

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

Monday, April 9, 2001

AGENDA

3:00 P.M. - 5:30 P.M.

Revisions to Capital Improvement Program

Staff has undertaken a review of the Board-adopted Capital Improvement Program with the following goals:

- Review all project estimates for accuracy and ensure that all costs have been included to bring each project to fruition;
- Consider any new projects that may have surfaced since last spring;
- Revise project scheduling to accommodate the earlier completion of several projects; and
- Develop alternative revenue budget(s) that include estimates for impact taxes, impact fees, and property tax rates.

Resource Person(s): Michael M. Ruffin, County Manager; Carolyn Titus, Deputy County Manager; Wendell Davis, Deputy County Manager; Pamela Meyer, Budget and Management Services Director; Susan Fox-Kirk, Interim Finance Director; Glen Whisler, County Engineer; and Keith Lane, Senior Budget Analyst

County Manager's Recommendation: The Manager requests that the Board review the information and make any changes, as it deems appropriate.

5:30 P.M. - 6:30 P.M.

Closed Session

The Board of Commissioners is requested to adjourn to closed session to consider the performance of a public officer pursuant to G. S. § 143-318.11(a)(6).

7:00 P.M.

1. **Opening of Regular Session** Pledge of Allegiance
2. **Agenda Adjustments**
None
3. **Minutes**
 - a. a. March 12, 2001 BOCC/DSS
 - b. b. March 12, 2001 Regular Session

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the March 12, 2001 BOCC/DSS and March 12, 2001 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

4. **Resolution for Duke University Men's Basketball Team**

A resolution has been prepared to recognize Duke University Men's Basketball Team, the 2001 NCAA Basketball Champions. The Duke Blue Devils, led by Shane Battier, Mike Dunleavy, and Jason Williams, defeated the Arizona Wildcats 82-72 to win the national men's basketball title in Minneapolis on Monday, April 2, 2001.

County Manager's Recommendation: Present the resolution along with sincere congratulations to coach Mike Krzyzewski, the coaching staff, and the team for this outstanding achievement.

5. **Recognition from Triangle United Way**

Durham County Government has received the "Community Recognition Award" for a successful 2000 United Way Campaign. Mr. Mike Smith of Durham County Emergency Medical Services was the coordinator of this year's outstanding campaign. He was recently presented a recognition plaque from Triangle United Way.

County Manager's Recommendation: Accept the plaque and recognize Mr. Mike Smith for his energy, enthusiasm, and hard work in leading a successful employee campaign.

6. **Joint Durham County/Orange County Award??Local Government Conservationist of the Year"**

At its annual meeting held April 2, 2001, the Conservation Trust for North Carolina presented Durham and Orange Counties a joint award for the "Local Government Conservationist of the Year" for the Little River Regional Park project. The Conservation Trust is a statewide umbrella organization serving all the land trusts in the state. The award is to recognize outstanding commitment to partnering with land trust for land conservation initiatives and supporting public policies that have a positive influence on land/water preservation in North Carolina.

The Triangle Land Conservancy and Eno River Association, the two nonprofit partners in the regional park project, jointly nominated Durham and Orange Counties to receive the award. Commissioner Becky M. Heron accepted the award on behalf of Durham County and Commissioner Barry Jacobs on behalf of Orange County at the awards presentation.

Resource Person(s): Commissioner Becky M. Heron and Jane Korest, City/County Planning

7. **Triangle Clean Cities Designation**

The Triangle Clean Cities Coalition recently held a conference and designation celebration to recognize participation in the National Clean Cities Program. Durham County has been designated as a partner in the Triangle Clean Cities Coalition. Vice-Chairman Ellen Reckhow attended the conference and received a plaque from the U. S. Department of Energy's Clean Cities Program.

County Manager's Recommendation: Receive remarks from Vice Chairman Reckhow on Triangle Clean Cities

8. **Recognition from U. S. Census Bureau**

Durham County is the recipient of recognition from the U. S. Census Bureau for outstanding efforts in making Census 2000 a success. Durham County was an early participant in the process. Chairman MaryAnn Black and Mayor Nick Tennyson jointly proclaimed Year 2000 the "Year of the Census."

The Durham County Commissioners and Durham City Council members formed a partnership and appointed a Complete Count Committee" to develop local public information initiatives to increase Durham's participation in the Census. Mr. Dave Neill of the Durham Chamber of Commerce chaired that group. Deborah Craig-Ray, Public Information/Governmental Affairs Director, served as staff liaison.

County Manager's Recommendation: Receive the certificate and thank all who assisted in making Census 2000 a success.

9. **Consent Agenda**

- a. a. Street Annexation Petition Delmar Drive (Delmar Forest Subdivision) (adopt the resolution to approve the addition of Delmar Drive to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- b. b. Street Closing Alston Avenue (SC00-6): Setting a Public Hearing (set a public hearing for April 23, 2001 to consider permanently closing 486 ± linear feet [.65 acre] of Alston Avenue);
- c. c. Budget Ordinance Amendment No. 01BCC000059?Youth Home Payment to State for Out-Of-County Placement of Durham Delinquents (approve the requested appropriation of \$68,000 for the Youth Home; the necessary funds will be reallocated from the Court-Ordered Child Services budget within the Human Services function to the Youth Home budget within the Public Safety function);
- d. d. Capital Project Amendment No. CPA0000010?Update on the New Hope Trail Construction Project and Authorization for Funding Project Completion (receive the project update and reallocate available bond funds and appropriate \$30,000 in grant funds and \$8,500 in donations);
- e. e. Durham Public Schools North Carolina Public School Facility Needs Survey (approve based on discussions at the March 29, 2001 Worksession); and
- f. f. Resolution for Establishment of Policy and Procedures for Appointments to County Boards, Commissions, Committees, or Authorities (approved the revised resolution).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

***Commissioner Bowser moved, seconded by
Commissioner Cousin, to approve consent agenda
items Nos. 9(a) through 9(f).***

The motion carried unanimously.

10. **A Public Hearing to Consider an Amendment to the Zoning Ordinance Regarding Intermittent Stream Buffer Width**

The Durham Zoning Ordinance requires that an undisturbed, naturally-vegetated stream buffer be preserved along all intermittent and perennial streams. The purpose of the stream buffer is to enhance and maintain water quality, protect stream channel wetlands, minimize stormwater runoff, reduce sedimentation and erosion, conserve plant and wildlife habitat, and protect wildlife movement corridors.

Buffers of greater width are required in watershed protection areas. Required buffers are 30, 50, 100, or 150 feet wide on each side of the stream, depending on the type of stream and its location. Generally, wider buffers are required on perennial streams, in critical areas, and in more sensitive watersheds.

Water supply watershed protection requirements cover approximately three-quarters of Durham County and have minimum stream buffer widths of 50 feet. Likewise, Neuse River Basin Management Strategy requirements cover another eighth of the county and also have minimum stream buffer widths of 50 feet. Buffers as small as 30 feet apply only to the portions of Durham County outside of these areas. To offer more consistency and less confusion and to enhance water quality protection, the Joint City-County Planning Committee has recommended that the minimum stream buffer width be increased from 30 to 50 feet throughout the County.

On March 13, the Zoning Committee of the Planning Commission conducted a public hearing and considered this text amendment. The Committee voted unanimously to recommend approval. The Planning Staff concurs and recommends that Durham adopt the amendment to the Durham Zoning Ordinance to change the size of intermittent stream buffers.

Resource Person(s): Keith Luck, Planning Supervisor

County Manager's Recommendation: Conduct the public hearing and adopt the amendment to the Durham Zoning Ordinance to change the size of intermittent stream buffers outside of watershed protection areas.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to adopt the amendment to the Durham Zoning Ordinance to change the size of intermittent stream buffers outside of watershed protection areas.

The motion carried unanimously.

11. **Update on 2001 Durham County Legislative Agenda**

Members of the Durham Delegation have now introduced several local bills that were included in the Durham County Legislative Agenda. Staff will present a status report on the proposed legislation. Other legislative issues highlighted by Board members will be discussed as well.

Resource Person(s): Deborah Craig-Ray and Chuck Kitchen

County Manager's Recommendation: Receive the report and direct staff relative to further support for legislative issues.

Ms. Craig-Ray was directed by Chairman Black to schedule a meeting with the Durham County Legislative Delegation and the BOCC for Thursday, April 19 or Friday, April 20 at 8:30 a.m. to discuss proposed legislative issues.

12. **Establishing Fees for Plan Amendments and Landscape Extension Requests**

The Board is being requested to approve new fees for amendments to Small Area Plans, 2020 Plan, and Corridor Plans and for extensions on landscape installation.

1. 1. In keeping with the BOCC's previously-adopted policy of requiring consistency between a requested rezoning and adopted plans, the Planning staff is proposing a fee of \$1,100 to cover staff time in processing amendments to Small Area Plans, the 2020 Plan, and/or officially adopted Corridor Plans.
2. 2. Planning staff is also proposing a fee to process requests for extensions on the installation of street trees and other required landscaping due to hot weather and other weather-related conditions beyond the developers control. This fee is proposed in increments of \$75, \$150, and \$300.

Resource Person(s): Norman R. Standerfer, Planning Director, and Dick Hails, Assistant Director

County Manager's Recommendation: The County Manager recommends that the Board adopt the proposed fees as described in the proposal.

Commissioner Heron moved, seconded by Commissioner Cousin, to adopt the proposed fees as described in the proposal.

The motion carried unanimously.

13. **Interlocal Agreement to Establish a Bicycle and Pedestrian Advisory Commission**

Bicycle and pedestrian issues are gaining increasing importance in transportation and land use planning, but Durham has no channel for citizen advocacy and input into these discussions. This interlocal agreement will create a 15-member Bicycle and Pedestrian Advisory Commission (BPAC), with six members appointed by the Board of County Commissioners and six by the City Council to represent various constituencies. There will be three additional members as liaisons from the Durham Open Space and Trails Commission (DOST), the Recreation Advisory Commission (RAC), and the Planning Commission. The members appointed by the elected officials will serve three-year terms; the liaisons from the other commissions will serve one-year terms.

The proposed BPAC will have the responsibility to advise the City and County on bicycle and pedestrian issues. The BPAC will also be charged with increasing public education on these same issues and promoting intergovernmental and public/private partnerships on bicycle and pedestrian matters. Staff is requesting that the Board authorize the County Manager to sign the interlocal agreement to create a Bicycle and Pedestrian Advisory Commission.

Resource Person(s): Norman R. Standerfer, Planning Director, and Beth Timson, Senior Planner

County Manager's Recommendation: The Manager's recommendation is that the Board approve the interlocal agreement and create a Bicycle and Pedestrian Advisory Commission.

Chairman Black directed Ms. Timson to ask the Sheriff if he would like to participate by serving as an ex officio member of the commission.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the interlocal agreement and the creation of a Bicycle and Pedestrian Advisory Commission.

Commissioner Bowser asked that a letter be written to Steve Toler of Verizon Wireless requesting that the payment center at South Square Mall not be closed in June.

Chairman Black directed that a letter be written to Mayor Rosemary Waldorf of Chapel Hill regarding planning issues.

The meeting adjourned at 8:20 p.m.