

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

Monday, July 28, 2003

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow called the July 28, 2003 Regular Session to order. She asked that all persons in attendance rise for the recitation of the Pledge of Allegiance.

Following the Pledge of Allegiance, Chairman Reckhow moved the following item from the consent agenda:

Consent Agenda Item No. i. Excuse Vice-Chairman Joe W. Bowser from Meeting (excuse Vice-Chairman Bowser from the July 28, 2003 Regular Session due to his attendance at the installation banquet for Sheriff Hill, who will be installed as President of the NC Sheriff's Association in Wrightsville Beach, NC).

Chairman Reckhow called for a motion on the item.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to excuse Vice-Chairman Bowser from the meeting.

The motion carried unanimously.

Commissioner Heron, liaison to the Sheriff's Department, informed the Board that she would also attend the installation banquet for Sheriff Hill. She would not leave town until tomorrow, as she wanted to attend the Board meeting.

Chairman Reckhow asked Commissioner Heron to commend Sheriff Hill on behalf of the entire Board. Also, she asked County Manager Mike Ruffin to place an item on the August 11, 2003 Regular Session agenda to recognize the Sheriff accordingly.

Agenda Adjustments

County Manager Mike Ruffin pulled the following item from the agenda—“Authorize County Manager to Execute Purchase Contract for the YMCA”. Staff was awaiting the receipt of an architectural evaluation. Those findings would be reviewed prior to finalization of the contract. The item would be placed on a subsequent agenda in August.

Commissioner Heron asked whether any environmental reviews were being performed in connection with the purchase of the property.

County Engineer Glen Whisler responded that a phase one environmental site assessment was being done as a part of the purchase process. The assessment involves collecting all available data relating to environmental issues including underground storage tanks, releases from underground tanks in the vicinity, and historical data of previous developments on the site that could have an environmental impact on the property.

Commissioner Heron asked if any stormwater problems exist.

Mr. Whisler stated that as a part of the building evaluation, drainage issues are being examined on the south side of the building. From an architectural perspective, the general condition of the building is considered—not only building code issues, but also specific requirements for daycare uses. The general site and the major systems of the building (plumbing, electrical, and mechanical) are being looked at carefully.

Commissioner Heron stressed that a thorough analysis of the building is expected.

Chairman Reckhow added an announcement regarding the Durham City-County Neighborhood College—a new community service program offered by Durham City and County governments. The ten-week series of classes would provide information on key City and County services. Classes would be held on Thursday nights (6:30–9:00 p.m.) and one Saturday morning. Two sessions would be offered: Fall (September–November) and Spring (March–May). A graduation ceremony would follow each ten-week session. The last day to apply for the Fall Session is August 8. Applications can be downloaded on the County’s website and also are available at the Durham County Clerk to the Board of Commissioners’ office. Both City and County applicants must submit completed applications to the Clerk to the Board’s office. All applicants must be current in their payment of vehicle and property taxes at the time of application. Chairman Reckhow encouraged youth over the age of 15 to apply and encouraged citizens in Durham County and City to take advantage of this opportunity.

Minutes

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the following meeting minutes of the Board of County Commissioners as submitted:

March 25, 2003 CIP Worksession Minutes
March 26, 2003 CIP Worksession Minutes
April 7, 2003 Worksession Minutes
May 5, 2003 Worksession Minutes
May 19, 2003 BOCC/DPS/Durham Delegation Minutes
May 20, 2003 Budget Worksession Minutes
June 9, 2003 Regular Session Minutes
June 23, 2003 Closed Session Minutes
June 23, 2003 Regular Session Minutes

Approve the June 9, 2003 Regular Session Minutes as corrected.

The motion carried unanimously.

Chairman Reckhow referred to the directive given to the County Manager at the May 20 Budget Worksession regarding the fund balance policy.

County Manager Ruffin reported that the policy would be brought to the Commissioners for their review and consideration before the end of the calendar year. Finance Director George Quick has generated a second draft of a financial policy for staff to review within the next few weeks.

Consent Agenda

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

- *(a) Property Tax Releases and Refunds for FY 02-03 (June 2003) (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *(b) Budget Ordinance Amendment No. 04BCC000001— Sheriff's Office (approve the budget ordinance amendment to recognize Local Law Enforcement Block Grant funds of \$75,731 in deferred revenue for upgrades to the firing range, and Investigations Division equipment needs);

- (c) Association for the Preservation of the Eno River Valley Inc.—Nonwarranty Deed Related to Matching Grant of \$51,152 to assist with purchase of real property on Stanley Road along the Eno River (approve the transfer of the property by Nonwarranty Deed);
- (d) Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System to Featherstone Village Apartments and Pagehurst Phase 4B (authorize the County Manager to execute the utility contracts for these additions to the County sanitary sewer system);
- (e) Lease Agreement with Bahama Volunteer Fire Company Inc. to lease a portion of the property to the Sheriff's Department for use as the North Satellite Station and training center (approve the Lease Agreement and authorize the County Manager to execute the Lease Agreement);
- (f) Appointment—NCACC Annual Conference Voting Delegate (appoint Chairman Reckhow as the voting delegate to the annual conference);
- * (g) Amendment to Adopted Fiscal Years 2004-2013 Capital Improvement Plan (approve the amendment to the previously adopted FY 2004-2013 Capital Improvement Plan, for two Durham Technical Community College capital projects); and
- (h) Information Technology—Financing to Purchase Replacement Computers (accept the recommended bid by Wachovia Bank, NA [2.20% for \$3,100,000 for 36 months] and authorize the Manager to execute the necessary documents to complete the transaction).

The motion carried unanimously.

Commissioner Heron asked about the impact of the property tax releases and refunds on the overall tax base and budget.

County Manager Ruffin responded that the June releases and refunds noted above would be posted to last year's revenue budget. Any releases would lower the value base and any refunds would come out of the collection amount, which would lower the amount collected.

Commissioner Heron expressed concern about the high number of releases and refunds each month. She wished to know the impact of the releases and refunds on the total amount of revenue needed to meet budget obligations.

County Manager Ruffin stated that an annual report would be provided to the Commissioners.

Commissioner Heron remarked that a reason for the high number of releases and refunds in the past year is that Tax Administrator Kenneth Joyner has been doing an excellent job “cleaning up” the Tax office. She hopes to see fewer releases and refunds in future reports.

Commissioner Heron referenced consent agenda item no. d regarding contracts to extend the sanitary sewer system. She asked if the sewer system for Featherstone Village Apartments and Pagehurst Phase 4B would flow into our system.

Mr. Whisler responded that both projects contribute to the Triangle Plant.

*Documents related to the consent agenda items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for FY 02-03 (June 2003) (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of June 2003.

Releases & Refunds for 2002 Taxes:

Personal	\$	4,394.60
Registered Vehicles	\$	16,286.90
Vehicle Fees	\$	175.00
Solid Waste	\$	<u>130.00</u>
Total for 2002 Taxes and Fees	\$	20,986.50

Prior Years (1998-2001) releases and refunds for June 2003 are in the amount of \$2,575.85.

Total Current Year and Prior Year Releases and Refunds \$23,562.35.

(Recorded in Appendix A in the Permanent Supplement of the July 28, 2003 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000001— Sheriff’s Office (approve the budget ordinance amendment to recognize Local Law

Enforcement Block Grant funds of \$75,731 in deferred revenue for upgrades to the firing range, and Investigations Division equipment needs).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$294,435,349	\$75,731	\$294,511,080

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 35,224,651	\$75,731	\$ 35,300,382

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

This the 28th day of July, 2003.

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

Consent Agenda Item No. g. Amendment to Adopted Fiscal Years 2004-2013 Capital Improvement Plan (approve the amendment to the previously adopted FY 2004-2013 Capital Improvement Plan, for two Durham Technical Community College capital projects).

The 2004-2013 CIP summary follows:

DURHAM COUNTY TEN-YEAR CAPITAL IMPROVEMENT PLAN

Sum of Value Project	Year										Grand Total
	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	
New Justice Center	\$6,533,025	\$2,063,818	\$12,801,827	\$12,801,827	\$12,801,827	\$16,400,621	\$0	\$0	\$0	\$0	\$63,402,946
New Justice Center Parking	\$1,094,612	\$0	\$0	\$0	\$7,271,351	\$7,271,351	\$0	\$0	\$0	\$0	\$15,637,314
American Tobacco	\$14,197,540	\$2,861,230	\$2,441,230	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$19,500,000
Judicial Building Renovation	\$0	\$0	\$0	\$0	\$1,046,220	\$3,125,940	\$5,607,400	\$0	\$0	\$0	\$9,779,560
IT-Finance System	\$2,370,000	\$35,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,405,000
IT Replacement Sched.	\$2,966,000	\$651,000	\$613,000	\$1,655,000	\$2,156,000	\$1,091,000	\$1,693,000	\$1,091,000	\$2,156,000	\$1,700,000	\$15,772,000
Whitted School/Head Start Relocation	\$750,000	\$0	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,750,000
Animal Control Facility	\$0	\$278,100	\$311,318	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$589,418
EMS-South Station-District 5	\$0	\$327,540	\$494,400	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$821,940
Sheriff-Training Center & Driving Range	\$0	\$0	\$0	\$0	\$0	\$1,500,000	\$1,300,000	\$1,800,000	\$0	\$0	\$4,600,000
Detention Center Improvements	\$0	\$0	\$1,230,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,230,000
New Youth Home	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Open Space Land Acquisition	\$300,000	\$400,000	\$2,000,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$4,800,000
Water Extensions	\$0	\$728,096	\$0	\$0	\$1,288,968	\$1,843,242	\$0	\$0	\$0	\$0	\$3,860,305
Sewer Extensions	\$0	\$0	\$0	\$0	\$8,338,454	\$2,953,803	\$5,703,561	\$3,346,813	\$0	\$0	\$20,342,631
Agriculture Bldg. Renovations	\$325,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$325,000
Human Services Complex	\$2,326,489	\$1,485,758	\$14,263,474	\$17,240,298	\$12,199,355	\$14,128,485	\$382,400	\$0	\$0	\$0	\$62,026,259
HS Parking Deck	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DTCC-Newton Bldg Expansion	\$0	\$0	\$0	\$320,000	\$1,360,000	\$2,320,000	\$0	\$0	\$0	\$0	\$4,000,000
DTCC-Campus Improvements	\$780,000	\$420,000	\$1,680,000	\$2,320,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,200,000
DTCC-Northern Durham Center Expansion	\$0	\$0	\$0	\$420,000	\$580,000	\$0	\$0	\$0	\$0	\$0	\$1,000,000
DTCC-Student Services Bldg	\$784,654	\$8,388,488	\$10,122	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$9,183,264
Durham Public Schools	\$26,038,036	\$0	\$44,276,964	\$0	\$35,000,000	\$0	\$40,000,000	\$0	\$26,062,874	\$0	\$171,377,874
Main Library Renovations	\$0	\$0	\$0	\$0	\$844,132	\$2,604,774	\$5,088,143	\$0	\$0	\$0	\$8,537,048
South Regional Branch	\$376,401	\$2,558,505	\$1,702,356	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,637,262
Southwest Branch	\$0	\$0	\$224,424	\$1,466,151	\$1,073,929	\$0	\$0	\$0	\$0	\$0	\$2,764,504
Bragtown Branch	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
NC Museum of Life & Science BioQuest	\$3,385,207	\$1,799,306	\$0	\$0	\$0	\$179,819	\$4,435,742	\$107,934	\$2,804,188	\$0	\$12,712,196
Waste Water Treatment Plant Improvements	\$0	\$8,110,400	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$8,110,400
Collection System Rehabilitation	\$515,000	\$530,000	\$545,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,590,000
Reused Waste Water Facilities	\$100,000	\$100,000	\$150,000	\$400,000	\$500,000	\$500,000	\$500,000	\$500,000	\$0	\$0	\$2,750,000
Grand Total	\$62,841,964	\$30,737,241	\$83,744,115	\$36,923,276	\$84,760,236	\$54,219,035	\$65,010,246	\$7,145,747	\$31,323,062	\$2,000,000	\$458,704,921

Public Hearing on Bond Orders

The Board of Commissioners was requested to hold a public hearing on the Orders authorizing school bonds, community college bonds, museum bonds, and library facilities bonds. The Board adopted the initial orders at its June 23, 2003 meeting. The bond orders, along with the notice of the public hearing, were duly advertised in accordance with law.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Following the public hearing, if appropriate, approve each of the bond orders separately, and then approve the Resolution Calling a Special Bond Referendum.

Chairman Reckhow stated that the Board of County Commissioners updated the Capital Improvement Plan and adopted the update in June. The bond orders are one segment of the much larger CIP, which is proposed for financing with General Obligation Bonds this fall. She asked the County Manager to review the four bond proposals and the financing plan.

County Manager Ruffin thanked the Herald-Sun and News & Observer reporters for the articles that accurately described the four ballot questions. He stated that \$123,665,000 is distributed among four ballot questions—school bonds (\$105,315,000), community college bonds (\$8,345,000), museum bonds (\$5,280,000) and library facilities bonds (\$4,725,000). The total bond order amount is not equal to the amount in the CIP, because the issuance cost is added in the bond order.

Mr. Ruffin said that one clarification was made in the bond order—CIS Academy in the amount of \$1,080,000 (a portion of the school bond) is a misnomer, as CIS is the function on the Holten Middle School property. The name has been changed; the amount and the location have not changed.

County Manager Ruffin continued by explaining that in May, the Board adopted a preliminary resolution stating that “the increase in taxes necessary to service the Bonds will not be excessive because it is expected that any increase in taxes will not exceed four and thirty hundredths cents (4.30) per one hundred dollars (\$100) of the appraised value....” Under North Carolina law, the assumption must be made that if the voters approve all four bonds and the Board sells the face amounts of those bonds in one issuance, the increase in the property tax rate to pay for the bonded indebtedness must be determined. Clearly, this will not happen, but unfortunately the law takes the at-worse view and requires that the amount be placed in the preliminary and final bond orders. Three issuances will occur at approximately \$40 million each. Increases in the tax rate required for bonded indebtedness for one of the three issuances would be much less than 4.3 cents. Through year 2028 and based on the issuances as planned, the increase would

not exceed 3.06 cents in any year. The tax rate increase that could be required is as low as 19/100ths of a cent and in most cases between one and two cents. However, the increase does not mean that taxes will be increased by that amount. It means that a portion of the tax rate adopted by the Board for that year would be required to pay the bonded indebtedness for the bonds that were sold. County Manager Ruffin's opinion was that the increase would not be as much as two cents in any one year to pay for bonded indebtedness. The declining economy is beginning to rebound mildly, but hopefully it will continue in major revenue sources such as sales taxes and property tax income. Values are increasing and the tax base is rebounding and slowly growing.

Chairman Reckhow opened the public hearing that was properly advertised.

The following persons appeared before the Durham County Board of Commissioners and spoke in favor of the bond referendum:

Ms. Lou McCutcheon, 2014 Wilshire Drive, Durham, NC 27707, representing Durham Public Library

Dr. Ann Denlinger, Durham Public Schools Superintendent, PO Box 30002, Cleveland Street, Durham, NC 27702, representing Durham Public Schools

Ms. Queen Bass-Scarborough, 5301 Lacy Road, Durham, NC 27713, representing Durham Public Schools

Mr. Chuck Watts, 1707 Haddington Drive, Durham, NC 27712, representing the NC Museum of Life and Science

Mr. Kevin Lloyd, 5215 Old Well Street, Durham, NC 27704, representing the NC Museum of Life and Science

Ms. Anne M. Peele, PO Box 3829, Durham, NC 27702, representing the Greater Durham Chamber of Commerce

Mr. Steve Toler, 8709 Mill House Lane, Bahama, NC 27503

Dr. Tom Krakauer, 128 White Horse Run, Bahama, NC 27503, representing the NC Museum of Life and Science

Dr. Phail Wynn, President, Durham Technical Community College, read a statement prepared by Mr. Jesse B. Anglin, 823 Delray Avenue, Durham, NC 27713. Mr. Anglin was unable to remain at the meeting.

Mr. Richard Furr, 3013 Tavistock Drive, Durham, NC 27712

Mr. Michael D. Page, 2 Walkenwood Court, Durham, NC 27713, representing Durham Public Schools Board of Education

The following citizens appeared before the Commissioners and spoke in opposition to the bond referendum:

Dr. Robert Zucker, 129 Pinecrest Road, Durham, NC 27705

Ms. Denise Hester, 3526 Abercromby Drive, Durham, NC 27713

Mr. Larry Hester, 3526 Abercromby Drive, Durham, NC 27713

Dr. E. Lavonia Allison, PO Box 428, Durham, NC 27702

Chairman Reckhow closed the public hearing. She asked that the substantive questions/issues raised by the citizens during the public hearing be addressed. Dr. Zucker had raised environmental issues regarding the Lakewood School site plan. Chairman Reckhow stated that the Board of County Commissioners and Durham Public Schools Board of Education adopted a planning protocol for all new capital improvements with much more rigorous requirements relating to site assessment and planning. The Board of County Commissioners is committed to being environmentally responsible and wishes to learn from any mistakes.

Frank M. Duke, Planning Director, stated that the site plan for the school that Dr. Zucker referenced met all Durham ordinance requirements, which contain a number of resource protection features. Wetland protection is specifically deferred by the ordinance to the US Army Corps of Engineers or the North Carolina DENR, Water Quality Division. He could not answer whether state and/or federal violations occurred; however, no Durham requirements were violated. Given the high volume of zoning-related applications, Planning has insufficient staff to walk each site; it must rely on secondary sources of information for indications of resource issues. As this case relates to wetlands, the ordinance directs that Planning staff use the USGS soil maps. More current maps are available; however, the ordinance does not permit Planning staff to use those at this time. Hopefully, through the UDO process, a change will be made to allow Planning staff to acquire electronic versions of maps that give better indicators of wetlands.

Chairman Reckhow asked if Planning staff could walk sites with larger acreage.

Mr. Duke replied that this would significantly slow down the process. Staff does perform site visits but cannot walk sites in a systematic fashion. Planning staff must rely on USGS topographic soil maps or USDA soil surveys and apply whichever is the most stringent.

Commissioner Heron asked Mr. Duke questions about required permits and how the state is informed of improvements being made. She was concerned about the amount of money involved in preparing the site for construction and asked about the role of the County's Sedimentation and Erosion Control Department in this project. The school administration should look very carefully at the landscaping to make sure that no significant loss of topsoil and runoff on the school sites takes place.

Mr. Duke responded that the applicant has an obligation to notify federal and state agencies if there is indication of wetlands or other protected resources on the site. The US Army Corps of Engineers and the NC DENR, Water Quality Division, make the determination for specific state and federal permits.

Assistant Superintendent Hugh Osteen, Durham Public Schools, assured the Commissioners that the designers and land planners performed a complete and professional site survey and identified no wet features in the areas of concern. Durham Public Schools has publicly stated that in the future an environmental consultant will be

hired on all projects that include significant site changes. Mr. Osteen could not address the issue of permits except that all necessary permits were acquired. When an area greater than an acre is cleared, the NC DENR is the authoritative agency under which it must be permitted. No wetlands were identified on this site, and a review by the NC Water Quality Division was not required. However, Durham Public Schools is working with the Division for a voluntary review.

Chairman Reckhow read a statement prepared by Dr. Zucker stating that the NC DENR Wetlands Division found that Durham Public Schools violated Clean Water Act 401 and 404.

Mr. Osteen responded that the contractor made two errors—the sediment basin and a written log of the rainfall was not maintained. These were the only concerns, and the contractor has corrected the two errors. No permits have been missed.

Chairman Reckhow wished to view this issue as a learning opportunity. The Board of County Commissioners and Durham Public Schools have set a protocol in motion to assure that proper due diligence takes place and that the environment is protected. If Planning staff does not have the time to walk an entire site, the school administration and contractors can walk the site. Chairman Reckhow stated that she does not wish to hear a similar complaint in the future. This should not have happened.

Chairman Reckhow referenced Ms. Denise Hester's comment about the need for bond status reports on bonds previously issued. She directed the County Manager to create a report on previous bond issues and the current debt service on those bonds, and place the item on a future meeting agenda. The entire Board should be conversant on the status of previous bonds as future bonds are being discussed.

Commissioner Cousin strongly agreed that bond status reports on previously issued bonds are needed.

Chairman Reckhow asked about the student transfer policy.

School Board member Michael Page and Superintendent Ann Denlinger responded that parents are provided a choice as to school location and curriculum to provide the best education for each child.

Commissioner Cousin referred to a meeting involving several school administrators and members of the Durham Committee on the Affairs of Black People. The needs of the inner-city schools were discussed, particularly the possibility of expanding the Fayetteville Street School site by the acquisition of additional properties.

Chairman Reckhow stated that a written report was generated from that meeting, specifically on the deficiencies and improvements needed at Fayetteville Street and CC Spaulding Elementary Schools. She asked that the school board discuss the

following topics at its next meeting and provide a written report to the Commissioners: elaboration on the Fayetteville School expansion, WG Pearson and its reuse (possibly for a vocational/technical school), and the insufficient size of the Hillside High School band room.

Dr. Denlinger gave a preliminary report regarding these issues. The written report would be provided following the next school board meeting.

Commissioner Heron stressed the need for an extensive vocational education program.

Commissioner Jacobs asked whether future public hearings would be held on the bond issue.

County Attorney Chuck Kitchen explained that a vote by the Board to approve the bond orders would represent approval for the particular projects at certain amounts. The bond amount cannot be increased, but it can be decreased. However, if the project(s) is no longer needed due to a change in circumstances, the Board can reallocate those funds for a similar purpose. The school board must come back before the Board of Commissioners for approval of the particular projects. No further public hearings are required.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the order entitled, "ORDER AUTHORIZING \$105,315,000 SCHOOL BONDS".

The motion carried unanimously.

Chairman Reckhow announced that the order authorizing \$105,315,000 school bonds has been adopted.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the order entitled, "ORDER AUTHORIZING \$8,345,000 COMMUNITY COLLEGE BONDS".

The motion carried unanimously.

Chairman Reckhow announced that the order authorizing \$8,345,000 community college bonds has been adopted.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the order entitled, "ORDER AUTHORIZING \$5,280,000 MUSEUM BONDS."

The motion carried unanimously.

Chairman Reckhow announced that the order authorizing \$5,280,000 museum bonds has been adopted.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the order entitled, "ORDER AUTHORIZING \$4,725,000 LIBRARY FACILITIES BONDS".

The motion carried unanimously.

Chairman Reckhow announced that the order authorizing \$4,725,000 library facilities bonds has been adopted.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the RESOLUTION CALLING A SPECIAL BOND REFERENDUM to be held Tuesday, November 4, 2003. (Polls will be open 6:30 a.m. to 7:30 p.m.)

The motion carried unanimously.

Chairman Reckhow mentioned that citizens must be registered to vote by October 10, 2003.

Chairman Reckhow announced that the bond referendum requires much grassroots work in the community. The County can educate, but it can't promote. Mr. Steve Toler and Ms. MaryAnn Black have volunteered to co-chair a bond steering committee comprised of private citizens. She thanked all the volunteers for their service and invited the committee to give an update to the Board in four to six weeks. The County will be working with Public Information/Governmental Affairs Director Deborah Craig-Ray to circulate basic, factual information.

RESOLUTION CALLING A SPECIAL BOND REFERENDUM

BE IT RESOLVED by the Board of Commissioners for the County of Durham:

Section 1. A special bond referendum is hereby called to be held between 6:30 A.M. and 7:30 P.M., on Tuesday, November 4, 2003, at which there shall be

submitted to the qualified voters of the County of Durham the questions stated in the notice of special bond referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Durham County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the chief judges, judges and other officers of election appointed by the Durham County Board of Elections for the precincts and voting places in said County shall be the election officers for such precincts and voting places and (iii) the precincts and voting places for said referendum shall be those fixed by the Durham County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The Durham County Board of Elections is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The Clerk to the Board of Commissioners shall cause a notice to be published in The Herald Sun once at least fourteen days before October 10, 2003 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in Section 3 of this resolution) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM

IN THE COUNTY OF DURHAM, NORTH CAROLINA

A special bond referendum will be held throughout the County of Durham, North Carolina, between 6:30 A.M. and 7:30 P.M., on Tuesday, November 4, 2003 at which there will be submitted to the qualified voters of said County the following questions:

SCHOOL BONDS

Shall the order adopted on July 28, 2003, authorizing not exceeding \$105,315,000 School Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, in order to provide additional school facilities in said County to maintain the school term as required by Section 2 of Article IX of the Constitution, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

COMMUNITY COLLEGE BONDS

Shall the order adopted on July 28, 2003, authorizing not exceeding \$8,345,000 Community College Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for expanding and improving the facilities for Durham Technical Community College at its main campus in the City of Durham, including the construction of an additional building and additional parking facilities and sidewalks, the expansion and improvement of an existing building, the improvement of other facilities and the acquisition of necessary furnishings and equipment therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

MUSEUM BONDS

Shall the order adopted on July 28, 2003, authorizing not exceeding \$5,280,000 Museum Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging and improving exhibits, parking facilities, visitor facilities, offices and maintenance facilities at the North Carolina Museum of Life and Science and acquiring any necessary furnishings and equipment therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

LIBRARY FACILITIES BONDS

Shall the order adopted on July 28, 2003, authorizing not exceeding \$4,725,000 Library Facilities Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for providing additional library facilities of said County, including the construction of a branch library in the southern area of said County and the acquisition of necessary furnishings and equipment therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

The questions hereinabove set forth contains a statement of the purposes for which the bonds are authorized by the orders referred to in such questions.

If said bonds are issued, taxes in an amount sufficient to pay the principal thereof and interest thereon will be levied upon all taxable property in the County of Durham.

For said referendum the regular registration books for elections in the County of Durham will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons from 8:30 A.M. until 5:00 P.M. on Monday to Friday, inclusive, of each week at the office of the Durham County Board of Elections located at 706 West Corporation Street, in Durham, North Carolina.

For said referendum registration applications will be accepted and qualified persons may register also at any Drivers License Examining Station located in the State of North Carolina (the "State") during normal business hours when applying for, renewing or correcting driver licenses.

Moreover, registration applications will be accepted and qualified persons may register at every office in the State which accepts claims for benefits under the Employment Security Law or applications for a program of public assistance under Article 2 of Chapter 108A or Article 13 of Chapter 130A of the General Statutes of North

Carolina and at every office in the State designated by the State Board of Elections which accepts applications for State-funded State or local government programs primarily engaged in providing services to persons with disabilities. Such programs include Medicaid, Aid to Families with Dependent Children, Food Stamps, Women, Infants and Children and programs of the Division of Mental Health and the Division of Services for the Blind.

Qualified persons may also register by mail on forms to be available at the above-mentioned places and otherwise as provided in Article 7A of Chapter 163 of the General Statutes of North Carolina.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

The last day for new registration of those not now registered under Durham County's permanent registration system and who wish to register for said referendum is Friday, October 10, 2003, except as otherwise provided in Article 7A of Chapter 163 of the General Statutes of North Carolina.

The last day on which registered voters who have changed residence may notify the Durham County Board of Elections of their changes of address in order to be registered for said referendum is Friday, October 10, 2003, except as otherwise provided in Article 7A of Chapter 163 of the General Statutes of North Carolina.

Any qualified voter of the County who is qualified to vote by absentee ballot in said special bond referendum may apply to the Durham County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina. Any such qualified voter may vote an absentee ballot in person at the time of applying for it or by mail or otherwise as provided in Article 20 and Article 21 of the General Statutes of North Carolina.

Persons who are not certain whether they are registered to vote or qualified to vote or who desire further information concerning the registration process or said referendum should contact the Durham County Board of Elections at the office of said Board mentioned above, telephone number (919) 560-0700, or by visiting its website, www.co.durham.nc.us/elec/, or by e-mailing it at elections@co.durham.nc.us.

The registration books for elections in Durham County will be open to inspection by any registered voter of the County during the normal business hours of the Durham County Board of Elections on the days when the office of said Board is open, and such days are challenge days.

The chief judges, judges and other officers of election appointed by the Durham County Board of Elections will serve as the election officers for said referendum.

The Durham County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

<u>Precinct</u>	<u>Voting Place</u>
1	Brogden Middle School 1101 Leon St.
2	Watts Street School 700 Watts St.
3	E.K. Powe School 913 Ninth St.
4	N.C. School of Math & Science 1912 W. Club Blvd.
5	W. I. Patterson Rec. Center 2000 Crest St.
6	Lakewood School 2520 Vesson Ave.
7	Durham School of the Arts 400 N. Duke St.
8	Morehead School 909 Cobb St.
9	Forest Hills Club House 1639 University Dr.
10	C.C. Spaulding School 1531 S. Roxboro Rd.
11	Weaver St. Community Center 3000 Weaver St.
12	Pearson School 600 E. Umstead St.
13	Burton School 1200 Mathison St.
14	Y.E. Smith School 2410 E. Main St.

- 15 Mt. Calvary Holy Church Gym
500 No. Driver St.
- 16 Holy Infant Catholic Church
5000 Southpark Drive at Highway 54
- 17 Durham County Main Library
300 N. Roxboro St.
- 18 First United Antioch Baptist Church
1415 Holloway St.
- 19 American Legion Post #7
406 E. Trinity Ave.
- 20 Agricultural Building
721 Foster St.
- 21 Club Boulevard School
400 W. Club Blvd.
- 22 VFW Post 2740
3705 Dearborn Dr.
- 23 Homestead Heights Baptist Gym
4007 Holt School Rd.
- 24 Hillandale Learning Center
2107 Hillandale Rd.
- 25 Northern High School
117 Tom Wilkinson Rd.
- 26 Bahama Vol. Fire-Rougemont
Station
11821 N. Roxboro Rd.
- 27 Resurrection United Methodist
Church
4705 Old Chapel Hill Rd.
- 28 Bahama Ruritan Club
8202 Stagville Rd.
Bahama, NC

- 29 Gorman Ruritan Club
2400 E. Geer St.
- 30 Oak Grove School
3810 Wake Forest Rd.
- 31 Bethesda Ruritan Club
1714 S. Miami Blvd.
- 32 Neal Middle School
201 Baptist Rd. (WF Hwy)
- 33 Nelson Community Center
4700 Old Page Rd.
- 34 Pearsontown School
4915 Barbee Rd.
- 35 Crown of Righteousness
Community Church
5110 Revere Rd.
- 36 Yates Baptist Church
2819 Chapel Hill Rd.
- 37 Cole Mill Rd. Church of Christ
1617 Cold Mill Rd. (Berini)
- 38 Hope Valley Baptist Church
6900 Garrett Rd.
- 39 Parish Hall, St. Stephens Church
82 Kimberly Dr.
- 40 Rogers-Herr Middle School
911 Cornwallis Rd.
- 41 White Rock Baptist Church
3400 Fayetteville Rd.
- 42 Shepard Middle School
2401 Dakota St.

- 43 Forest View Elementary School
3007 Mt. Sinai Rd. (Erwin)
- 44 Carrington Middle School
227 Milton Rd.
- 45 Eno Valley-Holt Athletic Gym
117 Milton Rd.
- 46 Edison Johnson Community Ctr.
600 W. Murray Ave.
- 47 Irwin R. Holmes Sr. Rec. Ctr.
2000 S. Alston Ave.
- 48 Christ the King Moravian Church
4405 Hope Valley Rd.
- 49 James E. Shepard Memorial Library
1801 Fayetteville St.
- 50 McMannen United Methodist
Church
4102 Neal Rd.
- 51 Southwest Elementary School
2320 Cook Rd.
- 52 Evangel Assembly of God
1011 Lynn Rd.
- 53 Triangle Presbyterian Church
5001 Tudor Pl. (Hwy. 54)
- 54 Christus Victor Lutheran Church
1615 Highway 54

Ronald Gregory
Chairman of the Durham County Board of Elections
North Carolina

Garry E. Umstead
Clerk to the Board of Commissioners for the
County of Durham, North Carolina

Section 4. The form of the questions to appear in the ballots and in the instructions to voters for said referendum shall be substantially as follows:

SCHOOL BONDS

Shall the order adopted on July 28, 2003, authorizing not exceeding \$105,315,000 School Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, in order to provide additional school facilities in said County to maintain the school term as required by Section 2 of Article IX of the Constitution, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

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Shall the order adopted on July 28, 2003, authorizing not exceeding \$8,345,000 Community College Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for expanding and improving the facilities for Durham Technical Community College at its main campus in the City of Durham, including the construction of an additional building and additional parking facilities and sidewalks, the expansion and improvement of an existing building, the improvement of other facilities and the acquisition of necessary furnishings and equipment therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

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Shall the order adopted on July 28, 2003, authorizing not exceeding \$5,280,000 Museum Bonds of the County of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging and improving exhibits, parking facilities, visitor facilities, offices and maintenance facilities at the North Carolina Museum of Life and Science and acquiring any necessary furnishings and equipment therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

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levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

Section 5. The Clerk to the Board of Commissioners is hereby directed to mail or deliver a certified copy of this resolution to the Durham County Board of Elections within three days after the passage hereof.

Section 6. This resolution shall take effect upon its passage.

Salary Adjustment for Board of Elections Supervisor

In June of 2003, the Durham Board of Elections signed a Memorandum of Understanding removing the Director of Elections from the County pay plan. As a result, the Board of County Commissioners, upon the recommendation of the Durham County Board of Elections, shall set the salary for the Director. The current salary of the Director is \$64,959. The Board of Elections recommended a ten percent (10%) salary increase in recognition of his expanded and more complex duties and to bring the Director more in line with the salaries of other Durham County Department Heads. The recommended salary was \$71,454.

Resource Person(s): Mr. Ronald A Gregory, Chairman of the Durham County Board of Elections

County Manager's Recommendation: The County Manager recommended that the Board approve the request to increase the salary of the Board of Elections Director by 10 percent.

Mr. Gregory encouraged the Board to approve the salary increase for Director Mike Ashe due to his exemplary performance and to make his salary commensurate with the responsibilities of his position.

Dr. E. Lavonia Allison, PO Box 428, Durham, NC 27702, spoke in support of the increase for Director Mike Ashe. She expressed that staff has also done an outstanding job and that raises should be given to those employees as well. Positive success for the department is not possible without the work and cooperation of other staff members.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the requested 10 percent salary increase (from \$64,959 to \$71,454) for the Director of the Board of Elections.

The motion carried unanimously.

Hearing on Request for Refund of Excise Tax

The County received a request to refund tax stamps paid on a deed recorded in Durham County. The property is alleged to have been in Person County instead of Durham County. After hearing the sworn testimony, the Board may refund the \$110.00 in taxes retained by the County. The remainder of the taxes must be refunded by the State. The applicant was responsible for making this request.

The applicant was notified of the hearing on the requested refund.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: After hearing the testimony of the applicant, the Board was requested to approve the order for the refund, if appropriate.

Attorney Shauna McClain, on behalf of Ferris and Associates, 1218 Shady Lane, Durham, NC 27712, stated reasons for the refund request for overpayment of excise stamps in Durham County.

County Attorney Chuck Kitchen recommended that the Board grant the \$110.00 refund. This request is in no way a negative reflection on the Durham County Register of Deeds Office, which has a legal obligation to record a deed—not determine where the property is located. The person who presented the deed made the error.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the order for the refund in the amount of the taxes (\$110.00) retained by the County.

The motion carried unanimously.

Lowe's Grove School Site

The Board was asked to consider the purchase of a portion of the Lowe's Grove School site for use as the South Regional Library and future EMS station. The City of Durham would purchase the remainder of the tract for use as a park. The total cost of the site was \$1,000,000 to be shared by the County and City.

The proposed South Regional Library is a part of the Durham County Library Master Plan, and the search for a site has been underway for several years. Funding for property acquisition was included in the 2001 Bond Referendum. Although not included in the planning period for the current CIP, EMS has identified the potential need for a future station to serve the southern portion of the county. In keeping with County's desire to jointly site and develop public facilities, the Lowe's Grove site provides an opportunity to accommodate two County functions adjacent to a City park on property that is already publicly owned.

Coulter, Jewell, Thames PA conducted a site investigation on the property to evaluate development opportunities. A portion of the report follows:

Location and Access

The proposed site is at the northeast corner of Alston Avenue and Hwy 54. This property is the former Lowe's Grove Elementary School and consists of five boarded-up buildings facing Alston Avenue. It appears that all buildings are in very poor condition. The remainder of the site is vacant and is currently being used as a dump for tree and yard debris cleanup from the December 2002 ice storm. The library site itself would occupy approximately 5 acres and the EMS station approximately 2 acres within the 16.062-acre parcel. The property has 930 feet of frontage on Alston Avenue and 716 feet of frontage on Hwy 54. There is also 719 feet of frontage on Jester Road along the north side of the site.

The intersection of Alston Avenue and Hwy 54 is an existing signalized intersection. Alston Avenue is a two lane paved road with a southbound left turn lane onto Hwy 54. There is curb and gutter from Hwy 54 north to the first driveway and beyond that there is none. There are no sidewalks along either side of Alston Avenue. Hwy 54 is a five-lane, undivided road with curb and gutter. There are no sidewalks along Hwy 54 in front of this property. The latest traffic counts in the area were completed in 2001.

The site is just south and east of the Lowe's Grove Middle School. The site is 1,700 feet south of I-40 (no access to Alston Avenue) and just west of the RTP boundary. There are two driveways on the west side of Alston Avenue, and it is likely that either the library or the EMS driveway would be required to line up opposite one of those existing drives. It would appear that access onto Alston Avenue would be easier than access onto Hwy 54. The Durham Transportation Division will likely require sidewalks along both Alston Avenue and Hwy 54 in front of the proposed library and EMS sites. Curb and gutter with corresponding storm drainage may also be required along the Alston Avenue frontage of the development site.

At this time, Durham Transportation Division will likely require 10' of additional right of way along Alston Avenue, and a right of way dedication along Hwy 54 set 10' behind the back of the existing curb. That would be equivalent to about 15' of additional right of way as the property line is currently in the travel lanes of Hwy 54.

Surrounding Zoning and Land Uses

The 16-acre Lowe's Grove property is zoned OI-2. The properties to the north across Jester Road are also OI-2 and are in warehouse and residential use. The main property to the northeast is OI-2 and is vacant. The property directly east is OI-2 and is in an industrial use. The adjacent properties along Hwy 54 to the east are zoned NC and are small businesses (insurance, dentist) though the property directly adjacent is officially listed as "Single Family Residential". The properties west across Alston are zoned NC

and OI-2 and are retail and government facility (middle school). The properties across Hwy 54 are also commercial and industrial in use.

The surrounding residentially used parcels are to the north across Jester Road and a landscape buffer along the northern edge of the 16 acre property will likely be required.

Topography

The 16-acre site is fairly flat, gentle sloping at 2.2% from west to east, and flat from north to south. A ridge line runs north-south parallel to the property line approximately 350 feet east of the site. There is some shallow ponding occurring in the very flat field area behind the old school buildings due to debris pileup, but that could easily be graded out. The topography of the site presents no constraints on site development.

Hydrology

There are no mapped streams in the proposed development parcel on either the USGS or the Soil Conservation Service maps. There are streams across Jester Road, across Alston Avenue and across Hwy 54 from the site but all are further than 50' from the property line. There is also a stream approximately 200 feet to the east of the site's east property line.

There is an existing ditch alongside the paving on Alston Avenue. This ditch will likely need to be graded to a curb elevation and a storm drain installed collecting the water along Alston and directing it eastward.

Zoning

The site is zoned OI-2 and is in the Cape Fear basin with no special watershed overlays. This means that development will not be restricted by a maximum impervious surface. The majority of this property is in the MTC overlay (Major Transportation Corridor) for I-40. Adjacent surrounding lots are zoned OI-2 and NC. No adjacent lots are in residential use but four lots across Jester Road to the north are in residential use.

A Library would be considered a government facility, which is a permitted use in the OI-2 zone. No special use permits would be required.

Landscape Buffers

The Library facility would be considered a Class 2 use. There are no adjacent residential uses nor are there adjacent residentially zoned vacant lots, therefore no vegetative buffers will be required under the current ordinance. The future Unified Development Ordinance is likely to require vegetative buffers across some rights of way, and it is likely that a buffer would be required along the Jester Road frontage where the opposite properties are zoned and used residentially. Street tree plantings will be required along Alston Avenue, Hwy 54, and Jester Road for the portions of the site being developed.

Tree Coverage Requirements

For non-residential development, 10% of the site is required to remain forested. If existing forest is removed, 14% must be replaced. This eastern 1.788-acre portion of the site is currently forested. Depending on how the property is subdivided it would be possible to leave a 10% tree cover on each lot so no one would need to reforest. In the end, the three subdivided properties must each meet the 10% coverage minimum.

Resource Protection Ordinance

Floodplain: There is no mapped floodplain on the site. The nearest mapped 100-year floodplain elevation is 1,200 feet north of the site at an elevation of 277. There is also a mapped 100-year floodplain 2,900 feet west of the site at an elevation of 273. The lowest elevation on the proposed development site is 310.

(FEMA panel 169, dated 2 February 1996)

Stream Buffer Protection: Any streams in this area would be subject to City of Durham ordinance regulations. There are no mapped streams on the site. Buffers for streams on adjacent sites will not impact development on any of the 16-acre site.

Slope Protection: No steep slope limitations exist on this property. The slopes are less than 5% in any part of the site.

Wetlands Protection: A wetlands evaluation has not been performed on this property. There do not appear to be wetlands on the site.

Water/Fire Protection

There is a 16" water line running along the north side of Hwy 54 from Alston Avenue east. West of Alston that line is 8". There is a 16" line running along the east side of Alston Avenue. That line ends in a short 8" stub just south of Hwy 54.

There is an existing fire hydrant on the northeast corner of Alston and Hwy 54 and another approximately 400' to the north midway along the site's Alston frontage. Fire flow information is not available for this area. Additional hydrants will be required along Hwy 54 and depending on the site layouts, an additional hydrant may be required along Alston Avenue or along Jester Road to reach within 300' of all exterior points of proposed buildings.

Sanitary Sewer

A 12" public sanitary sewer runs along Jester Road west of Alston, and turns south on Alston to end in front of the northern portion of the development site. Another 12" public sanitary sewer runs along the south side of Hwy 54. As the site falls toward both of these lines, the elevation of new buildings on the proposed development site should be high enough to allow access to the existing lines/manholes.

Storm Sewer

Currently water is collected along Alston Avenue and appears to cross Alston Avenue and drain to the west. The City will require a sidewalk at the property line along the Alston and Hwy 54 frontages and will likely also require curb and gutter along Alston. If curb and gutter were required, a street storm drain system would also be required.

Storm Water Control

This site is in no special watersheds so impervious development will not be restricted. No current State regulations for stormwater within the Cape Fear basin exist, but the State has indicated that at some point in the future it will be regulating Cape Fear storm drainage in the same way that the Neuse basin drainage is currently regulated. Depending on the timing of the proposed development at this location, the development may need to respond to nitrogen treatment and detainment of the one-year storm volume. The possible need for a detention pond would depend on the percentage increase of runoff. Whether State regulations are imposed or not, current downstream storm water facilities will need to handle the increased storm water runoff from development on this property or else a storm water detention facility would be required.

Electricity

Electricity is available to the property. Power lines run along both sides of Alston Avenue, along both sides of Hwy 54, and along the north side of Jester Road.

Fiber Optic Service

There is a fiber optic line on the Hwy 54 edge of the proposed development site.

Conceptual Plans

The County asked for the feasibility of developing two facilities on approximately 7 acres of the Lowe's Grove property, with the remainder in a configuration to be useful as a city park with soccer and baseball fields. The branch library would be a 25,000-square-foot, single-story building with book drop off and up to 150 parking spaces and space for a 10,000-square-foot building expansion. The EMS station is based on the current fire station prototype allowing for a two-point access drive that loops through the truck bays. Including tree preservation, right of way dedications, setbacks and vegetative buffers, and a small area for possible storm water detention the conceptual plans show that this program should be possible on approximately 7-8 acres. Each of the plans shows room on the remaining parcel to site a baseball diamond, soccer field(s), and park use parking accessed through the library entry drive.

Three different plans were developed based on the requirements of the library and EMS uses. The two uses are oriented toward the south and west portions of the property to keep high traffic, noise, and lights away from the residentially developed adjacent properties to the north. In addition, the remaining portion of the 16 acres is likely to be used for parkland and playfields, and there is no need for visibility of those uses from Hwy 54. The library desires the corner lot for high visibility, distance from adjacent residential uses, and potential access onto either Alston or Hwy 54, although they assume

that an Alston Avenue access will be safer and create less congestion. The EMS station would prefer access from Alston Avenue only. The location, type, and land requirements of a future public transit system are currently vague and varied. The concept plans site the buildings in a way that keeps the remainder of the site flexible for future changes in use.

Conceptual Site Plan – Scheme 1

Library along Hwy 54 fronting on Alston Avenue

EMS Station midblock fronting on Alston Avenue

Each use with separate access points

Land area required for future right of way: 16,645 SF / 0.38 acre

This scheme angles the library so that maximum planting areas can be incorporated outside reading room areas, while allowing for space to expand the building toward Hwy 54 and keeping a good view of the entrance for travelers on Alston Avenue. The building has been kept 50' from the proposed property lines to allow for a wide bus turn lane and/or bus pullouts should that be required for a future public transit system. An unimproved 130' wide corridor remains along the eastern property line for a potential future transit corridor.

Pros:

- Keeps both buildings close to each other which improves security for both uses when one building is empty
- Sharing of the main access drive with a drop off area reduces paving area
- Allows right-in/right-out access onto Hwy 54 which would reduce congestion at the main entry drive

Cons:

- This layout requires approximately 6.5 acres to site the library as land will need to be given up for additional rights of way and setbacks increased from the ordinance requirements to allow for future transit development
- Demolition of 4 buildings would be required in order to fit both library and EMS uses.
- The layout of a soccer field and baseball diamond would require removal of some of the existing trees and/or overlap of outfield and soccer field

The total land requirement of this plan exceeds the 7-acre goal of the County, and the second scheme was designed to compact the amount of space needed by each user.

Conceptual Site Plan - Scheme 2

Library along Hwy 54 fronting on Alston Avenue, parking tucked behind EMS station

EMS Station midblock fronting on Alston Avenue

Shared access drive by the library and EMS station

Land area required for future right of way: 15,805 SF / 0.36 acre

This scheme sites the library building with a frontage facing north, and directly facing Alston Avenue so that an access drive can be shared by the library patrons and the EMS staff without having EMS traffic pass through the library drop off. The EMS station would still have its own exit so that the departing emergency vehicles would not disrupt library traffic. The library expansion would be accommodated in an area between the main building and the parking lot. The building has been kept 50' from the proposed property lines to allow for a wide bus turn lane and/or bus pullouts should that be required for a future public transit system. An unimproved 130' wide corridor remains along the eastern property line for a potential future transit corridor.

Pros:

- Keeps both buildings close to each other which improves security for both uses when one building is empty
- Sharing an entry drive reduces paving area and setbacks, and therefore reduces the total acreage required for the two facilities
- Allows for right-in/right out access onto Hwy 54 which would reduce congestion at the main entry drive
- Would require demolition of only three buildings to fit both uses onto the property
- The remainder of the 16-acre site could easily fit both a baseball diamond and a soccer field, or two soccer fields with minimal clearing of existing trees.
- Uses 7 acres total

Cons:

- Tightening up the site would leave less room for natural planting views from the reading rooms.
- The front entry of the library faces an internal property line and is not as visible from Alston Avenue as the other layouts.

Conceptual Site Plan - Scheme 3

EMS Station at northwest corner of property

Library along Alston Avenue

Land area required for future right of way: 14,660 SF / 0.34 acre

This scheme places all the library and EMS Station uses and parking along the entire Alston Avenue frontage and leaves more than half the site in a wide corridor for future public transit uses. The library building is sited so that the entry faces Alston Avenue and gives good visibility of the facility from Alston and from Hwy 54. The building expansion would be in the area between the main building and the park / transit use. The building has been kept 50' from the proposed property lines at the corner of Alston and Hwy 54 to allow for a wide bus turn lane and/or bus pullouts should that be required for a future public transit system. An unimproved 370' wide corridor remains along the eastern property line for a potential future transit corridor and transit station if required.

Pros:

- Keeps all uses along Alston and leaves a very wide corridor for future transit use.
- Uses 7 acres total
- Gets the EMS station away from the Hwy 54 corner and its future urban corridor uses

Cons:

- Location of the EMS station to the north end of the property leaves the EMS exit drive far from the Hwy 54 traffic signal. The Alston / Jester Road intersection is very busy at certain times of the day (school start and close) and the possibility of stacked traffic slowing EMS vehicles is greater the further north the driveway is on Alston.
- Separation of the two buildings by a large parking area reduces security when either building is empty.
- All 5 buildings would need to be demolished in order to fit both library and EMS uses.
- Both uses would be required to reforest 14% of the land area.

Compatibility with Future Transit and Land Use Plans

The following three primary transit and future land use plans have been recently prepared and have significance to the Lowe's Grove site:

- The NC 54/I-40 Corridor Study prepared by the Durham Planning Department
- The Center of the Region Enterprise Study prepared by Triangle-wide public planning organizations
- The NC 54/I-40 Transit Corridor Feasibility Study Prepared for TTA by Martin Alexiou Bryson

NC 54/I-40 Corridor Study - This plan attempts to direct future land use along the corridor with goals that include promoting higher density mixed use development in locations that can be served by future transit. The plan shows the Lowe's Grove property as being developed in this manner. The Lowe's Grove Concept Plans prepared in this study would accommodate future mixed-use development to a greater or lesser degree. The key factor would be the elimination of surface parking for the library by incorporating it into structured parking, thus freeing up additional land area for future development. The undeveloped or undeveloped portions of the site (park) could accommodate future higher intensity development.

Center of the Region Enterprise (CORE) Study – This plan examined the future growth of the underdeveloped portions of Durham and Wake Counties in the area in and surrounding RTP and the airport. A key component of the implementation strategy is to accommodate Mixed-Use Activity Centers. The centers are to be walkable, high density urban villages created around future transit stops. The plan also suggested routes for future transit alignments. The Lowe's Grove site is specifically identified as one of these

Mixed-Use Activity Centers, and a concept sketch plan was prepared as part of the study. This sketch is included in this report. The plan calls for high-density mixed-use development, with a transit line, transit stop, and structure parking included in the scheme. The Lowe's Grove Concept Plans prepared in this study could accommodate this future mixed-use development, and the transit corridor and station would fit easily on the land not used for the Library and EMS Station. Scheme 3 would work best with the CORE Plan, as the Library would become the anchor building for the corner complex, the EMS Station is in the northern portion of the site away from the activity center, and the library parking could be replaced with a parking deck, with the land thus available for building sites.

NC 54/I-40 Transit Corridor Feasibility Study - this plan (draft, not yet adopted) examines the potential of transit between Chapel Hill and RTP, connecting to the Phase One TTA line at the Triangle Metro Center Station. The study included potential routes and station sites. The Lowe's Grove site plays an important role in this study. It is identified as a station site, as well as a location for 2 of the 3 alternative corridors. Alternate Route A as identified in that study would follow I-40 from Chapel Hill to Alston Avenue, and then drop down along the eastern edge of the Lowe's Grove property into the NC 54 right of way. The report suggests that 20' of additional right of way in NC 54 would be needed to allow a dedicated transit line to parallel the existing road. A transit station is indicated at the southeast corner of the Lowe's Grove site. Alternate Route C would follow NC 54 entirely from Chapel Hill to RTP, with a transit station shown in the vicinity of the intersection of NC 54 and Alston Avenue. Again, the Lowe's Grove Concept Plans prepared in this study would easily accommodate the transit alignment and station shown in Alternate A on the undeveloped portion of the property. Similarly, sufficient room is left for additional rights of way along NC 54 to accommodate a future transit system, and a station could be located adjacent to the library at the intersection, or just east of the proposed library building.

A map of these proposed routes and station locations, as well as the CORE proposal, is included in this study.

Construction Cost Issues

The development costs for this property would include the usual site development costs: grading, public street curb & gutter, paving, sidewalk installation, utility service lines, on-site drainage, and landscaping. Items in addition to the usual are likely to involve removal of existing old buildings, removal of existing septic systems, reforestation of 14% of the EMS station site, and a potential widening of a portion of Alston Avenue.

The development costs attached to each of the three schemes would be equivalent with the following exceptions:

Scheme 1

Demolition of building 4 would be additional.

Scheme 2

There would be some cost savings in building one access road to both facilities, instead of two parallel access drives.

Scheme 3

Demolition of all buildings would be additional

Reforestation of 14% of the site area would be required for the library.

Potential improvement of Jester Road from gravel to asphalt paving could be required in this plan

Conclusions and Recommendations

- 7 acres could be sufficient space for both the Library Branch and EMS Station facilities depending on the layout
- the 16 acre property could be subdivided up in a way which allows for development of the two county uses with space available for a future transit corridor and its accessory uses
- there is sufficient land for a building expansion with no topography or stream buffer restrictions
- water supply and sanitary sewer is adequate, though some extension of the sewer main in Alston Avenue may be required
- storm water management is likely to be minimal given existing regulations
- street access via Alston Avenue or Hwy 54 or both would be possible

It should be noted that the playing fields indicated on the conceptual site plans are provided to show spatial relationships and do not reflect the City's development plans for the property.

Based on this analysis and review by County staff, Conceptual Site Plan Scheme 2 is preferred. This option requires purchase of 6.95 acres along the southern portion of the site with the northern portion to be developed as a City park. The portion of the property required for Scheme 2 includes three existing buildings.

The Environmental Site Assessment located evidence of two underground storage tanks, one of which is within the area required for Scheme 2. The State Underground Storage Tank Database includes two tanks on the Lowe's Grove site that were permanently closed in September 1993. Staff is currently working with Durham Public Schools to determine the location of the closed tanks since that is not recorded in the State database. An asbestos survey conducted by Durham Public Schools in 1988 indicates the presence of asbestos in floor tiles and pipe insulation in two buildings. One of the buildings is within the area required for Scheme 2.

Resource Person(s): Mike Ruffin, County Manager, Wendell Davis, Deputy County Manager, Carolyn Titus, Deputy County Manager, Philip Cherry, Director of Library

Services, Mickey Tezai, Director of Emergency Medical Services, Glen E. Whisler, P.E.,
County Engineer

County Manager's Recommendation: The County Manager recommended that the Board authorize the Manager to proceed with the purchase of approximately seven acres of the Lowe's Grove School site for \$600,000.

County Manager Ruffin gave an overview of the proposed purchase of the Lowe's Grove School site.

Chairman Reckhow called on the citizens who had signed to speak.

Phillip W. Evans, 1910 Sedwick Road, 400C, Durham, NC 27713, represented "Save Historic Lowe's Grove". He expressed his support of the County Manager's recommendation for purchase of the site and asked that the County Commissioners approve the recommendation. He commended the County Commissioners, County Attorney, County Manager, Durham County Government staff, and Library Director Phillip Cherry for their cooperation and hard work.

Daniel Oldman, 110 Jennings Lane, Durham, NC 27713 was against the purchase of the Lowe's Grove site. He expressed the opinion that the site is unsuitable for a school, a library, or a park because of the busy intersection surrounded by commercial development with no homes. He asked that the Board take action to provide pedestrian and bicycle access to the area if the purchase is approved.

Cami Mowry, 908 N. Mangum Street, Durham, NC 27701, represented the Historic Preservation Society of Durham. She encouraged approval of the purchase and asked that a formal process be developed to continue the partnership with the Historic Preservation Society of Durham, County Commissioners, County Manager, Library Director, and Durham County Government staff until the plan is implemented. The Historic Preservation Society will serve in any helpful capacity.

Chairman Reckhow wished to address the concerns by Mr. Oldman. A proposal is being developed to greatly expand the Triangle Metro Station development, which is less than a mile from the school site and would accommodate approximately 3,000 to 4,000 housing units. More housing would be provided adjacent to Research Triangle Park. A study is currently underway regarding the improvement and widening of Hwy. 54 and public transit along Hwy. 54. The widening would include bike lanes and sidewalks.

Dan Jewell of Coulter, Jewell, Thames PA addressed the access issue and safety features.

County Manager Ruffin informed the Board that the proposal is to purchase the entire 16 acres (approximately seven acres for the County at \$600,000 and nine acres for the City at \$400,000). An interlocal agreement would be brought to the Board to prescribe the subdivision of the property and the City's reimbursement to the County.

County Attorney Kitchen stated that the school board must first subdivide the property. Bond money cannot be used for the area to be purchased by the City. Bond money can only be used to purchase the acreage for the library. The City has asked the County to purchase the entire acreage, and it will make payments to the County for two years. Upon completion of the City's payments, the County will transfer the actual deed. All details have not been worked out.

Commissioner Cousin moved, seconded by Commissioner Heron, to authorize the purchase of the entire Lowe's Grove site from Durham Public Schools subject to appropriate subdivision and environmental cleanup. Continue to work with the City and bring back in the near future an interlocal agreement specifying how the City will repay the County for its portion of the property.

The motion carried unanimously.

Interlocal Cooperation Agreement for School Resource Officers

The Board was requested to approve an Interlocal Cooperation Agreement among Durham Public Schools, the Sheriff, and the County. The purpose of the agreement is to provide school resource officers for Hillside and Jordan High Schools and Chewning Middle School. The Agreement also provides for a deputy for the DPS Fuller Building. Funding for the deputies would be paid by Durham Public Schools.

The Board was further requested to authorize the County Manager to sign for the County.

Resource Person(s): Hugh Osteen, Assistant Superintendent for Durham Public Schools

County Manager's Recommendation:

The County Manager recommends approval of the Interlocal Cooperation Agreement to provide security for the schools.

Assistant Superintendent Hugh Osteen, Durham Public Schools, explained the request to the County Commissioners.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the Interlocal Cooperation Agreement to provide security for the schools.

The motion carried unanimously.

Closed Session

Commissioner Cousin moved, seconded by Commissioner Jacobs, that the Board of County Commissioners adjourn to Closed Session pursuant to N.C.G.S. § 143.318.11(a)(5) to instruct County staff concerning the position to be taken regarding real property. The property, owned by Ms. Pattie Watson, consists of 2.3 acres located at 3600 Shannon Road.

The motion carried unanimously.

Following the closed session, Chairman Reckhow announced that direction was given to staff in the Closed Session and that no action was taken.

Adjournment

Chairman Reckhow adjourned the meeting at approximately 10:10 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board