

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

Monday, May 24, 1999

7:00 P.M. Regular Session

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

Opening of Regular Session

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

Agenda Adjustments

County Attorney Chuck Kitchen requested that one item be added to the agenda concerning a bill in Congress entitled "The Religious Liberty Protection Act." This addition will be agenda item No. 12.

Commissioner Bowser asked the Board to authorize a letter to be written to Southwest Airline welcoming them to the community. The letter should mention that Durham County has an Economic Development Department and the Commissioners would be willing to assist them in anyway to bring business to Durham.

Chairman Black said a letter will be written by the staff.

Commissioner Heron brought to the attention of the Commissioners the resolution from Pamlico County concerning the opposition to the Proposal That Would Have North Carolina Counties Fund 50% of the Non-Federal Share for Mental Health Medicaid Services.

Commissioner Heron also brought up the firing of guns in proximity to neighborhoods.

Chairman Black said she has signed letters to citizens about this problem. The County Attorney is researching this for the Commissioners. This item will be agenda item No 14.

Chairman Black added several items to the agenda. They were as follows:

- (a) Red Cross Award
- (b) Vice-Chairman Reckhow and Commissioner Heron will discuss the Northwest/Northeast Loop and to endorse the Northern Durham Parkway. This item will be agenda item No. 13.
- (c) Budget Schedule. This will be agenda item No. 15.

Vice-Chairman Reckhow requested time on the agenda to discuss the schools Capital Improvement Program.

County Manager Thompson said the Clerk and staff will be more organized about distributing information to the Commissioners prior to the Board meetings. Adjustments will be made in the future.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the February 22, 1999 Regular Session Minutes and the April 26, 1999 BOCC/Social Services Minutes of the Board as submitted.

The motion carried unanimously.

Presentation of the American Red Cross Chairman's Award

Jim Parrish, Chairman of the Central North Carolina Chapter of the American Red Cross, which includes Durham and Granville Counties, will present the 1998-1999 Chairman's Award to the County of Durham.

Jim Parrish made remarks and presented the 1998-1999 Chairman's Award to the County of Durham. Chairman Black accepted the award on behalf of Durham County.

Health and Safety Services Award

County Attorney Chuck Kitchen recently received the National Health and Safety Services Award from the American Red Cross at the national convention in Richmond, Virginia. The Health and Safety Service Award is presented to an employee or volunteer or an authorized provider whose outstanding contributions within the last two calendar years have led to the expansion and improvement of American Red Cross health and safety services to the public at the local, state and national level.

Ted Parish won a national award at the convention for spearheading the blood drive at North Carolina Central University. The National Red Cross made a video of the blood drive program and made it a national model to distribute nationwide.

Consent Agenda

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items:

- *(a) Teen Court and Juvenile Restitution (authorization is requested to recognize \$40,000 in intergovernmental revenues from the Administrative Office of the Courts for Teen Court and Juvenile Restitution Programs);
- *(b) Welfare-to-Work Grant (approve budget amendment to accept \$662,752 in revenues from a grant through the Greater Durham Work Force Development Board/Central Piedmont Service Delivery Area);
- *(c) Public Health (to recognize grant revenue [\$1,721.52] for a training program in the Environmental Health budget);
- *(d) Public Health (approve amendment to recognize \$800 in grant funds in the School Health budget. Contribution came from the North Carolina Department of Health and Human Services);
- *(e) Durham County Mental Health (approve funding received for \$61,845. \$7,287 will be used to provide vocational/employment opportunities for adults with serious mental illness and \$54,558 will be used for a position with TROSA Inc. to provide program development assistance);
- *(f) Durham County Mental Health (approve reconciliation of FY 1998-99 estimated budget with state allocation. The amendment will result in an overall reduction of \$289,850);
- *(g) Budget Amendment—Bahama Fire District (authorize the release of additional revenue [\$56,000] for the Bahama Fire District to purchase land for a new station. The money will be paid to the Bahama Volunteer Fire Department); and
- *(h) Budget Amendment—Redwood Fire District (authorization is requested to recognize \$14,750 of additional tax revenue for the Redwood Fire District to be paid out to the Redwood Volunteer Fire Department. The revenue will be used to replace their self-contained breathing apparatus.)

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 4(a). Teen Court and Juvenile Restitution (authorization is requested to recognize \$40,000 in intergovernmental revenues from the Administrative Office of the Courts for Teen Court and Juvenile Restitution Programs).

The budget ordinance follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000056

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for Durham County Teen Court and Restitution.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$187,433,820	\$40,000		\$187,473,820
<u>Expenditures</u>				
Other Human Services	\$213,621,725	\$40,000		\$213,661,725

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

This the 24th day of May, 1999.

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

Consent Agenda 4(b). Welfare-to-Work Grant (approve budget amendment to accept \$662,752 in revenues from a grant through the Greater Durham Work Force Development Board/Central Piedmont Service Delivery Area).

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for Durham County Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$187,473,820	\$662,752		\$188,136,572
<u>Expenditures</u>				
Human Services	\$213,661,725	\$662,752		\$214,324,477

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

This the 24th day of May, 1999.

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

Consent Agenda 4(c). Public Health (to recognize grant revenue [\$1,721.52] for a training program in the Environmental Health budget).

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Budget Ordinance
 Amendment No. 99BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$188,136,572	\$1,722		\$188,138,294
<u>Expenditures</u>				
Human Services	\$214,324,477	\$1,722		\$214,326,119

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

This the 24th day of May, 1999.

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

Consent Agenda 4(d). Public Health (approve amendment to recognize \$800 in grant funds in the School Health budget. Contribution came from the North Carolina Department of Health and Human Services).

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$188,138,294	\$ 800		\$188,139,094
<u>Expenditures</u>				
Human Services	\$214,326,119	\$ 800		\$214,326,919

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

This the 24th day of May, 1999.

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

Consent Agenda 4(e). Durham County Mental Health (approve funding received for \$61,845. \$7,287 will be used to provide vocational/employment opportunities for adults with serious mental illness and \$54,558 will be used for a position with TROSA Inc. to provide program development assistance).

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Budget Ordinance
 Amendment No. 99BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Mental Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$188,139,094	\$61,845		\$188,200,939
<u>Expenditures</u>				
Human Services	\$214,326,919	\$61,845		\$214,388,764

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

This the 24th day of May, 1999.

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

Consent Agenda 4(f). Durham County Mental Health (approve reconciliation of FY 1998-99 estimated budget with state allocation. The amendment will result in an overall reduction of \$289,850).

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Budget Ordinance
 Amendment No. 99BCC000061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Mental Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$188,200,939		(\$289,850)	\$187,911,089

Expenditures

Human Services	\$214,388,764	(\$289,850)	\$214,098,914
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 24th day of May, 1999.

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

Consent Agenda 4(g). Budget Amendment—Bahama Fire District (authorize the release of additional revenue [\$56,000] for the Bahama Fire District to purchase land for a new station. The money will be paid to the Bahama Volunteer Fire Department).

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Budget Ordinance
 Amendment No. 99BCC000062

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for Bahama Volunteer Fire Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Fire Taxes	\$191,744	\$56,000		\$247,744
<u>Expenditures</u>				
Fire Taxes	\$191,744	\$56,000		\$247,744

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

This the 24th day of May, 1999.

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

Consent Agenda 4(h). Budget Amendment—Redwood Fire District (authorization is requested to recognize \$14,750 of additional tax revenue for the Redwood Fire District to

be paid out to the Redwood Volunteer Fire Department. The revenue will be used to replace their self-contained breathing apparatus.)

The ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000063

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for Redwood Volunteer Fire Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Fire Taxes	\$380,250	\$14,750		\$395,000
<u>Expenditures</u>				
Fire Taxes	\$380,250	\$14,750		\$395,000

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

This the 24th day of May, 1999.

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

Budget Amendment No. 99BCC000064—Special Olympics World Summer Games

Dr. Leroy Walker, President of the Special Olympics World Summer Games, requests Durham County funding in the amount of \$28,368 to pay Durham Public Schools' impact fees associated with the use of 2 Durham High Schools (Hillside and Riverside High Schools). Durham Public Schools has waived the normal rental charges \$57,600/school) and limited their charges to recover a portion of the utilities and incremental custodial personnel costs.

The following Special Olympic representatives will be in attendance to address the Board:

- Dr. Leroy T. Walker, President
- Mr. Joseph Freddos, CEO
- Mr. Robert Thompson, Director of Venue Management

County Manager's Recommendation: Operating Contingency funds are budgeted to address one-time and unanticipated expenditures such as this. Therefore, I recommend approval of this budget amendment as Durham County's expression of support for the 1999 Special Olympic World Summer Games.

Dr. Leroy T. Walker, Mr. Joseph Freddos, and Mr. Robert Thompson made remarks about the Special Olympics World Summer Games.

Dr. Walker said the 1999 Special Olympics will service 150 countries and 7,000 athletes and 58,000 family members with only \$35 million.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the funding request of \$28,368 to pay Durham Public Schools' impact fees associated with the use of Hillside and Riverside High Schools.

The motion carried unanimously.

The budget ordinance follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000064

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the County Manager Department, leaving a balance in Contingency of \$271,952.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$18,288,877	\$28,368		\$18,317,245
Nondepartmental	\$15,352,006		(\$28,368)	\$15,323,638

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

This the 24th day of May, 1999.

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

A Public Hearing on Zoning Ordinance Amendment TC 83-99--Interim Transit Oriented Development/Compact Neighborhood Overlay District (ITOD/CN)

Conduct the public hearing and consider the amendment. This proposal resulted from the call for interim regulations in the 2020 Comprehensive Plan, and the amendment is based on the Triangle Transit Authority's (TTA) guidelines for stations. The overlay would be proposed to be placed over the station areas to be designated along the transit corridor.

When these station locations are established, the decision to apply the ITOD/CN overlay zoning to these areas will require a public hearing in each case including property owner notification, a separate review, and approval. The ITOD/CN amendment was endorsed by the TTA and unanimously recommended by the Joint City-County Planning Committee and the Zoning Committee of the Planning Commission.

Stephen Cruse, representing the Planning Department, presented the Zoning Ordinance Amendment TC83-99 Interim Transit Oriented Development/Compact Neighborhood Overlay District (ITOD/CN).

Vice-Chairman Reckhow made comments about two sections (5.8.4 Design Standards and 5.8.5 Density and Scale Advantages of the Overlay District) of the ordinance. Changes in the ordinance will be made at a later date.

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 Bowser, to move approval with the substitute wording that was passed out as it relates to driveways. (Note: Substitute wording was in section 5.8.6 Parking and Streets, subsection. When possible was added.)

The motion carried unanimously.

The ordinance amendment follows:

**AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
TO ESTABLISH A TRANSIT OVERLAY DISTRICT**

Whereas, the Durham Board of County Commissioners wishes to amend the Durham Zoning Ordinance, and

Whereas, the Durham 2020 Plan establishes a future land use plan which is reliant on multiple forms of transportation, and

Whereas, the Triangle Transit Authority [TTA] was created by the North Carolina General Assembly to develop regional rail transportation, and

Whereas, station sites for TTA must be supported by sufficient densities of residential and nonresidential development to be effective, and

Whereas, the zoning overlay district proposed by this ordinance will increase opportunities for development which is supportive of the role of transit stations, and

Whereas, this district is proposed as a means to enhance economic development, ensure the efficient use of transportation funds, and provide the public with better access to homes, employment, and shopping, and

Whereas, the construction of the stations will be followed by the proposal of additional development standards which are specific to each station and which will supplement the regulations of this ordinance.

Now therefore, be it ordained, that:

SECTION 1

That the Durham Zoning Ordinance be amended to add a new subsection to Section 5 of the Ordinance [Overlay Districts] to read as follows:

SECTION 5.8 Interim Transit Oriented Development-Compact Neighborhood [ITOD-CN] Overlay District

5.8.1 Purpose

The Interim Transit Oriented Development-Compact Neighborhood overlay district [ITOD-CN] is established :

1. to promote new, well-integrated residential, commercial, office, institutional and other employment center development close to future regional transit stations, while protecting and enhancing existing development.
2. to ensure that new development takes advantage of compatible, higher density, transit friendly, design opportunities in close proximity to transit systems in order to provide options for economic development and diversity.
3. to encourage pedestrian orientation and human scale in new development and provide public infrastructure that supports transit use and mixed-use development.
4. to provide incentives to encourage transit oriented development.
5. to establish standards for development within future Compact Neighborhoods prior to the adoption of final Compact Neighborhood development plans and final development regulations.

5.8.2 Application

The ITOD-CN Overlay District will be applied by Durham City or County to an area within a Regional Corridor Study Area designated in the Durham 2020 Comprehensive Plan. The Core Area of the ITOD-CN shall be from the transit station to approximately 1/8 mile away, or generally 35 acres around the station site. The Support Area of the ITOD-CN shall be from the Core Area to approximately 1/2 mile away, or generally 550 acres around the station site. The boundaries of the overlay district shall follow property lines whenever possible.

District expansion may be considered for contiguous properties upon a request by an applicant.

The ITOD-CN Overlay District will be applied in accordance with the requirements in Section 15. *Amendments* of the Durham Zoning Ordinance.

The term *Base District* when used in this Section, refers to the underlying zoning district and any other overlay districts which exist on the property.

5.8.3 Permitted Uses

The ITOD/CN area should contain a mix of complementary uses. Complementary land uses are those that offer goods and services at different times of day, and provide a consolidated “one stop” area for people to live, work, shop and participate in entertainment and community activities in close proximity to one another. Complementary land uses located in a neighborhood that has been designed to accommodate pedestrians, bikes, buses and trains, reduces dependence on the automobile, thereby reducing traffic congestion and the need for additional parking areas.

1. The Overlay District shall not allow uses which are prohibited in the base district.
2. The applicant may specify additional limitations or details regarding the proposed uses in a rezoning application.
3. Those uses not prohibited below which require a major or minor special use permit in the base district shall be allowed without such a permit when located in the ITOD-CN Overlay.
4. The following uses are prohibited even if allowed in the base district in order to encourage compact development, to facilitate pedestrian activities and to minimize land expansive use: storage yards, boat and/or vehicle sales, car washes, cemeteries, emergency shelters, freestanding cellular towers, freight terminals, gasoline sales, golf courses, heavy equipment sales and service, manufactured home sales, salvage yards, service stations, storage yards, surface parking lots as independent use (unless such lots are held temporarily for planned development or are to be used for transit

purposes), transfer stations, warehouses, wholesale establishments, and agricultural uses. With the exception of financial institutions, existing drive-up services [eg: restaurants, cleaners, etc.] shall not be allowed to expand the drive-up component of the business and new drive-up services are prohibited. Financial institutions may include, add or expand drive-up components as long as the drive-up area is not directly on any street side of the building.

5. Where the base zone is a Mixed Use District (MU), the requirements for percentage of mix found in section 4B.2 of the Zoning Ordinance shall apply.

5.8.4 Design Standards

Design standards are necessary to achieve the desired goals for Transit Station areas. These areas therefore require more attention to design than development in other parts of the City and County. In the ITOD/CN there will be an emphasis on architectural detail and human scale design. The focus will be on promoting street level activity by designing multi-modal streets, designing to achieve pedestrian scale, avoiding blank walls and monolithic massing, and providing pedestrian amenities throughout the area such as lighting, seating areas, bike racks, etc. Pedestrian and bicycle routes in this area should include an extensive sidewalk_system on both sides of the street where possible. There should be numerous connections to the transit station. Public and private parks and plazas should be well-integrated into the area.

1. Unifying architectural features and/or themes compatible with existing nearby significant and historical development shall be incorporated into new structures. These features may include but are not limited to: building styles, spacing and massing; architectural details; fenestration, colors, materials and landscaping. See illustration D.1.
2. New development located in an area which already possesses design guidelines [eg: a local historic district] shall be compatible with those design guidelines.
3. All utilities shall be placed underground for new development.
4. Continuous, street level pedestrian and bicycle circulation routes shall be coordinated throughout new development and be connected to adjacent off-site properties.
5. At least 50 percent of the first floor square footage and 50 percent of the street frontage in commercial base districts shall be retail; with the exception of parking decks. See section F.9.
6. Nonresidential building walls for new development at street level shall contain windows and/or transparent doors for at least 50 percent of the surface area adjacent to pedestrian walkways, sidewalks and parks.

7. Solid mirrored-glass walls will be discouraged.
8. Facades over fifty feet long shall be divided into shorter segments by means of facade modulation, repeating window patterns, change in materials, canopies, varying roof lines and/or other architectural detailing. See illustration D-7..
9. All buildings facing public or private streets shall have at least one street entrance to encourage pedestrian access to nearby transit stops and adjacent parks and plazas.
10. Street trees shall be provided in accordance with the landscaping requirements found in section 10 of the Zoning Ordinance.
11. Surface parking lots shall be located on the non-street side of the building when possible. Surface parking lots located on public or private streets shall be partially screened from the street with a berm, wall, and/or landscaping with a height of at least 36 inches and not to exceed 48 inches. The screening shall not provide hiding areas that make pedestrians feel unsafe.
12. Any lot which becomes vacant due to the removal of a structure shall be planted with ground cover, grass or other appropriate landscaping material and maintained. A berm, wall and/or landscaping with a height of at least 36 inches and not to exceed 48 inches shall be placed along the street side of the property. The screening shall not provide hiding areas that make pedestrians feel unsafe.

5.8.5 Density And Scale Advantages Of The Overlay District

The ITOD-CN Overlay District eliminates the underlying minimum setback requirements. They are replaced with maximum setback requirements. Another feature is the potential for an increase in density of residential development over the underlying residential zone.

1. Standards For All Proposals
 - a. The standard dimensional requirements of the base district, such as height and setback, shall not apply within the overlay district but shall be determined by the Development Plan. The current minimum setbacks shall be replaced by maximum residential setbacks of 20 feet and a maximum nonresidential setback of 15 feet.
 - b. The impervious surface requirements of Section 5.5 (Watershed Overlay) shall apply where such watershed overlay coexists with the TOD-CN Overlay.
 - c. The Buffer width and Landscaping amounts of the base zone (see section 10.2.4 & 10.2.5 Buffer and Landscaping Requirements) shall be reduced by 50 percent.

- Trees and other plantings shall be required in conformance with the Design Standards of this section.
- d. Open Space requirements may be reduced by 50 percent within the ITOD-CN Overlay provided the development includes a street level, pedestrian walkway system - including seating and other pedestrian amenities - that shall connect the proposed land uses with the transit system and adjacent public or private parks, plazas, and open space.
2. Density Standards For Development In A Residential Base Zone
 - a. The minimum residential density within the Core Area (1/8 mile from a transit station) is 15 units per acre. In the Support Area (1/2 mile from a transit station) the minimum residential density shall be 7 units per acre.
 - b. In some situations this density may not be appropriate due to existing development patterns (historic districts, stream buffers, etc.). In such cases, the Approving Body may allow a reduction in the number of units per acre.
 3. Density Standards For Residential Development In A Nonresidential Base Zone Or Residential/Nonresidential Combinations
 - a. The residential density for new development in nonresidential base zones requires that in Core Area, the first floor of the structure shall cover at least 70 percent of the square footage of the lot; in the Support Area, the first floor shall cover at least 25 percent of the square footage of the lot.
 - b. The Approving Body may grant up to a 25 percent increase in the number of dwelling units over the base zone when residential uses are combined with nonresidential uses in the same structure.

5.8.6 Parking And Streets

Design of parking areas shall be a critical consideration for Site Plans within this Overlay District. Plans may be rejected for failing to conform with the stated purpose of this Overlay District. The potential for reduced parking requirements and the elimination of the Major Special Use Permit for Traffic Impact Analysis (TIA) are also included in this section. *See illustration F.*

1. When a Traffic Impact Analysis (TIA) is necessary, a Major Special Use Permit (MSUP) is not required.
2. Parking requirements of the Base District may be reduced at the time of Development Plan or Site Plan approval.

3. Parking shall not exceed the minimum number required by the Base use. Exceptions to this requirement may be granted by the Governing Body if the additional parking does not negatively impact the pedestrian flow of the area and the decision is based on relevant findings such as: a demonstrated need for additional parking, use of adjacent traffic demand management techniques to minimize parking, efforts to minimize significant tree cutting and the ability to share parking with other nearby development.
4. Required parking may be reduced up to 50 percent by the approving body if it is found that the nature of the proposed uses, the timing of vehicle trips, and the provisions for nearby transit service warrant the reduction.
5. Parking in nonresidential base zones shall have less than 20 percent of the parking on the transit route side of the buildings, and when possible, all new driveways shall be shared drives.
6. Traffic calming amenities (bump outs, narrower streets, change in paving patterns where walkways cross streets, traffic circles, etc.) shall be encouraged.
7. Alternate street widths may be approved at the time of site plan approval. The approving body shall make its decision using the same criteria listed above for determining parking reductions.
8. On-street parking should be encouraged and required where appropriate.
9. Parking structures in commercial districts shall devote at least 25 percent of the square footage of all facades at the street level to commercial, retail or office uses. See illustration F.9.

5.8.7 Signs

The limited setbacks and pedestrian oriented nature of the Overlay District eliminates the need for freestanding business signs. In the overlay, these signs should be placed on or attached to buildings. Freestanding business signs are allowed in the Overlay District with the issuance of a Minor Special Use Permit. Informational, traffic and directional freestanding signs are allowed in accordance with the Sign Ordinance.

5.8.8 Considerations And Procedure

As a part of the approval of the Site Plan, the Approving Body shall give primary consideration to the following:

1. The ability of the development proposal to promote and utilize transit.

2. The provisions in the development proposal to provide safe and convenient pedestrian connections with transit facilities.
3. The stated purpose of the District.
4. The adherence to the Design Standards above.
5. The development proposal's compatibility with the architectural character of the area.

SECTION 2

That the zoning ordinance be renumbered to accommodate this amendment.

SECTION 3

That this ordinance be effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book _____, page _____.)

Major Site Plan Approval for Healthy Start Academy

R.L. Horvath Associates Inc. is requesting the approval of a Major Site Plan for "Healthy Start Academy" to allow for the construction of a 40,076-square-foot private school on 17.71 acres, zoned R-8, I-2 and F/J-B. The proposed school is located entirely on the 9.6-acre R-8-zoned portion of the tract. The site is located on the east side of Junction Road, north of Dodson Street, and south of Cheek Road. Tax Map 630-1-1.

The site plan as submitted meets all ordinance requirements. The Development Review Board recommended approval on March 19, 1999, subject to several technical corrections and verification by various departments, which have since been made. A Minor Special Use Permit for a private school was approved by the Board of Adjustment at its April 27, 1999 meeting.

Helen Youngblood, Senior Planner, is the case planner. Steve Medlin, Senior Planner, will present the case and answer questions.

County Manager's Recommendation: Recommend approval of the site plan.

Steve Medlin, Senior Planner, presented the Commissioners an overview of the major site plan request.

Tiffany J. Farley with R.L. Horvath Associates Inc., and representing Healthy Start Education, spoke briefly about the major site plan and urged the Commissioners to approve the request.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the major site plan for Healthy Start Academy.

The motion carried unanimously.

(Tax Map number: 630-1-1; recorded in Ordinance Book _____, page _____.)

Food Service Management

The Board is requested to authorize the County Manager to enter into a contract with ARAMARK Correctional Food Services in an amount of \$590,354.00 to provide food service management at the Durham County Detention Facility (DCDF). This cost is based on an average daily inmate population of 576. The term of the contract is for one year with the option to renew by the County for four additional one-year periods. The contract amount is below the budgeted line item account of \$670,000.00. ARAMARK has been determined to be the best qualified to perform this service as indicated in the paragraph below and further explained in the memo to the County Manager dated May 4, 1999. ARAMARK's negotiated bid is \$590,354.00. The difference between the negotiated price and the budgeted amount provides needed flexibility to accommodate the increasing inmate population.

RFP#99-022 was publicly advertised and mailed to five companies on January 28, 1999. A pre-proposal conference was held on February 9, 1999. Proposals were received from four companies on March 10, 1999. The Selection Committee, comprised of Lt. Colonel Naylor, Major Bazemore, Capt. Kornegay, Janet Birenbaum, and Bahaa Jizi, evaluated all proposals upon a pre-established set of evaluation criteria. Criteria deemed most critical in the effective delivery of food services were food quality, customer service, American Correctional Association compliance, an equipment maintenance plan, adequate compensation for employees, and adequate staffing. Three companies were requested to provide oral presentations. References were then contacted on all three companies. As a result of this process, the Selection Committee determined ARAMARK to be the best qualified to provide food service management at the DCDF. ABL Management and CFM did not meet the level of service as outlined in the memo to the County Manager.

Janet Birenbaum, Sheriff's Office, and Bahaa Jizi, Purchasing Department, will be available to address any questions on this item.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with ARAMARK in an amount of \$590,354.00 and to make adjustments to this contract if necessary. I would like to commend the staff for obtaining more favorable pricing, service, and quality for the food service management at the DCDF.

County Manager David F. Thompson and County Attorney Chuck Kitchen made remarks about the negotiated contract.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the contract for food service management at the Durham County Detention Facility with ARAMARK Correctional Food Services in the amount of \$590,354.

The motion carried unanimously.

Four-Year Terms

This item is being brought forward for the Board to discuss the advisability of four-year terms for County Commissioners. It is placed on the agenda at the Board's direction following the last Board meeting.

Chairman Black called on Jack Steer, 2416 Dawn Trail, representing Friends of Durham, to make his remarks.

While we are not opposed to four-year terms, we are against having a referendum on this issue in 1999 for the following reasons:

1. As stated to you by me on April 12, we consider city/county merger to be of high importance.
2. In setting up a referendum for merger, the structure of government will need to be presented, and term length, staggered elections, number of seats, etc. will all certainly be a part of that structure. So we don't want a confusing message sent to the voters.
3. Currently, the voters have the ability to effect a change in local government every two years, which enhances the concept of accountability.
4. A referendum in 1999 effectively disenfranchises about 20% of the Durham voters, as they would be required to go to the polls for this single issue.

Based on these concerns we oppose holding a referendum on four-year terms for County Commissioners in November 1999.

Lee Mortimer expressed appreciation for the Commissioners not to ask the Legislature to extend Commissioner terms.

He urged the Commissioners to consider alternatives to deciding tonight on holding a referendum this November.

By not rushing into a decision tonight, you would allow time to develop a more consensus proposal. Alternatives include off-year congressional elections—which is what the General Assembly is proposing for four-year legislative terms—or odd-

numbered years, as in city elections. Yet another alternative is three-year terms. If the Commissioners would allow the merger process to go forward without interference, the question of appropriate term lengths will take care of itself.

Chairman Black called on the Commissioners for discussion on the subject.

Commissioner Bowser said he was going to yield his time to speak.

Commissioner Heron said she was still singing out of the same songbook I sang out of from the very beginning. I have not turned the page. I still think putting this on the ballot in 1999 is a mistake. We are trying to move forward and get something that we can take to the public on merger next year. As was always said, there will be time next year if we see that this is not something (merger) that the governing board wants to take to the public for a vote. There is time to put it on the agenda for a vote in the year 2000. I first think that in this point in time studying merger and bringing forward a plan is the priority for us. We need to stick to our priority and devote our full attention and the attention of our citizens on bringing as much good information forward as to the pros and cons of merger than whether or not we need to vote in 1999 for four-year terms, since there are other alternatives that will take care of that. I still feel that way and if there is a vote (I hope there will not be a vote, but if there is), I will not vote for four-year terms to be voted on in 1999.

Commissioner Bell stated he respects the comments that have been made by Jack Steer and Lee Mortimer. I understand their concerns. But I still remain convinced that four-year terms would best serve the citizens of Durham County relative to their governing bodies for all the reasons that have been stated. Four-year terms are not an abnormality for county government. In fact, two-year terms are. If we look across the state of North Carolina--you have at the most four counties. I don't think it is four that elect their Boards of County Commissioners for two-year terms. I fail to see how requiring the referendum to be in 1999 would disenfranchise any voters. People have a right to vote and they have a right not to vote. That is the choice they make. One of the issues we initially talked about was the impact of having a countywide election for this particular item in 1999. What would be the cost implications? At the most it would be \$4,000 for the two other polls to be open to allow people to vote or not vote if that was their choice. Another important point is that I think we are tying too much on the question of merger to this particular issue. If we don't do it in 1999, the earliest (assuming the voters choose to vote for it) we would have an opportunity to actually implement four-year terms would be 2002. If the voters decided to merge city and county governments, then the question of 2-or 4-year terms becomes mute. I favor it. The question is what do the voters favor. I feel that we are better off by putting this issue out there and let them make the decision in November 1999 when the municipal elections are held. I am speaking about basically four-year terms, at-large elections as we have it now. I fail to see the influence that this will have on the merger question under study.

Vice-Chairman Reckhow said she has not been on either side of this issue. I have supported four-year terms, but I have been concerned about what the raising of the issue now would do relative to merger. One factor that would be positive about having it on the ballot in the fall, it would provide valuable information to a charter commission if it were formed in terms of what the population in this county wants relative to the length of terms they want for their governing board. On the other hand, the factor that is influencing me against it is I don't want there to be the perception that because we are putting it on the ballot in 1999, that we are not committed to the merger process. I am not as concerned about the issue as about the fact it is not an election day for everyone in the community, only 82 percent of the people. There are pros and cons to that. It may get more consideration if there are not many items being voted on. I can go any way on this issue.

Commissioner Heron said by having this type of election on an off-year election, it really disenfranchises a lot of the voters, particularly the ones outside the city limits. It is wrong to do this on an off-year election.

Chairman Black said it is not good to put the four-year term on the ballot in 2000 when the Commissioners are running for re-election. Many voters will go to the polls and vote a straight Democratic or Republican ticket and not vote for any of the items on the ballot as we have seen with some of the bond issues. If merger ends up being on the ballot in the year 2000, then the issue related to four-year terms for the Commissioners may not be as important at that time as it might be now. For us to move forward and put this in for four-year terms, which I do approve of, and would not have a problem putting it on the ballot for 1999. We don't seem to have a consensus. My first preference would be to have a consensus and have us all moving ahead with five of us saying this is a good thing for us to do. I don't hear the consensus and I don't hear the votes to move it ahead. I am going to leave it with the Commissioners to make the decision.

Commissioner Bell moved to ask the Board to adopt a resolution establishing four-year terms of office for a five-member Board of County Commissioners and the referendum would be put before the voters in the November 1999 municipal elections for the term of office to be effective for those persons running for office in the Year 2000.

County Attorney Chuck Kitchen said proving the motion is successful, we will draft a formal resolution to be presented to you with the actual ballot question at your next meeting for consent.

Chairman Black called for a second to Commissioner Bell's motion.

Chairman Black said hearing no second to the motion, then the motion dies.

Blue Ribbon Growth Study Commission

At the request of Vice-Chairman Reckhow, this item was placed on the agenda for Commissioner consideration.

Senator Howard Lee of Orange County has introduced legislation establishing a Blue Ribbon Growth Study Commission (SB1123). Durham County Commissioner Ellen Reckhow, representing Triangle J, and High Point Mayor Becky Smothers, representing the Piedmont Triad COG, has worked with Senator Lee and a broad group of advocates in developing this proposal. The North Carolina Association of County Commissioners and the League of Municipalities have also been involved.

Senator Beverly Perdue has introduced similar legislation (SB896). The two bills will likely be combined into one and there is reasonable support for the legislation in the Senate.

Vice-Chairman Reckhow urges the Commissioners to support Senate Bills 1123 and 896.

Resource Person(s): Vice-Chairman Ellen Reckhow

County Manager's Recommendation: Receive and consider the request and take desired action.

Vice-Chairman Reckhow presented the Commissioners an overview of various legislation that has been introduced establishing a Blue Ribbon Growth Study Commission.

Vice-Chairman Reckhow asked the Commissioners at a minimum to endorse the Commission and if the Commissioners are comfortable, possibly endorsing the Growth Management Act of 1999.

The Commissioners asked questions and discussed the Growth Management Act of 1999.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to authorize the chair to write a letter of support for creating a commission to address smart growth and to reference the code number 99COMM—S001A.

The motion carried unanimously.

The Religious Liberty Protection Act

County Attorney Chuck Kitchen discussed with the Commissioners "The Religious Liberty Protection Act." This legislation in Congress would remove the right of zoning from local governments relative to churches and religious institutions.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to ask the County Attorney to draft a letter opposing this federal legislation.

The motion carried unanimously.

Set a Public Hearing Regarding the Resolution Concerning the Durham Northwest/Northeast Loop and to Endorse the Northern Durham Parkway and Innovative Measures to Increase Transportation Options

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to set and advertise the public hearing date for June 14, 1999 beginning at 5:00 p.m. to 6:30 p.m.

The motion carried unanimously.

Shooting of Guns on Highway 98 at Ganyard Farms

Commissioner Heron brought up the subject of the shooting near Ganyard Farms.

Commissioner Heron asked County Attorney Kitchen to contact Sheriff Worth Hill about this situation to see what can be done to stop the shooting in close proximity to Ganyard Farms. The ordinance may need to be updated.

Worksession Schedule for FY 1999-2000 Budget

BUDGET WORKSESSION SCHEDULE

- | | |
|-------------------|--|
| Tuesday, June 1 | Budget Message (County Manager): 5:00-6:30 p.m.
Joint City/County Merger meeting (City Hall): 7:30 p.m. |
| Wednesday, June 2 | Budget Worksession: 7:00-10:00 p.m. (School Board to present its proposed budget: 3:00-5:00 p.m.) |
| Monday, June 7 | Worksession: 9:00 a.m. to noon.
Budget Worksession: 2:00-5:00 p.m. |

- Monday, June 14 Public Hearing—Northern Durham Parkway: 5:00-6:30 p.m.
Regular Session (with small agenda): 7:00 p.m.-10:00 p.m. to
include the Budget Public Hearing.
- Wednesday, June 16 Budget Worksession: 8:30 to 11:30 a.m.
- Monday, June 21 Budget Worksession: 9:00 a.m. with time length unknown (no later
than 5:00 p.m.)
- Monday, June 28 Budget Adoption

Schools Capital Improvement Plan

Vice-Chairman Reckhow said the Durham Public Schools Board of Education has not finalized the Schools Capital Improvement Program at the present time.

Commissioner Heron asked the County Manager to contact Durham Public Schools about evaluating the property it owns to see if any of it could be sold to help build schools at other locations.

Adjournment

Chairman Black adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board