

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

Monday, September 23, 2002

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

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

Instructions Given During Closed Session—Negotiation of Property

Chairman Black reported that Wendell Davis, Deputy County Manager, was instructed to continue the process of negotiating the property addressed in Closed Session.

Agenda Adjustments

Commissioner Bowser asked County Manager Mike Ruffin to research several concerns regarding the ACCESS Van Service. He also asked for a determination whether the terms of the recently-signed agreement with Duke University Health Systems regarding Durham Regional Hospital are being followed.

Chairman Black recognized several North Carolina Central University students in the audience and invited them to contact the Commissioners with any questions they might have.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the July 9, 2002 BOCC/City Council Joint Closed Session, August 12, 2002 Regular Session, August 20, 2002 Special Session—

American Tobacco Project, and the August 26, 2002
Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Recognition of Individuals Who Were Involved With Transitioning the Residents of Hanson Hill When It was Closed by the State on August 30, 2002

The Board is requested to recognize the efforts of DSS, Public Health, The Durham Center, State Division of Facility Services, and Threshold employees who participated in the successful transition of residents from Hanson Hill when the facility's license was suspended.

At 11:20 a.m. on August 30, 2002, Ms. Michele Elliott, representing the N.C. Department of Health and Human Services, and Dan Hudgins, Durham County DSS Director, served notice on Mr. Faiger Blackwell, Administrator to Hanson Hill, that the facility's license was suspended as of 5:00 p.m. on that date. All of the 39 residents of Hanson Hill were relocated on that date as a result of the dedicated and compassionate work of the individuals noted above.

Resource Person(s): Dan Hudgins, Director, Department of Social Services

County Manager's Recommendation: The Manager recommended that the Board commend the Durham County employees, State employees, and Threshold staff who contributed to the smooth transition of the 39 residents who were removed from Hanson Hill on August 30 when the facility was closed by the state.

Mr. Hudgins expressed his appreciation to Chairman Black and the Board for its recognition of the hard work of those 43 persons from County departments and outside agencies who played a strategic role in what otherwise would have been a traumatic experience for the 39 residents who were relocated. This unannounced, but necessary closing and move came about due to prior problems with the facility's administrator which placed the residents at risk. Those involved acted professionally and expediently to complete the move within a matter of hours. Mr. Hudgins recognized those in attendance from The Durham Center, the Department of Social Services, and Public Health (nurse), who helped with the transition in this crisis. A State representative was not present. The participants in the move follow:

The Durham Center

Winnie Breedon
Lynda Boone
Sandra Gunter
Judy Kelly
Renee Shaw

Adult Services GC-MS

Brenda Baldwin
Kathy Hooker
Christopher Ivy
Donna Lasater
Belinda Rochelle
Matthew Thompson

Adult Services HHC

Josephine Barclay
Prudence Glover
Evelyn Manley
Barbara McKnight

Adult Services ACCESS

Claudette Belfield
Brian King
Linda Morris
Stephanie Pridgen
Tameka Tyler

Health Department

Ann Best

Adult Services GC-RS

Arlene Chavis
Tiketha Collins
Kathleen Crute
LaNelle Davis

Threshold

Margaret Broxterman
Susie Deter
Sam Laurent

Adult Services-Clerical

Shirley Ewing
Sonya Hackney
Kim Harris
Deborah Williams

Program Manager

Gloria Green

Adult Services APS

Dorethea Burrell
Yvonne Carter
Helen Forte
Sandra Harris
Mildred Harris-Foster
Clay Holloway
Jim Motsinger
Cecilia Owens
Bob Wallace

Division of Facility Services

Michiele Elliot

Chairman Black and the Board thanked Mr. Hudgins and commended the personnel and departments involved who handled this stressful and difficult situation so well.

Commissioner Heron asked Mr. Hudgins to advise how the situation at this facility developed to the point of its closure and an emergency move, given the monitoring procedures in place.

Mr. Hudgins explained that the County has no authority to close a facility. It can only monitor and make recommendations to the State. The state traditionally has tried to give administrators and operators every opportunity to resolve problems without closing facilities. This is the first time in over a year and one-half that the State has closed a facility. Residents were determined to be at risk. The DSS staff gathered extensive documentation, and Mr. Hudgins wrote the State authorities to press for Hanson Hill's closure. Media coverage of the long unsolved problems expedited the decision.

Mr. Hudgins remarked that the system allows too much time and too many opportunities when the health and safety of residents are at risk. The DSS is monitoring other facilities and works closely with the Adult Home Care Advisory Committee.

Commissioner Bowser confirmed that Mr. Hudgins and the department had been working for some time with the State to bring closure to this issue.

No formal action was required.

Recognition of Certification of Register of Deeds Employees

The Certification Board of the North Carolina Association of Registers of Deeds has certified the following employees of the Durham County Register of Deeds Office: Sandra N. Thomas, Alesia El-Hamalawi, and Carol Jenkins.

They each have obtained certification as Deputy Register of Deeds. In her letter regarding this certification, North Carolina Association of Registers of Deeds President Belinda S. White adds, "Continuing education of the register of deeds staff provides a higher level of service to the public." Training includes operations of the office of register of deeds, bonding requirements and liability insurance, recording and indexing real property instruments, recording maps and plats, correcting errors on recorded instruments, canceling deeds of trust, and recording Uniform Commercial Code documents.

County Manager's Recommendation: Extend congratulations to Ms. Thomas, Ms. El-Hamalawi, and Ms. Jenkins for achieving this professional certification.

County Manager Mike Ruffin recognized these three employees for their commitment to obtain this certification. He added that County government is very proud of the service provided by the Register of the Deeds office.

Mr. Willie Covington, Register of Deeds, congratulated these employees. He remarked that it is a long task; it takes about five years to become fully certified as a Deputy Register of Deeds. He thanked the County Manager and Board of Commissioners for recognizing their efforts.

No formal action was required.

Presentation on Durham County Safe Communities Project

The Durham County Safe Communities Project is a program of the Duke Injury Prevention Center and is funded in part by the Governor's Highway Safety Program. The program seeks to reduce the number of motor vehicle-related injuries, including pedestrian and bicycle injuries. The Durham County Sheriff's Office, the Durham County Emergency Medical Services Department, and the Durham County Health Department are "Coalition Members," which assist the organization in reaching its stated goals.

Resource Person(s): Marylu Knight, Project Coordinator, and Dr. Karen Frush, Project Director

County Manager's Recommendation: Receive the report and extend the Board's appreciation for the organization's efforts to reduce injuries and deaths related to motor vehicles, including those involving pedestrians and bicycles.

Ms. Marylu Knight, from the Duke Injury Prevention Center, and Durham County Safe Communities Project Coordinator, thanked the Board for the invitation to attend this meeting and submit the report. Coalition members include City and County law enforcement agencies, the Chamber of Commerce, American Red Cross, the Public Health Department, Duke Medical Center, Durham EMS, public education, and others.

The project, in its attempt to reduce unintentional injuries in Durham County, has worked in elementary and middle school classrooms, participated in health safety events for seniors and children, and created a “safety village” in Moreene Road Park to teach children safety in the community. Ms. Knight invited the Commissioners and staff to attend the meetings that are held at 9:00 a.m. on the third Thursday of each month at the Durham Health Services Building.

The Commissioners directed questions to Ms. Knight regarding the program and thanked her for the work being done on the behalf of Durham citizens.

Consent Agenda

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

- * (a) Property Tax Releases and Refunds for the month of August 2002 (accept the August 2002 property tax release and refund report and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds that are presented for the consent agenda);
- * (d) Budget Ordinance Amendment No. 03BCC000007— Sheriff's Office—G.R.E.A.T.—Grant for Gang Resistance Education and Training program (approve this budget amendment; appropriation of funds will not exceed \$10,000);
- * (e) Budget Ordinance Amendment No. 03BCC000009— Soil and Water—Amendment to the Soil and Water Conservation Department's Budget (approve this budget amendment, amend the department's FY 2002-2003 Budget, and allow it to retain the additional funds in the amount of \$1,770 received for its operations);
- * (f) Budget Ordinance Amendment No. 03BCC000010— Recognize Deferred Revenue for the Departments of Fire Marshall, Social Services, Public Health, Cooperative Extension, Budget, and Sheriff (approve this budget amendment to recognize deferred revenue in the amount \$551,969);
- * (g) Budget Ordinance Amendment No. 03BCC000011— FY 2002-2003 Encumbrances (approve this budget amendment; the unrestricted fund balance will not be affected);
- (i) Final Offer to Purchase County Property (1015 Fairview Street) (approve the offer of \$16,100)

submitted by Ms. Roberts for the real property and prepare a non-warranty deed for the Chairman's signature; this action is consistent with the Board's policy of recovering the County's investment and returns the property to the tax rolls); and

- *(k) Preliminary Resolution on Issuance of Revenue Bonds (approve the preliminary resolution so the County can continue the financing portion of this important project).

Consent agenda items 7(b), (c), (h), and (j) were removed for discussion.

The motion carried unanimously with a change to item No. 7(j) recommended by Vice-Chairman Reckhow. The contingency amount was reduced from \$74,495 to \$50,000.

*Documents related to these items follow:

Consent Agenda 7(a). Property Tax Releases and Refunds for the month of August 2002 (accept the August 2002 property tax release and refund report and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds that are presented for the consent agenda).

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 August 2002.

Releases & Refunds for 2002 Taxes:

Real	\$ 49,805.23
Personal	266,378.40
Registered Vehicles	196,027.03
Vehicle Fees	175.00
Solid Waste Fees	<u>780.00</u>
Total for 2002 Taxes and Fees	\$ 513,165.66

Prior Years (1994-2001) releases and refunds for August 2002 are in the amount of \$38,517.33.

Total Current Year and Prior Year Releases and Refunds \$551,682.99

(Recorded in Appendix A in the Permanent Supplement of the September 23, 2002 Minutes of the Board.)

Consent Agenda 7(d). Budget Ordinance Amendment No. 03BCC000007—Sheriff's Office—G.R.E.A.T.—Grant for Gang Resistance Education and Training program (approve this budget amendment; appropriation of funds will not exceed \$10,000).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$33,443,575	\$10,000		\$33,453,575
<u>Revenues</u>				
Intergovernmental	\$259,193,881	\$10,000		\$259,203,881

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

This the 23rd day of September, 2002.

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

Consent Agenda 7(e). Budget Ordinance Amendment No. 03BCC000009—Soil and Water—Amendment to the Soil and Water Conservation Department's Budget (approve this budget amendment, amend the department's FY 2002-2003 Budget, and allow it to retain the additional funds in the amount of \$1,770 received for its operations).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Soil and Water Department

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Economic and Physical	\$2,337,106	\$1,770		\$2,338,876

Development

Revenues

Intergovernmental	\$259,364,423	\$1,770	\$259,366,193
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of September, 2002.

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

Consent Agenda 7(f). Budget Ordinance Amendment No. 03BCC000010—Recognize Deferred Revenue for the Departments of Fire Marshall, Social Services, Public Health, Cooperative Extension, Budget, and Sheriff (approve this budget amendment to recognize deferred revenue in the amount \$551,969).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Fire Marshall, Social Services, Public Health, Cooperative Extension, Budget, and Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$313,866,299	\$ 293,247		\$314,555,904
Public Safety	\$ 33,614,117	\$ 204,567		\$ 33,818,684
Economic and Physical Development	\$ 2,338,876	\$ 54,155		\$ 2,393,031
<u>Revenues</u>				
Intergovernmental	\$259,676,317	\$491,551		\$259,777,744
Misc. Income	\$ 3,840,670	\$ 60,418		\$ 3,901,088

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

This the 23rd day of September, 2002.

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

Consent Agenda 7(g). Budget Ordinance Amendment No. 03BCC000011—FY 2002-2003 Encumbrances (approve this budget amendment; the unrestricted fund balance will not be affected).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2002-03 Budget Ordinance
 Amendment No. 03BCC000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for encumbrances.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Other Financing Sources	\$ 9,639,894	\$2,324,698		\$ 11,964,592
 <u>Expenditures</u>				
General Gov't	\$20,269,570	\$ 831,925		\$ 21,101,495
Public Safety	\$33,818,684	\$ 60,311		\$ 33,878,995
Environmental Protection	\$ 2,192,544	\$ 177,793		\$ 2,370,337
Economic & Physical Development	\$ 2,393,031	\$ 75,237		\$ 2,576,478
Human Services	\$314,159,546	\$1,151,558		\$315,311,104
Cultural and Recreation	\$ 7,749,763	\$ 20,320		\$ 7,770,083
Nondepartmental	\$ 20,745,930	\$ 7,554		\$ 20,753,484
 <u>Revenues</u>				
Fund Balance Appropriated	\$ 100,000	\$ 687		\$ 100,687
 <u>Expenses</u>				
Revaluation Fund	\$ 100,000	\$ 687		\$ 100,687

ENTERPRISE FUND

<u>Revenues</u>				
Other Financing Sources	\$ 4,844,824	\$ 1,030,430		\$ 5,875,254

Expenses

Utilities	\$ 4,844,824	\$ 1,030,430	\$ 5,875,254
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EQUIPMENT LEASING FUND

Revenues

Fund Balance	\$ 1,531,610	\$ 20,000	\$ 1,551,610
Appropriated			

Expenses

Equipment Leasing Fund	\$ 1,531,610	\$ 20,000	\$ 1,551,610
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of September, 2002.

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

Consent Agenda 7(k) Preliminary Resolution on Issuance of Revenue Bonds (approve the preliminary resolution so the County can continue the financing portion of this important project).

The resolution follows:

**RESOLUTION RELATING TO THE AUTHORIZATION
OF ENTERPRISE SYSTEM REVENUE BONDS
OF THE COUNTY OF DURHAM, NORTH CAROLINA**

WHEREAS, the County of Durham, North Carolina (the "County") owns certain public utility or public service enterprise facilities comprising a wastewater system (the "Existing Facilities");

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that it is necessary to acquire, construct, and equip certain improvements to the Existing Facilities which are described in Appendix A hereto (the "Project") in order to provide wastewater service at an acceptable level in the areas served or to be served by the County;

WHEREAS, the Board has determined that it is necessary to issue revenue bonds of the County in an aggregate principal amount not exceeding \$29,500,000, secured by a pledge of the net receipts of the County's wastewater system and designated "Enterprise System Revenue Bonds, Series 2002" (the "Bonds"), for the purpose of providing funds, with any other available funds, for paying the cost of acquiring, constructing, and equipping the Project; and

WHEREAS, it is necessary to take certain related action at this time:

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED by the Board, as follows:

Section 1. The Board hereby finds and determines in connection with the issuance of the Bonds that (i) the issuance of the Bonds is necessary or expedient for the County to pay the cost of acquiring, constructing and equipping the Project to provide wastewater service at an acceptable level in areas served or to be served by the County, (ii) the proposed principal amount of the Bonds will be sufficient but not excessive for the proposed purpose of such issue, (iii) the proposed financing described above is feasible, (iv) the County's debt management procedures and policies are good and are managed in strict compliance with law and (v) under current economic conditions the Bonds can be marketed at a reasonable interest cost to the County.

Section 2. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the "Local Government Commission") and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of the Bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. The Local Government Commission is hereby requested to sell the Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the County.

Section 4. The Board recommends the selection of the following professionals to be on the financing team for the Bonds and that their services be utilized to the extent required and where appropriate:

Co-bond counsel	Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina
	Marsh and Marsh, Attorneys at Law, Durham, North Carolina
Financial advisor	Davenport & Company LLC, Richmond Virginia
Feasibility study consultant	Raftelis Financial Consulting PA Charlotte, North Carolina

Trustee, bond registrar and paying agent	First-Citizens Bank & Trust Company Raleigh, North Carolina
Underwriters	Jackson Securities, Inc. Atlanta, Georgia
	Morgan Keegan & Company Richmond, Virginia
Underwriters' counsel	The Banks Law Firm Durham, North Carolina

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The Board will at a later date make recommendations for the selection of a trustee, a bond registrar, a paying agent and any other persons required in connection with the issuance of the Bonds.

This resolution shall take effect immediately upon its passage.

APPENDIX A

The Project includes the following improvements to the County's wastewater treatment plant and related facilities:

- Increase Treatment Level
An increased level of treatment is required by the implementation of a new law (HB 515) which is more stringent than the County's current permit and treatment capabilities. The major difference between the current and proposed treatment systems is the capability to remove Nitrogen. This will be accomplished using a five-stage biological nutrient removal process.
- Increase Treatment Capacity
Increased capacity is required to accommodate growth and enable new industries to locate within the service area (including the Durham County portion of the Research Triangle Park). This part of the Project increases the plant capacity from the current 6 million gallons per day to 12 million gallons per day.
- Improve Sludge Processing Facilities
This part of the Project will provide for efficient production of Class A Sludge and will include the abandonment of two clay-lined lagoons currently used in the process to produce a Class B product.
- Remove Sludge and Acquire Land for Sludge Application
This part of the Project is the removal of sludge produced at the plant in connection with constructing other improvements that are a part of the Project

and the acquisition of land to be used for the application of sludge produced at the plant as a means of disposing of it.

Consent Agenda Items Removed for Discussion

Consent Agenda 7(b). Budget Ordinance Amendment No. 03BCC000005—Durham Center—Request to Accept Additional Revenue for the Development of an ACTT Team for the Adult Services Unit (approve this budget amendment; appropriation of funds will be in the amount of \$390,125).

Vice-Chairman Reckhow asked how this program would be monitored and evaluated. Ms. Ellen Holliman, Interim Director for The Durham Center, advised that the program would be similar to the other contracted programs. There would be a performance agreement with the contract. The program serves repeat clients—high end users—who demand the most intensive case management of support services. Effectiveness of the program would be evaluated through the reduction of a client’s hospital stays at John Umstead Hospital, indicating an improved quality of life in the community. Specific performance measures would be used.

Commissioner Heron was also concerned about the program’s measurement of success. Mrs. Holliman stated that she would report back, probably in March, when the program would be up and running.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for The Durham Center.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$313,431,174	\$390,125		\$313,821,299
<u>Revenues</u>				
Charge for Services	\$ 22,457,347	\$310,125		\$ 22,767,472
Intergovernmental	\$259,068,881	\$ 80,000		\$259,148,881

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

This the 23rd day of September, 2002.

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

Consent Agenda 7(c). Budget Ordinance Amendment No. 03BCC00006—Durham Center—Request to Accept Additional Revenue for the Establishment of a Youth Group Home in Durham County (approve this budget amendment; appropriation of funds will be in the amount of \$45,000).

In answer to Charman Black's question, Mrs. Ellen Holliman, Interim Director of The Durham Center, advised that this six-bed group home would serve Durham County residents. The age group to be served has not been established. This is a HUD group home in partnership with the Mental Health Association of North Carolina. The \$45,000 was approved by the North Carolina General Assembly for the Department of Health and Human Services. Ten such group homes are proposed across the state.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for The Durham Center.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$313,821,299	\$45,000		\$313,866,299
<u>Revenues</u>				
Intergovernmental	\$259,148,881	\$45,000		\$259,193,881

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

This the 23rd day of September, 2002.

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

Consent Agenda 7(h). Award Construction Contract to Patriot Building Company Inc. for additions to the Durham County Animal Shelter (IFB #003-03) (authorize the execution of a construction contract with Patriot Building Company Inc. in the amount of \$716,500 for additions to the Animal Shelter in accordance with IFB #003-03, \$18,600 allowance for repairs to the existing epoxy floor, and authorize the County Manager to

execute change orders, if necessary, not to exceed \$71,650. The total contract will not exceed \$806,750).

Concerning the M/WBE program, Commissioner Bowser asked whether M/WBE contractors or subcontractors have already been identified for this project.

Ms. Yolanda Moore-Gaddy M/WBE Coordinator, replied that Patriot Building Company Inc. has identified five companies that are minority and women-owned that will participate in this project. The overall participation rate is 17.7 (17 percent MBE and .7 percent WBE). Patriot's goal is 19.06 percent participation for minority-owned businesses and 7.17 percent for women-owned businesses. The five companies will participate at a total amount of \$120,775.

Consent Agenda 7(j). Approval of Construction Contract for the Renovations to the Judicial Building Annex Project No: DC068-46, Bid No: IFB 02-046 (authorize execution of construction contracts in the total amount of \$1,166,511.00 and execute any other related contracts including change orders, if necessary, not to exceed the estimated project budget of \$1,241,006.00)

Commissioner Bowser asked if there is a guarantee of M/WBE participation.

Ms. Yolanda Moore-Gaddy M/WBE Coordinator, replied that there is minority participation for each contractor. Pipemasters Inc., with the plumbing bid, is 100-percent women-owned.

Commissioner Bowser was concerned that Durham companies tend to bid higher than other companies around the state. He asked if there are local workshops to educate contractors on making competitive bids for County projects.

Ms. Moore-Gaddy answered that free workshops are held twice monthly at the public library. In addition, she contacts the City for its listing and works with several local companies to establish intense outreach to lower the bid price, and has identified through the CMSDC (Carolina Minority Suppliers Development Corporation) supplies at a lower cost. She has worked one-on-one with various individual companies to help them become more competitive.

Vice-Chairman Reckhow stated that the contingency amount on this contract is higher than usual. As is, it would be easy for change orders to occur and almost does encourage them. The County Manager's suggestion was approved to reduce the contingency assignment from \$74,495 to \$50,000, reducing the overall total approved to \$1,217,006.

Public Hearing and Budget Ordinance Amendment No. 03BCC000008—Office of the Sheriff—2002 Local Law Enforcement Block Grant Funds

The Office of the Sheriff submitted its on-line application for Durham County's share of the 2002 Local Law Enforcement Block Grant (LLEBG) and received subsequent

approval of a \$160,542.00 block grant award from the U.S. Department of Justice—Bureau of Justice Assistance. The purpose of the LLEBG Program is to reduce crime and improve public safety. The award can only be used in accordance with the seven purpose areas described for this grant program.

These intergovernmental funds awarded to Durham County will be used for the purchase of equipment for the Sheriff's communications and general field deputies.

The Sheriff established an Advisory Board as specified by the grant, which met on September 12, 2002 to recommend the proposed use for these funds. The equipment to be purchased as suggested by the Advisory Board are as follows: scuba equipment for Search & Recovery Team; updating protective gear for SAC/NARC unit; server & hardware enhancements for the Sheriff's network; protective equipment and supplies for Bomb Squad; video enhancement equipment for Investigations; the addition of biohazard cleanup kits for patrol vehicles; replacement of broken equipment and improvements at the Range; replacement of protective equipment for the Range; addition of 2 radio channel frequencies; replacement of radio phones; addition of accreditation software; addition of a speed trailer and equipment to implement a drunk driving awareness program. Such equipment and technology will enhance and improve the law enforcement abilities of the Sheriff's Office and the County of Durham.

One of the special conditions of this grant award program is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing has been advertised in the Durham Herald-Sun paper on September 15, 2002 and September 22, 2002 to give proper notification.

No additional County funding is required, and no subsequent year budget impact is anticipated. The Office of the Sheriff will provide the required grantee local cash match of \$17,838.00 from its current budget. The total appropriation is for \$178,380.00. The expenditures and revenue recognized is for \$160,542.00 from the grant award.

Resource Person(s): Marcia Margotta, Sheriff's Comptroller, and Chief Deputy C. Wes Crabtree

County Manager's Recommendation: We congratulate the Sheriff on applying for and receiving another Local Law Enforcement Block Grant to continue these traditional improvements. The Sheriff's Office has traditionally used the LLEBG funds received the last six years for improving and upgrading the agency's equipment and technological infrastructure. It is recommended to conduct the public hearing to receive public comment, and then approve the Advisory Board's recommendation for the proposed use of the 2002 LLEBG award funds. Approve Budget Ordinance Amendment No. 03BCC000008 to accept grant funding and appropriate program spending.

Chief Deputy Crabtree introduced the agenda item. This is an ongoing program in which the Sheriff's Department has participated for the last few years. The awards are based on crime statistics shared with the Durham City Police Department. This year the Sheriff's

Department received 37 percent of the award for Durham County; next year it should receive 50 percent.

Chairman Black opened the public hearing, which was properly advertised. One person had signed to speak.

Dr. Lavonia I. Allison, representing the Durham Committee on the Affairs of Black People, congratulated the Sheriff's Department for its efforts to receive the grant. She asked whether the \$17,838 to be taken from the current budget meant cutbacks elsewhere.

Chief Deputy Crabtree answered that this expense had already been budgeted this year for this exact purpose. It would not affect other areas.

Commissioner Bowser moved, seconded by
Commissioner Heron, to approve this agenda item.

The motion carried unanimously.

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$33,453,575	\$160,542		\$33,614,117
<u>Revenues</u>				
Intergovernmental	\$259,203,881	\$160,542		\$259,364,423

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

This the 23rd day of September, 2002.

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

Public Hearing–Centex Homes, Applicant (Rezoning Case P02-25)

Centex Homes will present to the Board of County Commissioners a request to rezone 133.3 acres located on the west side of Grandale Drive, north of the Sedwick Road intersection, PIN 0727-01-36-7805 (TM 531-1-6). Request: RD (Rural District) to PDR 2.1; F/J-B (Planned Density Residential-2.1 units/acre) F/J-B. The proposal is in general conformance with the small area plan. Staff recommends approval citing general adopted plan conformance. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 9, 2002 and voted 5-2 to recommend denial, citing school enrollment and stormwater concerns. The projected number of residential units is 271 for this development.

The public hearing for this request was advertised on September 6 and 13, 2002 in the Durham Herald-Sun.

Resource Person(s): Frank Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based upon public comment.

Ms. Sheila Stains-Ramp, City-County Planning Department introduced the item. She supplied an updated number of 106 for the projected school enrollment generated by this development. County Engineering has reviewed and approved the stormwater study that was submitted with the proposal. The rezoning request and proposed development are consistent with the adopted NC 54/I-40 plan, the 2020 Plan, and the Durham Trails and Greenway Master Plan. Planning staff has recommended approval.

The County Attorney confirmed that two valid protest petitions had been filed regarding this proposal.

Vice-Chairman Reckhow voiced her concern that the proposed density level was too great for this environmentally sensitive area.

Ms. Stains-Ramp clarified the school attendance numbers for Commissioner Cousin.

Commissioner Bowser stated that one member of the Planning Commission had cited, in its recommendation, the water shortage in Durham. He asked whether there had been discussion in the City regarding the relationship between the growth we are seeing and the ability to provide water for the citizens.

Mr. Duke stated there had been discussions in that regard. The feeling is that no moratorium should be imposed on approvals based on the water issue. It is being monitored; there are regular meetings with water resource staff, the City Attorney, and City Manager.

Commissioner Heron urged Planning to consider the cumulative impact of building in this area on its resources—schools, transportation, water, open space, etc. Considering one development at a time should be avoided.

Chairman Black opened the public hearing, which had been properly advertised. The signed speakers and their comments follow:

Lloyd Redick, 5824 Williamsburg Way, Durham, NC 27713, stated that his lot, downstream from the proposed development, is 15 feet from the floodplain. His concern was that stormwater runoff would be increased by the proposed new development upstream. He related that Centex homes had stripped the land of trees in another development in northern Durham County, which tends to add to stormwater runoff. Mr. Redick stated he was not opposed to development in the area, just the current proposal as presented.

Carol Young, 5808 Williamsburg Way (Lake Park subdivision), Durham, NC, 27713, a 20-year resident, was concerned about stormwater runoff created by the proposed development and its effect on her subdivision. She presented pictures of the adjoining floodplain following rain indicating the pollution controls upstream are not effective and referenced the report of an NC State University bioengineer (William Hunt Jr.) who had reviewed the plans regarding the floodplain. He projected a 4-5 times increase in runoff and a negative impact on water quality. Ms. Young stated that only one culvert under Scott King Road currently handles the stormwater runoff and questioned its future adequacy with increased development. She asked the Commissioners to vote “no” in accordance with the land use plan.

Steve Bocchino, 7340 Abron Drive, Durham, NC 27713, spoke against the proposed development, citing overcrowding at the schools which would serve it. He added that there are 145 school trailers in the school system. He called for the Commissioners to impose school impact fees that would be used to provide more school buildings. He stated that the Commissioners’ land-use decisions were undercutting the ability to educate the county’s children. Mr. Bocchino called for the Commissioners to deny this development request.

Wendy Diaz, 106 Khalsa Court (Fairfield subdivision), Durham, NC 27713, spoke in opposition to the rezoning request. Her opposition was based on the underestimation of school students to attend area elementary schools and the loss of trees due to the development.

Ginny Dudek, 1115 Scott King Road, Durham, NC 27713, a 22-year resident, spoke in opposition to the rezoning request. She stated her concern about stormwater runoff and possible water pollution created by this proposed development. She considered the housing unit density too great; it would increase runoff in this environmentally-sensitive region, resulting in erosion and downstream flooding. Ms. Dudek requested the

Commissioners consider the environmental impact, consider smart growth, and avoid expensive stormwater repair such as necessary in Cary and Wake County.

David Monahan, 1001 Goldenview Court, (Grandale Place subdivision), Durham, NC 27713, spoke in opposition to the proposed development. He remarked that a 10-percent flow out was underestimated, given that trees and vegetation would be removed and soil graded. Water consumption would increase—current drought conditions will not end for some time. He cited an incidence of paint dumping from a building site into the storm drains which empty into an area adjacent to his lot. The proposed density of this development would negatively impact the floodplain.

Dr. Lavonia I. Allison, Durham Committee on the Affairs of Black People, spoke in opposition to the proposed development. She commented that class size has a direct relationship to closing the education gap. This development would increase population density and add to the overcrowding of the area schools that are already over their capacity. Everything in terms of wealth, home ownership, and a stable community begins with people being able to have an education. She urged the Commissioners to deny the rezoning request.

Bernd Haneke, 1017 Hamilton Way (Lake Park subdivision), Durham, NC 27713, spoke as a resident and an environmental specialist. He stated that this proposal would require an Environmental Impact Statement (EIS) if this were a federal action. The infrastructure currently in place cannot absorb this density of development. This density does not fit with the area neighborhoods. He urged the Commissioners to reject the rezoning request until further studies can be made, and to think about what is best for those already living in the area.

Jack Markham Jr., representing Centex Homes, stated that the proposed use of the 133.3 acres was to build 271 single-family homes (PDR 2.1). This density is consistent with the surrounding neighborhoods with the exception of Lake Park. The 2.1 units-per-acre density is less than the adjoining Grandale Place (2.34), Fairfield (2.3), and Lyon Farm (2.39). He added that a creek and a large undisturbed area would buffer Lake Park from the proposed development. Also, Centex Homes prefers to leave four lots on a cul-de-sac undeveloped that would border Lake Park. Significant natural features on the outer boundaries of the site would be largely preserved. The site's four principal stream channels lie outside the lot boundaries, helping to ensure they would be undisturbed natural areas. Over 40 acres of open space is contained in the plan—several times more than is required. A 100-foot-wide easement is being dedicated along the east side of the central stream channel for incorporation into the public trails system. The plan exceeds most of the ordinance requirements, protecting the site's natural features, and offers street connectivity while balancing the traffic concerns of nearby residents. Mr. Markham respectfully requested approval of the rezoning for Centex Homes. He offered to answer any Commissioner questions.

There being no other persons signed to speak at the public hearing, Chairman Black closed the public hearing and gave the Commissioners an opportunity to question the applicant.

Chairman Black commented to Mr. Markham that the Board had heard much dissatisfaction with the density of this proposed development.

Vice-Chairman Reckhow added her concern that the treatment of the site is not acceptable due to the site's environmental sensitivity. There are 24 acres of floodplain and two acres of steep slopes. She was of the opinion that construction of houses on small lots in a sensitive area would lead to degradation of the environment. Of particular concern were lots 242-267, lots 157-159, and lots 140-141. This is not acceptable in its current state. She asked why a cul-de-sac was positioned at the end of Hamilton Way bordering the floodplain.

Mr. Frank Duke, Durham City-County Planning Director, explained that Planning staff did not request that lots be placed in that area. The County's subdivision ordinance requires that when subdividing property adjacent to an existing stubbed-out street, you must show how you will be connecting that stub-out to your project. Planning is requiring that the developer show some connection that could be in the form of a cul-de-sac to provide a turning area for emergency and public service vehicles. The developer has elected not to build on the four lots configured around the cul-de-sac.

Also of concern to Vice-Chairman Reckhow was that the 50-foot deep transitional use area does not mention retention of existing trees. Tree retention is necessary to avoid stormwater and sedimentation runoff.

Commissioner Cousin concurred with the projected negative impact on area school capacity and with Vice-Chairman Reckhow's environmental concerns. He stated that the development was not feasible at this time.

Commissioner Heron agreed that the proposed density of the development must be reduced, especially along the floodplain. She was concerned with the likely increase of stormwater and sedimentation runoff. Commissioner Heron asked whether the development plan calls for clear-cutting of trees from the lots. She expressed the opinion that the only trees that should be removed from a lot are those where the house would be located.

Mr. Tommy Craven of Priest Craven & Associates (land use consultant) answered Commissioner Heron. He stated that the tree coverage being provided is 27 acres—a committed preservation area. On the building lots, the tree-save areas are mostly in the back yards. The front and side yard setbacks are reduced by the grading necessary for streets and utilities and homeowner concerns that storms will bring down onto their homes those trees that are deemed too close.

Commissioner Heron asked how the floodway would handle a 100-year storm.

Mr. Priest answered that it would handle it very much as it does now. It is a broad, flat floodplain. He commented that Priest Craven & Associates performed an analysis, which the County Engineer reviewed. Also Centex Homes hired an independent hydrologist to study the floodplain. The hydrologist's report concluded that if the proposed Centex Home project were built as prescribed, no adverse impacts are expected in either the adjoining Fairfield subdivision or to downstream properties.

Mr. Priest added that this project is at the downstream end of this watershed. The project would not make the current flooding problems on Scott King Road disappear.

Commissioner Bowser asked whether lots 51-56 are in the floodplain. Ms. Stains-Ramp answered that the backs of those lots are in the stream buffer, and would require a 10-foot setback for construction. Those homes would be closer to the street than on other lots.

Chairman Black advised that due to the existence of two protest petitions on this item, it would take four votes to pass this item. In listening to the Commissioner comments, she did not hear four votes. Rather, the applicant should address the issues raised by the Board and citizens and talk with the protest petitioners. The revised proposal should be returned to the Board at a later date.

Vice-Chairman added that the tree coverage survey was not adequate. She wanted the survey to include the buffer area around the property.

Commissioner Heron asked that the development project include some executive homes on large lots to attract that clientele.

County Attorney Chuck Kitchen advised the Board to defer this item to allow the applicant to address issues raised by the Board and by the citizens. The proposal would again be sent to the Planning Commission, followed by a new public hearing, and new recommendation before the Board at the appropriate time.

The Board agreed to this.

Resolution for a Moratorium on Executions in North Carolina

Members from the faith community have requested that the Board of Commissioners adopt a resolution supporting a moratorium on executions in North Carolina. According to the Website published by People of Faith Against the Death Penalty, 19 local governments in North Carolina, including the City of Durham, the Towns of Chapel Hill, Cary, and Hillsborough, and Orange County, have adopted resolutions.

Resource Person(s): Stephen J. Dear, Executive Director, People of Faith Against the Death Penalty

County Manager's Recommendation: Receive the request and take action as the Board deems appropriate.

Chairman Black called for those persons who had signed to speak to come forward. They follow:

Reverend Mel Williams, 526 Clarion Drive, Durham, NC 27705, encouraged the Commissioners' support for the moratorium. He suggested the period be for two years to study the troubling morally-questionable aspects of the death penalty. The death penalty is administered in an economically and racially biased manner. One's inability to hire an expensive lawyer is a factor. It doesn't help families of the victims. It is state-sponsored violence. The death penalty contradicts the great religions.

Wayne Uber, 910 Highland Trail, Chapel Hill, NC, requested that the Commissioners reject this resolution. He chastised the presenters that no word of the proposed resolution was sent to persons or groups who had lost a friend or family member to homicide. The District Attorney's Office was not made aware and could not appear tonight on such short notice. He stated that he advocated fair treatment and sentencing for all persons. Removal of the death penalty reduces the court system's sentencing options and is anti-victim. A moratorium on executions does not serve the best interests of the public and is not an issue that can be addressed properly in the meeting tonight. He posed that the true goal of promoters of the moratorium is the absolute abolition of the death penalty.

Lao Rubert, Carolina Justice Policy Center, advocated adoption of the resolution. She called the death penalty arbitrary, racially and economically unfair, with error rates approaching 70 percent. She reported that at least 65 organizations had spoken against the death penalty, including the American Bar Association, NAACP, Amnesty International, Durham City Council, and the Durham legislative delegation.

Jim Coleman, 3809 Chippenham Road, Durham, NC 27707, Duke University School of Law faculty member, spoke in favor of the resolution. He stated he had been working with the American Bar Association, trying to adjust fundamental flaws in death penalty administration. The ABA, since 1997, has called for a moratorium, due to concern that if system flaws were not addressed, innocent people would be executed. Mr. Coleman referenced death penalty studies by the ABA over the last 20 years that indicate flaws in administration regarding race, adequacy of court-appointed defense lawyers, and adequacy of court review. He pointed out that updated evidence testing had led to the release of more than 100 innocent people from death row.

Dr. Lavonia I. Allison, Durham Committee on the Affairs of Black People, congratulated the Commissioners on the resolution. She stated she was pleased that so many organizations have come together to address this injustice. She called for the same enthusiasm to deal with education for African-Americans who are uneducated, poor, and end up filling the jails. She referenced a study of the dropout rate and suspension rate to determine how many prison cells will be needed. She called for help to translate the resolution into reality and the extension of justice for all.

Chairman Black called for a motion to approve the resolution.

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve the resolution and send it to those persons named in the resolution.

The motion carried unanimously.

Commissioner Cousin read the resolution into the public record.

The resolution follows:

RESOLUTION FOR A MORATORIUM ON EXECUTIONS

WHEREAS, prisoner appeals have been severely curtailed, increasing the risk of imprisonment and execution of innocent people; and

WHEREAS, there is ample evidence that the death penalty is applied unfairly to minorities; and

WHEREAS, the American Bar Association has concluded that administration of the death penalty is “a haphazard maze of unfair practices with no internal consistency” and has called for a moratorium on executions:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, call on the North Carolina General Assembly, the Governor of North Carolina, the U.S. President, and the U.S. Congress to enact and adopt legislation imposing a moratorium on executions at least until this state and the nation implement policies and procedures which:

- Ensure that death penalty cases are administered fairly and impartially, in accordance with basic due process;
- Minimize the risk that innocent persons may be executed; and
- Prevent the execution of persons who were under the age of 18 at the time of their offenses.

BE IT FURTHER RESOLVED that the Clerk to the Board shall forward copies of this resolution to the Governor and those members of the General Assembly that represent Durham, the President, and those members of Congress that represent Durham County.

This the 23rd day of September, 2002.

/s/ Five Commissioners
Durham County Commissioners

Major Site Plan D02-236—Alexander Village at Brier Creek

The Board is requested to approve a major site plan for a shopping center with 4 out-parcels located at the northeast corner of Page Road and T. W. Alexander Drive. Development Solutions, on behalf of JWH Properties, is proposing a 111,548-square-foot shopping center with 4 out-parcels on a 22.16-acre tract located at the northeast corner of T. W. Alexander Drive and Page Road. The main building is to be occupied by a retail grocery and smaller retail uses. The out-parcel uses are planned to house a tire replacement shop, a pharmacy with a drive-up window, a convenience store with gasoline sales and a two-bay automatic car wash, and a restaurant with a drive-up window.

Resource Person(s): Dennis E. Doty, Planner, and Frank M. Duke, Director

County Manager's Recommendation: The Manager's recommendation is that the Board hear the item and approve the site plan.

Mr. Dick Hails, City-County Planning Department, presented the agenda item. He added that the site plan includes 559 parking spaces. The site was rezoned to SC(D) (shopping center with a development plan) by Board of County Commissioner action February 26, 1996. Improvements will include added lanes along the frontage of both T.W. Alexander Drive and Page Road, turn lanes at both entrances, sidewalks, and bike racks. The site plan, as submitted, meets all ordinance requirements and is in conformance with all adopted plans. Staff recommends approval.

Vice-Chairman Reckhow asked if there was a commitment to preserve the existing large trees along the back landscape buffer on the site.

Mr. Hails stated that trees had to be removed due to the amount of grading necessary on the site (20-foot difference from high to low area) including along the buffer at the north side adjacent to apartments. The number of replacement trees is greater, in conformance with the adopted ordinance. The area to the east is mostly undisturbed.

At Vice-Chairman Reckhow's request, the applicant addressed the question.

Mr. Donnie Clark, representing JWH Properties, confirmed Mr. Hails' response. The excessive grades did not allow saving the trees. It wasn't possible to otherwise make the site work and create the balance necessary.

Vice-Chairman Reckhow stated that tree saving is an issue in the community and spoke to the value of mature trees versus newly-planted ones.

Commissioner Heron stated that resource protection measures have been put into place since the site was rezoned with a development plan in 1996. She asked for information on a time limit or necessity to meet subsequent, new requirements.

County Attorney Chuck Kitchen responded that if a rezoning is adopted with a development plan, the plan is part of the rezoning. New requirements might be imposed, providing they do not require an alteration of the development plan. County Attorney Kitchen referenced a court case of a similar question, found in the applicant's favor. The applicant was allowed to move forward as entitled, consistent with the development plan.

Mr. Duke advised that there are approved development plans much older than this one for which no development has begun.

County Attorney Kitchen added that the Board of County Commissioners could get rid of a development plan by initiating a rezoning of property after a number of years if no development had been started.

Commissioner Heron appealed to developers to save as many trees as possible in shopping centers.

Mr. Donnie Clark, representing JWH Properties, responded that the plan does comply with the resource protection ordinance, although tree replacement measures are being utilized rather than tree save measures.

Commissioner Bowser asked Planning staff if they actually review old development plans to make sure they are accurate with current ordinances.

Mr. Hails said that is absolutely the case. In most cases, this is done before people submit site plans because most site plans do have some limited changes from the development plan. They are checked to ensure they conform.

Commissioner Bowser urged tree saving due to the air quality problems this community experiences in summer, in part due to loss of vegetation. He also urged a time limit be placed on development plans, requiring Board review if no development is begun within a given time.

Mr. Duke referred to County Attorney Kitchen's suggestion that the Board could initiate a rezoning. The Board could otherwise modify the current ordinance.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Major Site Plan D02-236—Alexander Village at Brier Creek.

The motion carried unanimously.

(Tax Map No. 580-01-007B; recorded in Ordinance Book _____, page _____.)

Request to Execute a Revocable License Agreement with Durham Regional Hospital

The Board is requested to authorize the County Manger to execute a Revocable License Agreement between the County of Durham and Durham Regional Hospital for the purpose of utilizing 47,500 square-feet of parking located on the North Side Stadium Parking Lot for the purpose of providing overflow parking for nursing students and hospital employees.

Initial authorization was given to the Durham County Hospital Corporation for use of this property on November 22, 1989, via a letter written by Mike Turner, Stadium Manager. Since that time, Durham County Hospital Corporation (now Durham Regional Hospital) has installed additional lights, additional gravel, and has continued to maintain the area at no expense to the County. During the past 12 years, there has been no instance where use of this property has conflicted with Stadium operations.

At a regular meeting of the Durham County Stadium Authority on May 30, 2002, the Authority requested that the County Attorney's office clarify that the property in question is a portion of the Durham County Stadium and the property of Durham County. The Authority also requested that a revocable license agreement be prepared for execution by both parties. On August 14, 2002, the Attorney's office presented the draft license agreement, and the Authority recommended the agreement be forwarded to the Board for final authorization.

The terms of this license agreement shall become effective upon final approval and proper execution by both parties and shall continue in full force and effect thereafter until thirty (30) days after written notice from either party to terminate.

Resource Person(s): Michael Turner, Director of General Services

County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of a Revocable License Agreement between the County of Durham and Durham Regional Hospital for the use of 47,500 square feet on the North Side Stadium Parking Lot for the purpose of providing overflow parking for nursing students and hospital employees.

Mr. Michael Turner, Director of General Services, presented the agenda item. He commented on the improvements made by the Hospital Corporation since it began using the property in 1989 and the fact that use has not presented any problem to Stadium operation.

Commissioner Bowser moved, seconded by Commissioner Heron, to excuse Chairman Black from voting on this item due to a conflict of interest.

The motion carried unanimously.

No Commissioner discussion took place.

Commissioner Bowser moved, seconded by Commissioner Cousin, that the Board authorize the County Manager to execute a Revocable License Agreement between the County of Durham and Durham Regional Hospital for the use of 47,500 square feet on the North Side Stadium Parking Lot for the purpose of providing overflow parking for nursing students and hospital employees.

The motion carried unanimously with one abstention.

Concern Regarding Officials Living Outside Durham County

Chairman Black allowed Dr. Allison to make comments.

Dr. Lavonia Allison, DCABP, expressed her concern that several high-ranking officials in County government and Durham Public Schools do not live in Durham County. They therefore do not pay taxes in Durham. She wanted the Board to explore the idea of a residency requirement for persons in high office.

Commissioner Bowser added his consensus to this suggestion.

Agenda Items Added by Commissioner Bowser

ACCESS Van Service

Commissioner Bowser stated he had received complaints regarding ACCESS Van Service. Scheduling problems, unreliability, and rough handling of clients were reported to Commissioner Bowser. He reported he had phoned the scheduling number and could not get an answer. He asked County Manager Mike Ruffin to research those complaints.

County Manager Ruffin advised he would report his findings to the Board.

Durham Regional Hospital Agreement with Duke University Health Systems

Commissioner Bowser voiced his concern over a recent newspaper report concerning diminished services at Durham Regional Hospital. He questioned whether the terms of the agreement with Duke University Health Systems were being met. He remarked that the quality of services would be continually monitored. Durham Regional should be able to adhere to its previous level of excellence before the agreement with Duke.

Chairman Black advised she had been in contact with Mr. Richard J. Liekweg, CEO, Durham Regional Hospital regarding the newspaper article and the corrected plan in place. The State, in a follow-up to its full validation survey, found that Durham Regional

Hospital is in complete compliance, with no contingencies or deficiencies. There is no plan to return for a future review.

Chairman Black offered that Mr. Liekweg was willing to hold a discussion regarding this. This would be placed on the agenda of the meeting with the Hospital Corporation Board of Trustees. Possible meeting dates were discussed.

Rezoning Requests With Development Plans

Commissioner Bowser stated he had spoken with Mr. Frank Duke, Planning Director, and voiced his concern regarding the age of some rezonings with development plans not yet acted upon. He suggested the Board give Mr. Duke guidance for proceeding with this issue. He called it unfair to be tied to a six-year-old plan.

Delinquent Property Taxes

Commissioner Bowser also voiced his concern that some builders from outside have delinquent property taxes. This should be monitored, and the builders should be restricted until the taxes are paid.

The County Attorney advised he would research this.

Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions: Asterisks indicate appointments.

Adult Care Home Community Advisory Committee: Six expired terms.

- * Jacqueline H. Allen—Black, Bowser, Cousin, Heron, and Reckhow
- * Robert Dobbins—Black, Bowser, Cousin, Heron, and Reckhow

Alcoholic Beverage Control Board: One expired term.

- Barbara M. Fish—no votes
- * Lucy V. Zastrow—Bowser, Cousin, Heron, and Reckhow

Bicycle and Pedestrian Advisory Commission: Two expired terms

- * Phillip T. Barron—Black, Bowser, Cousin, Heron, and Reckhow

Community Child Protection Team/Child Fatality Prevention Team: Two expired terms—one at-large and one member that had a child to die before his/her 18th birthday.

- * M. Clare W. Fair (foster child died)—Black, Bowser, Cousin, Heron, and Reckhow
- Shirley Price—no votes

Dr. Angela O. Terry—Reckhow

* Antoinette R. Wilson—Black, Bowser, Cousin, and Heron

Industrial Facilities and Pollution Control Financing Authority: Two expired terms.

* Ronnie H. Wood—Black, Bowser, Cousin, Heron, and Reckhow

Women's Commission: Six vacancies

* Linda P. Foreman—Black, Bowser, Cousin, Heron, and Reckhow

Workforce Development Board: One unexpired term.

* Kenneth Lile—Black, Bowser, Cousin, Heron, and Reckhow

Adjournment

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:SBP