

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

Monday, October 13, 2003

7:00 P.M. Regular Session

**ACTION MINUTES-DRAFT**

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.

**Agenda Adjustments**

Chairman Reckhow stated that the meeting would proceed with the agenda as printed, as no adjustments were made.

**Minutes**

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the September 8, 2003 Regular Session and the August 25, 2003 BOCC/DPS Minutes of the Board as submitted. The September 22, 2003 Regular Session Minutes of the Board were approved as corrected.

The motion carried unanimously.

**Resolution Recognizing Alex Revelle, State 4-H Gold Medal Winner**

Alex S. Revelle, a student at Durham School of the Arts, won first place and a gold medal for public speaking during the Annual State 4-H Congress held in Raleigh in late July. 4-H Congress is a program of NC Cooperative Extension and is the high point of the 4-H year, bringing hundreds of young people from across the state to NC State University campus for a week of activities. This year, more than 850 4-H members, volunteer leaders, and NC Cooperative Extension agents were in attendance.

Eleven-year-old Alex competed in a number of events in which 4-H members demonstrated their knowledge of particular subjects. He was the Junior Division winner with a presentation on "Respect", a topic that is one of nine character traits promoted and encouraged by Durham Public Schools. Alex received a \$75 savings bond from Carolina Farm Credit, the contest sponsor. His parents are Larry and Bernice Revelle.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director

County Manager's Recommendation: The County Manager recommended that the resolution be presented to Alex S. Revelle, along with congratulations for a job well done.

Commissioner Jacobs read the resolution into the record and presented it to Alex. She recognized Alex's family and supporters who were in attendance, stating that everyone could learn from this message of "Respect".

The resolution follows:

**RESOLUTION**

WHEREAS, Alex S. Revelle is an eleven-year-old student at Durham School of the Arts and an active member of Durham County 4-H; and

WHEREAS, he participated in this summer's 4-H Congress sponsored by North Carolina Cooperative Extension, N.C. State University, and N.C. A & T University; and

WHEREAS, in addition to winning competitions at the county and district levels, Alex won First Place and a Gold Medal at the state level as the Junior Division winner for public speaking; and

WHEREAS, Alex won with an oral presentation on the topic of "Respect", in which he detailed one of the nine character traits promoted and encouraged by Durham Public Schools; and

WHEREAS, he not only talks about respect, but demonstrates this character trait on a daily basis; and

WHEREAS, he is quite active in various Durham community activities, including the Boy Scouts and the church choir, while serving as a youth usher and playing the piano for senior citizens at local nursing homes:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby congratulate

ALEX S. REVELLE

for his outstanding achievement as First Place Winner in the Annual N.C. 4-H Congress. We wish for him a wealth of success in all of his future endeavors.

This the 13th day of October, 2003.

**Recognition of Briggs Land Corporation**

A resolution was prepared in recognition of Briggs Land Corporation's recent gift of 45 acres to the NC State University College of Agriculture and Life Science Landscapes of Opportunity program in Durham County. The land will enable the Cooperative Extension Service to provide environmental education programs and will contribute to Durham County's commitment to open space and conservation.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director

County Manager's Recommendation: The County Manager recommended that the resolution be presented to Briggs Land Corporation, along with appreciation for the generous donation.

Chairman Reckhow read the resolution into the record and recognized Cheryl Lloyd, Cooperative Extension Director, for remarks.

The resolution follows:

RESOLUTION

WHEREAS, the relationship existing between North Carolina State University and Durham County has provided citizens with access to research and educational programs through Cooperative Extension since 1942 to improve quality of life; and

WHEREAS, the citizens of Durham County have benefited and continue to benefit from North Carolina Cooperative Extension Environmental and Natural Resource programs that serve youth, adults, families, and communities; and

WHEREAS, Briggs Land Corporation has contributed 45 acres of land to the North Carolina State University College of Agriculture and Life Sciences Landscapes of Opportunity program in Durham County for use in environmental education programs and as a contribution to Durham County's commitment to open space conservation; and

WHEREAS, this gift will benefit the citizens of Durham County through the efforts of the County-University partnership in Cooperative Extension:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners, that Briggs Land Corporation be recognized and saluted for its generous contribution to Durham County citizens by improving quality of life.

This the 13<sup>th</sup> day of October, 2003.

**Resolution Honoring Mrs. Adelaide Banks and "Read Seed" Program**

A resolution was prepared to recognize the work of Mrs. Adelaide Banks, Founder and Director of the "Read Seed" program. This grandmother shares her love of reading by purchasing and giving away free books to children in low-income families. Mrs. Banks wants to help all children build self-esteem and knowledge and an enjoyment of reading.

County Manager's Recommendation: The County Manager recommended that the Board approve the resolution and present it to Mrs. Adelaide Banks.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, Mrs. Adelaide Banks decided to make a difference by giving away free books to children in low-income families; and

WHEREAS, last year this grandmother of three gave away nearly 2,000 books to 1,400 children and seeks to double those numbers in 2003; and

WHEREAS, thanks to a big heart and proceeds from an insurance check, she began the Read Seed program, believing that every child should own books; and

WHEREAS, she employs teens from the Volunteer Center of Durham to help distribute books in low-income housing communities in Durham, Rocky Mount, Roxboro, and Oxford; and

WHEREAS, Mrs. Banks believes that books "build self-esteem and knowledge", and she wants to help all children learn to enjoy reading; and

WHEREAS, studies show that having access to books in the home is critical to the academic success of all students; and

WHEREAS, her goal is to help children become "excited" about reading, learning, and exploring the world through books:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby congratulate

MRS. ADELAIDE BANKS

for establishing the Read Seed program to provide books for the youth of Durham County and surrounding areas.

This the 13<sup>th</sup> day of October, 2003.

**Consent Agenda**

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- \* (b) Budget Ordinance Amendment No. 04BCC000017-Additional Revenue for Social Services (approve the appropriation of \$163,958 [Family to Family-\$83,333; Special Permanency Planning-\$10,867; and, Social Services Block Grant-\$69,758]);
- \* (d) Budget Ordinance Amendment No. 04BCC000019-Public Health (Community Health Division and the Health Education Division)-\$33,328 to Establish a Part-Time Position for a Practical Nurse II in the Family Planning Clinic and to Provide Incentives for TEAS Participants, One of the Health Department's Teen Pregnancy Prevention Programs (approve the budget ordinance amendment [continuation of the Part-Time Practical Nurse II position is contingent upon continued grant funding]);
- \* (f) Capital Project Ordinance Amendment No.04CPA000005-Revise Appropriation for American Tobacco Project (South Garage) (approve capital project amendment for \$498,000); and
- (g) Reused Wastewater Grant Application (direct the County Attorney to draft an interlocal agreement and authorize the County Manager to execute an interlocal agreement associated with submittal of a joint grant application from Durham County, Wake County, and Cary to the Clean Water Management Trust Fund for the design of a regional reused wastewater project).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000017-Additional Revenue for Social Services (approve the appropriation of \$163,958 [Family to Family-\$83,333; Special Permanency Planning-\$10,867; and, Social Services Block Grant-\$69,758]).

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance

Amendment No. 04BCC000017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$295,679,301 \$163,958 \$295,843,259

Expenditures:

Activity

GENERAL FUND

Human Services \$354,664,552 \$163,958 \$354,828,510

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

This the 13<sup>th</sup> day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. d. Budget Ordinance Amendment No. 04BCC000019-Public Health (Community Health Division and the Health Education Division)-\$33,328 to Establish a Part-Time Position for a Practical Nurse II in the Family Planning Clinic and to Provide Incentives for TEAS Participants, One

of the Health Department's Teen Pregnancy Prevention Programs (approve the budget ordinance amendment [continuation of the Part-Time Practical Nurse II position is contingent upon continued grant funding]).

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$295,890,499 \$33,328 \$295,923,827

Expenditures:

Activity

GENERAL FUND

Human Services \$354,875,750 \$33,328 \$354,909,078

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

This the 13<sup>th</sup> day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. f. Capital Project Ordinance Amendment No.04CPA000005-Revise Appropriation for American Tobacco Project (South Garage) (approve capital project amendment for \$498,000).

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Capital Project Ordinance  
Amendment No. 04CPA000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Project Ordinance is hereby amended to reflect budget adjustments for the American Tobacco Project.

American Tobacco Project

Current Increase Decrease Revised

Budget Budget

Expenditures

American Tobacco

Project \$15,000,000 \$498,000 \$14,502,000

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

This the 13<sup>th</sup> day of October, 2003.

(Capital Projects Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. a. Budget Ordinance Amendment No. 04BCC000016-Mental Health-Funds Allocated at the State Level (approve the appropriation of \$543,379 [\$333,483 to increase community capacity to serve clients returning to the community as the result of closure of state hospital units; \$80,000 to Assertive Community Treatment Team to provide services to non-Medicaid clients; and, \$129,896 for substance abuse education for a structured child program]).

Vice-Chairman Bowser removed the consent agenda item to ask several questions of Delphine Powell, Finance Director, Mental Health.

Each Commissioner made comments about this agenda item.

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 04BCC000016 to appropriate \$543,379 with the stipulation that the Board receive a full report regarding how the \$129,896 for substance abuse education will be spent.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA

FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$295,135,922 \$543,379 \$295,679,301

Expenditures:

Activity

GENERAL FUND

Human Services \$354,121,173 \$543,379 \$354,664,552

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

This the 13<sup>th</sup> day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000018-Public Health-Revenue of \$47,240 for the Environmental Health Division to Support the Health Department's Bioterrorism Response Efforts (approve the budget ordinance amendment from the Department of Health and Human Services).

Commissioner Bowser removed this consent agenda item to ask a question of Brian Letourneau, Public Health Director.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve Budget Ordinance Amendment No. 04BCC000018 to recognize \$47,240 in revenue to support bioterrorism response efforts in the Public Health Department.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$295,843,259 \$47,240 \$295,890,499

Expenditures:

Activity

GENERAL FUND

Human Services \$354,828,510 \$47,240 \$354,875,750

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

This the 13<sup>th</sup> day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. e. Budget Ordinance Amendment No. 04BCC000020-Public Health (General Health Clinic)-\$90,169 for Public Health Bioterrorism Preparedness (approve the budget ordinance amendment for the Public Health-s Regional Surveillance Team IV).

Commissioner Heron removed this consent agenda item to ask several questions of Brian Letourneau, Public Health Director.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve Budget Ordinance Amendment No. 04BCC000020 to recognize \$90,169 in revenue for Public Health bioterrorism preparedness.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category Current Increase/Decrease Revised

Budget Budget

GENERAL FUND

Intergovernmental \$295,923,827 \$90,169 \$295,013,996

Expenditures:

Activity

GENERAL FUND

Human Services \$354,908,078 \$90,169 \$354,999,247

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

This the 13<sup>th</sup> day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**MWBE Participation for the American Tobacco Project**

Officials from Capitol Broadcasting Corporation (CBC) provided a report about MWBE participation for the American Tobacco Project. The project represents a guaranteed minimum private investment of \$54 million. CBC's agreement with the County requires compliance with the County's MWBE Ordinance, including the provision of quarterly reports as the project progresses. Reports must include verifiable percentage goals, type and total dollar value of projects, minority business utilization by minority business category for each project, and the applicable good-faith guidelines or rules used to recruit MWBE participation.

Resource Person(s): Mike Hill, Capitol Broadcasting Corporation; Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; Carol Hammett, Assistant County Attorney; George Quick, Finance Director; and Yolanda Moore-Gaddy, Business Development Manager

County Manager's Recommendation: The County Manager recommended that the Board receive the report and advise the staff if any additional information or action is required.

Mr. Hill presented the quarterly MWBE report to the County Commissioners.

The Commissioners commended Mr. Hill for the thorough report.

Commissioner Heron moved, seconded by Commissioner Jacobs, to accept the American Tobacco Historic District-Quarterly MWBE Report (Main Campus Work, South Parking Deck Work, and North Parking Deck Work) dated October 6, 2003.

The motion carried unanimously.

**Centex Homes, Applicant (Rezoning Case P02-25)**

Centex Homes presented to the Board of County Commissioners a request to rezone 133.3 acres located on the west side of Grandale Drive, north of the Sedwick Road intersection (PIN 0727-01-36-7805 [TM 531-1-6]).

Request:RD (Rural District) to PDR 1.66; F/J-B (Planned Density Residential-1.66 units/acre; Falls/Jordan Protected Area)

The original rezoning request for PDR 2.1 with 271 single-family lots was presented to the Board of County Commissioners on September 23, 2002. The Board continued the hearing, suggesting changes to the rezoning. A revised rezoning request and development plan for PDR 1.93 and 251 single-family lots returned to the Board for a public hearing on March 24, 2003, but was continued again. The applicant further modified the rezoning request to the current proposal. These modifications met the Ordinance thresholds requiring a new public hearing before the Zoning Committee.

At the September 22, 2003 meeting, the Board continued this request to October 13, 2003, voting 5-0 to delete the cul-de-sac on Hamilton Way.

The proposal is in general conformance with the small area plan. Staff recommended approval citing general adopted plan conformance. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 13, 2003 and voted 5-1 to recommend denial, citing flooding concerns and school overcrowding.

The public hearing for this request was re-advertised on September 5 and 12, 2003 in the Durham

Herald-Sun.

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department  
County Manager's Recommendation: The Manager recommended that the Board review the revised development plan associated with the proposed rezoning and if appropriate, based on the comments received, approve the rezoning.

Originally, four citizens signed to speak on this item; however, the County Attorney advised Chairman Reckhow that allowing public comment would be illegal, given that the public hearing was closed at the September 22, 2003 meeting.

Mr. Duke informed the Board of revisions to development plan elements, which were made subsequent to the September 22, 2003 meeting.

Commissioner Bowser moved, seconded by Commissioner Jacobs, to approve the request of Centex Homes to rezone 133.3 acres (Herndon Tract) (Rezoning Case P02-25).

The motion carried unanimously.

(Legal description recorded in Ordinance Book 2, page \_\_\_\_\_.)

**Preliminary Plat-Stone Hill Estates Subdivision (Case D03-153)**

R. L. Horvath Associates Inc., on behalf of Durham Land Associates, submitted a preliminary plat for 132 clustered single-family residential lots on approximately 113.218 acres zoned R-20 and F/J-B. The property is located south of Freeman Road, west of Mineral Springs Road, east of Clayton Road, and north of N.C. Hwy. 98 (PIN 0851-01-26-0897, 0851-01-15-9118-County Atlas Page 61, Block A-1, B-1 and Block A-4). Page 70,

Planning staff recommended approval.

Resource Person(s): Frank M. Duke, AICP, Planning Director, Durham City-County Planning Department  
County Manager's Recommendation: The Manager's recommendation was that the Board approve the plat.

Commissioner Jacobs moved, seconded by Commissioner Bowser, to approve the preliminary plat-Stone Hill Estates Subdivision (Case D03-153).

The motion carried unanimously.

(Tax Map number: \_\_\_\_\_; recorded in Ordinance Book 2, page \_\_\_\_\_.)

**Proposal for Cable Franchise Renewal Services**

The Board of County Commissioners authorized staff to move forward to procure the necessary technical assistance for renewal of the County's cable franchise agreement. Action Audits LLC, consultants, Triangle J Council of Government's Cable Regulatory Consortium, submitted a proposal for a cable-related needs assessment and associated franchise renewal services to be completed over one year. Durham County receives a discounted price (\$37,258) due to its membership in the Consortium. This represents \$33,558 in professional services and \$3,700 in project expenses. The needs assessment and renewal services comprise eight elements: franchise compliance audit; four interviews; one statistically valid mail survey; one public hearing; a final report; updated cable standards ordinance; draft model cable franchise agreement; and technical assistance as needed for franchise negotiations.

Resource Person(s): Robert Sepe, President, Action Audits LLC; Chuck Kitchen, County Attorney; and Lowell Siler, Deputy County Attorney

County Manager's Recommendation: The County Manager recommended that the contract be approved in accordance with the terms and conditions as outlined in the proposal.

Commissioner Cousin moved, seconded by Commissioner Bowser, to approve the contract for cable franchise renewal services in accordance with the terms and conditions as outlined in the proposal.

The motion carried unanimously.

**Board and Commission Appointments**

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to the Commissioners.

Resource Person(s): Garry E. Umstead

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

The following appointments were made (asterisks indicate appointees):

Adult Care Home Community Advisory Committee

\*David N. Blodgett  
\*Cary E. Cornette  
\*Dorothy R. Gagnier  
\*Doreen L. Johnson  
\*Carlotta Jordan  
\*Mamie R. Parker  
\*Miles Simpson  
Community Child Protection Team/Child Fatality Prevention Team

Sadie Howard

\*Doreen L. Johnson  
\*Karlene Fyffe Stewart  
\*Anna Christine VanDis

Criminal Justice Partnership Act Advisory Board

\*Sadie Howard

\*Gary B. Harrison

Industrial Facilities and Pollution Control Financing Authority

\*Francis A. Stephans

Nursing Home Community Advisory Committee

\*David N. Blodgett

\*Nicole J. Davis

Public Library Board of Trustees

David N. Blodgett

Herbert L. Carson

Steve Jones

\*Jon C. Miller

Hope L. Murdock

Mohammad S. Rashdi

Raleigh-Durham Airport Noise Abatement Committee

\*Miles Simpson

Women's Commission

Rosa S. Anderson

\*Marian Andrews

Wanda M. Thompson

\*Anna Christine VanDis

**Adjournment**

Chairman Reckhow adjourned the meeting 9:12 p.m.

Respectfully submitted,

Garry E. Umstead, CMC

Clerk to the Board



**Last updated: May 3, 2006**

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200 E Main Street, Durham, NC 27701

[webmaster@durhamcountync.gov](mailto:webmaster@durhamcountync.gov)

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