

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

July 28, 2003

7:00 P.M. Regular Session

POST AGENDA

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

Following the Pledge of Allegiance, Chairman Reckhow pulled the following item from the consent agenda:

4.i.Excuse Vice-Chairman Joe W. Bowser from Meeting (excuse Vice-Chairman Bowser from the July 28, 2003 Regular Session due to his attendance at the installation banquet for Sheriff Hill, who will be installed as President of the NC Sheriff's Association in Wrightsville Beach, NC).

Commissioner Jacobs moved, seconded by Commissioner Cousin, to excuse Vice-Chairman Bowser from the meeting.

The motion carried unanimously.

2. **Agenda Adjustments**

County Manager Mike Ruffin pulled the following item from the agenda-"Authorize County Manager to Execute Purchase Contract for the YMCA".

3. **Minutes**

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the following minutes of the Board of County Commissioners as submitted. The June 9, 2003 Regular Session Minutes were approved as corrected.

The motion carried unanimously.

- a. March 25, 2003 CIP Worksession Minutes
- b. March 26, 2003 CIP Worksession Minutes
- c. April 7, 2003 Worksession Minutes
- d. May 5, 2003 Worksession Minutes
- e. May 19, 2003 BOCC/DPS/Durham Delegation Minutes
- f. May 20, 2003 Budget Worksession Minutes
- g. June 9, 2003 Regular Session Minutes
- h. June 23, 2003 Closed Session Minutes
- i. June 23, 2003 Regular Session Minutes

4. **Consent Agenda**

- a. Property Tax Releases and Refunds for Fiscal Year 02-03 (June 2003) (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Budget Ordinance Amendment No. 04BCC000001-Sheriff's Office (approve the budget ordinance amendment to recognize Local Law Enforcement Block Grant funds of \$75,731 in deferred revenue for upgrades to the firing range, and Investigations Division equipment needs);

- c. Association for the Preservation of the Eno River Valley Inc.-Nonwarranty Deed Related to Matching Grant of \$51,152 to assist with purchase of real property on Stanley Road along the Eno River (approve the transfer of the property by Nonwarranty Deed);
- d. Standard Non-Reimbursable Utility Contracts for the Extension of the County Sanitary Sewer System to Featherstone Village Apartments and Pagehurst Phase 4B (authorize the County Manager to execute the utility contracts for these additions to the County sanitary sewer system);
- e. Lease Agreement with Bahama Volunteer Fire Company Inc. to lease a portion of the property to the Sheriff's Department for use as the North Satellite Station and training center (approve the Lease Agreement and authorize the County Manager to execute the Lease Agreement);
- f. Appointment-NCACC Annual Conference Voting Delegate (appoint Chairman Reckhow as the voting delegate to the annual conference);
- g. Amendment to Adopted Fiscal Years 2004-2013 Capital Improvement Plan (approve the amendment to the previously adopted FY 2004-2013 Capital Improvement Plan, for two Durham Technical Community College capital projects); and
- h. Information Technology-Financing to Purchase Replacement Computers (accept the recommended bid by Wachovia Bank, NA [2.20% for \$3,100,000 for 36 months] and authorize the Manager to execute the necessary documents to complete the transaction).

Commissioner Cousin moved, seconded by Commissioner Heron, to approve the consent agenda items.

The motion carried unanimously.

5. **Public Hearing on Bond Orders**

The Board of Commissioners was requested to hold a public hearing on the Orders authorizing school bonds, community college bonds, museum bonds, and library facilities bonds. The Board adopted the initial orders at its June 23, 2003 meeting. The bond orders along with the notice of the public hearing were duly advertised in accordance with law.

Following the public hearing, each of the bonds was proposed for approval by the Board, and the Board was requested to call a referendum on the bonds for the November election.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Following the public hearing, if appropriate, approve each of the bond orders separately, and then approve the Resolution Calling a Special Bond Referendum.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the order entitled, "ORDER AUTHORIZING \$105,315,000 SCHOOL BONDS".

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the order entitled, "ORDER AUTHORIZING \$8,345,000 COMMUNITY COLLEGE BONDS".

The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the order entitled, "ORDER AUTHORIZING \$5,280,000 MUSEUM BONDS."

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the order entitled, "ORDER AUTHORIZING \$4,725,000 LIBRARY FACILITIES BONDS".

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the RESOLUTION CALLING A SPECIAL BOND REFERENDUM.

The motion carried unanimously.

6. **Salary Adjustment for Board of Elections Supervisor**

In June of 2003, the Durham Board of Elections signed a Memorandum of Understanding removing the Director of Elections from the County pay plan. As a result, the Board of County Commissioners, upon the recommendation of the Durham County Board of Elections, shall set the salary for the Director. The current salary of the Director is \$64,959. The Board of Elections is recommending a ten percent (10%) salary increase in recognition of his expanded and more complex duties and to bring the Director more in line with what other Durham County Department Heads are paid. The recommended salary is \$71,454.

Resource Person(s): Mr. Ronald A Gregory, Chairman of the Durham County Board of Elections

County Manager's Recommendation: The County Manager recommends that the Board approve the request to increase the salary of the Board of Elections Director by ten percent.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the requested 10 percent salary increase (from \$64,959 to \$71,454) for the Director of the Board of Elections.

The motion carried unanimously.

7. **Hearing on Request for Refund of Excise Tax**

The County has received a request to refund tax stamps paid on a deed recorded in Durham County. The property is alleged to have been in Person County instead of Durham County. After hearing the sworn testimony, the Board may refund the amount of the taxes retained by the County in the amount of \$110.00. The remainder of the taxes must be refunded by the State. The applicant is responsible for making this request.

The applicant was notified of the hearing on the requested refund.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: After hearing the testimony of the applicant, the Board was requested to approve the order for the refund, if appropriate.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the order for the refund in the amount of the taxes (\$100.00) retained by the County.

The motion carried unanimously.

8. Authorize County Manager to Execute Purchase Contract for the YMCA

On January 27, 2003 the Board of Commissioners held a closed session discussion regarding the potential acquisition of the childcare center located at 218 Seminary Street adjacent to the Downtown YMCA. The purpose of acquiring the center is to relocate the Head Start population from Whitted School. During that discussion, the Board requested that staff conduct research on several questions. On April 14, 2003, the Board held a subsequent discussion, and responses were presented to the questions posed. At the conclusion of the April 14 discussion, the Board inquired about parking requirements for the facility. The Planning Director provided feedback indicating that there were no parking spaces specifically designated for the childcare center since the area is zoned CBD. However, the YMCA-in moving forward with the transaction-indicated that it was willing to designate approximately five parking spaces directly adjacent to the front entrance.

At the conclusion of the April 14, 2003 discussion, staff was instructed to allocate funding, in the 2003-2004 budget, to acquire the YMCA childcare center for \$750,000 over a four-year period. Included in the 2003-04 budget is \$187,500 for the initial installment. Three additional payments in that amount are scheduled over the next three fiscal years in the County's CIP. Staff is requesting that the Board authorize the County Manager to execute a purchase contract for the acquisition of the YMCA Childcare Center located at 218 Seminary Street and instruct the County Attorney to prepare the documents for financing.

Resource Person(s): Wendell M. Davis, Deputy County Manager; George Quick, Finance Director; Glen Whisler, County Engineer; and Charles Chapman, CEO Operation Breakthrough

County Manager's Recommendation: The Manager's recommendation is that the Board Authorize the Manager to execute a contract for the purchase of the YMCA Childcare Center in the amount of \$750,000 to be paid over four years with the first installment of \$187,500 being made from the 2003-04 budget. The Manager further recommends that the Board authorize the County Attorney to execute the necessary documents for the financing of the center. The facility is located at 218 Seminary Street, and is being acquired for the purposes of relocating the Head Start Population from Whitted School.

County Manager Mike Ruffin pulled this item from the agenda until the August 4, 2003 Worksession or the August 11, 2003 Regular Session.

9. Lowe's Grove School Site

The Board was asked to consider the purchase of a portion of the Lowe's Grove School site for use as the South Regional Library and future EMS station. The remainder of the tract is to be purchased by the City of Durham for use as a park. The total cost of the site is \$1,000,000 to be shared equally by the County and City.

The proposed South Regional Library is a part of the Durham County Library Master Plan, and the search for a site has been underway for several years. Funding for property acquisition was included in the 2001 Bond Referendum. Although not included in the planning period for the current CIP, EMS has identified the potential need for a future station to serve the southern portion of the County. In keeping with County's desire to jointly site and develop public facilities, the Lowe's Grove site provides an opportunity to accommodate two County functions adjacent to a City park on property that is already publicly owned.

The Lowe's Grove School site is a 16.062-acre tract located at the northeast quadrant of the intersection of South Alston Avenue and NC-54. There are five buildings located on the western half of the site. Coulter, Jewell, Thames PA A conducted a site investigation on the property to evaluate

development opportunities. In addition, a property survey and a Phase I Environmental Site Assessment were also completed.

The site investigation included a physical analysis of the site, reviewed zoning and development ordinance requirements, determined the availability of utilities, and evaluated three conceptual site plans and their compatibility with future transit and land use plans. It should be noted that the playing fields indicated on the conceptual site plans are provided to show spatial relationships and do not reflect the City's development plans for the property.

Based on this analysis and review by County staff, Conceptual Site Plan Scheme 2 is preferred. This option requires purchase of 6.95 acres along the southern portion of the site with the northern portion to be developed as a City park. City staff indicated that this works well for a park by placing the playing fields away from NC-54. The portion of the property required for Scheme 2 includes three existing buildings.

The Environmental Site Assessment located evidence of two underground storage tanks, one of which is within the area required for Scheme 2. The State Underground Storage Tank Database includes two tanks on the Lowe's Grove site that were permanently closed in September 1993. Staff is currently working with Durham Public Schools to determine the location of the closed tanks since that is not recorded in the State database. An asbestos survey conducted by Durham Public Schools in 1988 indicates the presence of asbestos in floor tiles and pipe insulation in two buildings. One of the buildings is within the area required for Scheme 2.

Resource Person(s): Mike Ruffin, County Manager, Wendell Davis, Deputy County Manager, Carolyn Titus, Deputy County Manager, Philip Cherry, Director of Library Services, Mickey Tezai, Director of Emergency Medical Services, Glen E. Whisler, P.E., County Engineer

County Manager's Recommendation: The County Manager recommended that the Board authorize the Manager to proceed with the purchase of approximately 7 acres of the Lowe's Grove School site for \$500,000.

Commissioner Cousin moved, seconded by Commissioner Heron, to authorize the purchase of the property from Durham Public Schools subject to appropriate subdivision and environmental cleanup. Continue to work with the City and bring back in the near future an interlocal agreement specifying how the City will repay the County for its portion of the property.

The motion carried unanimously.

9a. **Interlocal Cooperation Agreement for School Resource Officers**

The Board is requested to approve an Interlocal Cooperation Agreement among the Durham Public Schools, the Sheriff, and the County. The purpose of the agreement is to provide school resource officers for Hillside and Jordan High Schools, and Chewing Middle School. The Agreement also provides for a deputy for the School's Fuller Building. The funding for the deputies will be paid by the Durham Public Schools.

The Board is further requested to authorize the County Manager to sign for the County.

Resource Person(s): Hugh Osteen, Assistant Superintendent for Durham Public Schools

County Manager's Recommendation: Approve the Interlocal Cooperation Agreement in order to provide security for the schools.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the

Interlocal Cooperation Agreement in order to provide security for the schools.

The motion carried unanimously.

10. **Closed Session**

Commissioner Cousin moved, seconded by Commissioner Jacobs, that the Board of County Commissioners adjourn to Closed Session pursuant to N.C.G.S. § 143.318.11(a)(5) to instruct the County staff concerning the position to be taken regarding real property. The property, owned by Pattie Watson, consists of 2.3 acres located at 3600 Shannon Road.

The motion carried unanimously.

No action was taken as a result of the Closed Session.

The meeting was adjourned at approximately 10:10 a.m.



Last updated: May 3, 2006

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