

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

Monday, January 23, 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 Lewis A. Cheek, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**—Pledge of Allegiance

**Announcements**

Chairman Reckhow encouraged citizens to apply for the City-County Neighborhood College program; deadline is January 27, 2006. Applications may be downloaded from the county website or by contacting Public Information at 560-0008.

Commissioner Cheek announced an Inter-Neighborhood Council meeting on tomorrow night at the Herald-Sun building to discuss roadside solicitation in Durham. He invited persons who are interested to attend.

**Minutes**

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve as submitted the Board of County Commissioners Meeting Minutes as follow:

April 4, 2005 Closed Session  
April 18, 2005 Closed Session  
April 25, 2005 Closed Session  
May 23, 2005 Closed Session  
June 27, 2005 Closed Session  
June 30, 2005 Closed Session  
September 30, 2005 Closed Session  
January 4, 2006 Worksession  
January 9, 2006 Regular Session

The motion carried unanimously.

**Joint Resolution in Recognition of Retiring Library Board of Trustees  
Bessie Carrington and Bob Otterbourg**

At the request of Commissioner Michael Page, the Board of Commissioners, along with the Durham County Library Board of Trustees, recognized retiring board members Bessie Carrington and Bob Otterbourg.

Chairman Reckhow led the presentation by reading the following resolution in honor of Ms. Carrington:

RESOLUTION

WHEREAS, Bessie Carrington has contributed to more than a decade of Durham County Library Board of Trustees meetings and project events, displaying humor, cheerfulness, good sense, and guidance; and

WHEREAS, Ms. Carrington has kept the Library history and records, publicized its activities, and tolerated the idiosyncrasies of the organization and its members with grace; and

WHEREAS, she has assisted with Library bond referenda, recorded and distributed minutes for the Library Board, served as chair of the Library Board, chaired various committees, participated in developing an Action Plan and revising the Standards for the Durham County Library, attended meetings of the County Commissioners, and advocated for the Library; and

WHEREAS, Ms. Carrington has served the Durham County Library, attending to its myriad needs as she has tended those of the Board of Trustees; and

WHEREAS, Bessie Carrington has been the best of colleagues to all members to the Board of Trustees - educating, encouraging and supporting:

NOW, THEREFORE, BE IT RESOLVED that we, the undersigned, representing Durham County, do extend our profound appreciation and thanks to Bessie Carrington for her dedicated service to Durham County, the Durham County Library Board of Trustees, and, most importantly, to the adults and children of our community.

This the 23<sup>rd</sup> day of January, 2006.

/s/ Ellen W. Reckhow, Chairman  
Board of County Commissioners

/s/ Lionell Parker, Chairman  
Library Board of Trustees

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Lionell Parker, Library Board President, offered words of appreciation for Ms. Carrington's work and dedication to the board. He presented the resolution to Ms. Carrington.

Ms. Carrington accepted the resolution and thanked the Commissioners, Mr. Parker, and the Library Board for the recognition.

Commissioner Page read the resolution to acknowledge Mr. Otterbourg:

#### RESOLUTION

WHEREAS, Bob Otterbourg has contributed to more than a decade of Durham County Library Board of Trustees meetings and project events, displaying humor, good sense, and valued direction; and

WHEREAS, Mr. Otterbourg has tied the history and vision for our Library together by moving us forward with open and honest dialogue, publicizing its activities, and tolerating the idiosyncrasies of the organization and its members gently and with courtesy; and

WHEREAS, he has assisted with Library bond referenda, served as chair of the Library Board of Trustees, chaired various committees, participated in developing an Action Plan and revising the Standards for the Durham County Library, attended meetings of the County Commissioners, and advocated for the Library; and

WHEREAS, Mr. Otterbourg has served the Durham County Library, attending to its myriad needs as he has tended those of the Board of Trustees; and

WHEREAS, Bob Otterbourg has been the best of colleagues to all members of the Library Board of Trustees – educating, encouraging, and supporting:

NOW, THEREFORE, BE IT RESOLVED that we, the undersigned, representing Durham County, do extend our profound appreciation and thanks to Bob Otterbourg for his dedicated service to Durham County, the Durham County Library Board of Trustees, and, most importantly, to the adults and children of our community.

This the 23<sup>rd</sup> day of January, 2006.

/s/ Ellen W. Reckhow, Chairman  
Board of County Commissioners

/s/ Lionell Parker, Chairman  
Library Board of Trustees

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Mr. Parker presented the resolution to Mr. Otterbourg and offered words of appreciation for his support of the Library and Durham County.

Mr. Otterbourg remarked on his passion for libraries and his history with the Durham County Library Board of Trustees.

**January Anchor Award Winner—Sandra J. Sweitzer**

Chairman Reckhow introduced Sandra J. Sweitzer, an officer for Durham County Library, as the recipient of the January Anchor Award. Ms. Sweitzer was recognized for this honor because of superior work, particularly for her initiative to develop alternative funding for the Library.

Chairman Reckhow reported that Ms. Sweitzer was an integral part of a team that structured the Library campaign – Branching Out. To date, more than \$280,000 has been raised and more than \$1,500,000 is pending from corporate and foundation decision-makers throughout the community. Ms. Sweitzer worked with members of the Library staff and Library Foundation Board to craft and direct strategies that grew the Foundation's Annual Fund Campaign from under \$20,000 to more than \$40,000 in annual community donations. She worked to create new special categories of giving, such as the Summer Reading Club sponsors, to inspire new individual and corporate donors to join the efforts.

Priscilla Lewis, Interim Library Director, first thanked Bessie Carrington and Bob Otterbourg for their extensive service to the Library. Ms. Lewis proceeded by discussing reasons for Ms. Sweitzer's nomination.

Jana Alexander, Marketing Division Manager, commented on Ms. Sweitzer's success with current projects and duties at the Library.

Ms. Sweitzer briefly thanked the Board for the acknowledgement. She further thanked Library staff and volunteers for contributing to the success of her job.

Chairman Reckhow presented the Anchor Award, honorary check, and official check to Ms. Sweitzer.

**Consent Agenda**

In reference to Consent Agenda Item Nos. b and c, Chairman Reckhow directed County Manager Mike Ruffin to draft "Thank You" letters to Glaxo Smith Kline and the Fletcher Heart Fund.

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for December 2005 and authorize the Tax Assessor to adjust the tax records as outlined by the report);

- \*b. Budget Ordinance Amendment No. 06BCC000035— Sheriff's Office—Recognize Donation from Glaxo Smith Kline (authorize acceptance of the \$15,000 donation with appreciation, appropriate the revenue to the Sheriff's Office for the purchase and support of a new canine officer, and amend the budget as requested);
- \*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 Intraosseous (IO) infusion needles;
- d. Durham City-County Interlocal Cooperation Agreement for Planning (approve and authorize the Manager to execute the Agreement); and
- e. 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).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for December 2005 and authorize the Tax Assessor to adjust the tax records as outlined by the report).

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 December 2005.

Releases & Refunds for 2005 Taxes:

Real Estate	\$ 24,472.50
Personal	\$ 41,060.22
Registered Vehicles	\$ 29,104.50
Vehicle Fees	\$ 660.00
Solid Waste	\$ 80.00
Total for 2005 Taxes and Fees	\$ 95,377.22

Prior years' (2000-2004) releases and refunds for December 2005 are in the amount of \$10,463.92. The total current year and prior years' releases and refunds amount to \$105,841.14.

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Consent Agenda Item No. b. Budget Ordinance Amendment No. 06BCC000035—Sheriff's Office—Recognize Donation from Glaxo Smith Kline (authorize acceptance of the \$15,000 donation with appreciation, appropriate the revenue to the Sheriff's Office for the purchase and support of a new canine officer, and amend the budget as requested)

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000035

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>			
Contributions and Donations	\$371,471	\$15,000	\$386,471

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$43,041,664	\$15,000	\$43,056,664

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

This the 23<sup>rd</sup> day of January, 2006.

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Consent Agenda Item No. 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 Intraosseous (IO) infusion needles

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000036

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>			
Contributions and Donations	\$386,471	\$60,000	\$446,471

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$43,056,664	\$60,000	\$43,116,664

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

This the 23<sup>rd</sup> day of January, 2006.

**Consent Agenda Item Removed for Discussion**

Consent Agenda Item No. f. New Voting Equipment for the Durham County Board of Elections (approve the purchase of the M100 optical scan voting system and the Automark voting system from Elections Systems and Software [ESS]).

At the request of Chairman Reckhow, Elections Director Mike Ashe explained the change from the iVotronic systems (approved by the Board of County Commissioners on January 9, 2006) to

the Automark voting system. (This request cancels the iVotronic and replaces it with the Automark.)

Mr. Ashe stated that the Board of Elections (BOE) originally wanted iVotronic (DRE-touch screen) because ESS repeatedly said it was dual purpose. BOE planned to utilize both machines at one-stop early voting and at the precinct. BOE was recently informed that iVotronic is not dual purpose, which negated their reasons for selecting iVotronic.

Automark would allow for a paperless process. The blind (with precinct official assistance, if required) inserts a blank optical scan ballot into the Automark and uses the keypad/headset to respond to questions and make choices. When "vote/enter" is pressed, the Automark fills in the choices on the ballot, returns it to the voter, and the ballot is then inserted into the M100 tabulator with the other ballots.

The purchase will be entirely funded by grant funds from the State Board of Elections.

Commissioner Cousin moved, seconded by Commissioner Cheek, to approve the purchase of the M100 optical scan voting system and the Automark voting system from Elections Systems and Software.

The motion carried unanimously.

**Public Hearing—Zoning Map Change—Ray-Ransdale Property (Case Z05-08)**

Frank Duke, City-County Planning Director, stated that the Board is requested to approve a request for a zoning map change for 59.28 acres located east of Hiddenbrook Drive, south of Rondelay Drive, and west of Doc Nichols Road. PIN 0860-01-16-2250, 0860-03-04-7312 (partial) Request: RR; F/J-B to RS-10(D); F/J-B

The ordinance amendment is consistent with the Comprehensive Plan; the request is reasonable and in the public interest considering the determination and facts as set forth in the staff report.

Mr. Duke reported that staff recommended approval based on consistency with the Comprehensive Plan and the information contained within the staff report. The Durham Planning Commission conducted a public hearing on December 13, 2005 and recommended approval with a vote of 9-4, based on consistency with the Comprehensive Plan, the information contained within the staff report, and testimony provided at the public hearing.

Vice-Chairman Heron asked if the Ray-Ransdale (property) proposed site plan would require Board of County Commissioners' approval.

Mr. Duke responded that under the provision of the Unified Development Ordinance, Commissioner approval would be required if the site plan reflects the intrusion that is shown for the detention ponds within stream and wetland buffers. He informed Vice-Chairman Heron that the current site plan provides protection for inventory sites, which are located within the stream buffer area.

Chairman Reckhow opened the public hearing that was properly advertised and called the following signed speakers forward for comments:

Bill Patrick, 427 Olive Branch Road, Durham, NC 27703, property owner, expressed concern about flooding in Little Lick Creek.

Lee Lambert, 522 Oak Crest Drive, Chapel Hill, NC 27516-9637, represented Sherron Road Ventures LLC, the property owner and applicant (developer).

Drew Marsh, 616 Nantahala Drive, Durham, NC 27713, attorney representing Sherron Road Ventures LLC.

Ron Horvath, 16 Consultant Place, Durham, NC 27707, Project Engineer/Land Planner, distributed and reviewed additional committed elements.

As no one else signed to speak, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Vice-Chairman Heron inquired about endangered species and inventory sites.

Mr. Horvath addressed Vice-Chairman Heron's inquiry, stating that the sites are located near the streams in the floodplain area where construction would not occur, with the exception of the trail; protection would be provided.

Per a question by Vice-Chairman Heron, Mr. Horvath affirmed the minimum lot size of 8,200 sq. ft.

Mr. Duke informed the Board that the additional committed elements are in accordance with the Unified Development Ordinance.

Commissioner Cheek expressed appreciation for the developer's cooperation in addressing issues presented by the Board and property owners.

Vice-Chairman Heron reiterated her interest in protecting the animals (i.e. beavers), streams, and inventory sites.

Mr. Horvath assured Vice-Chairman Heron that the protection is covered under National Pollutant Discharge Elimination System (MPDES) regulations.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve Plan Amendment A05-16 with the additional committed elements.

The motion carried unanimously.

#### **Public Hearing—Plan Amendment, Ellis Road/Northeast Creek (A05-16)**

Planning Director Frank Duke introduced this item. The Board was 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

Chairman Reckhow opened the public hearing that was properly advertised. As no one signed to speak, she closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve Plan Amendment A05-16.

The motion carried unanimously.

#### **Closed Session**

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to adjourn to Closed Session pursuant to N.C.G.S. § 143-318.11(a)(6) to consider a personnel matter.

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow announced that no action was taken during the closed session; directives were given to staff.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 9:01 p.m.

Respectfully submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board