

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

Monday, September 11, 2000

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 and Becky M. Heron

Absent: Joe W. Bowser

Presider: Chairman Black

5:00 – 7:00 P.M.

Closed Session

Commissioner Bell moved, seconded by Commissioner Heron, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or conditions of initial employment of a public officer.

The motion carried with the following vote:

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

7:00 P.M.

Regular Session

Commissioner Excused

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to excuse Commissioner Joe W. Bowser from the September 11, 2000 Closed Session and Regular Session.

The motion carried with the following vote:

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

Opening of Regular Session

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

Agenda Adjustments

Commissioner Heron asked to add an item to the agenda to recognize Sheriff Worth Hill and Operation Fresh Start.

Chairman Black said the item would be placed on the agenda following "Resolution in Support of Community College Bond Issue."

Vice-Chairman Reckhow announced that the Durham County Commissioners' Great Family Fun Walk would be held on Saturday, October 7, 2000 at 10:00 a.m. The Durham County Council on Physical Fitness and Sports sponsors the walk.

Commissioner Bell requested that the reports the Commissioners received from Alcoholic Beverage Control Board members be added to the agenda. The reports dealt with concerns of one board member.

Chairman Black added the reports as agenda item No. 15.

Interim County Manager Carolyn P. Titus pointed out that the agenda action form for item No. 6(f), Durham Public Schools, had been revised.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the August 9, 2000 Special Session Minutes of the Board as submitted and the August 7, 2000 Public Hearing Minutes of the Board as corrected.

The motion carried with the following vote:

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

Proclamation for National Alcohol and Drug Addiction Recovery Month

The Chairman was asked to proclaim the month of September 2000 as “National Alcohol and Drug Addiction Recovery Month” in Durham County. Staff representatives from The Durham Center were on hand to receive the proclamation and to make comments on upcoming related events.

County Manager's Recommendation: Present the proclamation to representatives of The Durham Center and urge support for efforts to provide effective treatment and support of individuals struggling with addiction.

Chairman Black read the proclamation into the record as follows:

PROCLAMATION

WHEREAS, on behalf of the citizens of Durham County, I am pleased to join with The Durham Center in recognizing the month of September 2000 as National Alcohol and Drug Addiction Recovery Month in Durham; and

WHEREAS, setting this month aside offers advocates of alcoholism and drug addiction treatment an opportunity to educate the public and policy makers about the effectiveness of prevention and treatment, both societal and financial; and

WHEREAS, the disease of alcoholism and drug addiction is America’s most serious health problem, directly affecting nearly one in ten persons, or approximately 19,735 people in Durham; and

WHEREAS, alcohol and drug abuse and addiction cost Durham over \$215 million in 1997; and

WHEREAS, only half the adults and 20 percent of the youth who need treatment receive it; and

WHEREAS, treatment works and every dollar invested in treatment saves \$7.00 in medical costs; and

WHEREAS, this year’s theme, “Recovering Our Future: One Youth At A Time” highlights the fact that youth substance abuse jeopardizes the success of our young people and has devastating effects on Durham’s families, schools, communities, and quality of life; and

WHEREAS, nearly one in four youth age 12 years to 17 years cites drugs as the important problem facing people their age; and

WHEREAS, substance abuse puts thousands of adolescents at risk for alcohol- and drug-related traffic crashes, risky sexual practices, school-related problems, juvenile delinquency, and developmental problems; and

WHEREAS, a youth rally featuring free food and prizes on September 23 at 9:30 a.m. at the Halifax Mall in Raleigh will be held to observe the theme of youth and addiction; and

WHEREAS, hundreds of health care providers have dedicated their lives to the recovery process, and work to educate the public on alcoholism, drug addiction, and treatment issues:

NOW, THEREFORE, I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of September 2000 as

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in Durham County, and do encourage all residents of our county to join the national effort to promote the effectiveness of treatment and to support the thousands of individuals and their families nationwide who are seeking treatment.

This the 11th day of September, 2000.

/s/ MaryAnn E. Black, Chairman
Durham County Board of Commissioners

Resolution in Support of Community College Bond Issue

The Board was requested to approve the resolution, which was approved in the Business Session on Saturday, August 12 during the North Carolina Association of County Commissioners annual meeting. This is in keeping with the Association's ongoing support of community colleges.

County Manager's Recommendation: Approve the resolution and send a copy to Ron Aycock, Executive Director, North Carolina Association of County Commissioners.

Chairman Black read the resolution into the record as follows:

RESOLUTION

Whereas, the North Carolina General Assembly has approved Senate Bill 912, signed by the Governor and enacted as Session Law 2000-2, placing on the ballot a proposal to issue \$3.1 billion in general obligation bonds, proceeds from which are to be used to

improve facilities within the state's university system (\$2.5 billion) and community college system (\$600 million); and

Whereas, North Carolina's community colleges and universities provide our citizens with the opportunities to learn the skills and educational experience that improve the quality of our cultural and economic life; and

Whereas, the facilities within these universities and community colleges—including laboratories, classrooms, and other training facilities—must be improved and modernized if our institutions are to retain the capacity to provide the training and education our students deserve; and

Whereas, chapter 115D of the North Carolina General Statutes places on Boards of County Commissioners responsibility for appointing community college trustees and providing funds to create and maintain community college facilities; and

Whereas, proceeds from the bond issue will provide great assistance to North Carolina counties in improving these community college facilities and in assuring quality facilities for our citizens attending the state's universities:

NOW, THEREFORE, BE IT RESOLVED that Durham County strongly supports the passage of community college and university bonds on the ballot November 7.

This the 11th day of September, 2000.

/s/ Five Commissioners
Durham County Commissioners

Operation Fresh Start

Chairman Black asked Commissioner Heron to introduce Sheriff Worth Hill to brief the Commissioners on Operation Fresh Start that was held on Thursday and Friday nights, September 7 and 8, 2000. Operation Fresh Start was held in a 20-block area of Northeast Central Durham in response to resident requests for help in fighting crime.

Sheriff Hill assigned the project to the SCOPE team to determine what the problems are and where they exist.

On Thursday night, 86 people volunteered to help with the operation. The volunteers included deputies, command staff, detention officers, and deputy reserves. On Friday night, 72 people assisted with the operation. The Sheriff's Department, with the help of the Police Department, intends to assist this area as much as possible.

Operation Fresh Start resulted in the following activities and arrests:

- misdemeanor charges—27
- felony charges—18
- 45 people taken to jail for bonding
- four recovered handguns (2 stolen)
- crack cocaine and SCH. VI were recovered in four raids by SAC/NARC
- approximately 40 warrants were served
- numerous “knock and talks” were made
- several residences were identified which had been condemned by the City but still occupied. City Bldg. Code Supervisor Richard Valzones was contacted and made aware.
- 430 citizen contacts made, all of which applauded the Sheriff’s efforts.

The County Commissioners made remarks of thanks for the job that was done by the Sheriff’s Department.

Commissioner Bell said he wants similar efforts conducted in other areas of the county. He hopes this is the start rather than the end of the effort.

Vice-Chairman Reckhow voiced the same support.

City Council member Jacqueline Wagstaff, 227 N. Biggs Avenue, and Stephen Hopkins, 526-A Barnes Avenue, made remarks of thanks for the job that was done in Northeast Central Durham.

Consent Agenda

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items, including the correction to consent agenda item No. 6(f) relative to Durham Public Schools.

The motion carried with the following vote:

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

*(a) Street Annexation Petitions—Berwick Place, Old Buggy Trail, Wilsford Court, Lewisham Drive, Treadway Circle, Thistle Trace, Steepleton Court (Hardscrabble Plantation Subdivision) (adopt the resolution to approve the addition of these streets to the state’s road maintenance system subject to the

- certification of eligibility by the appropriate officials of the NC Department of Transportation);
- (b) Set the date of September 25, 2000 to hold a Public Hearing to receive citizen comment on the 1999-2000 Consolidated Annual Performance and Evaluation Report (CAPER) (as recommended, set the date of September 25, 2000 to hold the public hearing);
 - (c) Set Public Hearing on Stormwater Management Ordinance (manager recommends that the Board set the public hearing for Tuesday, October 10, 2000 on the proposed ordinance in order to allow for public input before adoption);
 - *(d) Library Budget Amendment to recognize and expend additional Smart Start Funds for the Raise-A-Reader Program (Manager recommends that the Board approve Budget Amendment 01BCC000006 in the amount of \$25,049 to recognize funds from Smart Start for the Library's Raise-A-Reader Program);
 - *(e) Library Budget Amendment to recognize and expend schools and libraries Universal Service Deferred Revenues (manager recommends that the Board approve Budget Amendment 01BCC000005 in the amount of \$10,117 to recognize revenues received from its participation in the Schools and Libraries Universal Service Program); and
 - *(f) Modification to a public school building capital fund project—Durham Public Schools (approve the modification to the title of the project to include “and Related Renovations” as it was inadvertently left off the original title and more accurately reflects the originally intended scope of work).

*Documents related to these items follow:

Consent Agenda 6(a). Street Annexation Petitions—Berwick Place, Old Buggy Trail, Wilsford Court, Lewisham Drive, Treadway Circle, Thistle Trace, Steepleton Court (Hardscrabble Plantation Subdivision) (adopt the resolution to approve the addition of these streets to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina

County of Durham

Road Description: Berwick Place, Old Buggy Trail, Wilsford Court, Lewisham Drive,
Treadway Circle, Thistle Trace, and Steepleton Court

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described roads, the location of which have been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described roads should be added to the secondary road system, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described roads, and to take over the roads for maintenance if they meet established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 11th day of September, 2000.

Witness my hand and official seal this the 12th day of September, 2000.

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

*In the office of the Clerk to the Board.

Consent Agenda 6(d). Library Budget Amendment to recognize and expend additional Smart Start Funds for the Raise-A-Reader Program (Manager recommends that the Board approve Budget Amendment 01BCC000006 in the amount of \$25,049 to recognize funds from Smart Start for the Library's Raise-A-Reader Program).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Cultural & Recreation	\$ 7,078,974	\$25,049		\$ 7,104,023
<u>Revenues</u>				
Intergovernmental	\$195,126,165	\$25,049		\$195,151,214

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

This the 11th day of September, 2000.

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

Consent Agenda 6(e). Library Budget Amendment to recognize and expend schools and libraries Universal Service Deferred Revenues (manager recommends that the Board approve Budget Amendment 01BCC000005 in the amount of \$10,117 to recognize revenues received from its participation in the Schools and Libraries Universal Service Program).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Cultural & Recreation	\$ 7,068,857	\$10,117		\$ 7,078,974

Revenues

Intergovernmental	\$195,116,048	\$10,117	\$195,126,165
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of September, 2000.

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

Consent Agenda 6(f). Modification to a public school building capital fund project—Durham Public Schools (approve the modification to the title of the project to include “and Related Renovations” as it was inadvertently left off the original title and more accurately reflects the originally intended scope of work).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2000-01 Capital Projects Budget Ordinance
 Amendment No. 01CPA000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-00 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for Durham Public Schools.

State Public Schools Capital Building Fund

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$ 0	\$780,000		\$780,000
<u>Expenditures</u>				
Eno Valley				
Elementary School	\$ 0	\$360,000		\$360,000
Lowe’s Grove Middle School	\$ 0	\$420,000		\$420,000

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

This the 11th day of September, 2000.

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

Resolution Establishing Room Rental Rates for the Durham Civic Center

Under the terms of the Civic Center Management Agreement, the owner of the hotel is responsible for marketing and operating the public Civic Center. There are three primary sources of public revenue: the lease of the publicly-owned air space over the convention center to recognize the use of that space by the private hotel, the public's share of the catering revenues, and the meeting room rentals.

Since the Civic Center was opened in the late 1980s, the Center has established a market niche--the local corporate meeting and the local social events market. In these markets, the Civic Center faces competition from both private and public meeting facilities in other communities, as well as from private facilities in the City of Durham.

The room rental rates are charged by the Civic Center Manager for use of the public meeting spaces in the Civic Center. These fees are reviewed and modified by the Civic Center Authority, subject to the approval of the City and the County. Over the last 12 months, revenues from these three sources have increased by 27 percent relative to the previous 12-month period. Based on the recent success, the Civic Center Manager recently requested that the City Council waive or reduce the fees charged for the rental of meeting space on occasions when that space would otherwise be vacant.

If granted, this request would allow the Civic Center to compete on a more level playing field with other meeting facilities that already waive these fees on certain occasions. This item went to the City Council for consideration and was approved at the June 5, 2000 meeting.

Resource Person(s): Charlie Roberts, Marriott Corporation; Wendell Davis, Deputy County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board approve the resolution establishing room rental rates for the Durham Civic Center.

Deputy County Manager Davis presented the item to the County Commissioners.

Commissioner Bell and Vice-Chairman Reckhow asked questions to which staff agreed to get answers.

Chairman Black suggested the resolution be moved to the September 25, 2000 Regular Session for final action.

The Commissioners agreed to the suggestion.

Endorsement of TEEN VOICES Peer Education Program for Planned Parenthood of Orange and Durham Counties (PPOD)

The Planned Parenthood of Orange and Durham Counties (PPOD) is currently applying for NC Adolescent Pregnancy Prevention Funds for their TEEN VOICES Peer Education Program.

As part of the grant proposal process, it is necessary for PPOD to seek endorsement from the Durham County Board of Commissioners. Specifically, the grant proposal is required to provide (1) documentation that a presentation about the project was placed on the Board's agenda; and (2) a letter of endorsement reflecting an official act resulting from formal consideration by the Board.

The Board of County Commissioners was requested to receive a presentation by Planned Parenthood of Orange and Durham Counties regarding the TEEN VOICES Peer Education Program and to offer a letter of endorsement supporting the mission and goals of the program.

Resource Person(s): Robyn Schryer, Peer Education Coordinator for Planned Parenthood of Orange and Durham Counties

County Manager's Recommendation: Receive the presentation about the TEEN VOICES Peer Education Program and, if desired, direct staff to draft a letter of endorsement suitable for the requirements of the grant process.

Chairman Black commented that the Commissioners were not being asked to match any funding.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve endorsement of TEEN VOICES and to have a letter prepared in support of the project. No funding is involved.

The motion carried with the following vote:

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

Ms. Schryer made brief comments about the TEEN VOICES Peer Education Program.

Public Hearing for Robert Witwer/Xanthon Inc. (Rezoning Case P00-51)

Robert Witwer/Xanthon Inc. presented the Board of County Commissioners with a request to rezone 59.27 acres located at 104 Alexander Drive at the southwest corner of NC 54 and Alexander Drive, PIN #s 0738-04-51-2248, 0738-03-41-9233, and 0737-02-59-2892 (Tax Map #s 544-04-010, 544-04-010A, 544-04-010B). The specific request is to rezone the tract from RSCH (Research Park District) to RAD (Research Applications District).

The rezoning proposal is in conformance with the adopted small area plan and 2020 Plan. The Planning staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 8, 2000 and voted 7-0 to recommend approval.

The public hearing was advertised on August 25 and September 1, 2000 in the Durham Herald-Sun.

Case Planner: Cassandra Haynesworth

Resource Person(s): Sheila Stains-Ramp, Planning Supervisor; Norman Standerfer, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

Mr. Standerfer presented the Commissioners an overview of Rezoning Case P00-51.

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 rezoning request.

The motion carried with the following vote:

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

(Legal description recorded in Ordinance Book _____, page _____.)

Triangle Land Conservancy Update on Activities in Durham County

Ms. Kate Dixon, Executive Director of the Triangle Land Conservancy, provided the Board with information about Triangle Land Conservancy's current activities in Durham County. The two specific objectives of the presentation were:

- 1) To thank the Board of County Commissioners for its leadership on the acquisition of the Little River natural area park and to report to the Board on the campaign led by the Triangle Land Conservancy and the Eno River Association to raise \$170,000 toward the purchase price.
- 2) To summarize the findings and recommendations in the Triangle Land Conservancy's recent *State of Open Space 2000 Report* and to describe to the BOCC the recent activities by the Conservancy to help implement the recommendation of the report.

The main initiative to date has been working with the Triangle J Council of Governments and the NC Division of Parks and Recreation to organize three one-day workshops of experts on various types of open space such that it can be identified, mapped, and prioritized.

The Open Space Planner from City/County Planning will be an important asset to this process because the Conservancy is seeking to build on rather than reinvent the work which has already been accomplished by the Counties.

Resource Person(s): Kate Dixon, Executive Director of the Triangle Land Conservancy, and Hildegard Ryals

County Manager's Recommendation: The Manager's recommendation is that the Board receive this presentation as an informational item.

Ms. Dixon thanked the Commissioners for their leadership on the Little River project to acquire the 391 acres on the Little River. Durham County partnered with Orange County since the property is on the Durham and Orange County lines.

Ms. Dixon discussed the *State of Open Space 2000 Report* released by the Triangle Land Conservancy.

The Commissioners thanked Ms. Dixon and the Triangle Land Conservancy for the hard work that it has done to preserve open space areas in Durham County.

The Commissioners received the presentation as an informational item.

No official action was taken on this agenda item.

Triangle J Council of Governments (TJCOG) Presentation

The Board of County Commissioners was requested to receive a presentation by Mr. Dee Freeman of the Triangle J Council of Governments (TJCOG). Mr. Freeman was recently appointed to serve as the new Executive Director of TJCOG and wished to make introductory comments to the Board. He addressed what he views as the most significant issues facing local governments, as well as provided the Board with the current and future initiatives of TJCOG. On behalf of TJCOG, he addressed any questions the Board had and ensured continued partnership efforts.

Resource Person(s): Ellen Reckhow, BOCC Vice-Chairman and Chairman of TJCOG Board of Directors; Dee Freeman, Executive Director of TJCOG

County Manager's Recommendation: The Manager recommends that the Board receive the presentation on Triangle J Council of Governments and welcome Mr. Freeman as the newly-appointed Executive Director.

Chairman Black introduced Mr. Freeman as the newly-appointed Executive Director of the TJCOG. He began the job September 1, 2000.

Mr. Freeman spoke about the Triangle J Board of Delegates planning retreat on September 27, 2000. He also talked about current activities of TJCOG.

Chairman Black thanked Mr. Freeman for coming to the meeting.

No official action was taken on this agenda item.

Interim SubArea A Land Use Plan Presentation

Current interest in the NC 54/I-40 Corridor has driven the need to review the adopted land use plans for the area. The study area covers portions of three small area plans (South Durham, Southwest Durham, and Triangle Township). SubArea A of the NC 54/I-40 Corridor Study is the focus of this report.

Staff worked in conjunction with a consulting firm to speed the planning process. The team reviewed adopted plans and existing conditions and held stakeholder and community meetings to develop the land use plan. The plan directs non-residential land uses along NC 54 and I-40. It also tapers residential density to one unit per acre at the Urban Growth Boundary. Closing Fayetteville Road at its intersection with Scott King Road is proposed. The plan provides for development in the area while protecting existing neighborhoods and the environment.

The final draft interim plan was presented to the Durham Planning Commission July 26, 2000. The Commission passed a resolution in support of the interim plan with some

minor changes. JCCPC discussed the plan and asked staff to meet with the C.A.U.S.E. community group to discuss specific concerns. The interim plan was presented to City Council at its August 7, 2000 meeting. City Council delayed action on the item for two cycles to give the community a chance to compromise on the land use designation for Kentington Heights. The plan was presented to the City Council again on September 5, 2000. The City Council approved the interim SubArea A Plan with an 8 to 4 vote. Planning staff recommended adoption of the interim SubArea A Land Use Plan.

Resource Person(s): T.E. Austin, Planning Supervisor, City/County Planning Department

County Manager's Recommendation: The Manager's recommendation is that the Board accept the presentation, discuss the item, and approve if deemed appropriate. The plan has been approved by the Planning Commission and has been presented to JCCPC. The plan meets all of the technical ordinance requirements.

Norman Standerfer, Planning Director, introduced the agenda item by reviewing the process from inception of the study. Staff plans to complete the entire study over the next 90 days. Its centerpiece will be this SubArea A land use map and the associated policies.

Mr. Austin said Planning staff was directed to update the small area plans. We were directed to look at corridors that would cover multiple plans. The Joint City County Planning Committee asked us to study the NC 54/I-40 corridor. A consulting firm was employed to begin research on the study area. Mr. Austin spoke in detail about the interim SubArea A Land Use Plan which included a review of the total project since inception.

The Board of County Commissioners asked several questions about the interim SubArea A Land Use Plan to which Mr. Austin and Mr. Standerfer responded.

Chairman Black opened the public hearing that was properly advertised.

The following citizens spoke about the plan:

Dan Gernandt, 127 Chapparal Lane, Kentington Heights, has lived there for 14 years. He owns his home that is adjacent to Southpoint Mall. Trees were cut in front of his house and a street will be built up to his home. The street will be blocked off at Fayetteville Road. He will have to go through the mall to get to his property. The water is unfit for humans and the septic system overflows into the wells. The roads are maintained poorly. The neighborhood will be used as a buffer. The area should be zoned as commercial.

Alvin McMilling, 124 Kentington Drive, President of Kentington Heights Association, said the water is unfit for human consumption. The area should be zoned General Commercial. We have a failing septic system, no street lights, and no curb and gutters.

Ralph McKinney, 500 Fairfield Road, spoke in the interest of the residents in the Kentington Heights subdivision. Citizens have been abused. He asked that the Commissioners find a solution for the people living in Kentington Heights.

Carlton Wright, 7312 Hatteras Lane, owns a home in Kentington Heights. He has lived in the subdivision for three years. He requested that the community be rezoned to General Commercial. The water is unfit to use. The traffic is congested; the roads are being destroyed.

Jeannette Cobb, 222 Kentington Road, asked the Commissioners to rezone Kentington Heights to General Commercial. The plan presented tonight was not the final result. The plan has been altered. The original plan was to leave Kentington Heights low density residential. The plan tonight is not a compromise but an offer that was rejected by the community.

Chairman Black said this is not a rezoning issue. This is an issue of considering a small area plan and making a recommendation. This is not a rezoning.

Commissioner Heron took offense to the statement that the County has ignored the area. I have not seen a petition come to the County for water or sewer. Until that process takes place, we don't normally deal with water and sewer.

Chairman Black asked staff to speak if a valid petition for water and sewer came to the County for the Kentington Heights area.

Jesse R. Blacknell, 7016 Chanticleer Drive, Kentington Heights homeowner, said traffic would increase. I don't want to be a buffer for Southpoint. My property joins Southpoint property. I want to get the best price for my property and move.

John Johnson, 308 Chadron Road, Kentington Heights, requested the area be changed to General Commercial.

Baxter Bailey Jr., 311 Chadron Road, Kentington Heights, has lived in the community for 30 years. He urged the Commissioners to change the zoning to General Commercial.

Angela D. Smith, 228 Buxbury Lane, Kentington Heights, said she does not support the plan of the City. Please vote against the plan tonight.

James A. Smith, PO Box 52655, said he believes the area will be zoned GC in the future. He wishes to get the people motivated to obtain the zone change as quickly as possible.

Chairman Black asked if anyone has a copy of a petition requesting the County to install water lines in Kentington Heights, to send the copy to Interim County Manager Carolyn P. Titus.

Bill Tolbert, 7428 Abron Drive, Kentington Heights, commented he is a property owner. He discussed the water situation in the area. He said the neighborhood needs help with the water problem.

Christine Taft, 7027 Chanticleer Drive, Kentington Heights, has lived there 30 years. She talked about the water situation. She asked that the Commissioners understand residents' concerns and help us move.

Sarah McMillian, 124 Kentington Heights, has lived there for 20 years. She talked about traffic concerns. She requested General Commercial zone for the area.

Anne Smith, 7019 Chanticleer Drive, Kentington Heights, stated she has lived at this address for 26 years. She supported the mall because it would bring jobs to the citizens in the area. She urged the Commissioners to zone the area General Commercial.

Larry D. Hall, 315 E. Chapel Hill Street, attorney for the Kentington Heights Neighborhood Association, urged the Commissioners to vote for General Commercial use on the future land use map for Kentington Heights.

Shirley Walker, 7011 Chanticleer Drive, is a property owner who has lived there for 30 years. She discussed the water shortage in the area. She commented that she hopes to have adequate water in her home in the future.

Patrick Murphy, 7110 Massey Chapel Road, supported the future land use plan recommended by the City-County Planning Department. A transitional area is needed for the Fayetteville Road area to the County line. This area should be commercial.

Dr. Anita Keith Foust, 323 W. Trinity Avenue, stated she owns property in Kentington Heights. She said she wrote a letter to the Commissioners in the early 1990s requesting help with the water and sewer situation. She responded to Chairman Black's question that she did not get a response to her letter she wrote in April 8, 1993. In order to get a valid petition for water and sewer, the roads must be on the maintenance system. The roads in Kentington Heights are not on the state maintenance system. She requested that the area be designated General Commercial on the future land use plan.

Commissioner Bell said the main trouble in the area is that they have not been able to get a sufficient number of signatures to have a valid petition to get water and sewer service. The whole question is about the petition process. The information Dr. Foust gave Commissioner Bell was a letter, not a petition for water and sewer service.

Antoinette Hawes, 7035 Chanticleer Drive, speaking for her mother, said the map before the Commissioners is not correct. Southpoint Mall has brought property behind her mother's house and neighbor's house. They plan to come in and develop our community. The plan will not be complete until Southpoint Mall acquires the property they want.

Alvina McMillian, 124 Kentington Drive, requested the community be designated GC.

Magnolia P. McMillian, 124 Kentington Drive, owns her home. She has lived there since 1977. We do not want to be a buffer for the surrounding area. We want the community designated GC.

Bruce Plumer, 1106 Queensbury Circle in the Fairfield community, requested the Commissioners to consider the small area plan as established by the City-County Planning Department. I don't want to see the commercialism coming in the area. The plan under consideration increases the value of the land in the area.

Pete Schubert, 927 Bluestone Road, said the issue here is guiding commercial growth. The plan before the Commissioners is not perfect but it is the best plan to offer. He urged the Commissioners to approve the plan as submitted.

Stephen Hopkins, 526-A Barnes Avenue, yielded his time to Attorney Larry Hall.

Larry D. Hall, 315 E. Chapel Hill Street, attorney for Kentington Heights, said the citizens should determine how their community is to be used, not a developer.

Tracy Michael, 1516 Kelly Road, Apex, said the Commissioners and City Council should support the neighbors in their efforts to get the zoning they want.

Randy Hamilton, 9708 Hwy. 751 South, asked the Commissioners to approve the plan tonight as it currently stands. He urged the Commissioners to help the citizens in Kentington Heights with the water and sewer problems.

Minister Curtis Gatewood, President of the Durham NAACP, 315 E. Chapel Hill Street, Suite 206, said he supports the residents of Kentington Heights as they seek support and assistance in their endeavor to rezone the property in their neighborhood to GC.

James E. Scott, 7310 Chanticleer Drive, Kentington Heights, did not come forward to speak.

James McDonald, 3818 Somerset Drive, Hope Valley Neighborhood Association, urged the Commissioners to adopt the proposal currently before them. Endorse the plan tonight. The public officials should help to get water and sewer to the Kentington Heights area.

Liz Pullman, 1114 Scott King Road, asked the Commissioners for support of the plan.

Steve Bocckino, 7340 Abron Drive, asked the Commissioners to adopt the small area plan as adopted by the City Council. He urged the Board to help get Kentington Heights residents' water and sewer.

Lavonia Allison, 1315 McLaurin Avenue, President of the Durham Committee, said it is time to send this plan back and develop some other plan. The plan is not right now. Don't vote on this tonight.

Torrance Mohammed, 6010 Millshire Drive, talked about people not being represented by government. The people with power and money control and dictate what is going to happen. The "little man" will be forced out.

Carrie Roach, 4901 Singing Woods Place, supported the residents of Kentington Heights.

Howard A. Fitts, 7312 Abron Drive, urged the Commissioners to do what is best for Durham County.

Robert Byrd, 7316 Chanticleer Drive, did not come forward to speak.

Ron Jennings, 326 Poinciana, did not come forward to speak.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing.

The Board of County Commissioners had a lengthy discussion about the Kentington Heights water and sewer situation and the interim SubArea A Land Use Plan.

Commissioner Bell recommended that the Board not to vote on this plan tonight. The plan should be sent back to staff and the community. We must develop a more workable and acceptable plan which allows for water and sewer extensions and still allows us to develop a plan for future land development.

Vice-Chairman Reckhow suggested that staff get copies of tapes from City Council meetings concerning the commitments the developers made to the community relative to infrastructure. Staff should have additional meetings with Kentington Heights residents.

Extension of Meeting

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to extend the meeting until 11:30 p.m.

The motion carried with the following vote:

Ayes: Bell, Black, Heron, and Reckhow

Noes: None

Absent: Bowser

Commissioner Heron asked several questions and made remarks about the agreement between Kentington Heights and the developer of Southpoint Mall.

Chairman Black made comments and asked questions about the subject under discussion.

Chairman Black stated she concurs with Commissioner Bell that the Board consider what it might do to help the situation in Kentington Heights. She agreed with Commissioner Bell to delay the vote on the interim SubArea A Land Use Plan.

Commissioner Bell requested that staff come back to the next Commissioner meeting with a timetable for a revised plan which would allow for the extension of water and sewer into that area and allow for the flexibility of moving to a higher density of development. The cost of running water and sewer lines into the development should be computed. If the community is not willing to have a discussion about this, the Commission will have to make a decision.

Vice-Chairman Reckhow concurred with Commissioner Bell.

Chairman Black asked the Interim County Manager to get with the staff and begin to work out the plan that Commissioner Bell was mentioning and keep in mind all the suggestions from the other three Commissioners. The timetable should be presented to the Commissioners for review and consideration for action.

Commissioner Bell said he would be willing to attend the meetings.

Commissioner Heron said the City should participate in the discussion.

Extension of Meeting

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to extend the meeting until 11:45 p.m.

The motion carried with the following vote:

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

City and County Interlocal Cooperation Agreement for the Durham Environmental Affairs Board

For several years, the City and County have maintained an interlocal agreement establishing the Durham Environmental Affairs Board. The initial agreement was adopted in 1991 and renewed in 1996. At the beginning of last year, the agreement expired and it is appropriate for the City Council and Board of County Commissioners to renew the agreement.

The Planning Staff recommended three minor revisions:

- According to the agreement, EAB appointees represent certain vocations or professions, one of which is “Energy.” Since the City has generally had problems recruiting candidates to fill this position, the Staff recommends broadening it to “Energy and/or Transportation.”
- The titles of City and County ex-officio members are changed to reflect current positions.
- Lengthen the term of the agreement from three years to five years.

These changes are incorporated into the agreement. At its regular meeting on August 2, 2000, the Joint City-County Planning Committee reviewed the agreement with these changes and unanimously recommended it to the elected boards. Planning Staff recommended that the City and County adopt the interlocal cooperation agreement.

Resource Person: Keith Luck, Planning Supervisor, presented this item.

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Interlocal Cooperation Agreement as amended.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the interlocal cooperation agreement for the Durham Environmental Affairs Board.

The motion carried with the following vote:

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

Interlocal Agreement With City of Durham to Share Costs Associated With TDM

During the May 22, 2000 Board of County Commissioners' meeting, the Board approved an interlocal agreement with Research Triangle Regional Public Transportation Authority (TTA) to serve as the Lead Agency pursuant to the Commute Trip Reduction Ordinance (Chapter 24, Article V of the Durham County Code of Ordinances). For the purposes of sharing costs and funding the Lead Agency, TTA, an Interlocal Cooperation Agreement with the City of Durham was drafted.

On August 7, 2000, the Durham City Council approved and authorized the City Manager to enter the Interlocal Cooperation Agreement with Durham County regarding administration of the Commute Trip Reduction Program. Therefore, the Board of County Commissioners was requested to approve the Interlocal Cooperation Agreement for the funding of Research Triangle Regional Transportation Authority to serve as the Lead Agency pursuant to the Commute Trip Reduction Ordinance.

Resource Person(s): Wendell M. Davis, Deputy County Manager; S.C. Kitchen, County Attorney

County Manager's Recommendation: Approve the Interlocal Cooperation Agreement for the shared funding between the City and County of Durham to be used by TTA in compliance with the Commute Trip Reduction Ordinance.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the item and ask staff to proceed to work with the City Clerk in advertising for positions on the Multi-Jurisdictional Advisory Board that is called for in the ordinance.

The motion carried with the following vote:

Ayes: Bell, Black, Heron, and Reckhow

Noes: None

Absent: Bowser

Alcoholic Beverage Control Board

Commissioner Bell said an ABC Board member asked the Commissioners to look into several concerns he raised. In return, the Commissioners asked the remaining ABC Board members to give their responses. He was hoping the Commissioners could bring this matter to some type of closure. He had received responses from Chairman Mary Williams and Vice-Chairman John Horton and was satisfied with their responses. Is there anything else to do?

Commissioner Bell said he still questions the fact that some material released to the Commissioners was improper.

Commissioner Bell asked County Attorney Kitchen how to deal with that issue.

Attorney Kitchen said that the statute that governs County employees does not govern ABC Board employees.

Commissioner Bell suggested County Attorney Kitchen review the ABC Board policies governing handling of personnel records and then advise the Commissioners at a later meeting.

The Commissioners concurred that ABC Board members and employees should receive training. Commissioner Heron requested that the ABC Board get someone from the Institute of Government to facilitate the training classes.

Chairman Black said Interim County Manager Carolyn P. Titus could draft a letter to Ms. Mary Williams in support of the training sessions for the Board members and employees. The letter should designate the person at the Institute of Government to be contacted about the training.

Commissioner Heron stated the letter should say that all ABC Board members should be notified when a meeting is going to be held.

Library Board Joint Meeting with Commissioners

Ms. Bessie Carrington, Chairman, Library Board of Trustees, requested a joint meeting with the County Commissioners.

After discussion, Chairman Black suggested the joint meeting be held prior to a Regular Session in October. Chairman Black asked Interim County Manager Titus to contact Ms. Carrington about the date.

Excuse Commissioner Bell from the September 25, 2000 Regular Session

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to excuse Commissioner Bell from the September 25, 2000 Regular Session.

The motion carried with the following vote:

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

Absent: Bowser

Adjournment

Chairman Black adjourned the meeting at 11:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board