed to reach a legally required consensus on fair and equitable treatment of both remote sellers and “Main Street” retailers and also proposed that Congress preempt state and local sovereignty guaranteed by the U. S. Constitution:

THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners supports simplification of state and local sales taxes, and urges states to move expeditiously to develop and approve model simplification legislation; and

BE IT FURTHER RESOLVED that Congress should not extend or expand the current moratorium until its expiration in October 2001; and

BE IT FURTHER RESOLVED that if state and local governments choose to negotiate a brief extension of the existing moratorium as part of a broader bill, such an extension:

- Should only be effective for a short period of time (no more than two years); and
- Must be linked to states successfully implementing sales tax simplification, which would trigger congressional authorization of expanded duty to collect use taxes on remote sales.

This the 24<sup>th</sup> day of April, 2000.

/s/ Five Commissioners  
Durham County Commissioners

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the resolution and forward copies to the members of our congressional delegation (all members from North Carolina), the Durham Delegation to the General Assembly, and the North Carolina Association of County Commissioners (for distribution to all counties).

The motion carried with the following vote:  
Ayes: Black, Bowser, Heron, and Reckhow  
Noes: None  
Absent: Bell

### Consent Agenda

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

- \*(c) Budget Amendment No. 00BCC000046 to recognize new Library revenues from Schools and Libraries Universal Service Program (approve budget amendment for \$47,189);
- \*(d) DSS Budget Amendment No. 00BCC000047 to accept new revenues for Crisis Intervention (approve amendment to accept \$500,000); and
- (e) Appointment—Juvenile Crime Prevention Council (appoint Sergeant Gregory A. Brown to replace Sheriff Worth Hill on the JCPC).

\*Documents related to these items follow:

Consent Agenda 5(c). Budget Amendment No. 00BCC000046 to recognize new Library revenues from Schools and Libraries Universal Service Program (approve budget amendment for \$47,189) follows:

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DURHAM COUNTY, NORTH CAROLINA  
FY 1999-2000 Budget Ordinance  
Amendment No. 00BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Department of Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$210,336,919	\$47,189		\$210,384,108
<u>Revenues</u>				
Miscellaneous Income	\$ 6,386,032	\$47,189		\$ 6,433,021

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

This the 24<sup>th</sup> day of April, 2000.

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

Consent Agenda 5(d). DSS Budget Amendment No. 00BCC000047 to accept new revenues for Crisis Intervention (approve amendment to accept \$500,000) follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1999-2000 Budget Ordinance  
Amendment No. 00BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$210,384,108	\$500,000		\$210,884,108
<u>Revenues</u>				
Intergovernmental	\$179,546,443	\$500,000		\$180,046,443

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

This the 24<sup>th</sup> day of April, 2000.

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

**Consent Agenda Items Removed for Discussion**

Consent Agenda 5(a). Ambulance Franchise Modification for Johnston Ambulance Service Inc. (approve the application and grant the franchise and place on May 8, 2000 agenda for its second approval).

Commissioner Bowser asked what kind of services Johnston Ambulance Service Inc. provides in Durham County as far as emergency services are concerned?

EMS Director J. M. Tezai responded that they are franchised to provide non-emergency basic life support or convalescent level services only.

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Commissioner Bowser asked Mr. Tezai several questions about transportation of patients to which he responded.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the application and grant the franchise and place on the May 8, 2000 agenda for second approval.

The motion carried with the following vote:  
Ayes: Black, Bowser, Heron, and Reckhow  
Noes: None  
Absent: Bell

Consent Agenda 5(b). Property Tax Releases and Refunds for Fiscal Year 99-00 (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 your consent agenda).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details tax releases and refunds for the month of March 2000.

Releases & Refunds for 1999 & 2000 Taxes:

Real	\$ 5,681.12
Personal	\$648,603.05
Registered Vehicles	\$ 51,711.93
Vehicles Fees	\$ 745.00
Solid Waste Fees	\$ <u>330.00</u>
Total for 1999 & 2000 Taxes and Fees	\$707,071.10

Note: The BASF business was forced assessed. This is the major reason for the \$648,603 release under personal property. Forced assessment is a tool used to get firms to provide information to the Tax Office on their property values, when these firms have initially opted not to report their values.

Prior Years (1994-1998) releases and refunds for March 2000 are in the amount of \$9,249.05.

Total Current Year and Prior Year Releases and Refunds \$716,320.15

(Recorded in Appendix A in the Permanent Supplement of the April 24, 2000 Minutes of the Board.)

Commissioner Heron asked several questions and made comments to which Kim Simpson, Administrative Officer, responded.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item 5(b).

The motion carried unanimously.

Consent Agenda 5(f). Appointment—Durham Convention and Visitors Bureau (appoint Jason Matthew Laziek to the DCVB Visitor Sector Advisory Board to fill the seat representing “Transportation.”

Commissioner Heron requested that this position be advertised so someone living in Durham could be appointed to the position. Appointing someone outside Durham County is against our policy for boards and commissions.

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Vice-Chairman Reckhow requested that the Board defer action on the appointment and asked that the Clerk discuss this matter with members of the Durham Convention and Visitors Bureau.

The Commissioners preferred someone living in Durham County.

**Public Hearing--Regions Development, LLC (Rezoning Case P99-66)**

This rezoning case was presented to the Board of Commissioners at the March 27, 2000 Board meeting. During those discussions, the Board requested that staff provide additional traffic information and maps for the proposed Regions Development rezoning. The Board raised specific concerns at the March 27 public hearing about traffic conditions at the intersection of Roxboro and Denfield Streets. Based on the traffic analysis, the subject intersection will operate at similar levels of service as it currently does.

Regions Development, LLC is requesting a rezoning for a 49.553-acre site comprised of 6 parcels on Communications Drive, identified as Tax Map 780, Block 1, Lots 2, 2D, 7, 8 partial, 9 and 9A. The corresponding PIN numbers are 834-03-32-3783, 834-03-22-3737, 834-03-12-7382, 834-03-12-6353, 834-03-12-9244 and 834-03-12-9310.

The specific request is to rezone the subject acreage from I-2 (D) (Light Industrial District with Development Plan) to I-2 (Light Industrial District); F/J-B & E/B. The 2020 Plan supports Suburban Neighborhood uses. The site is in the North Durham Planning Area and a small area plan for the area was adopted in 1994. The Future Land Use Map (FLUM) shows Industrial for the site. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 6-1 to recommend approval.

The public hearing for this request was advertised on March 10 and 17, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Planning Manager  
Norman Standerfer, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive public comment on the item. The Zoning Committee of the Planning Commission has approved this rezoning case on a 6 to 1 vote. The case has also been amended to include the traffic analysis and appropriate maps requested by the Board at the March 27, 2000 meeting. Provided that there are no additional requests identified during the public hearing, the Manager recommends approval.

Mr. Standerfer gave the Commissioners an overview of Rezoning Case P99-66 including background information.

Mr. Hails presented rezoning request P99-66 in more detail.

The Commissioners asked several questions and made comments to which Mr. Hails and Mr. Standerfer responded.

Chairman Black called for the speakers who had signed to speak at the public hearing which was continued from the previous meeting.

Bill Ripley, 1912 Highway 54, said the concern about the left turn lane was brought to his attention late this afternoon in a memorandum. The intersection of Denfield, Horton, and Roxboro Roads is a congested level C service. It is impacted but not significantly impacted because the project is about 1.0 to 1.2 miles northeast of the intersection. I would not want to spend a nonbudgeted \$15-25,000 to extend the left turn lane. However, we would agree to make the extension provided there is existing right-of-way to work within. We would agree to the preferred 100-foot extension of the left turn lane on Denfield within the existing right-of-way. The street impact fees could be \$136,500

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from this development. We prefer not to, but if the Commissioners wish, we will provide the extension. The project is required to be annexed into the City in order to use water and sewer connections.

Tony Tate, 1912 Highway 54, landscape architect and land planner representing Regions Development Company, explained the development plan in detail.

Garland Lee, owner of Lee's Welding and Steel Service, said his property is adjacent to the property being considered in the rezoning request. Regions Development is very cooperative and is trying to please everyone. If the developers are given the chance, they will satisfy the City and County. The project will be an asset to the City and County.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by  
Commissioner Heron, to approve rezoning request P99-66.

The motion carried unanimously.

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

**Public Hearing—Regions Development, LLC (Rezoning Case P99-37)**

This rezoning case was presented to the Board of Commissioners at the March 27, 2000 Board meeting. During those discussions, the Board requested that staff provide additional traffic information and maps for the proposed Regions Development rezoning. The Board raised specific concerns at the March 27 public hearing about traffic conditions at the intersection of Roxboro and Denfield Streets. Based on the traffic analysis, the subject intersection will operate at similar levels of services as it currently does.

Regions Development, LLC is requesting rezoning of an 89.9-acre site comprised of 3 parcels on Hebron Road north of the intersection with Danube Lane, identified as Tax Map 780, Block 1, Lots 1D partial, 2, and 3A. The corresponding PIN numbers are 834-03-32-3783; 834-03-11-8946; and 834-03-21-8453. The specific request is to rezone the subject acreage from R-20 (Residential 20) and I-2 (Light Industrial District) to PDR 5.06 (Planned Density Residential at 5.06 units per acre); F/J-B & E-B partial.

The 2020 Plan supports Suburban Neighborhood uses. The site is located in the North Durham Planning Area and a Small Area Plan for the area was adopted in 1994. The Future Land Use Map (FLUM) shows Industrial for the portion of the site zoned I-2 and High Density Residential for the remainder of the site. The Planning staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on March 10 and 17, 2000 in the Durham Herald-Sun.

Action on this case should come after action on P99-66.

Resource Person(s): Dick Hails, Planning Manager  
Norman Standerfer, Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and receive public comment on the item. This rezoning case has been unanimously approved by the Zoning Committee of the Planning Commission and has been amended to include the traffic analysis and appropriate maps requested by the Board at the March 27, 2000 meeting. Provided there are no additional requests identified during the public hearing, the Manager recommends approval.

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This public hearing was continued from the last Board meeting.

The Commissioners asked several questions and made comments about the project to which the developer responded.

Bill Ripley, Developer, said we have volunteered to install the left turn lane at Roxboro and Denfield Streets, if that is the pleasure of the Commissioners, provided it can be built within the existing right-of-way.

Jon Nance, P.E., North Carolina Department of Transportation, stated he didn't know whether there is existing right-of-way for a 100-foot left turn lane. He would look into the matter. There are also utility concerns in addition to the 100-foot right-of-way.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve rezoning request P99-37 with the amended development plan with PDR 4.69 subject to construction of the additional 100-foot turn lane if the right-of-way is available.

Commissioner Bowser requested a friendly amendment to say "with the 100-foot turn lane in place."

Vice-Chairman Reckhow said she wouldn't agree to that because that is not what Regions volunteered to do. It is not on the table.

Mr. Julius Bartell, 4911 Denfield Street, discussed the problems that could arise relative to the water mains coming from Lake Mickey reservoir. The water lines are old, but are still being used.

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

Chairman Black said a letter should be sent to the City of Durham letting the City know the Board has kindly requested that the applicant provide the 100-foot left turn lane at Roxboro and Denfield Streets providing the right-of-way is available. The street impact fees should be reduced to help the developer finance the left turn lane.

The motion carried with the following vote:

Ayes: Bell, Black, Heron, and Reckhow  
Noes: Bowser  
Absent: None

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

**Public Hearing—Ronald N. Loflin (Rezoning Case P99-87)**

Ronald N. Loflin presented to the Board of County Commissioners a request to rezone 15.49 acres located at 1443 Ellis Road; TM 641-2-3; PIN 0830-04-90-3187. The specific request was to rezone this tract from R-20 (Residential 20 District) to RM-8 (D) (Multifamily Residential District with Development Plan).

This rezoning proposal conforms to the South Central Durham Plan Future Land Use Map (FLUM), which designates this site as "medium density residential" (4 - 8 units per acre). The 2020 Plan supports Suburban Neighborhood uses, which does not fully conform to the proposal. This proposal meets all of the technical ordinance requirements. According to the Landuse Plan, this area calls for more urban uses. Directly to the north of the subject area there are existing urban uses and directly to the south are developing urban uses.

A protest petition has been filed with the Clerk's Office for this rezoning application. The Zoning Committee of the Durham Planning Commission conducted a public hearing on



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March 14, 2000 and voted 1-6 to recommend denial. Because this rezoning meets all of the technical ordinance requirements, the Planning staff recommended approval.

The public hearing for this request was advertised on April 7 and 14, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Planning Manager  
Norman Standerfer, Planning Director

County Manager's Recommendation: This rezoning application has gone before the Zoning Committee and was not recommended for approval namely because the opponents of the application are in favor of having this area remain rural. The rezoning proposal meets all of the technical ordinance requirements. The Manager recommends that the Board hold the public hearing and approve the request, if appropriate, based on the public comments.

Mrs. Martin E. Rigsbee, 1506 Ellis Road, asked the Commissioners not to defer the public hearing.

Mr. Jack Smyre, Kimley-Horn & Associates Inc., kept his remarks to the deferral issue. He stated three reasons for seeking a deferral at this meeting.

The Commissioners concurred to hold the public hearing.

Sheila Stains-Ramp, Senior Planner, presented the Commissioners an overview of rezoning case P99-87.

The Commissioners asked questions and made comments about the rezoning request to which Ms. Stains-Ramp responded.

Chairman Black opened the public hearing that was properly advertised.

Jack Smyre, Kimley-Horn & Associates Inc., planner and engineer, representing Ronald N. Loflin, presented the Commissioners an overview of the proposed project which included school and traffic information. The site plan was also reviewed.

Scott Rodway, 3001 Western Parkway, Cary, NC, presented clarification about the issues related to schools and traffic.

The following citizens spoke in opposition to the rezoning request:

Sally Humble, 3417 Acotea Street, Raleigh, NC, expressed concern that this change requires a drastic difference in the current R20 and RD zoning in the area. Ms. Humble also discussed the school capacity. Traffic concerns were mentioned.

Martin Rigsbee, 1506 Ellis Road, yielded his time to Ms. Humble.

Charles Hanson, 1420 Ellis Road, stated he did not understand why 120 apartments are needed in Bethesda. He also expressed concerns about traffic. Permanent home sites are preferred for the long term.

Ronnie Loflin, project owner, said he bought the land to develop the site. The Rigsbees sold the property. He does not understand why they are against the project. If the Rigsbees wanted to keep the area rural, they should have kept the property.

Ms. Martin Rigsbee, 1506 Ellis Road, used her time to clarify comments that were made at the public hearing. Traffic and school concerns were also discussed.

Ms. Kathleen Rigsbee, 1431 Ellis Road, made comments and closing remarks in opposition to the project.

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As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

The Commissioners continued to ask questions and make comments about the rezoning request.

Commissioner Bowser said he couldn't support the rezoning request.

Commissioner Bell said he would not support the request.

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

The motion carried unanimously.

**Public Hearing—Proposed Secondary Road Construction Program for Durham County (2000 – 2001)**

Mr. Rodney H. Cooper, P.E. and District Engineer for the North Carolina Department of Transportation, presented the Board with the Annual Secondary Road Construction Program for Durham County (2000--2001). Division Engineer Jon Nance P.E., Division Maintenance Engineer Ricky E. Greene Jr. P.E., and County Maintenance Engineer Aaron S. Horton, P.E accompanied Mr. Cooper.

Resource Person(s): Rodney H. Cooper P.E., North Carolina Department of Transportation, Division of Highways, Division Five.

County Manager's Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Program and hold the public hearing. For the Board's convenience, copies of the statutes have been attached which outline the Board's responsibility and authority for the Secondary Road Program. Note that any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

Chairman Black recognized Eric Michaux, North Carolina Department of Transportation Board member, for opening comments. He introduced the transportation officials in attendance.

Mr. Michaux called on Mr. Cooper to present the Secondary Road Construction Program for Durham County for Fiscal Year 2000-2001 as per the North Carolina General Statute.

Mr. Cooper reviewed the priority system used to rank the secondary roads.

The proposed Secondary Road Program for FY 2000-2001 follows:

Secondary Road Construction Allocation	\$ 710,000
Highway Trust Fund Allocation	\$ 667,000
Total Funds Available	\$1,377,000

Maintenance Operations: \$ 165,000  
Funds to be used to supplement the maintenance budget for activities such as shoulder repair, spot stabilization, pipe replacement, safety projects, etc.

Secondary Road Construction	\$ 85,000
Highway Trust Fund	\$ 80,000

Reserve for Contingencies: \$ 68,000  
Reserve for Contingencies to be used for Right-of-Way, Surveys, Utility Relocations, Road Additions, School Bus Drives, Rural Fire Department and Rescue Squads, Overdrafts, Property Owner Participation, and continuation

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down priority list.

Secondary Road Construction	\$ 35,000
Highway Trust Fund	\$ 33,000

Paving Program: \$1,144,000

Paving of unpaved roads in priority order from the Rural and Residential/  
Subdivision priority lists. The Department will secure right-of-way; if  
right-of-way is unobtainable on any road, then the program will be extended  
down the priority lists until available funds are expended.

Secondary Road Construction	\$ 590,000
Highway Trust Fund	\$ 554,000

Rural Road Paving

<u>Map #</u>	<u>Priority</u>	<u>Description</u>	<u>Length</u>	<u>Previous Funds</u>	<u>Current Funds</u>
1	17	SR 1621, Pat Tilley Road From SR 1616 to Dead End (to complete funding)	1.00	\$111,000	\$ 79,000
2	18	SR 1603A, Hampton Road From SR 1607 to SR 1610	1.40	\$ 0	\$282,000
3	19	SR 1608, Tilley Farm Road From SR 1471 to SR 1607	1.40	\$ 0	\$266,000
4	20	SR 1611A, Hall Road From SR 1603 to SR 1607	1.50	\$ 0	\$285,000

Subdivision Road Paving

5	19	SR 2390, Becky Drive From SR 1465 to Dead End	0.60	\$ 0	\$115,000
	20	SR 1573, Ponderosa Road (Road taken over by City of Durham Per Powell Bill Program, 1997)		\$ 0	\$ 0
	21	SR 1627, Blalock Road (Road previously paved by property owners)		\$ 0	\$ 0
6	22	SR 1673, Waycross Road From SR 1671 to Dead End	0.13	\$ 0	\$ 25,000
7	23	SR 2046, Delmar Road From SR 1917 to End Maintenance	0.18	\$ 0	\$ 34,000
8	24	SR 1956, Stone Road From SR 1955 to Dead End (partially funded)	0.54	\$ 0	\$ 58,000

THIS PROGRAM SUBJECT TO AVAILABILITY OF FUNDS, RIGHT-OF-WAY,  
AND ENVIRONMENTAL REVIEW

<u>Summary of 2000-2001 Program</u>	<u>Length (mi.)</u>	<u>Cost</u>
Total Rural	5.30	\$ 912,000
Total Subdivision	1.45	\$ 232,000
Overall Totals	6.75	\$1,144,000

The Commissioners asked questions and made comments about the Secondary Road Program to which Mr. Cooper responded.

Chairman Black opened the public hearing that was properly advertised.

William Blake, 700 Avalon Road, representing the residents on the road, urged state officials to pave Avalon Road which was scheduled to be paved in 1970.

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Mr. Cooper responded to Mr. Blake's remarks. Avalon Road did not make the paving program this year. There is a possibility that Avalon Road will make the paving for the 2001-2002 program. The road will be frozen in place.

Mr. Nance spoke about the error on the maps concerning Avalon Road. The road would be frozen for next year's priority list.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

The Commissioners asked additional questions about the road program.

A lengthy discussion followed about the Hampton Road paving project.

Chairman Black requested that action be delayed on the Proposed Secondary Road Improvement Program to give transportation officials time to get additional information to the Commissioners regarding Hampton Road in northern Durham County.

Chairman Black requested that the North Carolina Department of Transportation develop a procedure to correct errors made on paving projects relative to the priority list.

No official action was taken on this agenda item.

**Presentation on Safe Schools/Healthy Students Initiative**

Chairman Black removed this item from the agenda due to the late hour. Anita A. Daniels, MSW, Youth Coordinating Board Director, would present the report at a subsequent meeting.

**Hold a Public Hearing--Street Closing--Belle Meade Down (SC99-3)**

Hold a public hearing to consider permanently closing .82± acres of Belle Meade Down west of Quarterhorse Run.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners hold the public hearing and if appropriate, approve the request to permanently close .82± acres of Belle Meade Down.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the closing of .82± acres of Belle Meade Down west of Quarterhorse Run.

The motion carried unanimously.

The resolution and legal description follow:

COUNTY OF DURHAM  
ORDER PERMANENTLY CLOSING  
.82± ACRES OF BELLE MEADE DOWN

WHEREAS, the Durham Board of County Commissioners adopted a Resolution on April 10, 2000, declaring its intent to close the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein;

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WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a Notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for two successive calendar weeks; and

WHEREAS, this matter came on for hearing before the Board of County Commissioners of Durham County at its regular meeting on April 24, 2000; and all persons who desired to be heard were heard at that time:

NOW, THEREFORE, the Board of County Commissioners of Durham County, having carefully considered the question of permanently closing the street or alley or portion thereof as is more fully described in Attachment A, finds:

1. That closing of the street or alley described in Attachment A is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE ORDERED:

1. That the street described in Attachment A is permanently closed subject to the retention of any utility improvements and/or easements described therein.
2. That a certified copy of this Order shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
3. That property owners adjacent to the closed street shall take right, title, and interest as is provided in G.S. 160A-299 (c).
4. That this Order is effective upon and after the date of its adoption as shown by the stamp of the County Clerk below.

Approved by the  
Board of County Commissioners  
April 25, 2000  
/s/ Garry E. Umstead  
Clerk to the Board

#### Legal Description

BEGINNING at a point on the northeast side of Belle Meade Down which point is reached by starting at the point of intersection of the northeast side of Belle Meade Down with the west side of Quarterhorse Run all as shown on the plat hereinafter referred to and running thence along an arc in a southwesterly direction a distance of 39.39 feet to another point on the northeast side of Belle Meade Down; thence with the same along another arc in a northwesterly direction a distance of 134.1 feet to the point of Beginning; thence with the bounds of that portion of Belle Meade Down being withdrawn from dedication the following courses and distances: North 58° 50' 30" West 300 feet to a point; along an arc in a northerly direction a distance of 238.44 feet to a point; along an arc in a northerly direction a distance of 22.96 feet to a point; along an arc traversing a northerly, westerly, and southerly direction a distance of 240.96 feet to a point; along an arc in a southerly direction a distance of 19.43 feet to a point; along an arc in a southeasterly direction a distance of 277.75 feet to a point; and South 58° 50' 30" East

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300 feet to a point; thence crossing Belle Meade Down North 31° 09' 30" East 50 feet to the point of beginning, and being that portion of the previously dedicated Belle Meade Down being withdrawn from dedication as shown on the plat thereof by Ernest B. Wood, Jr. RLS-2648 dated December 1999, titled "Street Closing and Recombination Plat for Belle Meade Down right-of-way and adjacent property" and recorded in Plat Book \_\_\_\_\_, page \_\_\_\_\_, Durham County Registry.

**Response to Mr. Doug Harward's Request to Modify the UGA Boundary**

Mr. Doug Harward's family owns a parcel on the east side of Stallings Road in eastern Durham County. A sewer line was recently constructed in the Stallings Road right-of-way in front of the property and the property was assessed approximately \$27,000. The Harward parcel is immediately outside both the City limits and the present Urban Growth Area (UGA) boundary. Several other parcels on either side of the Harwards' are similarly situated relative to the UGA and were also assessed for the sewer line. However, because of their location outside of the UGA, sewer lines cannot be extended into these properties in accordance with the City's Urban Growth Policy (see City Code, Section 23.81). In order to stimulate a more desirable pattern of land development and address equity concerns, including these seven parcels in the UGA constitutes a reasonable extension.

Providing relief to these property owners by adjusting the UGA boundary does not establish a precedent that will be used to justify similar action elsewhere. The situation of these three parcels is unique because it does not exist anywhere else in Durham. On April 1, 2000, the City Council approved a motion "to amend the Urban Growth Boundary to include the seven parcels of land located on Stallings Road." The City Council's action was contingent upon concurring approval by the Durham County Board of Commissioners. The Planning Staff recommended a technical amendment to the Urban Growth Area Boundary to include these seven parcels. Note that this does not reflect a change in Durham's Urban Growth Policy, but only a technical change to address this unique situation.

Resource Person(s): Keith Luck, Senior Planner, and Norman Standerfer, Planning Director, Planning Department

County Manager's Recommendation: The Manager recommends that the Board approve this technical amendment to the Urban Growth Area Boundary, therefore allowing sewer lines to be extended to these seven residents. This action does not require a change in the Urban Growth policy but merely addresses a unique situation that staff does not anticipate occurring in the future.

Mr. Luck requested that Mr. Harward be permitted to make his remarks first.

Chairman Black concurred with the request.

Doug Harward, 4212 Grove Ridge Drive, gave the Commissioners an overview of his request to modify the UGA Boundary.

Commissioner Heron asked Mr. Luck several questions about the request.

Vice-Chairman Reckhow moved, seconded by  
Commissioner Bell, to approve the agenda item.

The motion carried unanimously.

**HUD "Needs" Public Hearing for the Upcoming 2000-2005 Consolidated Plan and the Fiscal Year 2000-2001 Action Plan**

The City of Durham, Department of Housing and Community Development, (DHCD) requested that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing on April 24, 2000 in preparation of the 2000-2005 Consolidated Plan and

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the 2000-2001 Annual Action Plan. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that two public hearings be held prior to the submission of the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive public comments and proposals pertaining to community needs in Durham and the HOME program. The City Council held its Needs Public Hearing on February 7, 2000.

The major uses of HOME funds are to expand the supply of safe, decent, sanitary, and affordable rental and owner-occupied housing. In May 1993, the Board of County Commissioners and the City Council approved a Durham City-County HOME Consortium Agreement to be used in the administration of the HOME program. HOME program activities are included as a part of the Durham Consolidated Plan and submitted annually to HUD for approval.

On January 10, 2000, the Board of County Commissioners held the first public hearing. This is the final public hearing and staff is seeking Board approval of the plan after this public hearing.

Resource Person(s): John Mickle and Ava Hinton from the Department of Housing and Community Development.

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing and approve the Plan. DHCD staff will be available to answer questions.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Vice-Chairman Reckhow asked John Mickle, Assistant Director of Housing and Community Development, City of Durham, questions about the "Teacher Next Door" program and the companion program "Officer Next Door."

Mr. Mickle explained the two programs to the Commissioners. We are looking at the programs in order to participate.

#### **Extension of Meeting**

Commissioner Bowser moved, seconded by Commissioner Heron, to extend the meeting until 11:15 p.m.

The motion carried unanimously.

#### **HUD "Needs" Public Hearing for the Upcoming 2000-2005 Consolidated Plan and the Fiscal Year 2000-2001 Action Plan (continued)**

Commissioner Heron asked Mr. Mickle questions about funds for the homeless shelter and the youth home.

Ms. Hinton responded to the questions.

Chairman Black gave a directive to Ms. Hinton—to make sure that the 2001-2002 budget request includes funding for the homeless shelter and the youth home.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the plan.

The motion carried unanimously.

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**Board Appointments—Durham County Hospital Corporation Board of Trustees**

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the Durham County Hospital Corporation Board of Trustees.

The following votes were cast to make appointments to the Durham County Hospital Corporation Board of Trustees. (Asterisks indicate appointees.)

- \*James L. Allen, MD—Bell, Black, Bowser, Heron, and Reckhow
- \*Mary M. Elkins—Bell, Black, Bowser, Heron, and Reckhow
- \*Joseph S. Harvard III—Bell, Black, Bowser, Heron, and Reckhow
- \*Dwight D. Perry, MD--Bell, Black, Bowser, Heron, and Reckhow
- \*Steven D. Thomas—Bell, Black, Bowser, Heron, and Reckhow

Other applicants:

- Aubrey Fletcher—no votes
- Marshall Tinsley Hill—no votes
- Edward C. McCauley—no votes
- John B. Stephens—no votes

**Closed Session**

The Closed Session was canceled due to the late hour.

**Schedule for Budget and CIP Worksessions**

Chairman Black asked the Commissioners to return their schedules as to when they are available for additional budget and CIP worksessions.

**Homeless Shelter**

Chairman Black asked Interim County Manager Carolyn P. Titus to find out if Orange County has closed its homeless shelter.

**Adjournment**

Chairman Black adjourned the meeting at 1:15 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board