

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

Monday, August 23, 2004

7:00 P.M. Regular Session

**MINUTES**

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

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

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**-Pledge of Allegiance

**Agenda Adjustments**

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

**Minutes**

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

The motion carried unanimously.

**Resolution Honoring the Life of Dr. Charles DeWitt Watts**

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

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

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

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

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

Chairman Reckhow called Deputy Dodson forward and presented the two awards. She congratulated Deputy Dodson and thanked him for his exceptional service to Durham County.

**Sheriff's Office-Recognition of the 24<sup>th</sup> Basic Law Enforcement Training Academy Cadets**

Sheriff Worth Hill introduced and congratulated the 24<sup>th</sup> Basic Law Enforcement Training Academy Cadets (15 Durham County Deputies, 5 Orange County Deputies, and 2 State Park Recreation Officers)

for their commitment to service for the citizens of Durham.

#### **Proclamation-"Healthy North Carolina Month" in Durham County**

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

#### **Resolution Supporting "Amendment One"**

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

Chairman Reckhow encouraged citizens to learn more about this referendum item and appealed for support. She directed staff to consider ways to promote the referendum.

#### **Resolution for the Durham Committee on the Affairs of Black People**

Chairman Reckhow added this resolution to recognize the Durham Committee and its honorees at the annual committee banquet on Saturday night.

Chairman Reckhow invited the Chairman of the Committee to come forward and receive the resolution. Dr. E. Lavonia Allison accepted the resolution on behalf of the Durham Committee on the Affairs of Black People. She expressed of gratitude to the Commissioners for the resolution.

#### **Consent Agenda**

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

- \*a. Property Tax Releases and Refunds-Fiscal Year 2004-05 (accept the property report for July 2004 and authorize the Tax Assessor to adjust the tax records as outlined);
- \*b. Remount/Refurbish Two EMS Ambulances (award the \$99,198 contract to Southeastern Specialty Vehicles Inc.);
- c. Federal Farmland Grant Cooperative Agreement for Russell Farm Conservation Easements (approve the Agreement between Durham County and the United States by and through the Commodity Credit Corporation for receipt of \$251,000 towards permanent farmland conservation easements; authorize the County Manager to execute the Agreement);
- \*d. Approval of Resolution for Public Auction Sale and Enter into a Contract with Jerry L. Harris, Auctioneer (approve the resolution; authorize the Manager to enter into the contract);
- g. Cultural Master Plan Approval (approve and request that the Steering Committee provide a formal action plan regarding "next steps" for review and approval by the Joint City-County Committee at its September 14, 2004 meeting);
- \*h. Lease Agreement for 706 Rigsbee Avenue for Lifespan Incorporated (approve a three-year term at the rate of \$1 per year; authorize the Manager to execute the lease); and
- \*i. Liability Claims and Subrogation Recovery for FY 03-04 (receive and include the payments in the minutes).

The motion carried unanimously.

#### **Consent Agenda Item Pulled for Discussion**

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

The following citizens spoke, commending the Commissioners for rescinding contract approval. They asked the County Commissioners to have no relationship with Angelica Textile Services in terms of a contract until the company upgrades its standard, particularly relating to health, safety, and security issues.

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

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

Rodelinda Dera, Durham, NC, representing Angelica employees.

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

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

The motion carried unanimously.

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

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

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

The Planning Department recommends approval of the proposed closing, subject to favorable findings under the State statutes.

Chairman Reckhow opened the public hearing that was properly advertised.

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

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

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

The motion carried unanimously.

#### **Public Hearing-Rezoning-Junction Road (Case P04-22)**

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

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

Mr. Duke noted the following development plan elements:

- A maximum of 273 residential units: 231 single-family and 42 multi-family
- The construction of a pedestrian connection, with location to be determined at site plan review, to the park to the south.
- No lots will extend into stream buffers.
- No lots will extend into steep slopes.
- By referencing roadway improvements on the development plan, the applicant agrees to construct said improvements prior to issuance of certificate of occupancy in a manner that will allow them to function as noted on the plan and in accordance with NCDOT and City of Durham standards and policies. This includes (where appropriate) but is not limited to: adequate transition tapers, alignment of lanes through intersections, associated signal modifications, pavement markings, associated signage, curb and gutter, coordination with other proposed roadway improvements and bike lanes. The applicant also accepts the financial responsibility for acquisition of any additional right-of-way necessary to accommodate these improvements and any required sidewalk construction.

- Dedication of 100 feet of right-of-way for the Midland Terrace Drive extension from the northern site boundary to the southern site boundary.
- Midland Terrace Drive extension will be constructed to connect to Junction Road from the development. A left-turn lane will be provided on Junction Road at the street entrance.
- A 50' wide public street stub from Seford Drive to the Habitat for Humanity (Junction Road Subdivision) property to the north. This must align with the Junction Road subdivision street stub shown on the Junction Road subdivision site plan.
- A second water main feed for development of 100 lots or more.

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

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

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

The motion carried unanimously.

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

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

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

Chairman Reckhow opened the public hearing that was properly advertised.

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

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

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

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow

Noes: None

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

**Major Site Plan-Rosemart (Case D03-468)**

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

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

The motion carried unanimously.

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

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

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

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

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

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

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

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

The motion carried unanimously.

**Board and Commission Appointments**

Alcoholic Beverage Control Board

Emily A. Page

Area Mental Health Board

Emily Baldwin

Eureka Capri Daye

Civic Center Authority

Angie Elkins

Durham Public Library Board of Trustees

Jon C. Miller  
Hope L. Murdock  
Elsa E. Woods

Durham Workforce Development Board

Kenneth M. Lile  
James A. Stewart

**Closed Session**

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

The motion carried unanimously.

**Reconvene to Open Session**

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

**Adjournment**

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

Respectfully submitted,  
Vonda C. Sessoms  
Deputy Clerk to the Board



Last updated: May 3, 2006

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