

August 23, 2004 Regular Session

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

Monday, August 23, 2004

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 Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

- Commissioner Bowser wished to make an announcement.
- County Manager Ruffin requested that the following consent agenda items be deferred until the September 13, 2004 Regular Session:
 - 9(e) Lease Agreement for YMCA Childcare Center to Operation Breakthrough Head Start
 - 9(f) Resolution to Designate the NC 147 Corridor in Durham County between I-40 and I-85 as the "Innovation Highway"
 - 9(j) FY 04-05 Service Contract With Unique Management Services Inc.
- Sheriff Worth Hill requested that "Recognition of the 24th Basic Law Enforcement Training Academy Cadets" follow "Recognition of Outstanding State and National Awards for Deputy William K. Dodson".
- Chairman Reckhow added a resolution honoring the Durham Committee on the Affairs of Black People and its annual banquet honorees.

Minutes

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve as submitted the August 9, 2004 Regular Session Minutes and to approve as corrected the June 7, 2004 Worksession and the June 15, 2004 Budget Worksession Minutes of the Board.

The motion carried unanimously.

Resolution Honoring the Life of Dr. Charles DeWitt Watts

Chairman Reckhow stated that the reading of this resolution was postponed from a previous meeting so members of Dr. Watts' family could attend. She invited Commissioner Cousin to read the resolution into the record, as he officiated at Dr. Watts' funeral.

Commissioner Cousin read the following resolution honoring Dr. Watts, who passed away on July 12, 2004:

RESOLUTION

WHEREAS, Dr. Charles DeWitt Watts was a student of medicine and a pioneer, who worked relentlessly to improve the welfare of minorities in Durham; and

WHEREAS, Dr. Watts was North Carolina's first African American to be certified by a surgical specialty board and served for 28 years as vice president and medical director for North Carolina Mutual Life Insurance; and

WHEREAS, Dr. Watts endeavored to ensure that every Durham resident received equal access to the best possible care; and

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WHEREAS, Dr. Watts and other community leaders fought for the creation of one integrated public health care facility in Durham—Durham Regional Hospital to replace Watts Hospital and Lincoln Hospital; and

WHEREAS, Dr. Watts played a key role in founding the Lincoln Community Health Center to serve the underserved population in Durham with affordable health care; and

WHEREAS, during his career, Dr. Watts served as director of student health at North Carolina Central University, chief of surgery at Lincoln Hospital, and adjunct clinical professor of surgery at Duke University Hospital; and

WHEREAS, he will be forever and fondly remembered as an excellent surgeon, humanitarian, and a visionary who fought for those in the medical field and in the community.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby honor the memory of

DR. CHARLES DEWITT WATTS

a passionate health pioneer who strove to improve the lives of others. We call upon the citizens of Durham County to remember the numerous contributions he made in this community, particularly while paving the way for black physicians in North Carolina.

This the 23rd day of August, 2004.

Chairman Reckhow thanked Commissioner Cousin for reading the resolution. She extended appreciation for the extraordinary service Dr. Watts generously rendered to the community.

Dr. Watts' wife, son, and daughter accepted the resolution and expressed gratitude to the Commissioners.

Sheriff's Office—Recognition of Outstanding State and National Awards for Deputy William K. Dodson

Sheriff Worth L. Hill acknowledged Deputy William K. Dodson of the Durham County Sheriff's Office, who was recently presented the 2004 Thrasher Award at the National Gang Crime Research Center—2004 Gang Specialist Training Program in Chicago, Illinois. The Thrasher Award is named in honor of Frederic Milton Thrasher, the 1927 author of the classic study of Chicago gangs, who generated the first social scientific analysis of gangs. The Thrasher Award recognizes outstanding contributions in research, scholarship, service, and accomplishments in dealing with the gang problem.

Sheriff Hill reported that in addition to the Thrasher Award, Deputy Dodson was presented the 2004 North Carolina School Resource Officer of the Year Award at the Annual North Carolina Association of School Resource Officers (NCASRO) Conference in July 2004. Deputy Dodson was recognized for his work with the schools to ensure a safe learning environment and his implementation of several gang awareness programs including TARGETS, PLAGUE, and CHANGE. The officer must be nominated by the principal of the school in which he works. Nominations are then reviewed by the school staff, as well as NCASRO members.

Chairman Reckhow called Deputy Dodson forward and presented the two awards, congratulating and thanking him for his exceptional service to Durham County.

Sheriff's Office—Recognition of the 24th Basic Law Enforcement Training Academy Cadets

Sheriff Worth Hill introduced and congratulated the 24th Basic Law Enforcement Training Academy Cadets (15 Durham County Deputies, 5 Orange County Deputies, and 2 State Park Recreation Officers) for their commitment to service for the citizens of Durham.

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Proclamation—“Healthy North Carolina Month” in Durham County

Chairman Reckhow read the following proclamation into the record:

PROCLAMATION

WHEREAS, good health for citizens of Durham County is necessary for the full enjoyment of life, for success in school, and for a more productive workforce; and

WHEREAS, preventable and controllable diseases, including asthma, diabetes, cancer, and heart disease, cost the State, local government, and private employers billions of dollars every year; and

WHEREAS, diabetes increased among North Carolinians by 75% between 1995 and 2002, and diabetes-related hospitalization costs totaled \$2.4 billion in 2002 alone; and

WHEREAS, one in four North Carolinians has heart disease, and 40% of all deaths in the State are caused by heart disease. In 1997, heart disease cost \$1.78 billion in medical expenses; and

WHEREAS, nearly one in four deaths in North Carolina is caused by cancer. In 2000, \$1 billion was spent on medical costs for cancer. Breast, prostate, colorectal, skin, and oral cancers that are detected through screening can often be successfully treated; and

WHEREAS, one in ten of North Carolina’s children has asthma and those children miss twice as many days of school as their counterparts. Asthma is the number one cause of emergency room visits and hospital admissions for patients under the age of 21. Asthma-related hospitalization costs totaled \$100 million in 1997 alone; and

WHEREAS, the citizens of Durham can take advantage of many activities that will improve their health and help prevent and control disease, with small changes in diet and activity having a dramatic impact on health in the long term; and

WHEREAS, studies have shown that health promotion and disease management programs in major private sector companies have saved, on average, \$3.00 for every \$1.00 invested:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim September 2004 as

“HEALTHY NORTH CAROLINA MONTH”

in Durham County. We further urge all citizens of Durham County to participate in wellness activities, utilize workplace wellness programs, utilize wellness of benefits available through their health insurance programs, and participate in disease detection screening programs.

This the 23rd day of August, 2004.

Willa Robinson, Public Health Educator II, accepted the proclamation, expressing excitement about the numerous activities the Health Department has planned for Healthy North Carolina Month in September. She offered the website address (www.healthync.com) for citizens who wish to learn more about the scheduled activities.

Resolution Supporting “Amendment One”

Chairman Reckhow announced that the North Carolina Association of County Commissioners requested that local governments and business organizations support a constitutional amendment to authorize self-financing bonds as an opportunity to enhance economic development efforts. North Carolina is currently one of only two states without self-financing bonds. A resolution was prepared in support of Amendment One, a constitutional amendment that would be placed on the November 2 ballot.

Chairman Reckhow appealed for support of the amendment, while encouraging citizens to learn more about this referendum item. She directed staff to consider ways to promote the referendum.

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Chairman Reckhow read the following resolution into the record:

**RESOLUTION IN SUPPORT OF AMENDMENT ONE: SELF-FINANCING BONDS:
A LOCAL ECONOMIC DEVELOPMENT TOOL TO CREATE QUALITY JOBS,
REVITALIZE COMMUNITIES, AND ATTRACT NEW ECONOMIC OPPORTUNITIES
IN NORTH CAROLINA**

WHEREAS, Durham County seeks to attract high-quality jobs and economic development in this community; and

WHEREAS, a critical economic development tool known as self-financing development bonds will have a direct impact on creating new jobs, new investment, and strengthening the tax base in our state; and

WHEREAS, North Carolina is only one of two states in the nation that does not have this economic development tool; and

WHEREAS, such bonds have been used successfully in urban, suburban, and rural communities all across the nation to promote economic development; and

WHEREAS, these bonds will afford local governments the flexibility to pursue a variety of economic development projects such as affordable housing and community revitalization, the development of industrial sites, or the redevelopment of existing industrial and Brownfield sites; and

WHEREAS, these bonds allow North Carolina's local governments to use a new mechanism to invest in public improvements designed to attract private sector investment; and

WHEREAS, self-financing development bonds have received wide-range bi-partisan support from the General Assembly and the business community, as well as municipal, county, and state government and Governors Holshouser, Martin, and Hunt; and

WHEREAS, North Carolina will have some of the strongest safeguards in the country to ensure self-financing bonds are used for good purposes; and

WHEREAS, these bonds are subject to voter approval on the November 2004 ballot and deserve rightful consideration by the citizens of the State:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do strongly support self-financing development bonds because now is the time to enhance our ability to create new jobs and investment in Durham County.

BE IT FURTHER RESOLVED that we pledge to work to educate and inform the citizens of our state and community about the importance of self-financing development bonds in providing jobs and improving the economic competitiveness, and to encourage voters to approve the measure on November 2, 2004.

This the 23rd day of August, 2004.

Chairman Reckhow directed staff to forward a copy of the resolution to Ron Aycock, Executive Director of the North Carolina Association of County Commissioners, and to Margaret Webb of North Carolinians for Jobs & Progress, a group spearheading the statewide Amendment One Marketing Campaign.

Resolution for the Durham Committee on the Affairs of Black People

Chairman Reckhow added this resolution to the agenda to recognize the Durham Committee and its honorees of the annual Founders Banquet held on Saturday night.

Vice-Chairman Bowser read the following resolution into the record:

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RESOLUTION

WHEREAS, founded in 1935, the Durham Committee on the Affairs of Black People has gained a stellar reputation for its tireless efforts to improve the quality of life for African Americans in this community; and

WHEREAS, the organization is built on the premise that all men and women are created equal and are entitled to equal opportunities; and

WHEREAS, through committed, visionary leadership, the Durham Committee has worked tirelessly for generations to ensure the political, educational, social, and economic equality of minorities in the Durham community and beyond; and

WHEREAS, during its annual Founders Banquet, the organization honors community “legends” who have proven to be highly-skilled leaders and persons who have made unique and significant contributions over time; and

WHEREAS, during this year’s 69th Founders’ Anniversary, two outstanding men are being honored for their unique achievements: the distinguished Civil Rights Attorney and former Chancellor of North Carolina Central University Julius L. Chambers; and a gifted musician who is also regarded as one of North Carolina’s premiere High School Band Directors, Clark A. Edgerton; and

WHEREAS, we sincerely congratulate these creative and talented individuals who have contributed much to the betterment of this community, state, and the nation:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby salute the officers and members of the

“DURHAM COMMITTEE ON THE AFFAIRS OF BLACK PEOPLE”

for working to bring positive change through the years, and for making significant contributions to the quality of life for all in the Durham community. We further urge all residents of Durham County to join in saluting this outstanding organization for the many accomplishments it has made during its rich history.

Chairman Reckhow invited the Chairman of the Durham Committee, Dr. E. Lavonia Allison, to come forward and receive the resolution.

Dr. Allison accepted the resolution on behalf of the Durham Committee on the Affairs of Black People, expressing gratitude to the County Commissioners.

Consent Agenda

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds—Fiscal Year 2004-05 (accept the report for July 2004 and authorize the Tax Assessor to adjust the tax records as outlined);
- *b. Remount/Refurbish Two EMS Ambulances (award the \$99,198 contract to Southeastern Specialty Vehicles Inc.);
- c. Federal Farmland Grant Cooperative Agreement for Russell Farm Conservation Easements (approve the Agreement between Durham County and the United States by and through the Commodity Credit Corporation for receipt of \$251,000 towards permanent farmland conservation easements; authorize the County Manager to execute the Agreement);
- *d. Resolution for Public Auction Sale and Enter into a Contract with Jerry L. Harris, Auctioneer (approve the resolution; authorize the Manager to enter into the contract);

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- g. Cultural Master Plan Approval (approve and request that the Steering Committee provide a formal action plan regarding “next steps” for review and approval by the Joint City-County Committee at its September 14, 2004 meeting);
- *h. Lease Agreement for 706 Rigsbee Avenue for Lifespan Incorporated (approve a three-year term at the rate of \$1 per year; authorize the Manager to execute the lease); and
- *i. Liability Claims and Subrogation Recovery for FY 03-04 (receive and include the payments in the minutes).

The motion carried unanimously.

*Documents related to these items follow:

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

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 July 2004.

Releases & Refunds for 2004 Taxes:

Real Estate	\$	48,989.17
Personal	\$	6,393.63
Registered Vehicles	\$	17,255.90
Vehicle Fees	\$	195.00
Solid Waste	\$	<u>75.00</u>
Total for 2004 Taxes and Fees	\$	72,908.70

Prior years’ (1995-2003) releases and refunds for July 2004 are in the amount of \$27,834.91. The total current year and prior years’ releases and refunds amount to \$100,743.61.

(Recorded in Appendix A in the Permanent Supplement of the August 23, 2004 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Remount/Refurbish Two EMS Ambulances (award the \$99,198 contract to Southeastern Specialty Vehicles Inc.).

Type III Remount	\$47,849	x 2=	\$95,698
LED Option	<u>3,750</u>	x 2=	<u>7,500</u>
SUBTOTAL	\$51,599	x 2=	99,198
Less Trade In	< <u>2,000</u> >	x 2=	< <u>4,000</u> >
TOTAL	\$49,599	x 2=	\$99,198

Consent Agenda Item No. d. Resolution for Public Auction Sale and Enter into a Contract with Jerry L. Harris, Auctioneer (approve the resolution and authorize the Manager to enter into the contract).

The resolution and bid tabulation follow:

RESOLUTION AUTHORIZING PUBLIC AUCTION SALE

WHEREAS, the County of Durham accumulated surplus personal property consisting of miscellaneous automobiles, office furniture and equipment, and other items no longer needed for County operational purposes;; and

WHEREAS, the County of Durham desires to dispose of these items by sale at public auction as provided by North Carolina General Statute 160A-270:

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NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners, that the sale at public auction at the time, place, and conditions set out herein is authorized and directed:

1. The public auction for vehicles is to take place on Friday, September 24, 2004 from 1:00 p.m. - 4:00 p.m. at the Durham County Sheriff Department's Firing Range on Exum Drive off Redwood Road, Durham, NC. Auction for office furniture, equipment, and other items is to take place on Saturday, September 25, 2004 from 9:00 a.m. - 1:00 p.m. at the Carmichael Building, 300 North Duke Street, Durham, NC.
2. The terms of the sale will be cash or check. Items(s) purchased must be paid for on the day of the sale.
3. The County Manager or his designee(s) shall be authorized as the County official in charge of the disposal of the surplus personal property.
4. Item(s) purchased at the Public Auction may remain on the County property up to ten (10) business days following the auction; however, it will be at the risk of the purchaser.
5. Successful bidder(s) on any item(s) requiring labor, tools, or materials for dismantling and removal of the items(s) purchased shall furnish all such tools, materials, and labor and shall hold Durham County free of any claims for any personal injuries, damages, or liabilities incurred for removal of the item(s).
6. All items will be sold on an "as is" and "where is" basis. The County will make no guarantees and assumes no responsibility for any of the items.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Durham Herald-Sun Newspaper once at least 10 days prior to the date of the sale.

"BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 23rd DAY OF August, 2004".

BID TABULATION SHEET

Vendor Name	Service Response Req.	Bid Response
Mack Coleman Greensboro NC	Auctioneers	15% on total auction
Tom Marshall Auctioneers Durham, NC	Auctioneers	Not available
Carnell Realty Auctioneer Durham, NC	Auctioneers	Did not respond
Michael Rogers Henderson, NC	Auctioneers	Did not respond
Bowes Auction Co. Roxboro, NC	Auctioneers	Did not respond
Leland Little Auction Hillsborough, NC	Auctioneers	Did not respond
Walker Auctions Hillsborough, NC	Auctioneers	Did not respond
Jerry Harris Auctioneer Siler City, NC	Auctioneers	10% vehicles 25% misc. merchandise

Consent Agenda Item No. h. Lease Agreement for 706 Rigsbee Avenue for Lifespan Incorporated (approve a three-year term at the rate of \$1 per year, and authorize the Manager to execute the lease).

The lease summary follows:

PROPERTY OVERVIEW

The County has owned 706 Rigsbee Avenue since 1997. It was purchased with \$150,000 in state funds allocated to the Area Authority for the Lifeskills program and an additional \$115,000 from the Area Authority's reserve funds.

The building consists of 5082 square feet on .677 of an acre. On site parking is available.

The property is located on the east side of Rigsbee Avenue just north of Corporation Street within the Durham Central Park area of downtown.

The property is presently zoned CT (commercial trades).

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PROGRAM/TENANT

At the time the building was purchased in 1997, the Lifeskills program was a service directly managed and operated by the Area Mental Health Authority using \$176,700 in local funds. The Life skills program serves persons with developmental disabilities.

In FY 2002, the Authority’s Board approved contracting with Lifespan Incorporated, a North Carolina not-for-profit corporation to provide for Lifeskills management and services.

This decision to contract with Lifespan was in response to family and community recommendations and was guided by the objective of linking the program to a provider dedicated to serve the needs of persons with developmental disabilities.

The management contract with Lifespan requires it to continue the Lifeskills program at no additional cost to the County beyond the contractual amount. For FY2003-04 this was \$221,724.

The contract for services with Lifespan for FY2004-05 has been approved by the Area Authority and is in the process of being finalized. Lifespan is presently providing Lifeskills services to the County under a 60-day temporary contract.

LEASE TERMS/RENT

The Lease of the Rigsbee property to Lifespan was first approved in FY2002 for \$1 per year for a one-year term, and approved last year the Board of County Commissioners for an additional one-year term from July 1, 2003 through June 30, 2004 at the same rate.

The lease agreement provides for a three-year term, beginning August 1, 2004 through July 30, 2007. The rate would continue at \$1 per year. If Lifespan’s Service Agreement with the County for services is terminated, the lease is also terminated.

The proposed lease also includes one additional renewal term, which would run from August 1, 2007 through July 30, 2008.

The lease includes several provision outlined below regarding Lifespan’s responsibilities for maintenance and repair to the building during the time they are occupying it.

The proposed lease includes a holdover provision, which essentially provides for the lease provisions to remain in effect if Lifespan continues to occupy the building beyond the lease term.

The lease does not allow the tenant to assign or sublet the property.

TENANT RESPONSIBILITIES

The tenant is responsible to maintain and repair all security system and alarm system equipment and accepts the responsibility and expense for servicing this equipment.

The tenant is responsible to maintain the property in good order and repair including the grounds, paving, doors and windows, and appliances; the tenant is responsible for any minor repairs needed. Minor repairs are those defined as \$500 or less.

The tenant is required to provide a \$500 co-payment for any major repair that the County must undertake, with a maximum co-payment for multiple repairs required during any one fiscal year capped at \$6000.

The tenant is responsible for any plumbing, mechanical, structural, or exterior repairs that are necessitated by abuse or negligence on the part of the tenant.

The tenant is responsible for all costs associated with janitorial and cleaning services.

The tenant is responsible for all utilities including water, gas, heat, electricity, telephone service, and trash pick-up.

The tenant is responsible for maintenance of insurance for their personal property, and agrees that they may not make any claim against the county for loss of personal property.

COUNTY (LANDLORD) RESPONSIBILITIES

The County is responsible for any major repair, defined as over \$500, subject to a \$500 co-payment on the part of the tenant. The tenant has a responsibility to notify the County of the need for such repairs in a timely fashion.

The County is responsible for any taxes or levies that may be imposed on the property.

Consent Agenda Item No. i. Liability Claims and Subrogation Recovery for FY 03-04 (receive and include the payments in the minutes).

COMPARISON OF TOTAL MONEY SPENT FOR LIABILITY CLAIMS

FISCAL YEAR	MONEY SPENT
1998-1999	\$19,928.62
1999-2000	\$67,128.58
2000-2001	\$48,036.67
2001-2002	\$62,237.89

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2002-2003	\$30,034.64
2003-2004	\$42,280.83

COMPARISON OF TOTAL SUBROGATION RECOVERY

FISCAL YEAR	MONEY RECEIVED
1998-1999	\$27,061.79
1999-2000	\$26,932.12
2000-2001	\$11,251.07
2001-2002	\$50,251.47
2002-2003	\$15,114.47
2003-2004	\$41,136.65

**COUNTY OF DURHAM
2003 – 2004
LIABILITY - CLOSED FILES**

DEPARTMENT	CLAIMANT	DATE OF LOSS	CLAIM TYPE ***	AMOUNT
Animal Control	Graves, Leaticia	2/8/04	Property Damage – Auto	\$1,617.86
EMS	Cobb, Armadia	10/19/03	Property Damage to Awning	645.84
Mental Health	Klund, Kevin	6/4/03	Property Damage – Auto	3,832.70
Mental Health	Newcomb, Brenda H.	11/5/03	Property Damage – Auto	599.67
Mental Health	Barley, Lesley S.	11/24/03	Property Damage – Auto	2,105.47
Sheriff	Burns, George	11/20/00	Property Damage/Bodily Injuries	4,478.36
Sheriff	Dodd, Deanna	6/26/03	Property Damage	429.42
Sheriff	Rappleyea, Scott	8/6/03	Property Damage	1,072.66
Sheriff	Zepeda, Billy R.	9/23/03	Property Damage – Auto	1,246.03
Sheriff	Foushee, Jeffrey	10/30/03	Property Damage – Auto	4,460.34
Sheriff	Lively, Chad A.	12/16/03	Property Damage - Auto	3,363.38
Sheriff	Raynor, Robyn & Henry	1/23/04	Property Damage/BI – Auto	9,040.54
Sheriff	Day, Brenda	1/23/04	Property Damage/BI – Auto	9,388.56

TOTAL MONIES PAID = \$42,280.83

**Claim Type:

- PD = Property Damage
- BI = Bodily Injury
- GL = General Liability
- MPL = Medical Professional Liability
- PPL = Police Professional Liability
- POL = Public Officials Liability

**COUNTY OF DURHAM
SUBROGATION RECOVERY – CLOSED FILES
2003 – 2004**

DEPARTMENT	DATE OF LOSS	OTHER PARTY	CLAIM TYPE***	NARRATIVE	RECOVERY
EMS	9/5/02	Dur. Co. Advocates for Mentally Ill	Property – Auto Damage	Claimant hit vehicle while on a call	\$ 699.53
EMS	4/3/04	Taylor, Melanie	Property – Auto Damage	Claimant pulled out & hit vehicle	599.54
Sheriff	7/14/03	Winborn, Vanese	Property – Auto/Bodily	Claimant hit motorcycle	8,266.14
Sheriff	7/15/03	McClarín, Jerica	Property - Auto/Bodily	Claimant rear-ended Deputy	3,358.63
Sheriff	9/27/02	Parker, Sharron S.	Property – Auto Damage	Claimant pulled in front of vehicle	585.43
Sheriff	6/6/03	Camber, James E.	Property – Auto Damage		2,732.06
Sheriff	9/5/03	Waller, Herbert	Property – Auto Damage	Claimant ran stop light, hit Deputy	1,174.07
Sheriff	2/13/04	Thompson, Delious	Property – Auto Damage	Claimant lost control – hit K-9 vehicle	13,666.35
Sheriff	4/20/04	Adamo, Francesca N.	Property – Auto Damage	Claimant pulled in front of vehicle	2,846.82

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Sheriff	10/31/03	Roth, Anthony	Property – Auto Damage	Claimant hit rear & totaled vehicle	5,611.15
General Services	3/17/03	Bryant, Lashonda L.	Property – Auto Damage	Claimant backed into vehicle	1,246.93
Public Health	11/6/03	City of Durham	Property – Building	Claimant backed into side wall	350.00

TOTAL RECOVERY RECEIVED: \$41,136.65

***Claim Type:

PD = Property Damage
BI = Bodily Injury
EO = Errors & Omissions

Consent Agenda Item Pulled for Discussion

Consent Agenda Item No. k. Rescission of EMS Laundry Service Contract Approval (rescind prior contract approval and rebid the services including the Durham County Living Wage Policy provisions).

The following citizens spoke, commending the Commissioners for rescinding approval of the contract:

Theresa El-Amin, 17 Balmoray Court #15, Durham, NC 27707, representing Jobs with Justice.

Paul Norman, 3016 St. Paul Street, Chattanooga, TN 37404, representing UNITE-HERE.

Rodelinda Dera, Durham, NC, representing Angelica employees.

They asked the County Commissioners to have no relationship with Angelica Textile Services in terms of a contract until the company upgrades its standards, particularly relating to health, safety, and security issues.

Chairman Reckhow mentioned that all future service contracts would include whether the contract complies with Durham County's Living Wage Policy provisions or whether the company is exempt.

Commissioner Heron moved, seconded by Commissioner Jacobs, to rescind the EMS laundry service prior contract approval with Angelica Textile Services and rebid the services including the Durham County Living Wage Policy provisions.

The motion carried unanimously.

Public Hearing to Permanently Close East and West Institute Drive (SC04-04)

Frank M. Duke, AICP, Durham City-County Planning Director, reported that the request was to close 6,889.28 linear feet of East and West Institute Drive, south of Cornwallis Road, west of Davis Drive and north of I-40. This public right-of-way is opened and improved. It is proposed for conversion to a private street easement with security gates (D04-295) at each end of the roadway. One owner (Research Triangle Institute) owns the area within the right-of-way. No lot will be left without frontage for access. No adverse impacts have been identified from the proposed street closing.

The North Carolina Department of Transportation Board held a hearing for abandonment of Institute Drive on August 11, 2004 and voted in favor of abandonment.

The Planning Department recommended approval of the proposed closing, subject to favorable findings pursuant to North Carolina General Statutes.

Chairman Reckhow opened the public hearing that was properly advertised.

Malvern King, 3606 Old Chapel Hill Road, Durham, NC 27707, representing Research Triangle Institute and Research Triangle Foundation, supported the street closing.

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

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Commissioner Heron moved, seconded by Commissioner Cousin, to approve the order permanently closing a 6,889.29-linear-foot portion of the public street right-of-way of East and West Institute Drive.

The motion carried unanimously.

The order and legal descriptions follow:

**COUNTY OF DURHAM
ORDER PERMANENTLY CLOSING INSTITUTE DRIVE**

WHEREAS, the Durham Board of Commissioners adopted a Resolution on August 9, 2004, declaring its intent to close the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein;

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a Notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for two successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham Board of Commissioners at its regular meeting on August 23, 2004, and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the Board of Commissioners of the County of Durham having carefully considered the question of permanently closing the street, alley, or portion thereof as it more fully described in Attachment A, finds:

1. That closing of the street or alley described in Attachment A is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the street described in Attachment A is permanently closed under the authority of GS 160A-299(c).
2. That utility easements that may be referenced in Attachment A or shown on the plat referenced in Attachment A shall be retained by the County, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in Attachment A shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in Attachment A.
5. That this Order is effective upon and after the date of its adoption as shown by the stamp of the County Clerk below.

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ATTACHMENT A

East Institute Drive—Legal Description—SC04-04

Commencing from a corner at a point in the southwest quadrant of the right-of-way intersection of Cornwallis Rd. and East Institute Dr. S 38° 48' 22" W 118.40', thence S 39° 25' 22" W 100.96', thence S 40° 09' 22" W 61.74' to the point and place of beginning, said point being a corner on the south side of East Institute Dr. Thence along the south right of way of East Institute Dr. the following calls: S 40° 09' 22" W 40.00', S 41° 54' 22" W 102.39', S 43° 34' 22" W 102.59, S 45° 36' 22" W 102.51', S 47° 09' 22" W 131.19', thence continuing with a curve to the left having a radius of 2784.79' and a chord bearing and distance of S 36° 56' 01" W 897.54', thence S 27° 41' 00" W 150.00', thence continuing with a curve to the right having a radius of 995.00' and a chord bearing and distance of S 43° 43' 03" W 564.88', thence N 24° 38' 38" W 54.43', S 59° 30' 00" W 257.91', thence continuing with a curve to the right having a radius of 495.00' and chord bearing and distance of N 75° 45' 00" W 696.97', thence N 31° 00' 00" W 93.00', thence with a curve to the right having a radius of 495.00' and a chord bearing and distance of N 4° 30' 01" W 441.74, thence N 22° 00' 00" E 271.50', thence with a curve to the left having a radius of 325.00' and a chord bearing and distance of N 6° 00' 01" W 305.15 to a point were the south side of East Institute Dr ties to the south side of West Institute Dr., thence crossing Institute Dr. N 56° 00' 00" E 60.00' to the north side of Institute Dr., thence along the North right of way of East Institute Dr. with a curve to the right having a radius of 385.00' and a chord bearing and distance of S 6° 00' 01" E 361.49', thence S 22° 00' 00" W 271.50', thence with a curve to the left having a radius of 435.00' and a chord bearing and distance of S 4° 30' 01" E 388.20', thence S 31° 00' 00" E 93.00', thence with a curve to the left having a radius of 435.00' and a chord bearing and distance of S 75° 45' 00" E 612.49', thence N 59° 30' 00" E 264.06, thence N 24° 38' 38" W 5.81', thence continuing with a curve to the left having a radius of 875.00' and a chord bearing and distance of N 43° 19' 56" E 487.29', thence N 27° 41' 00" E 150.00', thence continuing with a curve to the right having a radius of 2904.79' and a chord bearing and distance of N 37° 22' 32" E 978.07', thence N 47° 09' 22" E 88.99', thence N 45° 36' 22" E 98.76', thence N 43° 34' 22" E 98.72', thence N 41° 54' 22" E 98.81', N 40° 09' 22" E 38.17', thence S 49° 50' 38" E 120.00' to the point and place of beginning and containing approximately 8.649 acres as shown on a map entitled "Plat Plan of Research Triangle Institute" by Ballentine-Ayers Engineers & Surveyors dated July 25, 1979 and recorded at the Durham County Register of Deeds in Plat Book 104 Page 146.

West Institute Drive—Legal Description—SC04-04

Commencing from a highway R/W monument at a point in the northwest quadrant of the right-of-way intersection of Cornwallis Rd. and West Institute Dr. S 47° 04' 57" W 75.00', thence continuing with a curve to the right having a radius of 822.43', and a chord bearing and distance of S 52° 48' 08" W 163.51' to the point and place of beginning, said point being a corner on the north Side of West Institute Drive. Thence along the north right of way on West Institute Dr. the following calls: continuing with a curve to the right having a radius of 822.43', and chord and distance of S 73° 11' 08" W 416.79', thence S 87° 51' 50" W 313.34', thence S 02° 09' 03" E 10.00', thence continuing with a curve to the left having a radius of 683.60', and a chord and distance of S 63° 40' 29" W 559.90', thence S 39° 30' 00" W 640.73', thence continuing with a curve to the left having a radius of 435.00' and a chord and distance of S 02° 44' 59" W 520.55', thence S 34° 00' 00" E 224'.00 where West Institute Dr. ties to East Institute Dr., thence crossing Institute Dr. N 56° 00' 00" E 60.00', thence N 34° 00' 00" W 224.00', thence continuing with a curve to the right with a radius of 375.00' and a chord and bearing of N 02° 44' 59" E 448.75', thence N 39° 30' 00" E 640.73', thence continuing with a curve to the right having a radius of 623.60' and a chord and distance of N 63° 40' 29" E 510.75', thence S 02° 09' 03" E 10.00', thence N 87° 50' 57" E 420.98', thence continuing with a curve to the left having a radius of 777.58' and a chord and bearing of N 74° 35' 09" E 356.79', thence N 28° 40' 38" W 115.76' to the point and place of beginning and containing approximately 4.244 acres as shown on a map entitled "Plat Plan of Research Triangle Institute" by Ballentine-Ayers Engineers & Surveyors dated July 25, 1979 and recorded at the Durham County Register of Deeds in Plat Book 104 Page 146.

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Public Hearing—Rezoning—Junction Road (Case P04-22)

Frank M. Duke, AICP, Planning Director, explained the request to rezone a 75.88-acre site located east of Junction Road, bound by the intersection of Dodson and Belmont Roads to the west and Woodland Park Road to the east. PIN 0841-02-78-8940, 0841-02-88-0563, 0841-02-88-0643; 0841-07-58-7440 (partial), 0841-07-59-7390 (partial), 0841-07-69-6448 (partial). Request: R-20, R-8; F/J-B to R-10(D), R-8(D), RM-8(D); F/J-B.

The request was to rezone from R-8 and R-20 to R-8(D), R-10(D), and RM-8(D) for a residential development of 273 dwelling units: 231 detached single-family units within a cluster development and 42 multi-family units. Access will be provided from Dodson Road to the west, Woodland Park Road to the east, and the extension of Midland Terrace Drive connecting to Junction Road to the north.

Mr. Duke noted the following development plan elements:

- A maximum of 273 residential units: 231 single-family and 42 multi-family
- The construction of a pedestrian connection, with location to be determined at site plan review, to the park to the south.
- No lots will extend into stream buffers.
- No lots will extend into steep slopes.
- By referencing roadway improvements on the development plan, the applicant agrees to construct said improvements prior to issuance of certificate of occupancy in a manner that will allow them to function as noted on the plan and in accordance with NCDOT and City of Durham standards and policies. This includes (where appropriate) but is not limited to: adequate transition tapers, alignment of lanes through intersections, associated signal modifications, pavement markings, associated signage, curb and gutter, coordination with other proposed roadway improvements and bike lanes. The applicant also accepts the financial responsibility for acquisition of any additional right-of-way necessary to accommodate these improvements, and any required sidewalk construction.
- Dedication of 100 feet of right-of-way for the Midland Terrace Drive extension from the northern site boundary to the southern site boundary.
- Midland Terrace Drive extension will be constructed to connect to Junction Road from the development. A left-turn lane will be provided on Junction Road at the street entrance.
- A 50' wide public street stub from Seford Drive to the Habitat for Humanity (Junction Road Subdivision) property to the north. This must align with the Junction Road subdivision street stub shown on the Junction Road subdivision site plan.
- A second water main feed for development of 100 lots or more.

Junction Road is the major road most impacted by the proposed development. The nearest City or State road improvement project is NCDOT's planned widening of Holloway Street (NC 98) from a four-lane undivided road to a five-lane section from Junction Road west to the US 70 Bypass westbound ramp. The project is scheduled for construction this year.

On August 9, 2004, the Board of Commissioners heard a plan amendment request for the Northeast Durham Small Area Plan, for a portion of the site from Employment Center to Low Density Residential. A development plan was submitted as part of the rezoning request. Staff recommends approval based upon consistency with the ordinance and the small area plan, conditioned upon approval of the plan amendment. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 21, 2004 and recommended approval with a vote of 4-2.

Chairman Reckhow opened the public hearing that was properly advertised, recognizing the following citizens to speak:

Jack Markham Jr., 2530 Meridian Parkway, Durham, NC 27713, respectfully requested that the Board approve the rezoning.

Liz Morey, 807 W. Chapel Hill Street, Durham, NC 27701, Board Chairman, Healthy Start Academy, requested approval of the item.

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

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Commissioner Heron inquired about precautionary measures planned to protect the steep slopes and stream buffers.

Ron Horvath, RL Horvath Associates Inc., replied that bright orange fencing would be erected and signs would be posted.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the rezoning—Junction Road (Case P04-22).

The motion carried unanimously.

AN ORDINANCE AMENDING THE DURHAM CITY-COUNTY ZONING ORDINANCE BY TAKING PROPERTY OUT OF R-20, R-8, AND F/J-B ZONING DISTRICT AND ESTABLISHING THE SAME AS R-10(D), R-8(D), RM-8(D), AND F/J-B DISTRICT

Be it Ordained by the Durham Board of County Commissioners:

Section 1. That the Durham Board of County Commissioners held a Public Hearing on Zoning Case P04-22 and voted on August 23, 2004 to approve the rezoning Request Described herein.

Section 2. That the Durham City-County Zoning Atlas and Ordinance are hereby amended by taking the following described Property out of R20, R-8, and F/J-B Zoning and placing the same in and establishing the same as R-10(D), R-8(D), RM-8(D), and F/J-B Zoning.

All property as follows, and to the centerlines of any adjoining public rights-of-way:

(Metes and bounds description, to include PIN and Tax map numbers, any recorded map references, and acreage. Single ordinance and description for all property rezoned to a single zone; separate descriptions for property rezoned to multiple zones.)

LEGAL DESCRIPTION- Proposed RM-8(D) Zone (partial tracts with PINs 0841-07-59-7390 and 0841-07-69-6448) Beginning at a point at the northeastern property corner of the tract owned by Durham Co. Habitat for Humanity, said point being the POINT OF BEGINNING; thence S.17°15'53"E., a distance of 113.62 feet; thence S.90°00'00"E., a distance of 247.81 feet; thence N.49°18'54"E., a distance of 435.08 feet; thence continue along a curve with a radius of 550.00 feet and a curve length of 145.45 feet; thence N.49°18'11"E., a distance of 132.70 feet; thence continue along a curve with a radius of 1000.00 feet and a curve length of 98.89 feet; thence N.43°38'13"E., a distance of 231.01 feet; thence N.46°22'52"W., a distance of 164.47 feet; thence S.44°14'55"W., a distance of 603.79 feet; thence S.46°04'54"W., a distance of 154.49 feet; thence S.48°31'04"W., a distance of 285.36 feet to the POINT OF BEGINNING, with a total area of 230,865 s.f. or 5.30 acres.

LEGAL DESCRIPTION- PROPOSED R-8(D) ZONE (partial tracts with PINs 0841-07-69-6448, 0841-02-78-8940, and 0841-07-58-7440) Beginning at a point at the northeastern corner of the right of way for Forest Drive, said point being the POINT OF BEGINNING; thence N.76°39'21"W., a distance of 65.05 feet; thence N.80°31'23"W., a distance of 197.66 feet; thence N.01°00'23"W., a distance of 85.44 feet; thence S.85°07'37"W., a distance of 860.18 feet; thence N.04°26'04"E., a distance of 314.80 feet to a point of curve to the left having a radius of 550.00 feet and a central angle of 45°07'53"; thence northerly along the arc a distance of 433.23 feet; thence N.49°18'11"E., a distance of 132.70 feet to a point of curve to the left having a radius of 1,000 feet and a central angle of 05°39'58"; thence northeasterly along the arc a distance of 98.89 feet; thence N.43°38'13"E., a distance of 231.01 feet; thence S.46°10'55"E., a distance of 438.57 feet; thence N.81°02'08"E., a distance of 510.43 feet; thence S.22°32'13"E., a distance of 786.72 feet; thence S.06°31'00"W., a distance of 110.78 feet; thence N.83°28'59"W., a distance of 153.30 feet; thence S.50°40'37"W., a distance of 86.59 feet to the POINT OF BEGINNING. Containing 1,000,573.20 square feet or 22.97 acres, more or less.

LEGAL DESCRIPTION- PROPOSED R-10(D) ZONE (partial tracts with PINs 0841-07-58-7440 and 0841-07-59-5267) Beginning at a shared iron stake along the Belmont Drive right of way and tract owned by Durham County Habitat for Humanity, said point being the POINT OF BEGINNING; thence S.88°33'09"E., a distance of 488.18 feet; thence

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N.01°26'00"E., a distance of 64.40 feet; thence N.17°15'53"W., a distance of 36.90 feet; thence S.90°00'00"E., a distance of 247.81 feet; thence N.49°18'54"E., a distance of 435.08 feet to a point of curve to the right having a radius of 550.00 feet and an arc a distance of 287.78 feet; thence S.04°26'04"W., a distance of 314.80 feet; thence N.85°07'37"E., a distance of 50.67 feet; thence S.04°26'04"W., a distance of 388.00 feet; thence N.89°58'37"W., a distance of 35.98 feet; thence N.29°53'33"W., a distance of 30.30 feet; thence N.88°43'16"W., a distance of 193.73 feet; thence N.57°23'27"W., a distance of 75.07 feet; thence N.86°23'05"W., a distance of 152.82 feet; thence N.67°25'15"W., a distance of 280.59 feet; thence N.00°024'35"E., a distance of 247.34 feet; thence N.88°32'10"W., a distance of 193.56 feet; thence N.00°06'29"W., a distance of 9.59 feet; thence S.89°53'31"W., a distance of 200 feet; thence N.00°06'29"W., a distance of 169.71 feet to the POINT OF BEGINNING. Containing 599,385.60 square feet or 13.76 acres, more or less.

LEGAL DESCRIPTION- PROPOSED R-10(D) ZONE (partial tracts with PINs 0841-02-78-8940 and 0841-07-69-6448 and entire tracts with PINs 0841-02-88-0643 and 0841-02-88-0563) Beginning at a point, said point being the southwestern corner of the property the Barbour tract; thence S.67°03'59"W., a distance of 192.30 feet; thence N.22°51'54"W., a distance of 198.93 feet; thence S.65°32'08"W., a distance of 59.47 feet; thence N.83°28'59"W., a distance of 239.42 feet; thence N.06°31'00"E., a distance of 110.78 feet; thence N.22°32'13"W., a distance of 786.72 feet; thence S.81°02'08"W., a distance of 510.43 feet; thence N.46°10'55"W., a distance of 438.57 feet; thence N.46°22'52"W., a distance of 164.47 feet; thence N.44°14'55"E., a distance of 311.25 feet; thence N.88°05'56"E., a distance of 513.24 feet; thence S.84°13'19"E., a distance of 823.11 feet; thence S.84°07'35"E., a distance of 194.56 feet; thence S.00°36'52"E., a distance of 795.38 feet; thence S.04°46'22"E., a distance of 185.85 feet; thence S.00°34'01"E., a distance of 443.34 feet to the POINT OF BEGINNING. Containing 1,474,506 square feet or 33.85 acres, more or less.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Section 4. All ordinances in conflict with this Ordinance are hereby repealed.

Public Hearing—Rezoning—Van Drive Lot A (Case P04-30) and Van Drive Lot B (Case P04-31)

Frank M. Duke, AICP, Planning Director, stated that the rezoning request for Van Drive Lot A is for a 0.88-acre parcel located at 607 Van Drive at the southeast corner of Van Drive and Chickasaw Road. PIN 0850-02-78-1792. Van Drive Lot B is for a 0.695-acre parcel located at 611 Van Drive, between Chickasaw and Gus Roads. PIN 0850-02-78-1487. Both requests are RD (Rural District) to R-20 (Residential 20 District).

The proposals are consistent with the *Southeast Durham Small Area Plan*. No development plan was submitted as part of the requests. Staff recommended approval based upon consistency with the small area plan and compatibility with the surrounding area. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 13, 2004 and recommended approval with a vote of 6-0.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve the rezonings—Van Drive Lot A (Case P04-30) and Van Drive Lot B (Case P04-31).

Hashmat Ali Syed explained that the net effect of the rezoning request would permit the construction of a third home or the division of two lots into three lots.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow

Noes: None

Absent: Commissioner Bowser was not present when the question was called.

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AN ORDINANCE AMENDING THE DURHAM CITY-COUNTY ZONING ORDINANCE
BY TAKING PROPERTY OUT OF RD ZONING DISTRICT AND ESTABLISHING THE
SAME AS R-20 DISTRICT

Be it Ordained by the Durham Board of County Commissioners:

Section 1. That the Durham Board of County Commissioners held a Public Hearing on Zoning Cases P04-30 and P04-31 and voted on August 23, 2004 to approve the rezoning Request Described herein.

Section 2. That the Durham City-County Zoning Atlas and Ordinance are hereby amended by taking the following described Property out of RD Zoning and placing the same in and establishing the same as R-20 Zoning.

All property as follows, and to the centerlines of any adjoining public rights-of-way:

(Metes and bounds description, to include PIN and Tax map numbers, any recorded map references, and acreage. Single ordinance and description for all property rezoned to a single zone; separate descriptions for property rezoned to multiple zones.)

PIN 0850-02-78-1792 DESCRIPTION OF PROPERTY FOR REZONING Lot A, Property of Hashmat Syed, Plat Book 152, Page 341 Beginning at a point at the intersection of the east right-of-way line of Van Drive and the south right-of-way line of Chickasaw Road, and running along the south side of Chickasaw Road S83-55-53E a distance of 200.05 feet to a point at the northwest corner of the F. P. Chambers Estate; thence along the west lot line of the Chambers Estate S05-48-25W a distance of 93.94 feet to a point at the northeast corner of lot B of the Hashmat Syed property as shown in Plat Book 152, page 341; thence along the north property line of Lot B of said plat N83-52-47W a distance of 68.00 feet to a point, thence S05-48-25W a distance of 150.00 feet to a point; thence N83-52-47W a distance of 131.76 feet to a point in the east right-of-way of Van Drive thence along the east side of Van Drive N05-44-19E a distance of 243.76 feet to a point, said point being the place and point of beginning, containing 38,546 square feet and being all of lot A of the Hashmat Syed property as recorded in Durham County Register of Deeds in Plat Book 152 Page 341.

PIN 0850-02-78-1487 DECIPTION OF PROPERTY FOR REZONING Lot B, Property of Hashmat Syed, Plat Book 152, Page 341 Beginning at a point on the east side of Van Drive at the southwest comer of Lot A of the Hashmat Syed property as shown in Plat Book 152, Page 341, said point being S05-44-19W a distance of 243.76 feet from the intersection of the east side of Van Drive and the south side of Chickasaw Road, and running along the south side of lot A of said plat S83-52-47E a distance OF 131.76 feet to a point; thence N05-48-25E a distance of 150.00 feet to a point; thence S83-52-47E a distance of 68.00 feet to a point in the west property line of F. P. Chambers Estate; thence along the lot line of the Chambers Estate and the Carroll Diane Chamberlain property S05-48-25W a distance of 249.37 feet to a point at the northeast comer of the Lavani Bharat property; thence along the Bharat north property line N84-03-36W a distance of 199.64 feet to a point in the east right-of-way line of Van Drive; thence along and with the east right-of-way of Van Drive N05-44-19E a distance of 100.00 feet to a point, said point being the place and point of beginning, containing 30,106 square feet and being all of lot B of the Hashmat Syed property as recorded in the Durham County Register of Deeds in Plat Book 152, Page 341.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Section 4. All ordinances in conflict with this Ordinance are hereby repealed.

Major Site Plan—Rosemart (Case D03-468)

Frank M. Duke, AICP, City-County Planning Director, stated that Watkins Development Company submitted a major site plan for revisions to an existing 4,532-square-foot convenience store with gasoline sales to add one automatic bay car wash and a drive-up window restaurant on two parcels with a total of 1.13 acres, including a landscape variation to uphold a buffer reduction to 12.5 feet with a six-foot-high solid wood fence along the northern boundary of the Syed property. The proposed project will be located on the southeastern corner of the intersection of Sherron Road and NC 98. (PINs 0861-03-10-2245 & 3321; County Atlas Page 71, Block A-3). A traffic impact analysis was not required for

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this site. The request meets all ordinance requirements. Planning staff recommended approval.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the Major Site Plan—Rosemart (Case D03-468).

The motion carried unanimously.

Approval of Construction Contract for the Durham County North & East Regional Branch Libraries—Project No: DC073-48/50 & DC077-50; Bid No: IFB 04-037

Glen Whisler, P.E., County Engineer, stated that the Board was requested to authorize the County Manager to enter into a contract with C. T. Wilson Construction Co. Inc. for \$7,878,440 for the construction of two new Regional Branch Library Buildings to be located in North and East Durham (Base Bid plus Alternates NA 1-4, NH-1, EA 1-4 & EH-1) and to execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$8,482,362. The East Branch Library is to be located on Highway 98 east of Nichols Farm Road; the North Branch Library is to be located on Milton Road near Carrington Middle School.

C. T. Wilson Construction Co. Inc. submitted the lowest combined prices for the base bids and alternates for \$3,938,756 for the North Branch and \$3,939,684 for the East Branch, totaling \$7,878,440, which is less than the project estimate. Combining both buildings in one bid package resulted in economies that will allow the County to include alternate bid items. C. T. Wilson Construction proposes 0.05% MBE participation for this project and 7.51% WBE participation. C. T. Wilson achieved the required 50 points towards good faith efforts in accordance with NCAC 30I.0101.

On December 9, 2002, the Commissioners awarded a design contract to The Freelon Group Inc. to provide architectural services to develop a prototype regional library for the north and east locations, as well as a future south location. The scope of construction work includes site work and building construction for two new branch libraries approximately 24,800 square feet each (steel frame and brick veneer structure), with provision for the future addition of 10,000 square feet, plus parking support and attainment of LEED (Leadership in Energy and Environmental Design) certified buildings. Funding for both facilities in the total amount of \$12,614,716 is included in the approved Capital Improvement Plan (CIP), of which \$7,708,909 was approved through the passage of the November 2001 bond referendum.

The Engineering Department has reviewed the bid proposals with the Library Staff, Purchasing Department, and The Freelon Group Inc. and recommended that the County proceed with the work and award the contract to C. T. Wilson. Funding for this phase of the project in the amount \$10,094,803.96 is available in the North and East Regional Branch Library Capital Project accounts. The purchase of furniture, books, and computer hardware will be contracted in the future. The contract completion time for this project is 425 days for East Branch and 427 days for North Branch.

Chairman Reckhow reiterated that the bid proposal was less than the budget estimate and would save County tax dollars. She was pleased that the contract included a specific completion date and a penalty, if not met, which should be incorporated in future agreements to protect the County's interest.

Mr. Whisler recognized the following people who had been involved in the project: Philip Cherry, Library Director; Priscilla Lewis, Administrative Librarian; Ademola Shobande, Senior Project Manager, Engineering Department; Yolanda Moore-Gaddy, Business Development Manager, Purchasing Department; and Philip Freelon and Zena Howard, The Freelon Group Inc.

Chairman Reckhow announced that Durham County citizens are anxiously awaiting these new facilities.

Commissioner Bowser thanked everyone involved in the project. He announced that a celebration was held at the Stanford Warren Library the week prior for its library renewal

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project. He expressed gratitude to Brenda Watson, Administrative Librarian, for her dedication and hard work on the Stanford Warren project.

Chairman Reckhow commended the Stanford Warren Library Director and staff for having produced such a fine program. John Hope Franklin spoke at the ceremony, announcing that he wrote his first book, From Slavery to Freedom, largely at that library branch.

Commissioner Heron conveyed that Mr. Forrest Calhoun and Ms. Clarenel Brown, who have both passed away, were dedicated to conservation of the Stanford Warren Library.

Mr. Whisler responded to a question by County Manager Ruffin that signs would be placed on the library sites identifying the name of the project and that funding was made possible through the bond referendum.

Chairman Reckhow suggested that a standardized format be fashioned for all bond project signs.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to authorize execution of a contract with C. T. Wilson Construction Co. Inc. for construction of two new regional branch library buildings, North & East Regional Branch Libraries, in the amount of \$7,878,440, and execution of any other related contracts including change orders, if necessary, not to exceed the project budget of \$8,482,362.

The motion carried unanimously.

Board and Commission Appointments

Chairman Reckhow announced that she received communication from the ABC Board Chairman, which she forwarded to the Commissioners, regarding the ABC Board's recommendation for appointment to its board.

Chairman Reckhow suggested that the Board make the two at-large appointments to the Area Mental Health Board and directed the Clerk to readvertise for the "interest of children" position.

Commissioner Jacobs recommended the appointment of Ms. Hope Murdock to the Library Board.

Chairman Reckhow stated that Ms. Sharon Sullivan's application to the Library Board was impressive, given her library experiences.

Commissioner Bowser called attention to the County vacancy on the Operation Breakthrough Board.

County Manager Ruffin replied to a request by Chairman Reckhow that an appointment to the Operation Breakthrough Board would be placed on the Commissioners' September 13 Regular Session Agenda.

Commissioner Bowser questioned whether a staff person could be appointed to the Operation Breakthrough Board.

Chairman Reckhow directed that the wording be checked to determine if a staff person could be appointed.

Chairman Reckhow announced and invited citizens to an open house on Tuesday, August 24, 2004 at the renovated Animal Shelter on East Club Boulevard from 5:00 to 7:00 p.m.

Garry E. Umstead, Clerk to the Board, distributed ballots to the Commissioners to make appointments to various boards and commissions. The following citizens were selected:

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Alcoholic Beverage Control Board

Emily A. Page

Area Mental Health Board

Emily Baldwin

Eureka Capri Daye

Civic Center Authority

Angie Elkins

Durham Public Library Board of Trustees

Jon C. Miller

Hope L. Murdock

Elsa E. Woods

Durham Workforce Development Board

Kenneth M. Lile

James A. Stewart

Closed Session

Commissioner Cousin moved, seconded by Commissioner Jacobs, to adjourn to closed session to prevent the disclosure of information that is not subject to public inspection pursuant to G.S. § 143-318.10(e), to preserve the attorney-client privilege and discuss In Re: Time Warner Cable, CSB-A-0691 and CSB-A-0706, and to consider the performance of an individual public officer or employee pursuant to G.S. § 143-318.11(a)(1), (3), & (6).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow declared that the Board gave direction to staff in the Closed Session.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 10:23 p.m.

Respectfully submitted,

Vonda C. Sessoms
Deputy Clerk to the Board