

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

Monday, June 7, 1999

9:00 A.M. Worksession

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, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Call to Order

Chairman Black called the Worksession to order.

Geographic Information Systems Data Access and Distribution Policy

The countywide GIS is now operational and GIS data will be available to the public by the end of June 1999. A countywide service policy for GIS data access must be in place to manage public requests.

A GIS data access and distribution policy will establish a countywide service policy and fee structure for GIS data access and product distribution. The purpose of this policy is to address the issues related to GIS data access, product availability, distribution methods, product and service costs, and distribution procedures. This policy will apply to all GIS data available for public access in the City of Durham and Durham County.

The policy was written to ensure the City and County comply with the North Carolina Public Records Law, provide easy and flexible methods to access GIS data, and provide GIS data and products to the public with a reasonable cost. We would like to have the policy in place by July 1, 1999.

Resource Person: Michiyo K. Wagner

County Manager's Recommendation: I am not requesting approval at this point in time. Please review this policy for input and adoption at your next Board meeting. This item is being referred to the County Attorney for any revisions that his office feels are necessary.

Michiyo Wagner gave the Commissioners a presentation on the Geographic Information Systems Data Access and Distribution Policy. She demonstrated the public access programs for the Commissioners.

The Commissioners asked questions and made comments about the public access programs to which Ms. Wagner responded.

Vice-Chairman Reckhow said priority should be given to putting the key overlay data into the Geographic Information System (GIS) in order to make the system fully functional.

County Manager David F. Thompson said the demonstration was given to let the Commissioners know the system is operational and also to present the policy that is in the agenda package. The policy will be reviewed by the County Attorney and brought back to your next session.

County Manager David F. Thompson told the Commissioners that the GIS proposed expansion budget for FY 1999-2000 has \$80,000 for topography and hydrographic data development costs. This project is part of a larger project that will be brought back to you each fiscal year. Forty percent of the county, mostly the northern and eastern portions, does not have topographic or hydrographic maps in the system. A large mapping project will be required to complete the data. The next two fiscal years' budgets will have a \$100,000 request each year for the project.

Commissioner Bowser inquired to why the County fire stations were not on the maps. He stated the City Fire stations were on the maps.

Ms. Wagner commented that the County fire stations could be put on the maps by next Monday's Commissioner meeting without difficulty.

Commissioner Heron expressed concern about how the revenues generated from the system would be accounted for.

Commissioner Heron and Vice-Chairman Reckhow requested the name of the department be changed to City/County GIS Department.

County Manager David F. Thompson said the name will be changed before final approval of the Policy is voted on. As a result of the comments Vice-Chairman Reckhow made about the fee schedule, Chairman Black requested the County Manager revisit the fee structure to establish a fee charge for the first five copies of the small 8½ by 10 maps.

Chairman Black said this agenda item will be moved forward to the June 14, 1999 Regular Session for approval.

MPO Legislation

Representative Luebke and Senator Clodfelter (Charlotte) have introduced bills that would reorganize Metropolitan Planning Organizations (MPOs) in North Carolina. Representative Luebke's bill (HB 1288) has passed the House; Senator Clodfelter's bill (SB 1164) is still under consideration in the Senate. The basic intent of SB 1164 as stated by Senator Clodfelter is to create a mechanism to carry out smart growth initiatives in major regions of the State. This would be accomplished by combining multiple MPOs in the Triangle (2), the Triad (4), and the Charlotte area (3) into one MPO in each region.

The MPO for the Durham-Chapel Hill-Carrboro (DCHC) urbanized area includes Durham, Chapel Hill, Carrboro, Hillsborough, all of Durham County, and portions of Orange and Chatham Counties. A separate MPO includes all of Wake County and the municipalities in Wake County. The MPO serves as the forum for transportation decision-making in the urban area. Primary responsibilities of the MPO include the development of the long-range Transportation Plan and the Transportation Improvement Program (TIP).

The DCHC TAC, while supportive of sound regional planning, has expressed concern with the proposed legislation and indicated that they could not support the legislation at this time. Chapel Hill, Carrboro, and Orange County have also raised concerns. The primary concern is that the philosophy and initiatives of the DCHC MPO and smaller jurisdictions would be subsumed or diminished in the context of a regional MPO dominated by Raleigh and Wake County. Project implementation (through the TIP) and air quality conformity issues would also be affected by the creation of one MPO for the region.

The NCDOT supports the basic concept of better regional planning but has offered suggested changes to the legislation that would ensure consistency with federal legislation, ensure rational MPO boundaries, and a reasonable time frame for implementation.

Mark Ahrendsen, Transportation Manager and staff to the DCHC MPO, is available to answer questions.

County Manager's Recommendation: Receive report and take appropriate action.

Mark Ahrendsen gave the Commissioners an overview of two bills in the General Assembly that will effect the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO).

He also shared with the Commissioners some of the discussions regarding this bill that have taken place by our MPO, other MPOs, local jurisdictions, and the Durham City Council which is planning to act on it at its meeting tonight.

Mr. Ahrendsen said he will offer a draft resolution for the Commissioners to consider and act on if they so desire.

The Commissioners had a lengthy discussion about the MPO legislation.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Board approve the resolution and send it as soon as possible to Representative Luebke.

The motion carried with the following vote:

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

The resolution follows:

(An Act to Establish Consolidated Metropolitan Planning Organizations)

RESOLUTION CONCERNING SENATE BILL 1164

WHEREAS, Senate Bill 1164 is titled "An Act to Establish Consolidated Metropolitan Planning Organizations Under State Law;" and

WHEREAS, the purpose of Senate Bill 1164 is to ensure that Metropolitan Planning Organizations are established under State law in a manner consistent with federal law; and

WHEREAS, another stated purpose of Senate Bill 1164 is to encourage better regional planning; and

WHEREAS, to the extent possible, in accordance with Senate Bill 1164 only one Metropolitan Planning Organization would be designated for each region; and

WHEREAS, two Metropolitan Planning Organizations currently exist in the Triangle Region, the Durham-Chapel Mill-Carrboro Metropolitan Planning Organization (DCHC MPO) and the Capital Area Metropolitan Planning Organization (CAMPO); and

WHEREAS, the DCHC MPO is comprised of representatives from the City of Durham, the Towns of Chapel Hill, Carrboro and Hillsborough, the Counties of Durham, Orange and Chatham and NCDOT; and

WHEREAS, CAMPO is comprised of representatives from Wake County, the municipalities in Wake County and NCDOT; and

WHEREAS, the MPO is responsible for the development of the area's long range Transportation Plan and multi-year Transportation Improvement Program; and

WHEREAS, the DCHC MPO and CAMPO currently work cooperatively on regional transportation issues; and

WHEREAS, the City of Durham was not consulted before the proposed MPO legislation was introduced; and

WHEREAS, the Durham County Board of Commissioners is concerned that the philosophy and initiatives of the DCHC MPO would be subsumed or diminished in the concept of a regional MPO dominated by Raleigh and Wake County; and

WHEREAS, SB1164 would affect project implementation and air quality conformity issues that may negatively impact Durham:

NOW, THEREFORE, BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS THAT:

1. The BOARD of COUNTY COMMISSIONERS does not support SB1164.
2. The BOARD OF COUNTY COMMISSIONERS does support the concept of regional planning.
3. The issue of regional planning and the consolidation of Metropolitan Planning Organization be referred to a study commission for further analysis and that
 - a. the objective of the study commission be clearly stated;
 - b. the consequence (both positive and negative) of SB1164 or any other related legislation be clearly identified; and
 - c. affected M/O's and local jurisdictions be consulted as part of the study commission process.

Adopted this the 7th day of June, 1999.

The lengthy discussion continued after the Board of County Commissioners took the vote.

Recommendations for Children-At-Risk Project

Deputy County Manager Carolyn Titus will bring forward recommendations for the Commissioners to provide a charge to the County Manager's Office, Youth Coordinating Board, and Juvenile Crime Prevention Council regarding the development of a "Continuum of Care for At-Risk-Children." The charge shall provide direction and focus to more effectively serve children and families, while utilizing resources efficiently and enhancing treatment results.

Deputy County Manager Carolyn Titus came back to the Commissioners with a charge that was discussed with the Commissioners two weeks ago.

The request was to have a charge from the Board of County Commissioners concerning continuum of care for Durham at-risk children. The charge would emphasize the importance of this issue to the Durham Community and it would formally empower the County Manager's office and the community members working with us and it would provide us with a common mission to proceed with the work.

Ms. Titus presented a two-prong approach to the problem for at-risk children. The two-prong approach was addressed in the charges that she requested the Commissioners to adopt. She reviewed the two charges with the Commissioners.

The Commissioners asked questions and made comments about the charge to the County Manager's office. Ms. Titus responded to the questions and comments.

County Manager David F. Thompson discussed the two charges with the Commissioners.

Ms. Titus continued the discussion with a review of the second charge to the Youth Coordinating Board, the Juvenile Crime Prevention Council, and other key community leaders.

Vice-Chairman Reckhow suggested that in terms of charging groups, it might be appropriate to be explicit about including the Criminal Justice Partnership Board, given the fact the YES program is there, and also the Durham Crime Cabinet since the Manager suggested we include it as a couple of our charges.

Vice-Chairman Reckhow suggested the organizations focus on things we can do. This should be a very strategic process.

Chairman Black said this agenda item will be moved to the consent agenda for the June 14, 1999 Regular Session.

Chairman Black suggested staff look at the assessment that was done in the past as it relates to children. Dr. Dorothy Brown has done a lot of assessments and she should be contacted to find out what her program is doing at NC Central University on the Fayetteville Street project.

Proposal for County Commissioners to Limit Approvals on Major Developments in the NC 54/I-40 Corridor for 6 Months

Dick Hails, Interim Planning Director, gave the Commissioners an overview and background on the referenced subject.

Mr. Hails' summary remarks follow:

Background

- Approval of recent Fountains Office Park rezoning near NC 54 raised serious issues about how to manage traffic congestion along the NC 54/I-40 Corridor in Southwest Durham amidst much continuing development.
- BOCC passed a motion asking that the County Manager bring back a proposal to consider undertaking a "slowdown" or limitation in rezoning approvals of major development projects in SW Durham until a corridor plan and travel demand management (TDM) study are carried out or underway.

Rationale for 6-Month Period of Limiting Major Approvals

- NCDOT has pledged consultant assistance to help develop and adopt a TDM Plan for the NC 54/I-40 Corridor over the next 6 months, at no cost to the County.
- The recent Durham SW Area Transportation Study (10/98) documents severe traffic congestion existing and anticipated in this area over the next 10 years.
- Several related studies could also be completed or underway during this time: the 2025 Transportation Plan and the NC 54/I-40 Corridor Special Area Plan could provide more guidance within the next 6 months on various transportation and transit improvements and on supportive land uses needed in this area to help manage traffic demands.
- There is a need to "limit" approvals of large development projects in this area in a reasonable, legal manner until some of these studies are underway or completed.

Limitation Proposal Details

- **Would exclude limits on:** approval of rezoning requests for any single-family residential development or any other development generating less than 150 peak hour trips (Zoning Ordinance threshold for requiring a Traffic Impact Analysis or TIA); approvals of site plans, subdivisions or issuance of building permits in this area, relying on zoning already in place.

- **Would include limits on** requests for rezonings for major nonresidential or multi-family residential projects which generate at least 150 peak hour trips; requests for Major Special Permits for projects exceeding 300 peak hour trips when served by streets operating below the County's established Level of Service (LOS). [NOTE: an official LOS for the County would need to be established by the Board of County Commissioners.]
- **Would involve** requests as noted above that are located in the NC 54/I-40 Corridor Area, as defined on a map prepared by the City-County Planning Department.
- **Would involve** any rezoning or major special use permit requests meeting the above criteria that are submitted or are already being processed for consideration by BOCC during the designated 6-month period.
- **Would involve** a public hearing and amendment to the County's Zoning Ordinance, detailing the provisions of the proposal and the time frames involved.

Dick Hails reviewed the area on the map proposed to be affected by both limitations here and the possible travel demand management study.

Mr. Hails gave to the Commissioners a possible review process for the Commissioners' consideration.

The proposed review process follows:

Limitation Proposal Review Process

- June 7, 1999—discuss proposal with BOCC at Worksession
- June 10, 1999—review and consider a recommendation at Zoning Committee of Durham Planning Commission
- June 14, 1999—BOCC to set public hearing date for July 12th BOCC meeting (subject to recommendation by Zoning Committee prior to public hearing)
- July 7, 1999—Joint City County Planning Committee to review proposal, with City to consider similar actions
- July 12, 1999—BOCC to hold public hearing on proposal and consider adoption (immediate effective date, to extend through January 2000).

The Commissioners asked several questions about the proposal to which Dick Hails responded.

Vice-Chairman Reckhow said she spoke with Sanford Cross, Director of Public Transportation Division. He told her the Department of Transportation has committed to funding a transportation demand management plan for this corridor for the first six months of this fiscal year. An organization meeting will be held for the study at the end of June. The Chamber of Commerce is prepared to help facilitate in terms of getting business stakeholders in the corridor involved in the transportation demand management process. This is real positive. The 2025 Long-Range Transportation Plan, to be

completed by October 1, 1999, has a wealth of data through 2025 in terms of expected dwelling unit growth and expected employment growth.

Chairman Black thanked Vice-Chairman Reckhow for getting the funding to do the transportation demand management plan for the NC 54/I-40 corridor.

Vice-Chairman Reckhow stated the staff is of the opinion that we should establish a level of service or goal for our roads in Durham County. The staff will bring information on that to the Commissioners on June 14, 1999 as it relates to the major special use permit process.

The Board needs to send a letter to the Durham Planning Commission to ask them to review and act on this at their June 10, 1999 meeting. If they don't, it will hold up the process for a month.

The Commissioners will hold a public hearing on July 12, 1999 at their regular session.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to authorize the chair of the Commissioners to write a letter to the chair of the Durham Planning Commission requesting the Zoning Committee of the Durham Planning Commission give serious consideration to reviewing and making a recommendation on a proposed zoning ordinance text amendment to limit rezoning approvals of major projects in the NC 54/I-40 corridor by the County during a six-month period. This matter will be on the Zoning Committee's agenda at its June 10 meeting as a non-public hearing item for consideration of a recommendation.

The motion carried unanimously.

Citizen Comments

Jack Steer, 2416 Dawn Trail, and a member of the Executive Committee of the Friends of Durham, spoke to the Commissioners about budget priorities and requested that action be taken.

The areas of the budget he spoke about related to the following:

- a. City/County Merger
- b. Hospital Fund
- c. The Durham School System
- d. Human Services
- e. In General

Employee Position List—County Manager Thompson

County Manager David F. Thompson distributed to the Commissioners the recommended employee position list for FY 1999-2000. This summary helped the Board to see what positions are funded in the Manager's budget as they go through each department.

The Commissioners asked several questions about the employee position list to which County Manager Thompson and Budget Director Claudia Odom responded.

Commissioner Bowser said he had some grave concerns about the requested child support positions. He did not see the growth and need for all the new positions that are in the budget request.

Area Mental Health Budget Request for FY 1999-2000

County Manager David F. Thompson suggested that Dr. Steven Ashby, Area Mental Health Director, discuss the question about his fund balances and the strategies he is using to counter act what is happening in the state budget.

Dr. Ashby discussed his fund balance situation for the Commissioners.

The Commissioners asked questions to which Dr. Ashby responded to relative to fund balance.

Adjournment

Chairman Black adjourned the meeting at 12:00 noon until 2:00 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board