

*REVISED

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, October 22, 2001

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session** Pledge of Allegiance
2. **Agenda Adjustments**
3. **Presentation Honoring the Life and Service of John P. "Jack" Bond, III**

John P. "Jack" Bond, III, former Durham County Manager, died on August 16. Mr. Bond was Durham County's third professional manager, serving from 1984-1991. During his tenure with the County, he successfully managed a county experiencing rapid urbanization, one that would become known across the country for research, education, medicine, and high technology.

Resource Person(s): Deborah Craig-Ray, Public Information/Governmental Affairs Director

County Manager's Recommendation: The Manager recommends that the Board recognize the Bond family and present the Resolution honoring the life and service of Mr. Bond to his wife, Carol Bond.

The resolution was read into the record by the Chairman. Ms. Craig-Ray made remarks regarding the life of career of Mr. Bond. Mrs. Bond thanked the Board for the recognition given Mr. Bond.

- *3a. **Resolution in Support of Nuclear Risk Minimization Initiative**

Commissioner Becky Heron has asked that this item be added to the October 22 agenda. The resolution seeks to support the minimization of risks associated with terrorist attacks at Shearon Harris Nuclear Power plant, and all regional nuclear plants. A proposed resolution has been prepared for the Board to adopt.

County Manager's Recommendation: Approve the resolution and forward a copy to Jim Warren, Executive Director of NC WARN.

The resolution was read into the record by Commissioner Heron. Commissioner Bowser thanked Mr. Warren for his efforts over the years.

4. **City of Medicine Program High School Awards**

Chairman MaryAnn E. Black requested the winners and runners-up of the City of Medicine High School Awards be placed on the agenda so the Commissioners can recognize the accomplishments of the five seniors.

Chairman Black will introduce Mrs. Ruth Mary Meyer, Chair, Durham Health Partners, who will introduce the five to the Commissioners.

In the medical specialist category the winner is Shelton M. Jones II of Hillside High School, and the runner-up is Ashanthi M. Ratnasekera of Northern High School. The winner in the allied health category is Laila M. Muhammad of Hillside High School, and the runner-up is Daniel A. Stephens of Southern High School. Michael Smith of Southern High School is the recipient of the Judges? Incentive Award

Mr. Shelton M. Jones II and Ms. Laila M. Muhammad of Hillside High School and Ms. Ashanthi M. Ratnasekera of Northern High School were present to receive recognition for the City of Medicine High School Awards. Mrs. Ruth Mary Meyer, Chair, Durham Health Partners, introduced the students and their achievements.

5. Recognition of The Durham Center's National Accreditation

The Durham Center is pleased to announce that its excellence has been recognized by having received national accreditation from the Commission on Accreditation for Child and Family Services (COA). The Durham Center received a full accreditation. To maintain this status, accredited agencies must meet a rigorous set of over 1100 standards.

Resource Person(s): Steven J. Ashby, Ph.D., Area Director

County Manager's Recommendation: Congratulate Dr. Ashby, the Area Board, and the employees of The Durham Center for achieving this recognition of behavioral health excellence.

Dr. Ashby commented on the national accreditation and introduced members of staff present.

6. National Recognition of Online Zoning Ordinance

The City-County Planning Department has received national recognition for its on-line Zoning Ordinance. A recent publication of the American Planning Association was dedicated to zoning ordinances on-line. Durham's ordinance was one of four that received such attention. The Planning staff will use this opportunity to apprise the Board of this noteworthy recognition.

Resource Person(s): Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board receive the informational item and congratulate the planning staff on the national recognition.

Mr. Dick Hails, Mr. T. E. Austin, Vice-Chairman Reckhow, and Commissioner Heron praised the on-line zoning ordinance for its ease and improvements over time.

7. Consent Agenda

- a. Board appointment to Operation Breakthrough Inc. Board of Directors (appoint Ms. Wanda Wagstaff to serve as replacement for Mrs. Deborah Giles who has resigned the position);
- b. Declaration of surplus property and approval of resolution for public auction sale (declare the schedule of property to be surplus and authorize the County Manager to proceed with public auction);
- c. Final offer to purchase County property (704 Gaston Ave.) (approve offer of \$14,000 submitted by Mr. Bryant Roberts and prepare nonwarranty deed for Chairman's signature);

- d. Property tax releases and refunds for September 2001 (accept the property tax release and refund report as presented and authorize the Tax Assessor adjust the tax records as outlined by the report);
- e. Closed Session Minutes approval of minutes to be opened (approve the nine sets of closed session minutes);
- f. Budget Ordinance Amendment No. 02BCC000026 Social Services Family Self-Sufficiency Request additional school social worker positions (approve Budget Ordinance Amendment No. 02BCC000026 and establish four provisional school social worker positions); and
- g. Budget Ordinance Amendment No. 02BCC000028?Bethesda Fire District funding of 13 fire and rescue positions (approve Budget Ordinance Amendment No. 02BCC000028 and the establishment of 13 fire and rescue positions at the Bethesda Fire Department).

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Consent Agenda items 7(a), (d), (e), (f), and (g) as submitted. Item 7(c) has been withdrawn to give the County Manager the opportunity to investigate current tax payment status of the bidder. Item 7(b) has been altered to remove one vehicle from the surplus list.

The motion carried unanimously.

8. Public Hearing Public School Impact Fee Study

The Board of County Commissioners earlier contracted with Tischler & Associates, Inc. for \$57,500 for the preparation of a Public School Impact Fee Study. Impact fees are one-time payments that are used to construct public facilities needed to accommodate new development and are proportionate to the school capital facility service demands for the respective categories of residential development. Tischler & Associates evaluated possible methodologies and documented appropriate demand indicators for the impact fees. Specific capital costs have been identified using local data and current dollars. The report also includes a summary table indicating the specific factors used to derive the impact fee. These factors are also referred to as level-of-service (LOS) standards. The incremental expansion method, the most appropriate methodology, documents the current LOS for each type of public school in both quantitative and qualitative measures. The consultant calculated school impact fees for Durham County based on data from the previous school year. The school impact fee methodology is based on current public school student generation rates, local costs, and level-of-service standards.

Resource Person(s): Paul Tischler, Tischler & Associates, Inc.

County Manager's Recommendation: The Manager recommends that the Board receive comments from the public relative to the findings of the study.

Mr. Tischler gave a summary of the study for explanation to the audience.

Chairman Black opened the public hearing which was properly advertised. Speakers were given two minutes each. There were 38 persons signed to speak at the public hearing.

Speakers against the fee were: Jack Steer, Larry Thomas, Luther Misenheimer, Wendell Bullard, Stephanie Mansur, Judd Barrett, Joel Kostyu, Kathy Wright-Moore, David Morris (additional time given by Steve Leach), Gaston Warner, Barnette Crabtree (additional time given by Elizabeth Stewart), Gary Gaddy, Mike Shiflett, Bob Novak, Mitch Barron (against?), June Foushee, Ellen Dagenhart, Haywood Davis, and Wallace Braswell.

Speakers supporting the fee were: Larry Holt, Bob Jentsch, Jerry Emison, Liz Pullman, David Austin, Floyd McKissick Jr., Patrick Murphy, Deborah Giles, Lavonia I. Allison, Joe McDonald, Chris Wilson, Carl Rist, Doc Terrell, Lanier Blum, Steve Bocckino, Hildegard Ryals, and Lorisa Seibel.

There being no other speakers, the Chairman closed the public hearing. Chairman Black advised that the County Manger and staff would work to answer questions raised by speakers.

Vice-Chairman Reckhow made remarks relating to the Board's effort to find a fair and equitable way to pay for the capital improvement program, most of which would address renovation and repairs at existing school facilities. The Board can avoid some future taxes if an impact fee is set.

Chairman Black asked the County Manager to place this issue on an upcoming Worksession. Suggestions to avoid an impact fee may be forwarded to the County Manager. The Board will consider the County Manager's recommendation. The County Manager advised he would seek to bring the item back at the December Worksession.

Commissioner Heron remarked on her disappointment with the misinformation given by the realtors to the public. She spoke to the Board's inability to secure legislative authority to procure revenues from sources other than taxes.

Commissioner Bowser agreed with Commissioner Heron to the unfairness of the misinformation given by realtors. He felt this unfair. He commented on the responsibility of the Board to provide for the school system.

Commissioner Cousin stated he felt the discussion was beneficial and hoped the discussion would continue. He spoke to the need to alleviate the crowding in our schools.

No official action was taken.

8a. ABC Board Audit (item added by Commissioner Heron)

Commissioner Heron asked what the audit was expected to cover and what the scope of the work was. The cost of the audit raised questions for her. The County Manager advised he would address her questions. The ABC Board will come before the Board, probably in November, to address concerns.

9. Board and Commission Appointment

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make the "retail" appointment to the Durham Visitor Sector Advisory Board.

Two applications have been received for the Commissioners consideration.

Resource Person: Garry E. Umstead, CMC, Clerk to the Board

The Board appointed Mr. James Heyward to the position.

There being no further business, Chairman Black adjourned the meeting at 9:50 p.m.