

**REVISED**

(Move agenda item No. 5a to 11a with a change in the County Manager's recommendation)

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

August 11, 2003

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**-Pledge of Allegiance
  
2. **Agenda Adjustments**
  
3. **Minutes**
  - a. May 21, 2003 Budget Worksession
  - b. May 22, 2003 Budget Worksession
  - c. June 17, 2003 Budget Worksession
  - d. July 28, 2003 Closed Session
  - e. June 3, 2003 Budget Worksession

**Commissioner Jacobs moved, seconded by Commissioner Heron,  
to approve the Minutes with a correction to the  
May 21, 2003 Budget Worksession Minutes.**

*The motion carried unanimously.*

4. **Presentation of LEO Advanced Certification for Sheriff's Deputies**

The Sheriff of Durham County would like to recognize the following deputies for completing their Law

Enforcement Advanced Certification:

Sgt. G. L. Wiggins  
Lt. D. O'Mary  
Sgt. A. Clayton  
Lt. P. Hornbuckle  
Sgt. J. Naillon  
Deputy D. Trudell  
Sgt. T. Deck  
Deputy W. A. Clark

Resource Person(s): Sheriff Worth L. Hill

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

***The officers were recognized by Sheriff Worth Hill and the County Commissioners.***

5. **Recognition of Sheriff Worth Hill on his Election as President of the North Carolina Sheriff's Association**

Durham County Sheriff Worth L. Hill was recently installed as the 81<sup>st</sup> President of the North Carolina Sheriff's Association. The association is the statewide organization that represents North Carolina's sheriffs on legislative issues and assists local sheriffs in improving the professional law enforcement services that their offices provide. Sheriff Hill is the first Durham County Sheriff to lead the organization in 54 years.

Resource Person(s): Worth L. Hill, Sheriff

County Manager's Recommendation: The County Manager recommends that the Board congratulate Sheriff Hill on election as President of the North Carolina Sheriff's Association.

***The Commissioners and County Manager congratulated Sheriff Hill for this outstanding recognition.***

6. **Consent Agenda**

- a. Budget Ordinance Amendment No. 04BCC000002-Sheriff's Office-Purchase of GangNet-Software in Partnership with City of Durham Police Department (support the Sheriff's gang initiative with the Durham Police Department by accepting the Governor Crime Commission grant and amending the FY 2003-04 Budget as requested. In addition, authorize the Sheriff to enter into a license agreement and purchase contract with Orion Scientific Inc. as a sole source provider of the licensed software);
- b. **Contract with Tax Management and Associates (renew the contract with Tax Management and Associates to conduct audits. The contract amount is not to exceed**

- \$75,000.00);**
- c. **Contract with County Tax Services Inc. (approve the contract with County Tax Services Inc. to conduct audits. The contract is not to exceed \$25,000.00);**
  - d. Reschedule September 1 and October 6, 2003 Worksessions (hold the September 1, 2003 Worksession on Tuesday, September 2, 2003 due to Labor Day. Hold the October 6, 2003 Worksession on Tuesday, October 7, 2003 due to Yom Kippur. Both worksessions are to begin at 9:00 a.m.);
  - e. US Department of Homeland Security/State Homeland Security Grant Program (agree to Emergency Management participation in the Homeland Security Grant Program and appoint Jeffrey L. Batten, Durham County Emergency Management Director, as the designated agent/point of contact for the program);
  - f. Service Contract With Unique Management Services Inc. for FY 2003-2004 (enter into a contract with Unique Management Services Inc. for library patron debt collections for FY 2003-04. The County Manager recommends that the fees paid to Unique Management Services Inc. do not exceed \$60,000.);
  - g. Lease Agreement-119 Orange Street-Adult Probation and Parole (approve the agreement and authorize the Manager to execute the lease);
  - h. Temporary Construction Easement Related to the Construction of Adam's Park Subdivision (approve the temporary construction easement);
  - i. Yearly Claims Report (receive the report of claims paid);
  - j. **Budget Ordinance Amendment No. 04BCC000003-Funding Request for Historical Monument-Lincoln Hospital School of Nursing (approve the location of the monument on the site and adopt Budget Ordinance Amendment No.04BCC00003 appropriating \$20,000 from the Contingency Fund);**
  - k. Accept Donation from the Durham County Bar Association (receive the offer for a fully-equipped, electronic law library and associated furniture in the new judicial building and authorize a letter of appreciation to the 14<sup>th</sup> Judicial District Bar Association);
  - l. Permission to Enter Negotiations for Courthouse and Parking Deck Site (grant staff permission to begin pursuing negotiations with Scarborough & Hargett Funeral Home and U-Haul Real Estate Company for the purpose of acquiring land to construct a courthouse and a parking deck); and
  - m. Approve Agreement with Raleigh-Durham Airport Authority Celebrating 100 Years of Powered Flight (approve the agreement to make \$50,000 payments in FYs 2003-2004 and 2004-2005. The initial payment of \$50,000 was approved by the Board in its Fiscal Year 2003-2004 Budget.)

***Commissioner Jacobs moved, seconded by Commissioner Heron, to approve Consent Agenda items 6 (a), (b), (c), (d), (e), (g), (i), (j), (k), and (l).***

***The motion carried unanimously.***

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***Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda item 6(f) to enter into a contract with Unique Management Services Inc. for one year, with a requirement***

*that the Library Director submit a status report in six months.*

*The motion carried unanimously*

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*Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve Consent Agenda item 6(h) to approve the temporary construction easement.*

*The motion carried unanimously.*

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*The County Commissioners concurred to withhold a decision on Consent Agenda item 6(m) until the August 25, 2003 Regular Session. The County Manager was requested to contact the Airport Authority to obtain answers to a previous request.*

7. **Public Hearing-Summer Meadows Additions (Rezoning Case P03-12)**

Crossman Communities of North Carolina Inc. will present to the Board of County Commissioners a request to rezone a 20.09-acre site (in two separate tracts) located on the north side of Hebron Road between West Avenue and Danube Lane, and the west side of Denfield Street between Hebron Road and Communications Drive. PIN 08334-03-11-6522 (partial), 03-31-5464, 03-31-7450. Request: R-20; F/J-B & E-B to PDR-4.69. The proposal is in conformance with the small area plan. Staff recommends approval citing adopted plan conformance. The Zoning Committee of the Durham Planning Commission conducted a public hearing June 11, 2003 and voted 6-0 to recommend denial, citing mass grading and the lot size.

The public hearing for this request was advertised on July 25 and August 1, 2003 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing on the proposed rezoning and approve, if appropriate, based on public comment.

***Chairman Reckhow opened the public hearing. The following persons spoke on the item:***

***Julius Bartell 4911 Denfield Street, Durham 27704, requested a left-turn lane off Denfield Street.***

***James A. Covington Sr., 715 Felicia Street, Durham 27704, spoke of the continuing water problems.***

***Dr. E. Lavonia Allison, Durham Committee for the Affairs of Black People, urged denial of the request.***

***Tony Tate, landscape architect and land planner, representing Crossman Communities, 5011 Southpark Drive, addressed issues of concern for the Commissioners and citizen speakers.***

***Mitch Huff, representing Crossman Communities, addressed the concerns of residents of Felicia***

**Street. Felicia Street is to be accepted for the NCDOT maintenance program to bring the street up to standards. The developer will pay the portion normally paid by the homeowners.**

**There being no further comments, Chairman Reckhow closed the public hearing and returned the item for Commissioner discussion.**

**Commissioner Heron commented that these houses on Felicia Street should never have been allowed to be built on this floodplain and that attempts to improve the street might be ineffective.**

**David Dunn, speaking for Crossman Communities, addressed the question of building detention basins for stormwater runoff.**

**Commissioner Cousin moved to deny the rezoning request.**

**The motion failed for lack of a second.**

**Commissioner Cousin stated he wished the record to reflect that if a voter were taken this evening, he would vote to deny the rezoning request based on the small lot sizes, mass grading, and the impact on schools.**

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**Commissioner Heron moved, seconded by Vice-Chairman Bowser, to defer this item for up to two Regular Sessions. The County Attorney was directed to work with the Applicant on this issue.**

**The motion carried unanimously.**

**8. Major Site Plan-Cardinal Self Storage-Old Oxford Highway (Case D03-146)**

Duane K. Stewart and Associates Inc., on behalf of Cardinal Self Storage Ltd., has submitted a site plan on a ±4.0-acre portion of a ±68.603-acre site for seven one-story mini-warehouse buildings, totaling 40,150 square feet. A two-story 750-square-foot office and a 1,200-square-foot caretaker apartment will be located in the corner of one building with four motor vehicle parking spaces. The parcel is zoned I-2 and F/J-B. The proposed project will be located west of Old Oxford Highway, north of Hamlin Road and south of Wolfpack Drive. (PIN 0833-02-67-9973 [part]; old tax ID 783A-01-001 [part]; County Atlas Page 42, Block D-2). Governing Body approval is required for proposed buildings larger than 25,000 square feet and for projects in the F/J-B watershed overlay district proposed with greater than 24% impervious surfaces. A Traffic Impact Analysis was not required for this development.

Planning staff recommends approval.

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

County Manager's Recommendation: The County Manager's recommendation is that the Board hear the merits of the site plan and approve.

**Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the major site plan (Case D03-146).**

***The motion carried unanimously.***

9. **Major Site Plan-Jim's Old Oxford Highway Site (Case D02-780)**

Brunssen Engineering Services P.A., on behalf of Jim and Stacy Carrington, has submitted a site plan in two phases for a one-story, 22,800-square-foot office and warehouse flex building with 35 motor vehicle parking spaces and two bicycle spaces on a ±2.00-acre site zoned I-2 and F/J-B. The proposed project will be located east of Old Oxford Highway, north of Hamlin Road, and across from Wolfpack Drive. (PIN 0833-02-88-2770; old tax ID 783-01-006F; County Atlas Page 42, Block D-2.) Governing Body approval is required for projects in the F/J-B watershed overlay district proposed with greater than 24% impervious surfaces. A Traffic Impact Analysis was not required for this development.

The Planning Staff recommends approval.

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

County Manager's Recommendation: The County Manager's recommendation is that the Board hear the merits of site plan and approve.

***Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the site plan (Case D02-780).***

***The motion carried unanimously.***

10. **Status Update on the Community Development Block Grant-2002 Scattered Site Housing Program**

The purpose of this item is to give the Board an update on the status of the Scattered Site Housing Program. The primary objective of the Community Development Block Grant-Scattered Site Housing Program is to improve the housing conditions of very low-income households with incomes at or below 50% of area median income. Eligible counties receive these funds every three years on a noncompetitive basis. The funds can only be used in the unincorporated areas of the county. As a lead agent, the County received funds by submitting a detailed plan describing how funds will be distributed to meet housing priorities.

On January 28, 2002, the Board awarded a contract to Benchmark Consulting to administer the Scattered Site Housing Program to prepare the County's application for the Scattered Site Funds. Two public hearings were held to comply with citizen participation requirements. Since that time, staff, along with Benchmark Consulting, has been working to find qualified county applicants for the program. To date, after considerable advertising of the availability of the funds, the response to the program has been minimal. Staff is recommending a media campaign to generate interest in the Scattered Site Housing Program.

Resource Person(s): Wendell M. Davis, Deputy County Manager, and Michael Walser, Vice President, Benchmark Consulting

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

receive the update on the CDBG Scattered Site Housing Program.

***Deputy County Manager Wendell Davis presented the update.***

***No Commissioner action was required on this item.***

**11. Animal Shelter Addition Update and Request for Project Modifications (Project #DC067)**

The Department of General Services will provide the Board with an update on the Animal Shelter addition and requests approval for project modifications in an amount not to exceed \$106,495.

The Animal Shelter project includes two additions to the existing Animal Shelter located at 2117 East Club Boulevard. Included in the additions are: 50 additional kennels, office space, restrooms, training room, food storage area, and a two-vehicle garage area for unloading impounded animals. Additions to the Animal Shelter were approved by the Board of County Commissioners in the revised Ten-Year CIP in the amount of \$1,633,402, of which \$968,034 has been encumbered or expended with a remaining unobligated project balance of \$665,368 (See attachment #1).

George Smart and Lucien Roughton Architects were selected to design and supervise the project. A \$806,750 construction contract was awarded to Patriot Building Company Inc., and a "Notice to Proceed" was communicated to the company effective December 9, 2002, allowing 365 days for project completion. The project is currently on schedule (see attachment #2) and is scheduled for completion in December 2003.

In addition to the above project update, an additional \$106,495 is requested for project modifications. Modifications include: (i) laundry room, (ii) resurfacing the existing kennel floor, (iii) door modification, (iv) painting the existing kennel walls and ceilings (v) wiring for an emergency generator, and (vi) additional design services outside of the original scope for this project.

(i) Laundry Room: With the addition of 50 new kennels and an increase in washing requirements, the reconfiguration of a proposed storage room to a laundry room is requested. The additional plumbing, electrical, natural gas, and HVAC rough-in by Patriot Building Company has been completed and funded through the project's contingency fund. An additional \$14,547 is requested to purchase a heavy-duty commercial washer, dryer, drain trough, and wash sink.

(ii) Resurfacing the Existing Kennel Floor: \$18,600 was originally included in this project budget for the patching and repairs of approximately 4,650 square feet of the existing epoxy floor covering at \$4.00 per square foot. During the project, it was discovered that large amounts of water from daily kennel washdowns were penetrating cracks, seams, and joints in the existing concrete kennel slab. The architect has recommended that the appropriate floor preparation is made to seal and patch these cracks to stop the penetration of water and to install the same Tnemec flooring system in the existing kennel as is scheduled for the new kennel flooring. The two systems being considered are: a 3/16-1/4 inch trowel Solid Colored flooring system for \$31,221 or a 3/16-1/4 inch trowel Colored Quartz flooring system for \$42,985. The Solid Colored flooring system is being recommended at \$31,221, plus \$2,653 for floor repair to cracks, seams, and joints and preparation, totaling \$33,874, minus \$18,600 for flooring allowance. The total request for resurfacing the existing kennel flooring is \$15,274 (see attachment #3).

(iii) Revised Door Changes: A change to the door and door frame schedule is requested for public safety and security reasons by adding glass panels in eight (8) doors and door frame side-panels. This change will allow for more visibility by Animal Shelter staff during daily operations and provide

additional security by allowing staff to monitor the activity and movement of visitors. The cost for the changes in hollow metal frames (\$1,951) and finish hardware allowance (\$4,905) totals \$6,856 (See attachment #4).

(iv) Painting the Existing Kennel Walls and Ceilings: Painting approximately 1,780 linear feet of walls and approximately 8,000 square feet of ceilings in the existing kennel area is requested. The original paint on the existing kennel walls and ceilings was installed in 1993. Wear and tear over the past ten years reflects exposed block walls, cracks, and peeling paint. This is especially important because of the need to control disease. The cost for painting these walls and ceiling is \$38,368 (See attachment #5).

(v) Transfer Switch and Wiring for an Emergency Generator: \$27,000 is requested to install the necessary conduit, electrical panels, wiring, transfer switch, concrete pad, etc. to house an emergency generator in the event of a disaster or state of emergency to care for the impounded animals.

(vi) Additional Architect Design Services: The firm of Lucien Roughton Architects is requesting an increase for services outside of the original scope of the project. The architect has prepared detailed drawings and specifications for the laundry room and door and frame changes in the amount of \$4,450 (See attachment #6).

Approval of this request to use \$106,495 of unobligated Animal Shelter project funds will leave a remaining unobligated project balance of \$558,873.

Resource Person(s): Mike Turner, Director of General Services; Lucien Roughton, Lucien Roughton Architects; and Cindy Bailey, Animal Control Administrator. Susan Teer and Patty Croom, representing the Animal Protection Society (APS) of Durham Inc., will also be available for questions.

County Manager's Recommendation: The County Manager recommends that the Board receive the Animal Shelter construction update and approve the request for modifications to include a laundry room, resurfacing the existing kennel floor, door modifications, painting the existing kennel walls and ceilings, wiring for an emergency generator, and additional architectural design services, not to exceed \$106,495.

***Mr. Turner introduced the item. Mr. Lucien Roughton, architect, explained the three change orders to the project, some of which resulted in cost savings. The greatest additional cost was for bad soil removal @ \$50,000.***

***Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the request for modifications to the Animal Shelter, with the stipulation that funds left over be applied to renovating the children's facility on the YMCA campus.***

***The motion carried unanimously.***

#### **11a. Update on Status of Durham County Literacy Council Funding**

The Durham County Literacy Council appeared before the Board on May 29, 2003 in support of a request for \$32,500 to provide pre-GED and GED instruction and readiness for out-of-school youth between the ages of 16 and 18. The Board did not act upon the request and suggested the submission of an application for Workforce Investment Act (WIA) funds. Lucy Haagen of the Literacy Council will be present to update the Board about the status of funding for the program.



Resource Person(s): Ellen Reckhow, Chairman; Joe Bowser, Vice Chairman; and Lucy Haagen, Durham County Literacy Council

***Vice-Chairman Bowser presented an update of efforts to find a space for the program. Lucy Haagen of the Literacy Council provided background data for the literacy program and urged the Commissioners to help secure a safe facility to carry out the program. The program has growing numbers of youth applying for a space in the program.***

***Chairman Reckhow opened the public hearing and recognized Fred Foster, who had signed to speak on the item.***

***Fred Foster, 5718 Whippoorwill Street, urged the County to endorse the program and find facility space to continue this literacy program.***

***Following Commissioner discussion, Chairman Reckhow requested that the Board make a general commitment to finalize funding and seek space. The County Manager will contact the City Manager to work together on the project. The item would be placed on the August 25, 2003 Regular Session agenda.***

County Manager's Recommendation: The County Manager recommends that the Board receive the report and advise the staff if any additional information is desired in advance of the Board's decision on August 25.

12. **Resolution Approving Financing Documents for American Tobacco**

The Board is requested to approve the form of the financing documents, which are attached. There will be some minor changes to the documents before they are finalized. The attached resolution provides that minor changes may be made provided the documents remain substantially as presented.

The Board held a public hearing on the terms of the documents at its June 23, 2003 meeting. The terms of the financing were approved at that meeting. The only approval needed at this time is the form of the documents.

Resource Person(s): Chuck Kitchen, County Attorney, and George Quick, Finance Officer

County Manager's Recommendation: The County Manager recommends that the Board approve the financing documents so that the County may comply with the terms of the Development Agreement, which has been previously signed.

***George Quick supplied the update on financing of the project.***

***Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the financing documents.***

***The motion carried with the following 4 to 1 vote:***

***Ayes: Cousin, Heron, Jacobs, and Reckhow***

***Noes: Bowser***

***Chairman Reckhow requested that the County Manager contact and arrange for a meeting with the City Manager, Mayor, Jim Goodman, Commissioners Bowser and Reckhow, and the County***

**Manager to work to bring the American Tobacco Project to finalization.**

**ITEMS ADDED TO THE AGENDA**

**Four-Year Terms**

***Vice-Chairman Bowser brought forth the subject of "four-year terms." He was concerned about the short tenure of Commissioners and that campaigning is a distraction to conducting the business of office.***

***The County Attorney addressed the options and procedure for affecting change. A resolution is required stating the intention of a change to the election process. The question would be placed on the ballot for citizen vote.***

**Employee Time-Off**

***Employees trying to contact their managers from outside are able only to reach their voicemail. The County Manager asked to look into this item.***

**13. Board and Commission Appointments**

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

- •Adult Care Home Community Advisory Committee
- •Alcoholic Beverage Control Board
- •Animal Control Advisory Committee
- •Animal Control Review Board
- •Bicycle and Pedestrian Advisory Commission
- •Board of Adjustment
- •City-County Appearance Commission
- •Historic Preservation Commission
- •Juvenile Crime Prevention Council
- •Memorial Stadium Authority
- •Multi-Jurisdictional Advisory Board
- •Nursing Home Community Advisory Committee
- •Open Space and Trails Commission
- •Public Library Board
- •Triangle J Water Resources Committee
- •Women's Commission
- •Workforce Development Board

Resource Person(s): Garry E. Umstead, CMC, Clerk to the Board

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

***The Commissioners voted their ballots. The results were read by County Attorney Chuck Kitchen.***

**14. Closed Session**

The Board of County Commissioners is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(6) to consider a personnel matter.

***This item was deferred until the August 25, 2003 Regular Session.***

***THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 10:48 P.M.***

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Last updated: May 3, 2006

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