

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

Monday, August 23, 2004

AGENDA

7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.

2. **Agenda Adjustments** 5 min.

3. **Minutes** 5 min.

a. June 7, 2004 Worksession

b. June 15, 2004 Budget Worksession

c. August 9, 2004 Regular Session

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

5 min.

Dr. Charles DeWitt Watts, a pioneering African-American surgeon, former Vice President and Medical Director of North Carolina Mutual Life Insurance Company, and founder of Lincoln Community Health Center, passed away on July 12, 2004. A resolution has been prepared honoring his life, accomplishments, and the extraordinary service he generously rendered to this community.

County Manager's Recommendation: Approve the resolution and forward a copy to the family of Dr. Charles DeWitt Watts.

5. **Sheriff's Office?Recognition of the 24th Basic Law Enforcement Training Academy Cadets**

5 min.

The Sheriff will recognize the 24th Basic Law Enforcement Training Academy Cadets.

Resource Person(s): Sheriff Worth L. Hill

County Manager's Recommendation: The Manager's recommendation is that the Board allow Sheriff Hill to recognize the Cadets and congratulate these officers on their commitment to service for the citizens of Durham.

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

5 min.

Deputy William K. Dodson of the Durham County Sheriff's Office was recently presented the 2004 Thrasher Award at the National Gang Crime Research Center's 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.

Resource Person(s): Sheriff Worth L. Hill

County Manager's Recommendation: The County Manager recommends that the Board congratulate Deputy Dodson on his awards.

7. Proclamation "Healthy North Carolina Month" in Durham County

5 min.

The Board is requested to recognize NC Health Month in Durham County by the presentation of a proclamation.

Several events are planned during the week.

County Manager's Recommendation: The Manager recommends that the Board approve the requested proclamation and recognize September as "Healthy North Carolina Month" in Durham County.

8. Resolution Supporting "Amendment One"

5 min.

The North Carolina Association of County Commissioners is requesting 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 has been prepared in support of Amendment One, a constitutional amendment which will be on the November 2 ballot.

County Manager's Recommendation: Approve the resolution and forward copies to Ron Aycock, Executive Director of the North Carolina Association of County Commissioners, and Margaret Webb of North Carolinians for Jobs & Progress, a group spearheading the statewide Amendment One Marketing Campaign.

9. Consent Agenda 20 min.

- 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, and 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 and authorize the Manager to enter into the contract);
- e. Lease Agreement for YMCA Childcare Center to Operation Breakthrough Head Start (approve the

- lease agreement);
 - f. Resolution to Designate the NC 147 Corridor in Durham County Between I-40 and I-85 as the "Innovation Highway" (approve and direct that a copy be forwarded to the North Carolina Department of Transportation);
 - 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, and authorize the Manager to execute the lease);
 - i. Liability Claims and Subrogation Recovery for FY 03-04 (receive and include the payments in the minutes); and
 - j. FY 04-05 Service Contract With Unique Management Services Inc. (approve library patron debt collections with option to renew yearly for five years; not to exceed \$60,000 annually).
10. **Public Hearing to Permanently Close East and West Institute Drive (SC04-04)**

10 min.

Hold a public hearing and receive comment on permanently closing a 6,889.29-linear-foot portion of the public street right-of-way of East and West Institute Drive.

The Planning Department recommends that the Board adopt the order.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order.

11. **Public Hearing to Rezoning Junction Road (Case P04-22)**

15 min.

To approve the rezoning request on 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

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, proposing 273 dwelling units (231 single-family units within a cluster development and 42 multi-family units). Committed elements have been offered as part of the plan. Staff recommends approval based upon consistency with 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.

The public hearing for this request was advertised on August 6 and 13, 2004 in the Durham Herald-Sun.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed rezoning and approve, if appropriate, based on the comments received.

12. **Public Hearing to Rezoning Van Drive Lot A (Case P04-30)**

10 min.

To approve the rezoning request of 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.

Request: RD (Rural District) to R-20 (Residential 20 District)

The proposal is consistent with the *Southeast Durham Small Area Plan*. No development plan is submitted as part of the request. Staff recommends 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.

The public hearing for this request was advertised on August 6 and 13, 2004 in the Durham Herald-Sun.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed rezoning and approve, if appropriate, based on the comments received.

13. **Public Hearing?Rezoning?Van Drive Lot B (Case P04-31)**

10 min.

To approve the rezoning request of a 0.695-acre parcel located at 611 Van Drive, between Chickasaw and Gus Roads. PIN 0850-02-78-1487.

Request: RD (Rural District) to R-20 (Residential 20 District)

The proposal is consistent with the *Southeast Durham Small Area Plan*. No development plan is submitted as part of the request. Staff recommends 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.

The public hearing for this request was advertised on August 6 and 13, 2004 in the Durham Herald-Sun.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed rezoning and approve, if appropriate, based on the comments received.

14. **Major Site Plan?Rosemart (Case D03-468)**

10 min.

RL Horvath Associates Inc., on behalf of Watkins Development Company, has 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.

Planning staff recommends approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board approve

the site plan.

15. **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**

25 min.

The Board is 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.

Construction of the two libraries was advertised in local newspapers on May 30, 2004 and re-advertised on July 23, 2004. A pre-bid conference was held on June 9, 2004 at 10:00 a.m. Two bids were received, publicly opened, and read on July 30, 2004 at 3:00 p.m. C. T. Wilson Construction Co. Inc. submitted the lowest combined prices for the base bids and alternates in the amount of \$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 recommends that the County proceed with the work described and award the contract to C. T. Wilson Construction Company Inc. 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 following activities have been completed or are on-going: Property Acquisitions/Closings; Property and Topographic Surveys; Phase I Environmental Site Assessment; Geotechnical and Subsurface Exploration; Site Studies; Preliminary Building Permits/Fees; and Property Appraisals and Design Services. 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.

Resource Person(s): Glen Whisler, P.E., County Engineer; Philip Cherry, Director, Library Services; Philip Freelon, FAIA, and Zena Howard, AIA, The Freelon Group Inc.; Ademola Shobande, Senior Project Manager, Engineering Department; and Yolanda

Moore-Gaddy, Business Development Manager

County Manager's Recommendation: Authorize execution of a contract with C. T. Wilson Construction Co. Inc. for construction of two new regional branch library buildings, in the amount of \$7,878,440 (Base Bid plus Alternates NA 1-4, NH-1, EA 1-4 & EH-1) and execution any other related contracts including change orders, if necessary, not to exceed the project budget of \$8,482,362.

16. **Board and Commission Appointments**

5 min.

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Alcoholic Beverage Control Board

- Area Mental Health Board

- Civic Center Authority

- Durham County Library Board

- Durham Workforce Development Board

Resource Person(s): Garry E. Umstead

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

17. **Closed Session**

1 hr.

The Board is requested 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).

3¼ hrs.



Last updated: July 23, 2006

© 2013, Durham County Government, North Carolina. All rights reserved.
200 E Main Street, Durham, NC 27701
webmaster@durhamcountync.gov
[Website Disclaimer & Policies](#)