

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

Monday, November 10, 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 meeting to order with the Pledge of Allegiance.

**Announcement**

Commissioner Heron announced that she and Chairman Reckhow attended the musical performance, "Grease," at Hillside High School on Friday night, November 7. She commented that the production was "fantastic", the actors "professional", and the orchestra "superb". She encouraged all citizens to attend future performances.

Chairman Reckhow echoed the comments of Commissioner Heron, commending Mr. Wendall Tabb, Hillside High School Theatre Director, for another exceptional production.

**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, Director of Community Affairs, Duke University Health System, and former Durham County Commission Chairman, and Stephens Toler, Vice President of Community Relations, Verizon, co-chaired the committee responsible for the successful marketing and passage of Durham County’s \$124 million bond referendum on November 4, 2003.

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

Chairman Reckhow announced that a reception was held in the Commissioners’ Chambers foyer at 5:30 this afternoon to recognize volunteers and the leadership of the Learning 4-All Bond Campaign Committee. She recognized Mr. Toler for his superb fund-raising ability; Ms. Black for her political acumen; and Dr. John Lucas, honorary co-chair, for his institutional memory and valuable history of the community.

Chairman Reckhow read the following resolutions into the record:

RESOLUTION

WHEREAS, the Durham County Board of Commissioners approved placing a \$124 million Bond Referendum on the November 4<sup>th</sup> 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 Marilynn 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 10<sup>th</sup> day of November, 2003.

/s/ Five Commissioners  
Durham County Commissioners

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#### RESOLUTION

WHEREAS, the Durham County Board of Commissioners approved placing a \$124 million Bond Referendum on the November 4<sup>th</sup> 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 10<sup>th</sup> day of November, 2003.

/s/ Five Commissioners  
Durham County Commissioners

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Chairman Reckhow presented the resolutions to Mr. Toler and Ms. Black.

Ms. Black presented to the Board copies of a thank-you letter that she and Mr. Toler had written to the Commissioners, Board of Education, County Manager, and Durham Public Schools Superintendent.

Ms. Black then read the letter into the record:

"Thank you for giving us the opportunity to serve as co-chairs for the 2003, \$124 million **LEARNING 4-All Bond Campaign**. The Commissioners, the School Board, and both administrations created a well-planned educational bond. It enabled us to present the bond package to the community, and it helped voters understand the importance of the bond. We were privileged to

speak to many civic organizations, education and political groups about the bond package, and we successfully convinced them to endorse it.

During these sessions, groups gave us many kind suggestions to make the next bond stronger. One of the most frequently asked question was, "How will the bond impact property taxes for homeowners"? Perhaps you could create a chart that shows, on an upward scale starting at \$80,000, the best and worse case scenarios for homeowners' property taxes. The second most frequently asked question was, "How much did the previous bond increase property tax"? A chart that shows the impact of the last three bonds would help address this issue.

There needs to be stronger procedures for public input before the Capital Improvement Plan is developed. We suggest that the School Board and the County Commissioners have coffee time with the community leaders, stake holders, groups of citizens, and other interested parties to receive input on the bond item before the final preparation of the package and to help citizens understand how the package is being designed, while allowing opportunity for discussion or changes, if warranted.

The Bond Campaign Steering Committee did not have enough Parent Teachers Association (PTA) members. In the future, PTA volunteers should be named as a part of the committee. There should also be a person to coordinate the volunteer activities for the telephone bank, to remove signs, etc.

The following are issues that need to be addressed now that the bond has passed.

1. The School Board needs to ensure that site based committees receive community input on all building designs (particularly Fayetteville Street and C.C. Spaulding). This is consistent with the current process and with the goals of the schools serving as community hubs.
2. The School Board needs to commit to building a new band suite at Hillside High School and to identify the appropriate resources to accomplish this.
3. To provide accountability, quarterly reports should be made available for all bond projects. The reports could be posted on various web sites, in libraries, or given to citizens at their request.
4. The School Board needs to address the issue of whether small schools have access to similar resources as large schools.

5. Fayetteville Street and C.C. Spaulding should have health rooms and the resource rooms should be located on the same floor as the primary classrooms, if possible.
6. The School Board needs to explore whether the City will allow the expansion of Fayetteville Street School into the adjacent park.
7. The School Board needs to continue to work diligently to identify resources for the Vocational/Technical School.
8. When an institution receives funds from a bond referendum, and not all the funds are spent for the specified project, management must account to the public for any unused funds before seeking additional funds in the next bond.

We thank all the members of the steering committee for their hard work. We thank Dr. John Lucas for being our honorary chairman. We thank the staff of the County, Durham Public Schools, Durham Technical Community College, the Durham Public Libraries, and the staff at the Museum of Life & Science for their help with the bond passage. Marilyn Walls, President of The Creative Mark, and Deborah Craig-Ray are to be commended especially for the many long hours they put into this campaign.

Finally, we thank the people of Durham County for voting “**Yes**” to *Learning 4-All*. They will help us upgrade old facilities, build new structures, and improve schools throughout our community. We are indeed a great community of people, who value our public facilities and, most importantly, value *Learning 4-All*.”

Ms. Black requested that the Commissioners hold discussions with the Board of Education regarding the contents of the letter, adding that she and Mr. Toler would be available to help in the future, if needed.

Chairman Reckhow responded that several of these recommendations would be placed on an upcoming County Commission/Durham Public Schools Board of Education meeting agenda.

Mr. Toler thanked the Commissioners for this opportunity to work on behalf of Durham County and its wonderful citizens. He also thanked the following investors in the marketing campaign:

Marilynn Walls—The Creative Mark Inc.  
David D. Beischer  
Chuck Wilson—C. T. Wilson Construction Company  
Kathy Hawkins—Progress Energy Service Co. LLC  
Tom White—Greater Durham Chamber of Commerce

Scott Gardner—Duke Power Company  
Keith Spring—Knott, Benson, Spring Engineering Assoc.  
John McAdams—The John R. McAdams Co. Inc.  
John Burness—Duke University  
MaryAnn Black—Duke University Health System  
John Mallard—Cardinal State Bank  
Richard Furr—Central Carolina Bank  
Tim Kent—NC Assoc. of Realtors  
Shelia Willis—Durham Assoc. of Realtors  
Nick Tennyson—Home Builders Assoc. of Durham & Orange Counties  
Bill Shore and Mary Linda Andrews—GSK  
Peter Anlyan—Capital Broadcasting Company  
Durham Library Foundation  
Friends of the Library  
Verizon

In-kind gifts from:

Durham Technical Community College  
Museum of Life and Science  
Durham Public Education Network

Commissioner Bowser asked all persons who participated in the bond campaign to stand for recognition and applause.

Chairman Reckhow recognized Dr. E. Lavonia Allison who had signed to speak on this agenda item.

Dr. E. Lavonia Allison, 1315 McLaurin Avenue, Durham 27707, congratulated Mr. Toler and Ms. Black for a successful bond campaign. She thanked County Manager Ruffin, Chairman Reckhow, Mr. Toler, and Ms. Black for providing a series of meetings that gave citizens the opportunity to raise questions and concerns. Dr. Allison stressed that meetings of this nature facilitate understanding and communication between the government and citizens.

Commissioner Cousin offered congratulations and commendations to those who helped the bond pass so smoothly. He thanked the Steering Committee for bringing forth the eight issues to be addressed.

Chairman Reckhow invited the Board of County Commissioners to stand with her to extend certificates of appreciation to various persons who assisted with bond campaign efforts. These persons are:

Dr. John Lucas—Honorary Chairman  
Dr. Ann Denlinger—Durham Public Schools (DPS) (not in attendance)  
Michael Yarborough—DPS (not in attendance)  
Nancy Hester—DPS (not in attendance)  
Dr. Phail Wynn—Durham Technical Community College

Wanda Winslow—Durham Technical Community College  
Allison Savaicz—Museum of Life and Science (not in attendance)  
Debbie May—Museum of Life and Science (not in attendance)  
Dr. Thomas Krakauer—Museum of Life and Science (past president) (not in attendance)  
Phillip Cherry—Durham County Library Director  
Susan Wright—Durham County Library  
Andrea Greenway—Public Education Network  
Kay James—Public Education Network  
Marilynn Walls—Marketing Consultant  
Deborah Craig-Ray—Durham County Public Information/Governmental Affairs Director  
Beverly Thompson—City of Durham Public Affairs Director (not in attendance)  
County Manager Mike Ruffin

Chairman Reckhow read the verbiage on the certificates of appreciation:

Learning 4-All  
2003 Bond Referendum Committee Certificate of Appreciation is Hereby Presented  
For Your Efforts Supporting the Passage of the  
\$124 Million Durham County Bond Referendum  
Durham County Board of Commissioners  
November 10, 2003

Chairman Reckhow expressed that, as a result of the bond passage, Durham County will be well served by public improvements to take place over the next few years.

**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. All 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 10<sup>th</sup> 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) ~~Farmland Preservation: Adoption Map Which Identifies Voluntary Agricultural Districts (VAD) and Agricultural Priority Areas (APA) (approve the Voluntary Agricultural Districts and resolution designating the Agricultural Priority Areas);~~  
**(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 10<sup>th</sup> day of November, 2003.

Witness my hand and official seal this the 11<sup>th</sup> 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 10<sup>th</sup> day of November, 2003.

Witness my hand and official seal this the 11<sup>th</sup> 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:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$297,819,901	\$12,100	\$297,832,001

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 36,558,239	\$12,100	\$ 36,570,339

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

This the 10<sup>th</sup> 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.

Consent Agenda Item No. 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).

The bid follows:

Durham County Engineering Department  
Project: Site Preparation for the Durham Center for Senior Life  
Subject: Pre-Bid Summary—Single Prime Contract  
Location: Property bounded by Rigsbee Ave. & Seminary Ave. Durham, NC 27701

DESCRIPTION	ALTERNATE A	BASE BID
1. Siteworx Contracting LLC	No Response	
2. L. A. Downey & Son Inc.	\$1,200,000	\$ 410,905
3. C. T. Wilson Construction Co.	\$1,020,046	\$ 504,737
4. Riggs-Harrod Builders Inc.	No Bid	<b>\$ 410,071</b>
5. Triangle Grading & Paving	\$ 942,603	\$ 444,291
6. Nello L. Teer Company	No Response	

### **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.

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, reviewed the TIP development process, reviewed major Durham projects in the current 2004-2010 TIP, and presented a preliminary priority list for the 2006-2012 TIP. A summary of his presentation follows:

**What is the TIP?**

- Seven-Year Transportation Funding Program
- Multi-Modal (Highway, Transit, Bicycle, and Pedestrian Improvements)
- State and Federal Funding Sources
- Fiscally Balanced by Funding Source and Fiscal Year
- Major Capital and Operating Assistance for Transit Systems

**TIP Funding Allocation for Highways**

- Allocation of TIP Funding Based Upon NCDOT "Equity" Formula
  - Population (50 percent)
  - Miles of Roadway on State "Intrastate" System (25 percent)
  - Equal Share (25 percent)
- Urban Loop Funds are Exempted From the Equity Formula

**Highway Trust Fund—Durham Loop Projects**

1. East End Connector (US 70 to NC 147)
2. US 70 (Lynn Road to Northern Durham Parkway)
3. I-85 (US 70 to Red Mill Road)
4. Northern Durham Parkway (I-85 to Old Oxford Road)
5. Northern Durham Parkway (US 70 to I-85)
6. Northern Durham Parkway (Old Oxford Road to Roxboro Road)
7. US 501 (Duke Street to Goodwin Road)

**TIP Funding for Alternative Modes**

- Transit Funding Subject to FTA Approval
  - Projected Consistent Funding Levels for Next Five Years
- Public Transportation Funding
  - 20 Percent Local Match for Capital Assistance
- Enhancement Funding
  - Bicycle/Pedestrian Projects
- CMAQ Funding
  - Air Quality Improvements

**Background—Regional Priority List**

- Combines priorities from:
  - City of Durham
  - Town of Chapel Hill

- Town of Carrboro
- Town of Hillsborough
- County of Durham
- County of Orange (portions)
- County of Chatham (portions)
- Triangle Transit Authority
- MPO Ranks Projects for the Region

Background—Local Input Into the 2006-2012 TIP

- Durham County Input
  - 19 Priority Projects
  - Developed From:
    - Prior Priority Lists
    - 2025 LRTP
    - Small Area Plans
    - Community Input
    - System Deficiencies
- City of Durham Input
  - 21 Priority Projects

**2004-2010 TIP—Major Projects Overview**

Funded Projects

- I-40 (I-3306B)
  - US 15-501 to NC 147
  - Widen From 4 to 6 Lanes
  - Under Construction
  - Fully Funded
  - \$34,365,000
  - Complete—12/2004
- Alston Avenue (NC 55) (U-3308)
  - Durham Freeway to Holloway Street
  - Widen From 2 to 4 Lanes
  - Construction—2008
  - Fully Funded
  - \$16,000,000
- I-85 (I-306)
  - Widen From 4 to 8 Lanes
  - Phased Construction in Progress
  - Fully Funded
  - \$269,190,000
  - Complete—2007
- Guess Road
  - Carver Street to Umstead Road
  - Widen to Multi Lanes

- Under Construction
- Fully Funded
- \$36,055,000
- Complete—2004
- Holloway Street (NC 98) (U-4010)
  - East of US 70 to East of Junction Road
  - Center Turn-Lane Construction
  - Fully Funded
  - \$2,910,000
  - Construction—2004
- Chapel Hill Boulevard (U-4012)
  - Garrett to Mt. Moriah
  - Widen From 4 to 6 Lanes
  - Construction—2005
  - Fully Funded
  - \$8,384,000
- US 15-501/Garrett Road (U-4009)
  - Relocate Northeast Service Road
  - Construction—2004
  - Fully Funded
  - \$2,440,000
- NC 54 (R-2904)
  - Davis Drive to Miami Boulevard
  - Widen From 2 to 4 Lanes, Divided
  - Construction—2008
  - Fully Funded
  - \$4,025,000
- NC 55 (R-2906)
  - Cornwallis Road to US 64
  - Widen From 2 to 4 Lanes, Divided
  - Under Construction
  - Fully Funded
  - \$46,727,000
  - Complete—2006
- I-40 (I-2204)
  - NC 147 to Wade Avenue
  - Widen From 6 to 8 Lanes
  - Part Complete; Part Under Construction
  - Fully Funded
  - \$27,900,000
  - Complete—2003
- Alexander Drive (U-3309)
  - Miami to Cornwallis

- Widen From 2 to 4 Lanes, Divided
- Part Under Construction; Part to Begin in 2008
- Fully Funded
- \$7,084,000
- S. Miami Boulevard (U-4011)
  - Bethesda Avenue to Methodist Drive
  - Construct Center Turn Lane and Sidewalks
  - Construction—2008
  - Fully Funded
  - \$1,850,000
- Hillandale Road (U-3804)
  - I-85 to Carver Street
  - Widen From 2 to 4 Lanes, Divided
  - Construction in 2008
  - Fully Funded
  - \$6,548,000

Partially Funded TIP Projects

- East End Connector (U-71)
  - NC 147 to US 70
  - New Freeway Connector
  - Construction—2010
  - Total Cost—\$88.7 Million
  - Funded—\$26.7 Million
- Briggs Avenue Ext. & Northeast Creek Parkway (U-2831)
  - Northeast Creek Parkway—Under Construction—\$5.8 Million
  - Briggs Avenue Ext.—Not Scheduled—\$4.8 Million

**Draft TIP—Project Priority List—FY 2006-2012—Durham County**

1. East End Connector
2. NC 54 (I-40 to NC 55)
3. NC 54 (Page Road to Wake County Line)
4. Old Durham-Chapel Hill Bicycle and Pedestrian Project
5. US 70 (Lynn Road to Northern Durham Parkway)
6. I-85 (US 70 to Red Mill Road)
7. Northern Durham Parkway
8. I-40 HOV
9. Erwin Road Bicycle Improvement Project
10. Carpenter Fletcher Road Bicycle Improvement Project
11. Durham Freeway Ext. From I-40 to I-540
12. Bike and Pedestrian Connectivity to TTA Rail Project
13. US 501 From Duke Street to Goodwin
14. US 15-501 Regional Rail Project
15. American Tobacco Trail—Phase IV
16. Alexander Drive, Cornwallis to NC 55

17. Hillandale Road, Carver Street to Horton Road
18. Garrett Road, NC 751 to Chapel Hill Boulevard
19. Latta Road Widening Project

Priority List Schedule

- November—Local Priority Lists Developed
- November/December—Regional Priority List Developed by MPO
- January—Regional Priority List Submitted to NCDOT
- February—MPO Priority Sessions With NCDOT
- June—Draft FY 2006-2012 TIP Released

Commissioner Heron inquired about the construction on Cornwallis Road interfering with bikeways.

Mr. Ahrendson responded that he is aware of bikeway interruption at the intersection of the Northeast Creek Parkway and Cornwallis Road; new parkway construction has narrowed lanes in that area. Mr. Ahrendson stated that his department is working with NCDOT and will get the problem corrected in one of three ways: (1) the NC 55 TIP project; (2) enhancement project scheduled to provide bicycle improvements along Cornwallis Road from NC 55 to Miami Boulevard; or (3) a North Carolina “Moving Ahead” project to widen and resurface Cornwallis Road from Fayetteville Road to Miami Boulevard (overlaps the enhancement project).

Commissioner Heron recommended that the South Miami Boulevard project be accelerated, especially since a relatively small amount of funding is involved.

Mr. Ahrendson suggested that her recommendation be presented to the Transportation Advisory Committee; he would present it to NCDOT, as well.

Vice-Chairman Bowser discouraged NCDOT’s plans for rerouting Hillandale Road traffic to Guess Road and vice versa during I-85 ramp closure. He suggested that Hillandale Road be increased to four lanes immediately (instead of the temporary appendage of a third lane) with additional stoplights so citizens can frequent businesses without the threat of a traffic accident.

Mr. Ahrendson stated that he would relay this suggestion to NCDOT.

Vice-Chairman Bowser asked Mr. Ahrendson to contact the Board with NCDOT’s response so other actions can be taken by the Commissioners, if necessary.

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.





1. On or about October 3, 2003, the Petitioner caused three correction deeds to be recorded in the Register of Deeds Office on which excise taxes were paid in the amount of \$1,062.00.

2. The excise tax was paid in error, as the transaction was not a conveyance of an interest in property that would be subject to excise stamps under G.S. § 105-228.28.

3. The amount of the excise taxes which were retained by the County as its share of the excise taxes was in the amount of \$531.00.

4. Prior to making the refund requested, the Petitioners are required to record an instrument indicating the deeds are not subject to excise stamps.

Based on the foregoing findings of fact, the Board makes the following CONCLUSIONS OF LAW:

1. The Board of Commissioners has jurisdiction over this matter.

2. The Petitioner is entitled pursuant to G.S. § 105-228.37 to a refund of the County's share of the excise stamp taxes in the amount of \$531.00.

IT IS THEREFORE ORDERED:

1. The Finance Officer for the County of Durham shall pay to the Petitioner the sum of \$531.00 as a refund of the excise stamp taxes erroneously paid.

2. The Clerk to the Board of Commissioners shall send a copy of this Order to the Secretary of Revenue for the State of North Carolina.

This the 10<sup>th</sup> day of November 2003.

/s/ Ellen W. Reckhow  
Chairman

(SEAL)  
Teste: A true copy

/s/ Garry Umstead  
Clerk to the Board

### **Video Dialogue**

Vice-Chairman Bowser stated that Video Dialogue is filming a documentary of the 150<sup>th</sup> 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.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board