

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

Monday, February 27, 2006

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 Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Michael D. Page and Philip R. Cousin Jr. (arrived late—7:15 p.m.)

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

**Opening of Regular Session**

Chairman Reckhow welcomed everyone to the Monday, February 27, 2006 Regular Session of the Board of County Commissioners. She asked everyone to rise and join in the Pledge of Allegiance.

**Motion to Excuse Commissioner Lewis A. Cheek**

Commissioner Page moved, seconded by Vice-Chairman Heron, to excuse Commissioner Cheek from the February 27, 2006 Regular Session.

The motion carried with the following vote:

Ayes: Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek and Cousin

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve with the noted changes the [February 6, 2006 Worksession](#) and the [February 13, 2006 Regular Session Minutes of the Board](#).

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The motion carried with the following vote:

Ayes: Heron, Page, and Reckhow  
Noes: None

Absent: Cheek and Cousin

**February Anchor Award Winner—Terri Richardson**

Chairman Reckhow stated that Terri Richardson, a Personal Property Appraiser in Tax Administration, was selected to receive the February Anchor Award. Ms. Richardson was recognized for this honor because of superior work, particularly for her initiative to take a lead in the Call Center to ensure that the Tax Department customer service goals were met.

Kim Simpson, Deputy Tax Administrator, commented that Ms. Richardson's office was recently remodeled, which forced her to move to a location in the Call Center. The space that Ms. Richardson occupied was used as an overflow desk when additional staff members were needed in the Call Center. Ms. Richardson recognized the need for additional help within the Call Center due to call volume and staff shortage and took a lead within the Center. She has continued to work in the Call Center even after her staff was moved back into their permanent locations.

Ms. Richardson expressed gratitude for the honor.

Chairman Reckhow invited Ms. Richardson forward to accept the Anchor Award and the \$200 check.

**Consent Agenda**

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

- \*a. Appointment of the 2006 Equalization and Review Board Members (appoint a special E&R Board, designate membership, appoint Chair and Vice Chair, and establish compensation rate at \$50.00 per session and \$15.00 per hour after the three-hour session);
- \*b. Property Tax Releases and Refunds—Fiscal Year 2004-05 (accept the property report for January 2006 and authorize the Tax Assessor to adjust the tax records as outlined);
- c. AAA Transport Inc. Franchise Renewal (approve the three-year ambulance franchise renewal request);
- e. Replacement Vehicles for the Durham County Fire Marshal and Emergency Management Department (authorize the County Manager to enter into a contract with University Ford in the amount of \$103,839.84 for the purchase of four replacement vehicles);
- \*f. Request to Establish Two Fire Insurance Rating Districts and Response District (approve establishment of the two Durham County Fire Insurance Rating Districts and initiate a contract between the County of Durham and

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April 4, 2005 . . . . . June 27, 2005¶  
April 18, 2005 . . . . . June 30, 2005¶  
April 25, 2005 . . . . . September 30, 2005¶  
May 23, 2005¶  
. b. January 4, 2006 Worksession¶  
c. January 9, 2006 Regular Session

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c. Budget Ordinance Amendment No. 06BCC000036—EMS—Recognize Donation from the Fletcher Heart Fund of \$60,000 for the purchase of cardiac monitoring equipment and Intraosseus (IO) infusion needles;¶

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- Durham Fire Department for provision of primary fire protection for the new response district);
- \*g. Request Approval of Revised Legal Written Description of the Six-Mile Parkwood Fire Insurance District (approve the revised legal written description of the six-mile Parkwood Fire Insurance District);
- \*h. Request Approval of Revised Legal Written Description of the Six-Mile Redwood Fire Insurance District (approve the revised legal written description of the six-mile Redwood Fire Insurance District);
- \*i. Request Approval of Revised Legal Written Description of the Six-Mile Lebanon Fire Insurance District (approve the revised legal written description of the six-mile Lebanon Fire Insurance District);
- \*j. Budget Ordinance Amendment No. 06BCC000043—Public Health—Recognize Revenue From NC Department of Health and Human Services Via Durham Public Schools and Establish Seven Provisional School Nurse (Public Health Nurse II) Positions (recognize \$146,292 in revenue from the N.C. Department of Health and Human Services via Durham Public Schools and establishing seven provisional school nurse positions (Public Health Nurse II) to implement the Child and Family Support Team Initiative in Durham Public Schools);
- \*k. Budget Ordinance Amendment No. 06BCC000044—Request Additional Provisional School Social Worker (recognize \$140,000 in revenue from the NC Department of Health and Human Services via Durham Public Schools, and to establish seven provisional Social Worker II positions for the last 4 months of the fiscal year) (Chairman Reckhow requested the wording be removed);
- l. Interlocal Agreement for Reclaimed Water Facilities (authorize the Chairman to execute the attached Interlocal Agreement between Durham County, Wake County, and the Town of Cary for the design and permitting of Reclaimed Water Facilities and the associated distribution system at the Triangle Wastewater Treatment Plant) (Chairman Reckhow thanked the Engineering staff for their work on the interlocal); and
- m. Execution of Architectural Design Service Agreement with Cherry Huffman Architects, P.A., for the Proposed Durham County Animal Control Office: Project No.: DC076-50/58 (authorize the execution of an architectural design contract with Cherry Huffman Architects, P.A., in the total amount of \$74,800.00 plus additional services

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and reimbursable expenses estimated at \$5,200.00 thus totaling \$80,000.00).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

\*Documents related to these items follow:

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Consent Agenda Item No. a. Appointment of the 2006 Equalization and Review Board Members (appoint a special E&R Board, designate membership, appoint Chair and Vice Chair, and establish compensation rate at \$50.00 per session and \$15.00 per hour after the three-hour session).

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Appointments: George A. Scott, Chairman (appointed by Commissioner Page)  
Warren Robinson, Vice Chairman (appointed by Commissioner Cousin)  
Kelly Matherly (appointed by Chairman Reckhow)  
Robert E. King Jr. (appointed by Commissioner Cheek)  
Virginia E. Thomas (appointed by Vice-Chairman Heron)

Consent Agenda Item No. b. Property Tax Releases and Refunds—Fiscal Year 2004-05 (accept the property report for January 2006 and authorize the Tax Assessor to adjust the tax records as outlined).

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c. Budget Ordinance Amendment No. 06BCC000036—EMS—Recognize Donation from the Fletcher Heart Fund of \$60,000 for the purchase of cardiac monitoring equipment and Intraosseus (IO) infusion needles;¶

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Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of January 2006.

Releases & Refunds for 2006 Taxes:

Registered Vehicles	\$	177.07
Vehicle Fees		<u>70.00</u>
Total for 2006 Taxes and Fees	\$	247.07

Releases & Refunds for 2005 Taxes:

Real Estate	\$	26,120.06
Personal	\$	12,657.92
Registered Vehicles	\$	27,712.36
Vehicle Fees	\$	560.00
Solid Waste	\$	<u>160.00</u>
Total for 2005 Taxes and Fees	\$	67,210.34

Prior years' (2000-2004) releases and refunds for January 2006 are for \$37,838.71. The total current year and prior years' releases and refunds amount to \$105,296.12.

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(Recorded in Appendix A in the Permanent Supplement of the February 27, 2006 Regular Session Minutes of the Board.)

Consent Agenda Item No. f. Request to Establish Two Fire Insurance Rating Districts and Response District (approve establishment of the two Durham County Fire Insurance Rating Districts and initiate a contract between the County of Durham and Durham Fire Department for provision of primary fire protection for the new response district).

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DURHAM COUNTY EAST FIRE INSURANCE DISTRICT  
SERVED: DURHAM CITY FIRE DEPARTMENT BY CONTRACT  
FIVE-MILE DISTRICT, SINGLE STATION

Beginning at point (1) on Old Oxford Hwy. (SR 1004) at the Norfolk and Western Railway Bridge; thence in a southerly direction to point (2) at Old Oxford Hwy. (SR 1004) at its intersection with Hebron Rd. (SR 1656); thence in a southwesterly direction to point (3) at Cub Creek Rd. (SR 1655) at its intersection with the Durham City Limits; thence following the Durham City Limits to point (4) on Sourwood Rd. (SR 1758) .1 miles north of its intersection with Shady Lane; thence in a southeasterly direction to point (5) on Kenwood Rd. (SR 1740) .1 miles north of its intersection with Infinity Rd. (SR 1639); thence in a southeasterly direction to point (6) on Shady Lane (SR 1760) and its intersection with Meadston Drive; thence north and east along the city limits to point (7) on Goodwin Rd. (SR 1640) .7 miles east of its intersection with Ventoria Rd.; thence in a northerly direction to point (8) on Torredge Rd. (SR 1685) .1 miles east of its intersection with Collins Rd. (SR 1706); thence in an easterly direction to point (9) on Torredge Rd. (SR 1685) .025 mile west of its intersection with Koback Drive; in a southeasterly direction back to point (1).

NOTE: This description describes an area of Durham County pursuant to General Statute 153A-233 for Insurance Grading Purposes Only.

NOTE: Points 4 – 9 are adjoining points with Lebanon Fire Insurance District.

NOTE: All areas are serviced by the City of Durham Fire Department by way of contractual agreement for all areas described above except those properties incorporated within the City Limits of Durham.

NOTE: City of Durham Fire Station #7 is located at 3919 N. Duke St. (NC 501), at its intersection with N. Roxboro Rd.

NOTE: City of Durham Fire Station #14 is located at 1327 Umstead Rd., at its intersection with Bivins Rd.

NOTE: District excludes all properties within the Durham City Limits.

NOTE: District boundary between points 3 – 4 follows the Durham City Limits.

DURHAM COUNTY WEST FIRE INSURANCE DISTRICT  
SERVED: DURHAM CITY FIRE DEPARTMENT BY CONTRACT  
FIVE-MILE DISTRICT, SINGLE STATION

Beginning at point (1) Rivermont Rd. (SR 1402) .2 miles west of its intersection with Valley Springs Rd.; thence following the city limits in a westerly and southerly direction to point (2) at the Durham/Orange County line; thence in a northerly direction following the Durham/Orange County line to point (3) at the intersection of Cole Mill Rd. (SR 1401) and its intersection with the Orange County line; thence in an easterly direction to point (4) on the Eno River south of the intersection of SR 2320 and SR 2326; thence in a southerly direction following the city limits back to point (1).

NOTE: This description describes an area of Durham County pursuant to General Statute 153A-233 for Insurance Grading Purposes Only.

NOTE: Points 3 – 4 are adjoining points with Lebanon Fire Insurance District.

NOTE: All areas are serviced by the City of Durham Fire Department by way of contractual agreement for all areas described above except those properties incorporated within the City Limits of Durham.

NOTE: City of Durham Fire Station #10 is located at 1805 Cole Mill Rd. (SR 1401), .25 miles northwest of the intersection with Rose of Sharon Rd. (SR 1404).

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[Consent Agenda Item No. g. Request Approval of Revised Legal Written Description of the Six-Mile Parkwood Fire Insurance District \(approve the revised legal written description of the six-mile Parkwood Fire Insurance District\).](#)

PARKWOOD FIRE INSURANCE DISTRICT  
EXTENDED SIX-MILE DISTRICT  
SERVED BY: PARKWOOD STATION ONE, TWO, AND THREE

Beginning at point (1) NC 751 at the Durham/Chatham County line; thence following the county line west and north to point (2) at the Chapel Hill City Limits; thence east and southeasterly to point (3) on Farrington Mill Road (SR 1109) 0.4 miles southwest of its intersection with Kepley Road (SR 1108); thence northeasterly to a point (4) on Kepley Road (SR 1108) at its intersection with Kennebeck Road (SR 2236); thence northeasterly to point (5) on Stage Coach Road (SR 1107) 0.6 miles east of its intersection with Farrington Road (SR 1110); thence southeasterly to point (1).

NOTE: This description describes an area of Durham County pursuant to General Statute 153A-233 for Insurance Grading Purposes Only.

NOTE: The Cities of Durham and Chapel Hill are excluded from this district.

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NOTE: Parkwood Station One is located on Seaton Road (SR 2229), 0.1 miles southwest of Revere Road (SR 1101).

NOTE: Parkwood Station Two is located on Farrington Road (SR 1110), 0.3 miles south of Old Chapel Hill Road (SR 2220).

NOTE: Parkwood Station Three is located on Old Page Road (SR 4600), 0.2 miles east of Miami Boulevard (SR 1959).

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Consent Agenda Item No. h. Request Approval of Revised Legal Written Description of the Six-Mile Redwood Fire Insurance District (approve the revised legal written description of the six-mile Redwood Fire Insurance District).

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REDWOOD FIRE INSURANCE DISTRICT  
SERVED BY: REDWOOD FIRE DEPARTMENT STATION ONE, TWO, AND THREE  
EXTENDED SIX-MILE DISTRICT

Beginning at point (1) approximately 0.1 miles south of Falls Lake and its intersection with the Durham County line; thence in a northwesterly direction following the Durham County line to point (2) at Cheek Road (SR 1801) and its intersection with the Durham/Wake County line; thence in a southeasterly direction to point (3) on Baptist Rd. 0.01 miles from its intersection with Beach Road; thence in a southeasterly direction to point (4) Falls Lake Road 0.6 miles north of its intersection with Baptist Road; thence in a south and east direction to point (1).

NOTE: This description describes an area of Durham County pursuant to General Statute 153A-233 for Insurance Grading Purposes Only.

NOTE: Redwood Fire Stations One, Two, and Three protect all properties within the district described above except those properties incorporated within the City Limits of Durham.

NOTE: Station One is located at 4901 Cheek Road, Durham NC 27704  
Station Two is located at 1730 Hamlin Road, Durham NC 27704  
Station Three is located at 4420 Wake Forest Highway, Durham NC 27703

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Consent Agenda Item No. i. Request Approval of Revised Legal Written Description of the Six-Mile Lebanon Fire Insurance District (approve the revised legal written description of the six-mile Lebanon Fire Insurance District).

LEBANON FIRE INSURANCE DISTRICT  
SERVED: LEBANON FIRE DEPARTMENT  
EXTENDED SIX-MILE DISTRICT  
SINGLE STATION

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Starting at point (1) on Old Oxford Hwy. (SR 1004) at the Norfolk and Western Railway Bridge; thence north to point (2) on Vintage Hill Parkway approximately 0.2 miles north of its intersection with Fairwoods Lane; thence following the Durham City limits south and west to point (3) on Torredge Rd. (SR 1685) .025 miles west of its intersection with Koback Dr.; thence in a southeastern direction back to point (1).

NOTE: This description describes an area of Durham County pursuant to General Statute 153A-233 for Insurance Grading Purposes Only.

NOTE: Points 1 & 2 are adjoining points with Bahama Fire Insurance District.

NOTE: Lebanon Station 1 is located at 7900 Russell Road (SR 1451), 0.1 miles west of Guess Road (NC 157).

NOTE: District excludes all properties within the Durham City Limits.

NOTE: District boundary between points 2 & 3 follows the Durham City Limits.

Consent Agenda Item No. j. Budget Ordinance Amendment No. 06BCC000043—Public Health—Recognize Revenue From NC Department of Health and Human Services Via Durham Public Schools and Establish Seven Provisional School Nurse (Public Health Nurse II) Positions (recognize \$146,292 in revenue from the N.C. Department of Health and Human Services via Durham Public Schools and establishing seven provisional school nurse positions (Public Health Nurse II) to implement the Child and Family Support Team Initiative in Durham Public Schools).

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DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$297,060,263	\$146,292	\$297,206,555

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$364,058,784	\$146,292	\$364,205,076

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



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This the 27<sup>th</sup> day of February, 2006.

Consent Agenda Item No. ~~k. Budget Ordinance Amendment No. 06BCC000044~~ Request  
~~Additional Provisional School Social Worker~~ (recognize \$140,000 in revenue from the NC  
Department of Health and Human Services via Durham Public Schools, and to establish  
seven provisional Social Worker II positions for the last 4 months of the fiscal year).

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DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the  
FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$297,206,555	\$140,000	\$297,346,555

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> Human Services	\$364,205,076	\$140,000	\$364,345,076

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

This the 27<sup>th</sup> day of February, 2006.

**Consent Agenda Item Removed for Discussion**

Consent Agenda Item No. ~~d. Additional Personnel for the Durham Emergency  
Communications Center (approve the funding and establishment of four additional  
telecommunicator positions beginning April 10, 2006).~~

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Commissioner Page asked whether the additional personnel would be City or County  
employees. He also asked about future staffing needs/requests.

County Manager Ruffin responded that the County jointly funds the Emergency  
Communications Center. The County's share of funding for the four positions  
(approximately \$8,000) would be paid to the City during the reconciliation process of jointly  
funded City and County departments.

Jim Soukup, Durham Emergency Communications Center Director, informed Commissioner  
Page that additional staff would be requested in the department's FY 2006-07 budget.

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Commissioner Page moved, seconded by Vice-Chairman Heron, to approve Consent Agenda Item No. d.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

**Public Hearing to Consider Allocating Economic Development Investment Funds to Eisai Inc.**

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Deleted: Ambulance Replacement (authorize the County Manager to enter into a contract with Southeastern Specialty Vehicles in the amount of \$331,726 for the purchase of replacement vehicles for Redwood and Bahama Volunteer Fire Departments and Durham County EMS, and two remounts for Durham County EMS).

Carolyn P. Titus, Deputy County Manager, reported that Eisai Inc., U.S. pharmaceutical subsidiary of Tokyo based Eisai Co. Ltd., is considering building an additional pharmaceutical manufacturing facility and new central utility building on its existing 125-acre site located in Research Triangle Park (RTP). Since 1997, Eisai has rapidly grown to become a successful U.S. pharmaceutical company with sales at nearly \$2 billion. Its current RTP manufacturing facility is the only one in the United States. Eisai develops, manufactures, and commercializes biopharmaceutical products for the treatment of Alzheimer's disease and gastroesophageal reflux disease.

The proposed new investment for the RTP campus is estimated to be approximately \$105 million, with an estimated net depreciated taxable value of approximately \$35 million. Upon completion, Eisai will manufacture a new liquid injectable oncology product. It is expected that Eisai will bring 84 new jobs to Durham County by 2013 because of this expansion.

Eisai Inc. is in the process of making the final decision as to where to locate the proposed expansion. Staff is aware of several other sites being considered for this investment, including Japan and Italy. Eisai has communicated to the County Manager and staff that Durham County's financial support for this project will be a key consideration in the final decision. Eisai is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading and extension of utilities.

Staff recommended that the County participate in this economic development project by reimbursing Eisai up to \$1 million, payable over a five-year period, for the costs of site preparation activities and extension of utilities.

(This public hearing was advertised on Friday, February 17, 2006, as required by Statute.)

Chairman Reckhow emphasized that this request is consistent with the County's policy, which has been in place for a number of years.

Commissioner Page stressed the importance of hiring Durham citizens.

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Chairman Reckhow opened the public hearing.

The following citizens spoke in support of the Commissioners allocating economic development investment funds to Eisai Inc.:

Ted Conner, Durham Chamber of Commerce, 300 W. Morgan Street, Durham 27701

Kevin Johnson, Research Triangle Foundation of North Carolina, 2 Hanes Drive, RTP 27709

Jamie Glass, Durham Technical Community College, 1637 Lawson Street, Durham 27703

Ms. Victoria Peterson, Triangle Citizens Rebuilding Communities, P.O. Box 101, Durham 27702, requested that Eisai Inc. be required to hire 40 African-Americans residents from the City of Durham and Durham County.

Chairman Reckhow informed Ms. Peterson that County Attorney Chuck Kitchen advised that the County Commissioners could not legally honor Ms. Peterson's request.

Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the reimbursement contract between the County of Durham and Eisai Inc. to allow for the reimbursement of costs associated with the site preparation, such as site clearing and grading, and the extension of utilities.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

**Public Hearing to Consider Allocating Economic Development Investment Funds to Stiefel Laboratories Inc.**

Carolyn P. Titus, Deputy County Manager, provided an overview. Stiefel Laboratories Inc. is considering relocating its global research and development headquarters to the Research Triangle Park, including the acquisition of the vacant facility formerly owned and occupied by the Eli Lilly Company. Stiefel is a global skin care pharmaceutical firm with world headquarters in Coral Gables, Florida. The proposed investment for the RTP facility is estimated to be in excess of \$42 million and would include 200 new jobs within five years.

Staff recommended that the County participate in this economic development project by reimbursing Stiefel up to \$75,000 for the costs of relocation and employee training, payable over a five-year period.

Stiefel Laboratories Inc. has indicated that they have decided to locate in Durham County subject to receiving the proposed incentives.

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(This public hearing was advertised on Friday, February 17, 2006 as required by Statute.)

Chairman Reckhow opened the public hearing.

The following citizens spoke in support of the Commissioners allocating economic development investment funds to Stiefel Laboratories Inc.:

Ted Conner, Durham Chamber of Commerce, 300 W. Morgan Street, Durham 27701

Kevin Johnson, Research Triangle Foundation of North Carolina, 2 Hanes Drive, RTP 27709

Jamie Glass, Durham Technical Community College, 1637 Lawson Street, Durham 27703

Ms. Victoria Peterson, Triangle Citizens Rebuilding Communities, P.O. Box 101, Durham 27702, requested that Stiefel Laboratories Inc. state publicly that it will hire one hundred African-Americans.

Chairman Reckhow closed the public hearing and referred the item back to the Board.

Commissioner Page stated that Ms. Glass' advocacy and outreach committee is considering creative ways to assist citizens with job training and opportunities.

Chairman Reckhow announced that Durham County is proud to be home to 40 percent of all the state's biotech firms.

Commissioner Cousin moved, seconded by Commissioner Page, to approve entering into the standard reimbursement contract between the County of Durham and Stiefel Laboratories Inc. for \$75,000 to allow for the reimbursement of costs associated with relocation and employee training.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Mr. Conner responded to a request by Vice-Chairman Heron regarding the Chamber of Commerce's measures to encourage employees who relocate to this area to reside in Durham County. He remarked that the Chamber has been acclimating Stiefel employees and management about the wonders of Durham County.

**Public Hearing—Durham County Sheriff's Office and the City of Durham Police Department on the 2006 Edward Byrne Memorial Justice Grant (JAG)**

Marcia Margotta, Sheriff's Comptroller, Sheriff's Office, presented the item. Durham County and Durham City were seeking authorization to submit a joint on-line application for funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG)

Deleted: **Service Contract with Reliant Management Group Inc. for Electronic Monitoring Services**

¶ The Board is requested to authorize the County Manager to enter into a contract with Reliant Management Group Inc. for Electronic Monitoring Services as described in RFP #06-005. The contract is scheduled to begin February 1, 2006, or shortly thereafter. The amount of this contract is \$51,712.50 in Fiscal Year 2005-2006 (based on \$13.79 per unit, per day) and can be renewed annually. ¶

¶ In August 2005, Durham County posted RFP No. 06-005 for Electronic Monitoring Services. Four responses were received by the due date of October 13, 2005. The responses were reviewed by staff from CJRC, Purchasing, and the Office of the Sheriff. One responsive bidder was identified during the review and invited for an interview. The interview occurred on December 1, 2005 with representatives from the Office of the Sheriff, the District Attorney, CJRC, and Purchasing attending. All parties present considered the vendor to be knowledgeable, experienced, and responsive. The proposed contract has been reviewed by the County's Finance and Legal departments.¶

¶ The Contractor currently provides comprehensive monitoring and house arrest services to Wake and New Hanover Counties. The County's Living Wage requirements are included in this contract, and Reliant Management Group has responded that these requirements have been recognized, and will be met during the duration of the contract. The source of funding for this contract is the General Fund, and the contract amount is well within the requested budget amount that was projected and submitted for the FY 2005-2006 budget.¶

¶ This agenda item has been reviewed and approved by the Purchasing Division.¶

¶ Resource Person(s): Gudrun Parmer, Director of Criminal Justice Resource Center, and Todd Edwards, President of Reliant Management Group Inc.¶

¶ ... [1]

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Programs to provide agencies with the flexibility to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

An Interlocal Agreement was presented for consideration, which appoints the Sheriff's Office to serve as the applicant/fiscal agent for the joint funds and agrees to a fifty-fifty split of the funds with the City.

The Sheriff's Office funds will be used to replace outdated radar units; replace Search and Recovery equipment; purchase multimedia equipment to facilitate gang, school, and community presentations; to purchase of crime analysis equipment and tools; and to support the Durham County Gun Safety Team.

The Police Department funds will be used to fund the gang prosecution attorney in the District Attorney's office and to support the five district Partners Against Crime community groups.

One of the conditions of this grant award was to conduct a public hearing to receive public comment as to the use of these funds. (This public hearing had been advertised in The Herald-Sun on February 5, 2006 as well as on both Police Department and Sheriff's Office websites since February 2, 2006.)

No additional funding was required and no subsequent year budget impact was anticipated. The total award is \$143,662; the Sheriff's Office and Police Department would each receive \$71,831 from the grant award.

Chairman Reckhow opened the public hearing that was properly advertised.

Ms. Victoria Peterson, Triangle Citizens Rebuilding Communities, P.O. Box 101, Durham 27702, requested that a portion of the funds be used for crime prevention and inmate rehabilitation.

Chairman Reckhow closed the public hearing, stating that the matter was back before the Board for consideration.

Ms. Margotta and Sheriff's Chief Deputy C. Wes Crabtree spoke to Chairman Reckhow and Commissioner Page's questions about the schedule for replacing Search and Recovery equipment.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the Interlocal Agreement and authorize the County Manager to sign.

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The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

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### **Public Hearing on Two-Thirds Bonds**

Chairman Reckhow stated that the Board was requested to hold public hearings on the four bond orders that were introduced at its previous meeting. The bond orders are for \$3,117,000 Open Space Bonds; \$2,933,000 Library Facilities Bonds; \$2,158,000 Public Building Bonds; and \$4,022,000 School Bonds.

Chuck Kitchen, County Attorney, requested that the public hearing on the School Bonds be adjourned until the March 27 meeting in order to receive additional information from Durham Public Schools Board of Education.

Chairman Reckhow opened the public hearing that was properly advertised.

As no one requested to speak on the item, Chairman Reckhow closed the public hearing on the Open Space, Library Facilities, and Public Building Bonds. She adjourned the public hearing on the School Bonds until the March 27 meeting.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the "ORDER AUTHORIZING \$3,117,000 OPEN SPACE BONDS".

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

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Commissioner Page moved, seconded by Vice-Chairman Heron, to approve the "ORDER AUTHORIZING \$2,933,000 LIBRARY FACILITIES BONDS".

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

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Commissioner Page moved, seconded by Commissioner Cousin, to approve the "ORDER AUTHORIZING \$2,158,000 PUBLIC BUILDING BONDS".

The motion carried with the following vote:

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Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

**Public Hearing—Zoning Map Change—Triangle Metro Center South (Z05-25)**

Chairman Reckhow commented that this item was continued from the February 13, 2006 Regular Session of the Board.

Frank Duke, Planning Director, reminded the Board that this item is a request to approve a zoning map change for a 107.2-acre site located at the northeast quadrant of the intersection of Davis Drive and Hopson Road. (PIN 0747-03-14-2716;--15-6012;--24-7670;--25-0657; Request: OI(D) to OI(D) Change to Development Plan)

Mr. Duke spoke about the concerns expressed by the Board at the February 13 meeting with regards to the potential impacts on the transportation network of this project should it develop as proposed, given the uncertainties associated with the TTA Rail Project. Concerns were also expressed regarding recreational facilities, including the bicycle lanes. The applicant, Craig Davis Properties, and Planning staff worked together to address the concerns.

Chairman Reckhow recognized Attorney Patrick Byker, representing the applicant.

Mr. Byker, 2614 Stewart Drive, Durham 27707, read into the record the four additional committed elements that addressed the issues discussed at the February 13 meeting:

TRIANGLE METRO CENTER (Z05-25)  
ADDITIONAL COMMITTED ELEMENTS  
FEBRUARY 27, 2006

1. The major north-south and east-west streets shall have striped bike lanes provided in accordance with AASHTO standards (striped five (5) feet from the vertical face of the curb in each direction). Storm water grates within the gutter section shall be designed for bicycle use.
2. A pedestrian trail system as shown on the attached Pedestrian/Bike Circulation/Pocket Parks page (the "Pedestrian Plan") shall be constructed in the general locations shown on the Pedestrian Plan, with the specific locations of each pedestrian trail to be determined at site plan approval. The pedestrian trail system shall be constructed in phases corresponding to the five (5) neighborhoods shown on the attached Proposed Site Layout and Improvements page, in conjunction with the phased site plan approvals of these neighborhoods. Each phase of the pedestrian trail system shall be completed prior to the issuance of the certificate of occupancy for the unit corresponding to fifty-five percent (55%) of the dwelling units in such neighborhood.

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3. At least one (1) pocket park or dry storm water facility will be suitable for active recreation purposes, and shall have adequate open space to support active recreational pursuits (e.g., soccer, football) and be approximately seventy-five feet (75') by one hundred eighty feet (180') in size.

4. The maximum residential density for Triangle Metro Center South will be 2,285 dwelling units. This density has been determined, in part, by traffic studies that included a calculated reduction of traffic outside of the project based on the project's proximity to a Triangle Transit Authority ("TTA") rail station and a TTA bus transfer facility, as well as the mixture of office and retail uses within the project. Prior to the issuance of building permits for more than 2,050 units, the base funding for the TTA regional rail system must be approved by the Federal government or other full funding obtained; or the project owner/developer, through subsequent traffic studies, must illustrate to the satisfaction of the Durham City Transportation Division that the road network outside the project boundaries can accommodate the traffic generated by the full 2,285 dwelling units. If additional road improvements are required at that time, the applicant will make such improvements.

Mr. Byker expressed appreciation to the Board, County Manager Ruffin, and Mr. Duke for their perseverance and thoughtfulness in bringing this project back for consideration.

Chairman Reckhow stated appreciation for Mr. Byker's willingness to work through the issues. A discussion took place at today's Joint City-County Planning Committee meeting about amending the Ordinance to consider the highest available density with the TTA rail but a slightly lower density if the rail is not forthcoming or associated transportation improvements are not made.

Chairman Reckhow emphasized that this project creates a fertile climate for regional rail. She plans to work actively to obtain regional rail and will travel to Washington in late March to lobby.

Vice-Chairman Heron stated that she was pleased that the issues were resolved.

Chairman Reckhow closed the public hearing which had been continued from the February 13 Regular Session.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve Zoning Map Change—Triangle Metro Center South (Z05-25) with the four additional committed elements that were read into the record.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek



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Commissioner Cousin stated that he looked forward to seeing the project develop and appreciated the developer's efforts to work with the Board's recommendations.

### Board and Commission Appointments

Angela McIver, Staff Specialist, Clerk to the Board's office, distributed ballots.

Commissioner Page recognized and welcomed students from North Carolina Central University.

Per a request by Chairman Reckhow, the three students introduced themselves and stated their majors.

County Attorney Chuck Kitchen announced that the Commissioners voted to appoint the following:

City-County Appearance Commission: (1 unexpired position; term will expire April 2009.)

- Mark Hough, 2104 Sprunt North, Durham, NC 27705 (At-large)

Design District Review Team: (1 position—an Architect, Landscape Architect, or Urban Designer or have expertise in these fields; term expire January 2008.)

- Thomas M. Poole, 502 Bruce Street, Durham, NC 27703 (Urban Designer)

Emergency Medical Services Council: (1 position—1 Durham Emergency Operations Center Representative; term will expire June 2009.)

- Randy Keith Carden, 1504 Imperial Drive, Durham, NC 27712 (Emergency Operations Center Representative)

Environmental Affairs Board: (1 "Air Resources" position; partial term will expire June 2007.)

- Deborah Luecken, 7000 Blalock Road, Bahama, NC 27503 (Air Resources)

Nursing Home Advisory Committee: (7 At-large positions; terms expire February 2009.)

- Brenda L. Brown, 218 Red Oak Avenue, Durham, NC 27707 (At-large)
- Eulah Cole, 300 Archdale Drive, Durham, NC 27707 (At-large)
- Jacqueline B. Hall, 2107 Apex Hwy, Durham, NC 27707 (At-large)
- Beulah C. Hollowell, 2911 Kanewood Drive, Durham, NC 27707 (At-large)
- Ada F. Most, 3103 Chelmsford Drive, Durham, NC 27705 (At-large)
- Victor W. L. Pace II, 2608 Camellia Drive, Apt. H, Durham, NC 27705 (At-large)
- Nancy Winter, 2307 Whitley Drive, Durham, NC 27707 (At-large)

Workforce Development Board: (4 positions—3 Community-based and 1 Private Sector positions; terms will expire June 2008.)

- Alvis L. Aikens, 3319 Woodland Park Road, Durham, NC 27703 (Community-based)
- Libby G. Barnes, 304 Culpepper Court, Durham, NC 27712 (Community-based)

Deleted: 8. Public Hearing—Plan Amendment, Ellis Road/Northeast Creek (A05-16)

The Board is requested to hold a public hearing and receive public comment on a Plan Amendment for Ellis Road/Northeast Creek (A05-16) amending the *Durham Comprehensive Plan* and adopt a resolution amending the Plan.

Planning Department Recommendation—Approval  
Planning Commission Recommendation—Approval, November 9, 2005 (11-0) based primarily on the recently approved zoning change

Resource Person(s): Frank M. Duke, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing and, if appropriate based on the comments received, approve Plan Amendment A05-16.

9. Closed Session

The Board of Commissioners is requested to adjourn to closed session pursuant to N.C. G.S. § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. § 143-318.10(e).

In addition, the Board is requested to adjourn to Closed Session pursuant to N.C.G.S. § 143-318.11(a)(6) to consider a personnel matter.

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- Barker French, 1005 Monmouth Avenue, Durham, NC 27701 (Private Sector)
- Marcia A. Owen, 105 Pinecrest Road, Durham, NC 27705 (Community-based)

### **Closed Session**

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to adjourn to Closed Session to consult with an attorney and to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3).

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow  
Noes: None  
Absent: Cheek

### **Reconvene to Open Session**

Chairman Reckhow stated that no action was taken in closed session; direction was given to staff.

### **Adjournment**

Chairman Reckhow adjourned the February 27, 2006 Regular Session at 8:35 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Clerk to the Board

**Service Contract with Reliant Management Group Inc. for Electronic Monitoring Services**

The Board is requested to authorize the County Manager to enter into a contract with Reliant Management Group Inc. for Electronic Monitoring Services as described in RFP #06-005. The contract is scheduled to begin February 1, 2006, or shortly thereafter. The amount of this contract is \$51,712.50 in Fiscal Year 2005-2006 (based on \$13.79 per unit, per day) and can be renewed annually.

In August 2005, Durham County posted RFP No. 06-005 for Electronic Monitoring Services. Four responses were received by the due date of October 13, 2005. The responses were reviewed by staff from CJRC, Purchasing, and the Office of the Sheriff. One responsive bidder was identified during the review and invited for an interview. The interview occurred on December 1, 2005 with representatives from the Office of the Sheriff, the District Attorney, CJRC, and Purchasing attending. All parties present considered the vendor to be knowledgeable, experienced, and responsive. The proposed contract has been reviewed by the County's Finance and Legal departments.

The Contractor currently provides comprehensive monitoring and house arrest services to Wake and New Hanover Counties. The County's Living Wage requirements are included in this contract, and Reliant Management Group has responded that these requirements have been recognized, and will be met during the duration of the contract. The source of funding for this contract is the General Fund, and the contract amount is well within the requested budget amount that was projected and submitted for the FY 2005-2006 budget.

This agenda item has been reviewed and approved by the Purchasing Division.

**Resource Person(s):** Gudrun Parmer, Director of Criminal Justice Resource Center, and Todd Edwards, President of Reliant Management Group Inc.

**County Manager's Recommendation:** The Manager recommends that the Board authorize the entering into a contract with Reliant Management Group Inc. for electronic monitoring services in the amount of \$51,712.50 for FY 200