

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

Monday, November 10, 2003

ACTION MINUTES-DRAFT

4:00 P.M.

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

Training for County Commissioners as the Governing Board
of the Durham Local Management Entity (LME)

The Durham Center is converting from an area authority to an LME (Local Management Entity) because of statewide mental health reform. The BOCC will be the governing body for the LME as of July 1, 2004.

Chris Thompson, Ph.D., was the director of a local mental health authority in Michigan when it underwent a similar reform. She now consults the Durham Center on its transition to an LME and the Division of Mental Health.

RESOURCE PERSON(S): Ellen Holliman, Area Director, The Durham Center, and Chris Thompson, Ph.D. (Trainer)

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board receive the presentation/training.

The training to the BOCC explained the organization and functions of a local management entity.

7:00 P.M., Regular Session

Opening of Regular Session

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

Vice-Chairman Bowser added an item to the agenda regarding a letter of support for Video Dialogue of Durham.

Minutes

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve as submitted the October 27, 2003 Regular Session Minutes of the Board.

The motion carried unanimously.

Recognition for "Learning 4 All" Bond Committee

MaryAnn E Black, former Durham County Commission Chairman and present Director of Community Affairs at Duke University Health Systems, and Stephens Toler, Vice President of Community Relations at Verizon, cochaired the committee responsible for the successful marketing and passage of Durham County's \$124 million bond referendum on November 4.

Commission Chairman Ellen W. Reckhow recognized the work of the entire committee and presented tokens of appreciation.

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Commissioners congratulate all members of the "Learning 4 All" Committee for a successful bond campaign.

The resolutions follow:

WHEREAS, the Durham County Board of Commissioners approved placing a \$124 million Bond Referendum on the November 4th ballot with the goal of providing critical enhancements to Durham Public Schools, Durham Technical Community College, Durham County Library and the Museum of Life and Science; and

WHEREAS, former Chairman of the Durham Board of County Commissioners MaryAnn E. Black and Verizon Vice President Stephens Toler were asked to chair the 2003 Bond Referendum Committee, with the goal of directing all efforts required to successfully pass all four bond projects for the Durham community; and

WHEREAS, these outstanding leaders enthusiastically managed a broad committee of chief executives from the four bond participants, and directed the efforts of the Bond Marketing Committee, led by Marilyn Walls; and

WHEREAS, the Bond Committee adopted the slogan, "Learning 4 All", and proceeded to enact the primary directive of making this bond referendum the most well understood and highly successful bond campaign in Durham County's history; and

WHEREAS, Ms. Black and Mr. Toler traveled throughout the Durham community on weekdays and weekends to speak with countless civic groups, large and small, touting the importance of supporting this critical investment in Durham's future; and

WHEREAS, they were not afraid to take on critics of the proposal, and their efforts were rewarded with the fact that all key political groups in Durham County voted to endorse the 2003 Bond Referendum; and

WHEREAS, Ms. Black and Mr. Toler also led private fundraising efforts to support the successful marketing campaign, and netted nearly \$50,000 from various local corporations, a record amount for Durham County; and

WHEREAS, on November 4, 2003, the entire \$124 million Bond Referendum was approved overwhelmingly by Durham County voters:

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

MARYANN E. BLACK

for successfully directing the passage of the 2003 Durham Bond Referendum. We further call upon the entire Durham County community to join us in enthusiastically commending your leadership of this Bond

Referendum, which will improve Durham County's quality of life for years to come.

This the 10th day of November, 2003.

/s/ Five Commissioners

Durham County Commissioners

WHEREAS, the Durham County Board of Commissioners approved placing a \$124 million Bond Referendum on the November 4th ballot with the goal of providing critical enhancements to Durham Public Schools, Durham Technical Community College, Durham County Library, and the Museum of Life and Science; and

WHEREAS, Verizon Vice-President Stephens Toler and former Chairman of the Durham Board of County Commissioners MaryAnn E. Black were asked to chair the 2003 Bond Referendum Committee, with the goal of directing all efforts required to successfully pass all four bond projects for the Durham community; and

WHEREAS, these outstanding leaders enthusiastically managed a broad committee of chief executives from the four bond participants, and directed the efforts of the Bond Marketing Committee led by Marilyn Walls; and

WHEREAS, the Bond Committee adopted the slogan, "Learning 4 All", and proceeded to enact the primary directive of making this bond referendum the most well-understood and highly-successful bond campaign in Durham County's history; and

WHEREAS, Mr. Toler and Ms. Black traveled throughout the Durham community on weekdays and weekends to speak with countless civic groups, large and small, touting the importance of supporting this critical investment in Durham's future; and

WHEREAS, they were not afraid to take on critics of the proposal, and their efforts were rewarded with the fact that all key political groups in Durham County voted to endorse the 2003 Bond Referendum; and

WHEREAS, Mr. Toler and Ms. Black also led private fundraising efforts to support the successful marketing campaign and netted nearly \$50,000 from various local corporations, a record amount for Durham County; and

WHEREAS, on November 4, 2003, the entire \$124 million Bond Referendum was approved overwhelmingly by Durham County voters:

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

STEPHENS "STEVE" TOLER

for successfully directing the passage of the 2003 Durham Bond Referendum. We further call upon the entire Durham County community to join us in enthusiastically commending your leadership of this Bond Referendum, which will improve Durham County's quality of life for years to come.

This the 10th day of November, 2003.

/s/ Five Commissioners

Durham County Commissioners

Resolution Supporting Western North Carolina Passenger Rail Service

Representatives of the Western Carolina Rail Corridor Committee contacted the Chairman of the Board about joining a North Carolina Statewide Passenger Rail Initiative, which seeks to restore passenger rail service to Western North Carolina. Support is being sought from across the state and all the approved resolutions will eventually be presented to state legislators.

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board approve the resolution and direct that a signed copy be returned to Judith Calvert Ray, Chair, WNC Rail Corridor Committee.

The resolution follows:

RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE AND FUNDING
SUPPORT FOR ENHANCED AND IMPROVED PASSENGER RAIL SERVICE FOR THE STATE OF
NORTH CAROLINA

WHEREAS, a passenger rail service is an integral part of a comprehensive transportation system for the state of North Carolina; and

WHEREAS, economic development, tourism and job creation will benefit through the enhancement of a passenger rail system that serves the citizens of North Carolina and visitors to our state; and

WHEREAS, we applaud the state of North Carolina for development of comprehensive intercity rail services in urban jurisdictions throughout the state; and

WHEREAS, there is a vital need to provide a balanced transportation system both statewide and nationwide as demonstrated in the aftermath of the September 11, 2001 tragedies; and

WHEREAS, an increase in state funding for passenger rail service in North Carolina is necessary to support development of intercity rail services that can connect our small urban and rural areas of the state with the urbanized centers of our state; and

WHEREAS, support by local and state elected officials is essential for the future of alternative transportation in North Carolina; and

WHEREAS, support and utilization of transportation improvements by business and commercial interests is essential for the successful deployment of alternative transportation modes in North Carolina; and

WHEREAS, this resolution is a vehicle to express the unified support of communities and chambers of commerce throughout North Carolina for increased statewide funding of passenger rail service; and

WHEREAS, rail linkages between communities and regions within North Carolina establish and strengthen social, historical, commercial and cultural bonds; and

WHEREAS, the average return on investment for the surrounding community for station revitalizations throughout North Carolina is more than one dollar for every dollar invested; and

WHEREAS, the associated improvements to rail facilities will increase the efficiency and safety of rail service, help attract new freight traffic and provide environmental benefits by reducing the impact of truck

traffic on North Carolina's highways and by reducing harmful emissions; and

WHEREAS, an integrated passenger rail system will enhance accessibility and reliability for key military locations and ports:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, through the adoption of this resolution, fully support the creation of a comprehensive passenger rail system to serve the state of North Carolina, with its ultimate objective to further economic opportunity, help preserve the environment, improve the quality of life and enhance public health, safety and welfare for all citizens, communities and regions.

Adopted this 10th day of November, 2003.

/s/ Five Commissioners

Durham County Commissioners

Consent Agenda

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

- * (a) Street Annexation Petition-Pascal Way (adopt the resolution to approve the addition of Pascal Way to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- * (b) Street Annexation Petition-Stanridge Drive (adopt the resolution to approve the addition of Stanridge Drive to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);

(c)

(Removed from the agenda prior to the meeting.)

* (d) Budget Ordinance Amendment No. 04BCC000025-Criminal Justice Resource Center (approve the budget ordinance amendment in the amount of \$12,100 for the Criminal Justice Resource Center);

- * (e) Approval of Mission Statement and County Manager's Nominations for the Career and Technical Education Task Force (approve the nominees to the Career and Technical Education Task Force and approve the mission statement as proposed by the Manager and the Superintendent);
- (f) Update on the Results Based Accountability Process (approve the next steps of the Results Based Accountability process and authorize staff to move forward with the implementation thereof);
- (g) Lease Extension - 501 Willard Street (Durham Center) (approve the lease extension for 501 Willard Street from December 1, 2003 through November 30, 2004 at the rate of \$12,878.07 per month);
- (h) Lease Extension - 200 North Mangum Street (Durham Center) (approve the lease extension for 200 North Mangum Street from

November 1, 2003 through August 31, 2004 at the rate of \$14,562.40 per month);

- *(i) Resolution Declaring the Results of the Special Bond Referendum (approve the resolution declaring the results of the election and direct the Clerk to publish the results in the newspaper);
- (j) Approval of Construction Contract for Site Preparations of the Durham Center for Senior Life Project No: DC071-50, Bid No: IFB 04-013 (authorize execution of a contract with Riggs-Harrod Builders Inc. in the amount of \$410,071.00 for site preparation work for the Durham Center for Senior Life Project and authorize execution of any other related contracts including change orders, if necessary, not to exceed the estimated budget of \$455,071.00); and
- (k) Conveyance of Personal Property to the ARC of Durham (declare the personal property described herein as surplus, authorize the conveyance of the personal property to the ARC of Durham on the condition that said property be used for a public purpose, and authorize the County Manager to enter into an agreement with the ARC of Durham which reflects the terms of the conveyance as set forth herein).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Street Annexation Petition-Pascal Way (adopt the resolution to approve the addition of Pascal Way to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The resolution follows:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION

REQUEST FOR ADDITION OF STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina

County of Durham

Road Description: Pascal Way-3 miles north of the 15-501 Bypass in the Kerlington Subdivision. Length of road-1/4 mile.

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Durham requesting that the above-described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above-described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the

addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that the Division of Highways is hereby requested to review the above-described road and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Durham at a meeting on the 10th day of November, 2003.

Witness my hand and official seal this the 11th day of November, 2003.

/s/ Garry E. Umstead

Clerk, Board of Commissioners

County of Durham

*In the office of the Clerk to the Board.

Consent Agenda Item No. b. Street Annexation Petition-Stanridge Drive (adopt the resolution to approve the addition of Stanridge Drive to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The resolution follows:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION

REQUEST FOR ADDITION OF STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina

County of Durham

Road Description: Stanridge Drive (formerly Starhope Drive)-0.2 miles west of the intersection of SR 1901 and SR 2146 in the Mayfair Subdivision (Phase I and II). Length of road-.29 miles.

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Durham requesting that the above-described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above-described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that the Division of Highways is hereby requested to review the above-described road and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Durham at a meeting on the 10th day of November, 2003.

Witness my hand and official seal this the 11th day of November, 2003.

/s/ Garry E. Umstead

Clerk, Board of Commissioners

County of Durham

*In the office of the Clerk to the Board.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 04BCC000025-Criminal Justice Resource Center (approve the budget ordinance amendment for \$12,100 for the Criminal Justice Resource Center).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance

Amendment No. 04BCC000025

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

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$297,819,901 \$12,100 \$297,832,001

Expenditures:

Activity

GENERAL FUND

Public Safety \$ 36,558,239 \$12,100 \$ 36,570,339

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

This the 10th day of November, 2003.

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

Consent Agenda Item No. e. Approval of Mission Statement and County Manager's Nominations for the Career and Technical Education Task Force (approve the nominees to the Career and Technical Education Task Force and approve the mission statement as proposed by the Manager and the

Superintendent).

Career and Technical Education Task Force

Mission Statement

To study career and vocational training needs in Durham County and investigate the feasibility of creating a vocational school that prepares high school students to favorably compete for new and existing jobs in Durham County.

Appointments to Task Force

Lavonia Allison Cornelius Battle Regina George-Bowden

Martina Dunford Dan Fritz Larry Hester

Bill Ingram Ed Pope Hank Scherich

Bill Shore

Consent Agenda Item No. i. Resolution Declaring the Results of the Special Bond Referendum (approve the resolution declaring the results of the election and direct the Clerk to publish the results in the newspaper).

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND
REFERENDUM HELD IN THE COUNTY OF DURHAM ON NOVEMBER
4, 2003 UPON THE QUESTIONS OF APPROVING \$105,315,000
SCHOOL BONDS, \$8,345,000 COMMUNITY COLLEGE BONDS,
\$5,280,000 MUSEUM BONDS AND \$4,725,000 LIBRARY FACILITIES
BONDS

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

Section 1. The Board of Commissioners for the County of Durham, North Carolina, having received from the Durham County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 7, 2003, evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in said County on November 4, 2003 upon the questions of approving \$105,315,000 School Bonds, \$8,345,000 Community College Bonds, \$5,280,000 Museum Bonds and \$4,725,000 Library Facilities Bonds of said County, does hereby declare and certify the results of said referendum to be the results which are set forth in the following statement of the results of said referendum, which statement has been prepared by said Board of Commissioners:

STATEMENT OF THE RESULTS
of the
SPECIAL BOND REFERENDUM
held in the
COUNTY OF DURHAM, NORTH CAROLINA
on November 4, 2003

UPON THE QUESTIONS OF APPROVING
\$105,315,000 SCHOOL BONDS,
\$8,345,000 COMMUNITY COLLEGE BONDS,
\$5,280,000 MUSEUM BONDS
AND
\$4,725,000 LIBRARY FACILITIES BONDS

At a special bond referendum held in the County of Durham on November 4, 2003, 128,176 voters were registered and qualified to vote.

At said referendum 23,766 votes were cast for 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, and 6,377 votes were cast against said order, and a majority of the qualified voters of said County who voted thereon at said referendum voted in favor of said order.

At said referendum 23,861 votes were cast for 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, and 6,946 votes were cast against said order, and a majority of the qualified voters of said County who voted thereon at said referendum voted in favor of said order.

At said referendum 22,083 votes were cast for 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, and 8,435 votes were cast against said order, and a majority of the qualified voters of said County who voted thereon at said referendum voted in favor of said order.

At said referendum 24,144 votes were cast for 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, and 6,558 votes were cast against said order, and a majority of the qualified voters of said County who voted thereon at said referendum voted in favor of said order.

Board of Commissioners for the
County of Durham, North Carolina

Section 2. The Clerk to said Board of Commissioners shall file a copy of the foregoing statement of the results of said referendum in his office and shall publish such statement once in The Herald Sun. A statement in substantially the following form shall be published with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after [date of publication].

Board of Commissioners for the
County of Durham, North Carolina

Section 3. This resolution shall take effect upon its passage.

Transportation Improvement Program (TIP) for FY 2006-2012

The Transportation Improvement Program (TIP) determines how state and federal transportation funds will be spent throughout Durham County and the State of North Carolina in upcoming years. The biannual TIP preparation begins with a process of setting of priorities by local jurisdictions. Each jurisdiction gives a priority recommendation for transportation projects which have not been funded or which are partially funded. In the past, the Board of County Commissioners has elected to hold a public hearing on the TIP. It was suggested that a public hearing be scheduled for November 24, 2003. The proposed priority list will be advertised prior to the hearing. Following the public hearing, the Board will be requested to adopt the TIP priorities.

Attachments:

- A. 2003 County of Durham Resolution and Priority List for 2006-2012 TIP
- B. TIP Two-year Cycle Process
- C. 2001 Durham County Priority List
- D. 2001 City of Durham Priority List
- E. 2001 Regional Priority List for 2004-2010 TIP
- F. Durham County Element of the 2004-2010 TIP
- G. Funding status of Durham County Projects in the 2004-2010 TIP
- H. 2006-2012 TIP Development Schedule

Map #1 TIP Project Map

RESOURCE PERSON(S): Felix Nwoko, Transportation Planning Manager, City Transportation Division

COUNTY MANAGER'S RECOMMENDATION: The County Manager's recommendation was that the Board receive the presentation and schedule a public hearing for November 24, 2003.

Mark Ahrendson, City Transportation Manager, provided background on the process and made a presentation on proposed road projects.

Commissioner Jacobs moved, seconded by Commissioner Heron, to set a public hearing for the November 24, 2003 Regular Session for the priority list as presented.

The motion carried unanimously.

Hearing on Request for Refund of Excise Tax

The County has received a request to refund tax stamps paid on three correction deeds recorded in Durham County. On October 3, 2003, three deeds were recorded to correct the Declaration of Condo and legal descriptions for several condominiums. After hearing the sworn testimony, the Board may refund the amount of the taxes (\$531.00) retained by the County. The remainder of the taxes must be refunded by the State; the applicant is responsible for making this request.

The applicant was duly 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.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the order for the refund.

The motion carried unanimously.

Video Dialogue

Vice-Chairman Bowser stated that Video Dialogue is filming a documentary of the 150th Anniversary of the City of Durham to be shown on the PBS television station. Duke Endowment has dedicated \$200,000 to the total projected cost of approximately \$400,000. Video Dialogue plans to apply to the Golden Leaf Foundation of NC for funding and requests that the Board provide a letter of support to the foundation.

Vice-Chairman Bowser made a motion, seconded by Commissioner Cousin, to direct that a letter be written to the Golden Leaf Foundation of NC supporting Video Dialogue's request for funding.

The motion carried unanimously.

Closed Session

Commissioner Heron moved, seconded by Commissioner Jacobs, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer.

The motion carried unanimously.

Reconvene to Open Session

The Board of County Commissioners returned to Open Session. Chairman Reckhow declared that no

action was taken by the Board in the Closed Session.

Adjournment

There being no further business, the meeting was adjourned at 10:16 p.m.



Last updated: May 3, 2006

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