

**REVISED**

(Item No. 10 has been rescheduled to the September 22, 2003 Regular Session Agenda)

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

September 8, 2003

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**-Pledge of Allegiance  
*Chairman Reckhow opened the meeting with the Pledge of Allegiance.*
2. **Agenda Adjustments**
  - *Item #10, "Summer Meadows Additions-Rezoning Case P03-12," was deferred until the September 22, 2003 Regular Session.*
  - *Item #11, "Closed Session," was added to the agenda.*
  - *Vice-Chairman Bowser announced a rally to end gun violence, scheduled for Thursday, September 11, at the corner of Elizabeth and Main Streets, from 3:00 p.m. to 7:00 p.m.*
3. **Minutes**
  - a. June 2, 2003 Worksession
  - b. August 11, 2003 Regular Session
  - c. August 25, 2003 Closed Session

*Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the Minutes of the June 2, 2003 Worksession and the August 25, 2003 Closed Session as submitted, and the August 11, 2003 Regular Session with a one-word correction.*

*The motion carried unanimously.*
4. **Proclamation for National Family Day-A Day to Eat Dinner with Your Children**

Chairman Reckhow has been asked to proclaim Monday, September 22 as "National Family Day-A Day to Eat Dinner with your Children". Communities around the country are observing this day as a way to reaffirm the importance of the family in reducing the likelihood of young people becoming involved in illegal drug use, underage drinking, and smoking. A local committee is planning several activities. Mr. Paul Savery will give brief highlights.

Resource Person(s): Paul Savery, Durham Center

County Manager's Recommendation: The County Manager recommends that the Board approve the proclamation and present it to Mr. Savery.

*Chairman Reckhow read the proclamation into the record. Thanks were extended to Mr. Paul Savery.*
5. **Consent Agenda**
  - a. Budget Ordinance Amendment No. 04BCC000011-Criminal Justice Resource Center-Juvenile Day Reporting Center (approve the budget ordinance amendment in the amount of \$1,188 for the Criminal Justice Resource Center);
  - b. Budget Ordinance Amendment No. 04BCC000012-Social Services-Recognizing Funding from Urban Ministries for Child Care (approve the budget ordinance amendment to recognize a \$12,500 grant from Urban Ministries);
  - c. Budget Ordinance Amendment No. 04BCC000013-Appropriate Funds to the Literacy Council's GED Program (approve the budget ordinance amendment and fund the Literacy Council's GED Program with \$32,500 from the Commissioners' contingency fund and approve the contract amendment with the Literacy Council);
  - d. Budget Ordinance Amendment No. 04BCC000014-Appropriate Funds for 100 Years of Powered Flight per Approved Agreement with Raleigh-Durham Airport Authority (approve budget ordinance amendment to appropriate funding for the initial payment of \$50,000 per the agreement with Raleigh-Durham Airport Authority Celebrating 100 Years of Powered Flight. These funds were initially budgeted in the Commissioners' contingency fund for Fiscal Year 2003-2004 and will be transferred to the County Manager's budget);
  - e. Capital Project Ordinance Amendment No. 04CPA000004 and Approve Contract Amendments for Completing Agriculture Building Renovations-Project No: DC068-48 (approve the capital budget amendment which represents the County contribution [\$325,000] for FY 2003-04 and approve

- contract amendments with Michael Hining Architects P.A. and The Zehia Corporation, including execution of any change orders or related contracts, if necessary, not to exceed the available project budget);
- f. Approval of Memorandum of Understanding with Durham Public Schools (approve the Memorandum of Understanding for FY 2003-2004);
  - g. Joint Resolution on Vocational Educational Opportunities (approve A Joint Resolution to Establish a Task Force to Study Enhancing Vocational Educational Opportunities in Durham County); and
  - h. Two Ambulance Remounts-Emergency Medical Services (authorize the County Manager to enter into a contract with Southeastern Specialty Vehicles Inc. for \$105,728.00).

**Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the Consent Agenda Items 5(a) through 5(h) with the exception of items 5(d) and 5(g).**

**The motion carried unanimously.**

**(Items 5(d) and 5(g) were pulled for discussion and moved to follow item #10.)**

**Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda Item 5(d) and pay the first \$50,000 installment to the Raleigh-Durham Airport Authority with the understanding that the Board, in January 2004, will draw up a proposal to bring about fair distribution from revenues collected by the Airport Authority.**

**The motion carried unanimously.**

**Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda Item 5(g) and adopt the resolution to create a task force to study enhancing vocational education opportunities in Durham County.**

**The motion carried unanimously.**

#### **6. Public Hearing-School Impact Fee Ordinance [TC03-10]**

The Board of County Commissioners has expressed a desire to establish school impact fees on residential property to recover a portion of the costs that new residential development imposes on the taxpayers to provide for public school improvements.

The ordinance provides for the establishment of a school impact fee on January 1, 2004 in the amount of \$2,000 for single-family dwelling units and \$1,152 for multi-family dwelling units, both of which represent less than half of the maximum allowable cost. The collected fees will be used to offset the cost of capacity-related improvements to Durham Public Schools.

Resource Person(s): Mike Ruffin, County Manager; Chuck Kitchen, Durham County Attorney; and Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board consider the public comments, and if appropriate, adopt the ordinance.

**Chairman Reckhow opened the Public Hearing and called the signed speakers forward:**

#### **Proponents Opponents**

**Larry Holt John Childers Jr.**

**Steve Boccino Deb Anderson**

**Jackie Brown John Schlichenmaier**

**Caleb Southern Fen Adcock**

**Jane Avery Steve McDowell**

**Angie Elkins Wendell Bullard**

**Ann Resesso (sp?) Dr. D. Irani**

**Robert Jensch Don Fraley (sp?)**

**Liz Pullman Tony Craver**

**Reid Young Terry McCabe**

**Carol Young Chris Sinclair**

**John Parrish Steve Payne**

**Paul Glenn Nicholas Tennyson**

**Gracie Council Torrence Porter**

**Melvin Whitley Elizabeth Allerdise (sp?)**

**John Schelp Barnett Crabtree**  
**John Parker Sheila Willis (yielded to Wendell Bullard)**  
**Pat Carston**  
**Dabney Hopkins**  
**John Rorham (sp?)**  
**Milo Pyne**  
**Fred Broadwell**  
**Hildegard Ryals**  
**Michael Bacon**  
**Steven Matherly**  
**Steve Barnett**  
**Dr. Lavonia Allison**

**Chairman Reckhow closed the Public Hearing and thanked the speakers for their participation. She clarified the information presented by several speakers.**

**At Chairman Reckhow's request, County Attorney Chuck Kitchen addressed the question of support for this ordinance by the local legislative delegation. The County Attorney stated that there is a general statute which allows the Commissioners to set fees.**

**The County Attorney and County Manager addressed the questions and concerns posed by the Commissioners.**

**The Commissioners spoke individually of their support for the school impact fee ordinance.**

**Commissioner Heron moved, seconded by Vice-Chairman Bowser to adopt the School Impact Fee Ordinance [TC03-10] to become effective January 1, 2004.**

**The motion carried with the following 4 to 1 vote:**

**Ayes: Bowser, Cousin, Heron, and Reckhow**

**Noes: Jacobs**

7. **Public Hearing-County Initiated Land Use Plan Amendment-Hamlin Rd. (# A03-10)**

This item is a plan amendment for the *North Durham Plan*. The Board of County Commissioners directed staff to bring this plan amendment forward to take into account the changing circumstances of the proposed Northern Durham Parkway alignment and to make the FLUM designation more closely reflect the existing land use of the area. The parcels total 111.995 acres and are located on the south side of Hamlin Road approximately 1,000 feet east of its intersection with the Old Oxford Highway. The Planning Commission considered this item at a public hearing held July 23, 2003 and recommended approval.

Planning Department Recommendation - Approval

Planning Commission Recommendation - Approval (7/23/03 - 13 to 0)

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing and, if appropriate based on public comment, amend the *North Durham Plan* FLUM to designate the area located on the south side of Hamlin Road approximately 1,000 feet east of its intersection with the Old Oxford Highway for low density residential use.

**City-County Planning Director Frank Duke presented the agenda item.**

**Chairman Reckhow opened and closed the Public Hearing with no speakers signed.**

**Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the amendment to the land use plan A03-10.**

**The motion carried unanimously.**

8. **Public Hearing-Zoning Text Amendment-Amortization of Nonconforming Junkyards and Vehicle Repair Shops [TC 03-9]**

The Zoning Ordinance permits legal nonconforming uses to continue in existence without complying with any of the adopted standards, provided the use was legally in existence at the time the zoning provisions were adopted. This agenda item proposes an amendment to the zoning ordinance to establish differing amortization periods for nonconforming junkyards and vehicle repair shops to either provide a visual screen or achieve compliance, based on whether or not the use is allowed by the underlying zoning.

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing and approve the text amendment, if appropriate, based on public comment.

***City-County Planning Director Frank Duke presented the agenda item.***

***Chairman Reckhow opened the Public Hearing and recognized one speaker:***

***Melvin Whitley, 2614 Harvard Avenue, representing the Y.E. Smith Homeowners Association, spoke in support of the zoning text amendment.***

***Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the Zoning Text Amendment TC03-9.***

***The motion carried unanimously.***

9. **Public Hearing-FY 2002-2003 Draft Consolidated Annual Performance and Evaluation Report (CAPER)**

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2002-2003 Draft Consolidated Annual Performance and Evaluation Report (CAPER) public hearing to receive citizen comments. The CAPER provides Durham an opportunity to assess anticipated performance with actual performance in meeting the priorities and objectives of the Consolidated Action Plan. The CAPER public hearing is held annually in September by the Board of County Commissioners to receive comments on the previous year's City-County HOME Consortium Investment Partnership program performance. This performance is detailed in the CAPER that must be submitted to the U.S. Department of Housing and Urban Development (HUD) no later than September 28, 2003. The 2002-2003 CAPER was been made available (in draft form) to the public for review from August 1, 2003 through September 1, 2003. Comments received at the public hearing will be placed into the CAPER before it is submitted to HUD. The City Council is scheduled to hold its CAPER public hearing on September 2, 2003.

Durham receives an annual HOME Consortium grant award from HUD. The FY 2002-2003 HOME entitlement allocation was \$1,051,000 in HOME funds. The FY 2002-2003 Consolidated Action Plan allocated these HOME funds primarily for housing activities in Durham with special focus in target neighborhoods. Major HOME program expenditures made during the 2002-2003 program year (as shown in the draft CAPER) included homebuyers assistance, new homebuyer rehabilitation, and special needs housing.

During FY 2002-2003, a First-Time Homebuyers Program was presented to Durham County residents during National Homeownership Month by City staff, local lenders, and realtors. The HOME-funded program is now available to qualified homebuyers that desire to live in Durham County (outside the City limits). Effective marketing strategies will be implemented for both the County Substantial Housing Rehabilitation and Homebuyers Assistance Programs during FY 2003-2004. During FY 2003-2004, a homeownership program will be designed and implemented for Durham County Sheriff's and Durham County Government employees through the use of HOME funds.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development has reviewed this request and recommends that the Board of County Commissioners hold the FY 2002-2003 Draft Consolidated Annual Performance and Evaluation Report (CAPER) public hearing to receive citizen comments. Michael Pullum, Senior Planner, will attend the meeting to answer questions.

Resource Person(s): Michael Pullum, Senior Planner, City of Durham Housing and Community Development

County Manager's Recommendation: Hold the FY 2002-2003 Draft Consolidated Annual Performance and Evaluation Report (CAPER) public hearing on September 8, 2003 to receive citizen comments.

***Chairman Reckhow opened the Public Hearing, which was properly advertised, and continued the Public Hearing until the September 22, 2003 Regular Session.***

10. **Summer Meadows Additions-Rezoning Case P03-12**

**Rescheduled to the September 22, 2003 Regular Session**

***Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to defer Agenda Item # 10 until the September 22, 2003 Regular Session.***

***The motion carried unanimously.***

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department

11. ***Closed Session (Agenda Item added)***

***The Board is requested to adjourn to closed session to discuss matters relating to the location or expansion of industry pursuant to G.S. § 143-318.11(a)(4).***

***THE COMMISSIONERS ADJOURNED TO CLOSED SESSION AT 10:30 P.M.***

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**Last updated: May 3, 2006**

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200 E Main Street, Durham, NC 27701

[webmaster@durhamcountync.gov](mailto:webmaster@durhamcountync.gov)

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