

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

Monday, January 8, 2001

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**?Pledge of Allegiance

2. **Agenda Adjustments**

3. **Minutes**

November 27, 2000 Regular Session

***Commissioner Bowser moved, seconded by Commissioner Heron,  
to approve the November 27, 2000 Regular Session minutes as  
corrected.***

***The motion carried unanimously.***

4. **Proclamation for "The Year of Durham Regional Hospital"**

A proclamation has been prepared declaring 2001 "The Year of Durham Regional Hospital" in recognition of the 25<sup>th</sup> Anniversary of Durham Regional Hospital. A yearlong celebration is planned with a kick-off event set for noon on January 10, 2001. Officials from Durham Regional Hospital will be in attendance to make remarks.

County Manager's Recommendation: Approve the proclamation declaring 2001 "The Year of Durham Regional Hospital" and present a copy to Durham Regional Hospital officials.

5. **Proclamation "Korean War Veterans Month"**

A proclamation has been prepared to honor the veterans of the Korean War on its 50<sup>th</sup> anniversary and to proclaim January 2001 as "Korean War Veterans Month."

County Manager's Recommendation: Present the proclamation to Mr. Wilbur P. Davis of American Legion Post 508 in appreciation of the service and sacrifice of those who served in the Korean War.

6. **Resolution for Mr. James "Mella Yella" Perry**

Commissioner Joe Bowser requested that a resolution honoring Mr. James "Mella Yella" Perry be prepared. Mr. Perry placed fourth in the 2000 World Sumo Wrestling Championships which were held in Brazil last month. Mr. Perry teaches at Lakeview School in Durham.

County Manager's Recommendation: Approve the resolution and present to Mr. Perry, along with sincere congratulations for his outstanding achievement.

7. **7. Consent Agenda**

- a. a. Sanitary Sewer Easement?Evergreens Apartments?Mt. Moriah Rd. (the recommendation is that the Board pursue the upset bid process since this easement represents a property interest);
- b. b. Budget Ordinance Amendment No. 01BCC000032?Youth Coordinating Board?Z. Smith Reynolds Foundation Community Planning Grant (approve Budget Ordinance Amendment No. 01BCC000032 in the amount of \$20,000 for the Youth Coordinating Board to complete its community wide planning process);
- c. c. Budget Ordinance Amendment No. 01BCC000033?The Durham Center (approve Budget Ordinance Amendment No. 01BCC000033 to reflect an addition of \$7,330 State funds);
- d. d. Budget Ordinance Amendment No. 01BCC000034?The Durham Center?Durham Partnership for Children Grant (approve Budget Ordinance Amendment No. 01BCC000034 for The Durham Center to receive a Partnership for Children Grant to expand the Car Safety Seat Program);
- e. e. Budget Ordinance Amendment No. 01BCC000035?FY 2000-01 Encumbrances (approve Budget Ordinance Amendment No. 01BCC000035);
- f. f. Board and Commission Appointment?Nursing Home Community Advisory Committee (appoint Ms. Sandra Battle to the Nursing Home Community Advisory Committee as its 14<sup>th</sup> member);
- g. g. Board and Commission Appointment?Nursing Home Community Advisory Committee (appoint Ms. Beverly Mangum to the Nursing Home Community Advisory Committee as a chief administrator representative);
- h. h. Set Public Hearing on M/WBE Ordinance Amendments (set the public hearing on the amended ordinance as required by statute);
- i. i. Resolution for 2002-2008 Transportation Improvement Program (approve the resolution); and
- j. j. Final Offer to Purchase County Property?1314 Marvin Alley (approve the offer of \$3,255.67 submitted for 1314 Marvin Alley by Mr. Artis Plummer Sr. and prepare a non-warranty deed for the Chairman?s signature. This action is consistent with the Board?s policy of recovering the investment value and thus putting the property back onto the tax rolls to compliment the County?s tax base).

***Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve consent agenda items a, b, d, e, f, g, h, and j. (Commissioner Heron pulled items b, c, and i.)***

***The motion carried unanimously.***

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***Commissioner Heron moved, seconded by Commissioner Bowser, to approve consent agenda item No. 7(b).***

***The motion carried unanimously.***

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***Commissioner Heron moved, seconded by Commissioner Cousin, to approve consent agenda item No. 7(c).***

***The motion carried unanimously.***

***Commissioner Heron moved, seconded by Commissioner Bowser, to approve consent agenda item No. 7(i).***

8. **Elry & Peggy Holloway, Applicant (Rezoning Case P00-61)**

Elry and Peggy Holloway will present to the Board of County Commissioners a request to rezone .66 acres southwest of Fountain Street and north of Ross Road, PIN #0841-11-76-4552; 598-1-7 (Tax Map) Request: R-20 (Residential 20 District) to R-8 (Residential 8 District) (F/J-B). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on November 14, 2000 and voted 7-0 to recommend approval.

Case Planner: Cassandre Haynesworth

The public hearing for this request was advertised on December 22 and December 29, 2000 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation and approve, if appropriate, based upon Board and public comments.

***Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve this agenda item.***

***The motion carried unanimously.***

9. **C.A.I. Group, Ltd. Applicant (Rezoning Case P99-56) REMOVED**

C.A.I. Group, Ltd. will present to the Board of County Commissioners a request to rezone 2.849 acres located on the east side of Farrington Road, north of NC 54, between Farrington and I-40 (TM 486-5-1E, NCDOT r/w being bought; third piece without TM identification). Request: R-20 to OI-2 (D); F/J-B, MTC. The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on September 12, 2000 and voted 0-7 to recommend denial.

Case Planner: Sheila Stains-Ramp

The public hearing for this request was advertised on December 22 and 29, 2000 in the Durham Herald-Sun.

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

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

10. **Establishment of a County Policy Concerning Amendments to Adopted Landuse Plans**

The Planning Committee of the Durham Planning Commission and the members of the JCCPC adopted a resolution proposing that rezoning requests conform to adopted plans, by combining the rezoning applications with a process for amending land use plans. The process recommended by the JCCPC is for quarterly plan amendments. Staff is recommending approval of the Plan amendment resolution and a process to amend plans concurrently with companion rezoning applications when a rezoning is in conflict with the Plan.

Resource Person(s): Norm Standerfer, Director of City/County Planning  
Bonnie Estes, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board receive the staff presentation, discuss the policy implications of this item, and approve, if appropriate, based upon staff recommendation and Board comment.

***Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve attachments 1 and 2.***

***The motion carried unanimously.***

#### 11. **Adequate Public Facilities Recommendations**

The Joint City-County Planning Committee created the Adequate Public Facilities Task Force to learn about adequate public facility requirements and their applicability to Durham. The Task Force is composed of JCCPC members as well as representatives from development, environmental, and neighborhood interests. The Task Force reviewed background information about existing plans for facility expansion and other jurisdictions' experience with adequate public facilities requirements. In October, the Task Force received a report from the Planning Director and embraced his recommendations in their recommendation to the two Governing Boards. The Joint City-County Planning Committee made minor modifications in the Task Force recommendations.

The Planning Staff recommends that the County Board of Commissioners take the following actions:

1. Receive the report and recommendations from the Planning Director, the APF Task Force, and the JCCPC;
2. Consider and adopt the proposed policy and procedures for amending adopted land use plans (a separate agenda item will come to the Board for implementation); and
3. Consider and adopt the "surrogate for adequacy" philosophy described in the report as the basis for considering and implementing an APF study and ordinance.

Resource Person(s): Norman Standerfer, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board: 1) receive the report and recommendations from the Planning Director, the APF Task Force, and the JCCPC; 2) consider and adopt the proposed policy and procedures for amending adopted land use plans (a separate agenda item will come to the Board for implementation); and 3) consider and adopt the "surrogate for adequacy" philosophy described in the report as the basis for considering and implementing an APF study and ordinance.

12. **Reservoir Buffer Text Amendment**

Reservoir buffer requirements were added to watershed protection regulations in the early 1990s. The intent was to protect the quality of the water in water supply reservoirs by limiting development close to their edges. Land within 250 feet of the reservoir is to remain in natural undisturbed vegetation. It was assumed that all of the land within a reservoir's buffer area would drain to the reservoir.

A local development consultant has brought to the Planning Department's attention a problem with this assumption. There exists a small area of private land on the south side of the Little River Reservoir that is within the 250-foot reservoir buffer area; however it drains away from the reservoir. The area actually drains to the Little River at a point downstream of the dam. The land area is approximately 0.9 acres and is in the Treyburn development near Snow Hill Rd. and the dam access road. There is a logical inconsistency in this situation. The small area of land is restricted by the reservoir buffer requirement to protect water quality, but stormwater runoff from the land does not drain toward the Little River Reservoir. Application of the buffer requirement to this land does not make sense. The buffer requirement should be amended to make explicit that the requirement does not apply where the land does not drain toward the reservoir.

The Zoning Committee of the Durham Planning Commission conducted a public hearing and reviewed this proposed text amendment at its December 12, 2000 meeting. The Zoning Committee voted unanimously to recommend approval. The Planning Staff recommends that Durham adopt the amendment to the Durham Zoning Ordinance, Section 5.5.8, Stream Buffers and Reservoir Buffers.

Resource Person(s): Keith Luck, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board adopt the amendment to the Durham Zoning Ordinance, Section 5.5.8, Stream Buffers and Reservoir Buffers.

***Vice-Chairman Reckhow moved, seconded by Commissioner Heron, for approval with the addition of the word "naturally."***

***The motion carried unanimously.***

13. **Presentation of Durham County 2000-2001 Travel Reduction Plan**

The Board of County Commissioners is requested to provide feedback and approve the Durham County 2000-2001 Travel Reduction Plan for submittal to Triangle Transit Authority. Article V of Chapter 24 of the Durham County Code of Ordinances establishes the Commute Trip Reduction Program and requires all major employers within Durham County on an annual basis to prepare and submit a travel reduction plan to the Lead Agency (i.e., Triangle Transit Authority). As stated in Sec. 24-118 of the ordinance, the travel reduction plan must contain the following criteria:

1. 1. The plan shall designate a Transportation Coordinator.
2. 2. The plan shall describe a mechanism for routine distribution of information to employees on alternate modes of transportation.
3. 3. The plan shall accurately and completely describe current and planned travel reduction measures.
4. 4. The plan shall state the travel reduction goals adopted by the Major Employer, including both Alternate Mode and Non-Peak Commute Trips and Average Commute Trip VMT Reduction.

The Durham County 2000-2001 Travel Reduction Plan fully addresses each of the required

criteria.

Resource Person(s): Wendell Davis, Deputy County Manager  
Marcia Margotta, Senior Research/Policy Analyst

County Manager's Recommendation: The Manager's recommendation is that the Board receive the staff presentation of the Transportation Demand Management Plan and modify the draft plan where appropriate. Staff submitted the plan to the Triangle Transit Authority on December 31, 2000 under the condition that changes on the plan may be forthcoming from the Board of Commissioners after the January 8, 2001 deliberations.

***Chairman Black moved, seconded by Vice-Chairman Reckhow, to approve the Transportation Demand Management Plan contingent upon the following changes:***

- • ***Clarify "Transit/Carpool Cash Incentive"***
- • ***Review Table 1.1 to make average vehicle miles traveled more accurate***

***The motion carried unanimously.***

#### **Preliminary Resolution for Bond Refunding**

***Commissioner Cousin moved, seconded by Commissioner Heron, to approve the resolution enabling the County staff to proceed with the initial steps in refunding the bonds.***

***The motion carried unanimously.***

#### 14. **Board and Commission Appointments**

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

- • Criminal Justice Partnership Act Advisory Board
- • Durham Planning Commission
- • Open Space and Trails Commission
- • Transportation Advisory Board
- • Volunteer Farmland Protection Board
- • Women's Commission

***Commissioner Bowser moved, seconded by Commissioner Cousin, to approve this year's assignments for Commissioner Liaison positions on boards and commissions.***

***The motion carried unanimously.***