

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

Monday, April 26, 1999

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 and Commissioners William V. Bell, Joe W.
Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Regular Session

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

Agenda Adjustments

Vice-Chairman Reckhow said she had an announcement.

County Manager David F. Thompson said a request from the judicial system needs to be considered concerning the Commissioners' Meeting Room.

Commissioner Heron stated she wished to add House Bill 1277, "Pharmacy Choice/Competition," to the agenda for Board consideration.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the February 8, 1999 Regular Session Minutes and the March 22, 1999 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Proclamation Recognizing “Information and Referral Awareness Week”

A proclamation naming the week of May 9-15 as “Information and Referral Awareness Week” was prepared for the Board’s approval. Ms. Carolyn Robinson, Reference Librarian at the Durham County Library, is a member of the North Carolina Alliance of Information and Referral Services.

Commissioner Bowser read the following proclamation into the record:

PROCLAMATION

WHEREAS, information and referral professionals work with agencies and individuals to efficiently and positively link programs and services with those who need them; and

WHEREAS, information and referral agencies operate as a point of entry, enabling individuals to help themselves and each other, and offering service or access to community services as needed; and

WHEREAS, the mission of the North Carolina Alliance of Information and Referral Services is to promote high standards among professionals engaged in the delivery of information and referral; and

WHEREAS, information and referral agencies in our community are to be commended for the important role they play serving the citizens of Durham County:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim May 9-15 as

“INFORMATION AND REFERRAL AWARENESS WEEK”

and urge the total community to celebrate and honor the work of information and referral professionals in the Durham community.

This the 26th day of April, 1999.

/s/ Five Commissioners
Durham County Commissioners

African-American Dance Ensemble

Chairman Black read the following proclamation into the record:

PROCLAMATION

WHEREAS, the African American Dance Ensemble seeks to preserve and share African and African American dance and music through research, education, and entertainment; and

WHEREAS, the African American Dance Ensemble was founded in 1984 by Chuck Davis, who has continuously served as artistic director and led the group to become one of the truly premier dance companies of any type touring the nation today; and

WHEREAS, the Ensemble is comprised of 17 musicians and dancers, a musical director, and a 12-member working Board of Directors and administrative staff committed to the further development of the Ensemble; and

WHEREAS, Mr. Davis enjoys a reputation as a gifted choreographer and teacher and is highly regarded in this state, nationally, and internationally for his impressive and unique contribution to African American culture; and

WHEREAS, using the motto of “peace, love, and respect for everybody,” the African American Dance Ensemble celebrates traditional African culture and values to encourage interracial cooperation, cross cultural understanding, and societal analysis; and

WHEREAS, the African American Dance Ensemble will present its 15th Anniversary Home Season Weekend which will be filled with health discussions, master classes, and a performance entitled, “Standing on Empowerment...A Tribute to All Women,” on Saturday, May 2nd at Duke University’s Page Auditorium:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim May 1–May 2, 1999 as,

“African American Dance Ensemble Weekend”

in Durham County. We call upon all citizens to celebrate the significant contributions made by the Dance Ensemble to the quality of culture and arts in this community. We further urge all citizens to participate in the unique and creative activities planned in commemoration of the African American Dance Ensemble’s 15th Anniversary.

This the 26th day of April, 1999.

/s/ Five Commissioners
Durham County Commissioners

Resolution for “Communities In Schools of Durham”

A resolution recognizing the work of “Communities In Schools of Durham” was prepared for the Board’s approval.

Oliver Johnson, Executive Director of Durham Communities In Schools, requested approval of the resolution.

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

RESOLUTION

WHEREAS, the Communities In Schools program has significantly reduced school dropout rates in communities in North Carolina and around the United States; and

WHEREAS, it is the goal of Communities In Schools of Durham to improve the quality of life and education experience and achievement of at-risk youth in Durham, North Carolina by identifying and working with at-risk youth to improve school attendance, academic performance, self-esteem, and life skills; and

WHEREAS, Communities In Schools of Durham has brought together leaders of the Durham community including members of its school board, teachers, parents, health and social service agencies, the County Commissioners, the business community, clergy, the judiciary, local universities, and service organizations, to assist the Durham Public Schools in its efforts to support at-risk youth in our community; and

WHEREAS, Communities In Schools of Durham proposes to accomplish its mission of advocacy for at-risk youth in cooperation and consultation with the Durham Public Schools; and

WHEREAS, Communities In Schools of Durham will be an important link between the school system and outside resources required by at-risk students; and

WHEREAS, on February 25, 1999, the Durham Public Schools Board of Education formally endorsed Communities in Schools of Durham:

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

“Communities In Schools of Durham”

and pledge support and cooperation in the implementation of site-based programs that will seek to provide comprehensive support to at-risk youth and their families; and

BE IT FURTHER RESOLVED that the Board ask the County Manager to coordinate activities and relationships between Durham County and Communities In Schools of Durham.

This the 26th day of April, 1999.

/s/ Five Commissioners
Durham County Commissioners

Mr. Johnson accepted the resolution with words of appreciation and gratitude.

Consent Agenda

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

- *(a) Juvenile Crime Prevention Council (appoint Attorney Karen Bethea-Shields to the juvenile attorney position and Nick Then to the Sheriff's position on the Juvenile Crime Prevention Council);
- (b) Work First Plan Update (receive the Work First Action Plan monthly update for July 1998-June 1999);
- (c) Review Ambulance Franchise Renewal/Modification Application (approve the ambulance franchises for the following providers: Bahama, Bethesda, Lebanon, Redwood, and Parkwood Volunteer Fire Departments, Duke Life Flight/Life Care, and Johnston Ambulance Service);
- *(d) FY1998-99 Budget Ordinance Amendment No. 99BCC000050—Public Health (recognize \$500 in grant funds in the School Health budget received from the American Cancer Society);
- *(e) FY1998-99 Budget Ordinance Amendment No. 99BCC000051—Public Health (recognize \$2,811 in grant funds in the Maternal Health budget received from the NC Department of Health and Human Services); and
- (f) Authorize the County Manager to enter into a contract with Advanced Imaging Systems Inc. in an amount not to exceed \$271,787.49 to provide file conversion, and purchase the hardware equipment under the State Convenience contract in an amount not to exceed \$265,711.96.

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 6a). Juvenile Crime Prevention Council (appoint Anita Daniels as the designee for the County Manager and David Anderson as the designee for Parks and Recreation.) These two appointments were added to consent agenda item 6(a).

Consent Agenda 6(d). FY1998-99 Budget Ordinance Amendment No. 99BCC000050—Public Health (recognize \$500 in grant funds in the School Health budget received from the American Cancer Society).

The Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000050

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l Revenue	\$187,430,509	\$500		\$187,431,009
<u>Expenditures</u>				
Human Services	\$213,640,451	\$500		\$213,640,951

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

This the 26th day of April 1999.

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

Consent Agenda 6(e). FY1998-99 Budget Ordinance Amendment No. 99BCC000051—Public Health (recognize \$2,811 in grant funds in the Maternal Health budget received from the NC Department of Health and Human Services).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000051

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	Revised Budget
<u>Revenues</u>				
Ingovt'l Revenue	\$187,431,009	\$2,811		\$187,433,820
<u>Expenditures</u>				
Human Services	\$213,640,951	\$2,811		\$213,643,762

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

This the 26th day of April, 1999.

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

Public Hearing on Proposed Secondary Road Construction Program—Durham County (1999-2000)

Richard W. Hancock, District Engineer, NC Department of Transportation, presented the Secondary Road Construction Program for Durham County (1999-2000). Others present were:

Division Engineer—Jon Nance, P.E.

Division Maintenance Engineer—Ricky E. Green Jr., P.E.

County Maintenance Engineer—Durham County—Aaron S .Horton, P.E.

Assistant District Engineer—Brent Edens

The program follows:

1999-00 PROPOSED SECONDARY ROAD IMPROVEMENT PROGRAM
DURHAM COUNTY
26 April 99

Highway Allocation	\$ 691,000
Trust Allocation	\$ 537,000
Bond Allocation	\$ 637,000
Balance Brought Forward	\$ (252,000)

Total Allocation \$1,613,000

Map No.	Priority	Description	Length	Cost
Rural Road Program				
1	13	SR 1800, Hereford Road From SR 1801 to SR 1637	0.62	\$126,000
2	14	SR 1465, Rougemont Road From SR 1466 to SR 1470	1.33	\$265,000
3	15	SR 1619, Wiley Mangum Road From SR 1615 to SR 1615	1.70	\$315,000
4	16	SR 1475, Preston Andrews Road From SR 1461 to US 501	0.80	\$149,000
Subdivision Road Program				
5	9F	SR 2614, Koback Drive From SR 1631 to SR 1706	0.35	\$ 50,000
6	10F	SR 1818, Burton Road From SR 1670 to SR 1817	0.19	\$ 46,000
	11	SR 2011, Ambassador Drive (Road taken over by City of Durham per Powell Bill Program, 1997)		
7	12	SR 2044F, Rondelay Drive From SR 1905 to SR 2043 (Includes Bookman St., SR 2054F)	0.18	\$ 35,000
8	13	SR 1888, Brightwood Lane From SR 1815 to Dead End	0.66	\$119,000
9	14	SR 1815, Fletchers Chapel Road From SR 1800 to SR 1818	0.10	\$ 24,000
10	15	SR 1887, Glenda Road From SR 1637 to Dead End	0.23	\$ 46,000
11	16	SR 1878, Medallion Drive From SR 1800 to Dead End	0.27	\$ 51,000
	17	SR 2622, Reese Drive (Road taken over by City of Durham per Powell Bill Program, 1997)		
12	18	SR 2037E, Ruritan Drive From SR 1926 to US 70 (Includes ST 2035E, Laurel Drive and SR 2036E, Bungalo Ave.) (Partial Funding)	0.74	\$ 87,000

Maintenance: To be used to supplement the maintenance budget for activities such as shoulder repair, spot stabilization, pipe replacement, safety projects, etc. \$175,000

Reserve for contingencies to be used for right of way, surveys, utility relocations, road additions, school bus drives, rural fire dept. and rescue squads \$125,000
 Overdrafts, property owner participation, and continuation down priority list.

This program is subject to availability of funds, right-of-way, and environmental regulations.

Inability to secure right of way on 99-00 programmed roads or lack of additional funding will result in construction of roads next in line by priority.

<u>Summary of 1999-00 Program</u>	<u>Length (miles)</u>	<u>Cost</u>
Total Rural	4.45	\$ 855,000
Total Subdivision	2.72	\$ 458,000
Maintenance		\$ 175,000
Reserve for Contingencies		\$ 125,000
Grand Total	7.17	\$1,613,000

The Commissioners asked Mr. Hancock several questions to which he responded.

The Department of Transportation will provide the following information to the Commissioners:

1. Provide the Commissioners a copy of the Secondary Road Priority list established in 1997.
2. Jeffries Road: Provide historical information to show if Jeffries Road has been raised or lowered on the priority list during the last few years.
3. Hilden Road: Department of Transportation will provide cost figures to pave the road.
4. Jeffries Road: Please advise where the three or four dead end roads that were paved in the area of Jeffries Road were on the priority list before they were paved.
5. Provide Commissioners information relative to the previous priorities, "frozen roads," and when the "frozen roads" will be paved.

Chairman Black opened the public hearing that was properly advertised.

Calvin Townsend, 3515 Varina Drive, talked about Jeffries Road relative to school bus routes, dust, and dumping trash in the area. He wanted to know when the road would be paved and where it is on the priority list. Mr. Townsend urged highway officials to pave the road.

Bertwood Taylor, 4202 Jeffries Road, spoke on behalf of his family and neighbors. He discussed the dust problem on the road. Mr. Taylor urged highway officials to pave Jeffries Road as soon as possible.

Barbara Orlando, 12725 Hilden Road, Rougemont, NC 27572 spoke in support of the letter written by Jewell Wilson in reference to the Hilden Road paving request.

Jewell C. Wilson, 12732 Hilden Road, Rougemont, spoke in regard to getting the Hilden Road paved to get rid of the dust to help correct health problems.

Bonnie Parish, 12732 Hilden Road, Rougemont, read the letter that Jewell Wilson wrote in regard to getting Hilden Road paved. She urged the Commissioners and state officials to pave Hilden Road.

Chairman Black asked the state highway officials to respond to the points brought out during the public hearing.

Mr. Nance responded to the various remarks and concerns made during the public hearing by the citizens.

The Commissioners asked several questions about Jeffries and Hilden Roads to which Mr. Nance responded.

County Attorney Chuck Kitchen responded to questions about North Carolina General Statutes relative to paving rural roads.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Secondary Road Construction Program (Durham County 1999-2000) as presented.

Commissioner Heron and Vice-Chairman Reckhow requested that the highway officials look at Jeffries and Hilden Roads to see if any maintenance could be done to help improve the situation.

The motion carried unanimously.

The adopted resolution follows:

RESOLUTION
DURHAM COUNTY BOARD OF COMMISSIONERS
DURHAM COUNTY, NORTH CAROLINA

THE 1999-00 SECONDARY ROAD CONSTRUCTION PROGRAM
FOR DURHAM COUNTY

WHEREAS, the North Carolina Department of Transportation has submitted a proposed Secondary Road Construction Program for Durham County for the 1999-00 Fiscal Year; and

WHEREAS, the Durham County Board of Commissioners, in accordance with North Carolina General Statute 136-44.8, held a public hearing during its April 26, 1999 Regular Session to consider public comment about the proposed Secondary Road Construction Program; and

WHEREAS, North Carolina General Statute 136-44.8 provides that the Board of County Commissioners, after the presentation and discussion of the annual Secondary Road Construction Program, may concur with the program as proposed:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that said Board does concur with the 1999-00 Secondary Road Construction Program as presented by the North Carolina Department of Transportation and recommends that the Board of Transportation adopt the proposed program for Durham County.

This the 26th day of April, 1999.

MaryAnn Black, Chairman
Board of County Commissioners

Garry E. Umstead, CMC
Clerk, Board of Commissioners
County of Durham

Public Hearing for the Proposed 1999-2000 HUD Consolidated Action Plan

The City of Durham Department of Housing and Community Development (DHCD) requested that the Board of County Commissioners hold the public hearing to receive citizen comments on the proposed 1999-2000 Consolidated Action Plan on April 26, 1999. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that the two public hearings be held prior to the submission of the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing, which was held on January 25, 1999, was to receive public comments and proposals pertaining to HOME program needs in Durham. DHCD staff simultaneously requested that the City Council hold a public hearing on April 19, 1999 to receive citizen comments on proposed uses of HOME funds in the upcoming program year.

It is anticipated that approximately \$953,000 in federal HOME funds will be received in the upcoming fiscal year. These funds will be used primarily for affordable housing activities in Durham. Funds are allocated by formula to participating jurisdictions, consortiums, and state and local governments to operate affordable housing programs. The major goal of the HOME program is to expand the supply of safe, decent, sanitary, and affordable rental and owner-occupied housing. HOME program activities are included as a part of the Durham Consolidated Plan and submitted annually to HUD for approval.

Kendall Abernathy, DHCD Director, reviewed this request and recommended that the date of the County's 1999-2000 Consolidated Action Plan Public Hearing be held on April 26, 1999. DHCD staff attended the meeting to answer questions.

Ms. Abernathy gave the Commissioners an overview of the 1999-2000 Consolidated Action Plan.

The Commissioners asked several questions about the program to which Ms. Abernathy responded.

Chairman Black opened the public hearing that was properly advertised.

Mr. Jack Steer, 2416 Dawn Trail, representing the Friends of Durham, spoke in support of the funding being used for owner-occupied housing.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the Proposed 1999-2000 HUD Consolidated Action Plan.

The motion carried unanimously.

Regional Transportation Alliance Action Plan

In January of this year, a group of over 35 government and business leaders was assembled to discuss transportation needs of the Triangle region. Over the course of ten weeks, this group reviewed and discussed various transportation improvement strategies, the financial shortfall necessary to implement needed transportation improvements, and a course of action that would help solve some of the problems facing the Triangle region. On March 15, 1999, the Regional Transportation Alliance endorsed an Action Plan to address some of the region's transportation problems.

Mark Ahrendsen, Transportation Manager and staff representative to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, was available to answer questions.

County Manager's Recommendation: To receive a report on the Regional Transportation Alliance Action Plan and to approve a resolution in support of recommendations from the Action Plan.

Mr. Ahrendsen gave the Commissioners a presentation concerning the Action Plan.

The Commissioners asked questions about the Action Plan to which Mr. Ahrendsen responded.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the Regional Transportation Alliance Action Plan resolution with the changes as remunerated by the County Manager.

The motion carried with the following vote:

Ayes: Bell, Black, Heron, and Reckhow
Noes: Bowser

The resolution follows:

A RESOLUTION SUPPORTING PRINCIPLES OF THE
REGIONAL TRANSPORTATION ALLIANCE ACTION PLAN

Whereas, in January 1999, a group of 35 community leaders gathered to begin a process to review methods and policies to address the growing transportation needs of the Research Triangle Region; and

Whereas, the Regional Transportation Alliance began the process by learning of the growing transportation needs of the Region; and

Whereas, the Regional Transportation Alliance immediately recognized that a successful strategy must be advanced on three fronts—roads, transit, and land use; and

Whereas, the Regional Transportation Alliance found that the Region has a shortfall of \$2 billion and that to address such a huge backlog requires both State and local funding sources; and

Whereas, the Regional Transportation Alliance has identified short-term and long-term solutions and adopted an Action Plan on March 15, 1999:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners hereby supports the following principles:

NC Department of Transportation Funding:

1. Modify State Formula to accommodate growth areas (based on population and employment growth);
2. Realignment of DOT Divisions to match regional movement (i.e., the Research Triangle Region);
3. Return all money (from the General Fund) currently taken from the Highway funds;
4. Raise State gas tax to provide more funds for all projects (restore the State gas tax level to a point to where it was in 1989);

Legislative Changes:

5. Repeal HB 1211 which restricts joint funding by cities and NCDOT in TIP projects;
6. Enabling Legislation for local-options sales tax that exempts food and is subject to local referendum;
7. Federal Special Project Grants should not count against the State of North Carolina State Equity Formula;
8. Amend TEA 21 Federal legislation to provide a more equitable allocation of Federal Highway funds to the State of North Carolina;

Transit:

9. Support Phase I funding strategy for TTA;
10. Develop strategy for funding Phase II of TTA Transit Plan;
11. Develop dedicated funding for mass transit;

Engineering/Administrative Changes by DOT

12. Restrict left turns on major corridors;
13. Investigate use of shoulders as through lanes during peak hours on I-40 subject to a safety study;

Tolls/Special Lanes:

14. Seek legislation that would allow tolls as part of the solution on high volume highways nominated by an MPO based on financial capabilities;
15. Support DCHC/CAMPO/NCDOT feasibility study for HOV/HOT lanes on Triangle Freeway System;
16. Legislation authorizing private road corporations on State highway system;

Land Use:

17. Support the Triangle Regional Council initiative to establish a regional land-use strategy;

Local Gas Option Tax

18. Enabling legislation for local gas tax to be allocated locally by the body authorizing the tax of up to 5 cents subject to a local referendum;

Other:

19. Create regional push for vanpooling, telecommuting, transit use, and other congestion reducing strategies; and

20. Speak to the State Blue Ribbon Commission on Transportation; and

BE IT FURTHER RESOLVED that the Durham County Board of Commissioners strongly feels that continued efforts should be made to coordinate transportation funding and allocations jointly with municipalities which in our case is the City of Durham.

MaryAnn E. Black, Chairman
Durham County Board of Commissioners

Public Hearing—Healthy Start Education Inc. (Rezoning Case P99-3)

Healthy Start Education presented to the Board of County Commissioners a request to rezone 9.6 acres on the east side of Junction Road, north of Dodson Street (TM 630-1-1, partial). Request: I-2 (Light Industrial District) to R-8 (Residential 8 District). The 2020 Plan supports Suburban Neighborhood uses. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on March 9, 1999, and voted 7-0 to recommend approval.

Ms Sheila Stains-Ramp presented Rezoning Case P99-3 to the Commissioners for their consideration.

The Commissioners asked Ms. Stains-Ramp questions about the rezoning request to which she responded.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve Healthy Start Education Inc. Rezoning Case P99-3.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Public Hearing—Borden Bocook Commercial Real Estate
(Rezoning Case P98-33)

Borden Bocook Commercial Real Estate presented to the Board of County Commissioners a request to rezone 42.146 acres at Leigh Farm Road, northeast corner of NC Hwy. 54 and I-40. (TM 485-1-10, 10A, 11, 12, 13, 23, 23A; 487-1-1, 2, 3, 4A; 488-1-7) Request: R-20 (Residential 20) to OI-1(D) (Transitional Office and Institutional District and OI-2(D) (General Office and Institutional District); F/J-B and MTC. The 2020 Plan supports Suburban Neighborhood uses. The Southwest Durham Plan Future Land Use Map shows office use for the southern two-thirds of this site and low density residential for the remaining northern third of this site. Due primarily to traffic concerns, staff recommended denial. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 9, 1999, and voted 6-1 to recommend approval.

Sheila Stains-Ramp, Senior Planner, Durham City-County Planning Department, presented the staff report to the Commissioners for their consideration.

Ms. Gail Shearon narrated the video portion of the staff presentation.

Earl Lewellyn, City Transportation Engineer, presented the traffic impact analysis of the proposed project to the Commissioners. He suggested that the recommended roadway improvement in the traffic impact analysis and in the staff report be noted on the development plan.

The Commissioners asked questions and made comments about the proposal to which Ms. Stains-Ramp and Mr. Lewellyn responded.

Chairman Black opened the public hearing that was properly advertised.

Larry Holt, 5121 Old Well Street, said his concern about this proposal is the size of this project and the traffic that could be generated. Additional time (30 to 60 days) is needed to refine this traffic problem. I think we should look at a deferral at this time.

Mike Shiflett, 111 Oakland Avenue, President of the Interneighborhood Council of Durham, urged the Commissioners to address the traffic concerns the City Transportation Department has about this proposal before going through with the project.

Tom Mappes, 4815 Poterridge Drive, representing Triangle Rails-Trails Conservancy, commented his organization does not support this project at this time. The Triangle Rail-Trails Conservancy has concerns about this project that need to be addressed before we would consider supporting this project.

Steve Bocckino, 7340 Abron Drive, representing Citizens Against Urban Sprawl Everywhere, spoke against the proposed rezoning request due to traffic problems. The Commissioners should support the Transportation and Planning Departments' decisions. He urged the Commissioners not to approve this rezoning request.

Edward Harrison, 58 Newton Drive, Durham, representing Cross-County Communities Association, spoke in opposition to the rezoning request. The Department of the Army is requesting the Commissioners delay this requested approval. This proposal is urban sprawl and a deferral is needed to study the proposal further.

"Drew" Marsh, 616 Nantahale Drive, representing the Davis family heirs who own the track of land being discussed, determined that the proposed development is the best use of their property from their prospective. He urged the Commissioners to approve the request to rezone the property for the developers.

Jo Anne Daniels, 125 Masondale Avenue, representing the Alston/Davis family, stated several reasons the family supports this project. The family does not want to extend this project any longer.

Reverend Richard McMillan, 5900 Fortunes Ridge Road, stated he supports the rezoning request along with approximately 1,000 members and supporters of Marcus Baptist Church.

Dan Jewell, 111 W. Main Street, applicant, yielded to Mr. Jack Markham Jr., attorney for Borden Bocook.

Jack Markham Jr., Suite 1200 University Tower, representing Borden and Bocook, talked about the master plan. He gave the Commissioners an overview of the rezoning request. He respectfully requested that the Commissioners approve the rezoning request.

Dan Jewell, Coulter Hart Jewels Thames, PA, landscape architects, 111 W. Main Street, talked about the project as it relates to good planning opportunities that exist with the project. His remarks dealt basically with the landscaping aspect of the project.

Al L. Williford, Kimberly Horn and Associates, traffic engineers, discussed the traffic situation associated with the proposed project. He addressed traffic concerns as well as possible traffic improvements.

Tom Miller, 1110 Virginia Avenue, Historic Preservation Society of Durham, representative to the Leigh Farm Advisory Committee, talked about the layout of the various pieces of property in the area and how the area is being developed. He stated that the Leigh Farm Advisory Committee was excited about the project. He urged the Commissioners to give it their favorable action tonight.

The Commissioners asked several questions about the proposed rezoning request to which Mr. Markham, Ms. Stains-Ramp, Mr. Williford, and Mr. Harrison responded.

Chairman Black requested a motion to extend the meeting beyond 11:00 p.m.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to extend the meeting to 11:30 p.m.

The motion carried unanimously.

Dorothy Borden, 4024 Kerley Road, 27705, talked about the relationship that the Sister Cities program had with the developer relative to communication capabilities.

George M. Smart, AIA, 2439 West Lake Drive, Raleigh, said his family is an adjacent landowner across I-40 from this location. He urged the Commissioners to approve the rezoning request.

Alec Fernandez, 4508 Chicopee Trail, urged the Commissioners to listen to the Planning staff and weigh the needs of the citizens against the needs of the Davis family.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

The Commissioners continued to ask questions about the proposed rezoning request to which staff responded.

Vice-Chairman Reckhow asked the developer to look at the intensity of the project, if another egress is possible, if the trail spur can be worked out, and to work out some of the transportation improvements.

Vice-Chairman Reckhow moved that action be deferred until the next meeting and ask the developer to work on these issues and come back to the Board with some answers in two weeks (May 10, 1999).

The motion was seconded by Commissioner Heron.

After considerable discussion, the vote was called for.

The motion carried with the following vote:

Ayes: Bell, Black, Bowser, and Heron
Noes: Bowser
Absent: None

Extension of Meeting

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to extend the meeting for 10 minutes (11:40 p.m.).

The motion carried unanimously.

Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions (asterisks indicate appointees):

Animal Control Advisory Committee: One unexpired at-large position (term expires January 2000).

*Vickie West-Terrell—Bell, Black, Bowser, Heron, and Reckhow

Civic Center Authority: One unexpired term (expires July 31, 2000).

*Kimberly D. Shaw—Bell, Black, Bowser, Heron, and Reckhow

Community Child Protection Team/Child Fatality Prevention Team: One emergency medical services position on the Child Fatality Task Force (term expires September 30, 2000).

*Susan Hohenhaus—Bell, Black, Bowser, Heron, and Reckhow

Volunteer Farmland Protection Board: One unexpired term for a representative of Triangle Township (must live in township).

*Nancy L. Herndon—Bell, Black, Bowser, Heron, and Reckhow

Women's Commission: Four expired terms (expire June 2001).

*Lyndee Champion O'Neal—Bell, Black, Bowser, Heron, and Reckhow

Use of Commission Chambers for Court Room

David Powell, Economic Development Director/Property Manager, said a letter had been received from Kathy Shuart, Court Administrator, asking to use the Commissioners' Meeting Room on Tuesdays, Wednesdays, and Thursdays from 9:00 a.m. until 1:00 p.m. for court trials.

After considerable discussion, the Commissioners concurred to refuse the request.

County Manager David F. Thompson said he will request that the judicial system hold night court. The County will have to find space for the judicial system to hold court.

House Bill 1277—Pharmacy Choice/Competition

Commissioner Heron brought the bill to the attention of the Commissioners. Ms. Deborah Craig-Ray will research the bill.

The Commissioners concurred to oppose the bill since it would allow pharmacies to charge a surcharge to their customers to fill a prescription.

Adjournment

Chairman Black adjourned the meeting at 11:40 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board