

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

Monday, December 8, 2008

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 Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

**Opening of Regular Session**

Chairman Page welcomed everyone to the Monday, December 8, 2008 Regular Session of the Board of County Commissioners. He requested that persons rise for the Pledge of Allegiance to the Flag.

**Agenda Adjustments**

Chairman Page asked if anyone wished to make adjustments to the agenda.

County Manager Mike Ruffin noted, for the record, that the agenda action form for consent agenda item No. q, Capital Project Amendment No. 09CPA000012—Southwest Branch Library Project (DC075) and Execution of the Construction Contract for the Southwest Regional Branch Library Building—Project No.: DC075-67, Bid No: IFB 09-013, had been modified. A copy had been placed at each Commissioner's station.

At the request of Chairman Page, the following motion was made:

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to recognize Robin Jacobs from the Eno River Association to make comments.

The motion carried unanimously.

**Announcements**

Chairman Page requested that announcements be made. None were noted.

## **Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve as submitted the November 10, 2008 Regular Session and the December 1, 2008 Worksession Minutes of the Board.

The motion carried unanimously.

## **Comments on Behalf of the Eno River Association**

Chairman Page stated that the Board would receive comments from Robin Jacobs, Executive Director of the Eno River Association.

Ms. Jacobs, on behalf of the Association, thanked the Commissioners for all their hard work in making Durham a better place to live. She wished the Commissioners “Happy Holidays” and presented each of them a 2009 Eno River Association Calendar (Birds of the Eno).

Chairman Page thanked Ms. Jacobs for the work of the Eno River Association and for the calendars.

Commissioner Heron remarked that the picture of the birds on the front of the calendar was very well chosen.

## **Board of County Commissioner Comments**

Chairman Page commented that members of the Durham County Board of Commissioners were sworn into office on Monday, December 1, 2008. The Commissioners had asked for a period of personal reflection as the new term begins. He requested that comments be made at this time.

Commissioner Heron recognized her husband, Duncan Heron, for his tremendous help. She thanked the citizens who voted, especially those who voted in her favor. “Last Monday morning, I took an oath to protect the health, safety, and welfare of the citizens of Durham County, and this includes the environment. I take this pledge seriously. I work not for special interest groups but to carry out the wishes and needs of the citizens of Durham County. I thank you, the voters, for this opportunity. I look forward to working with our Manager and staff that we are so lucky to have. Our staff is very competent, they understand county government, and are ever so helpful to us. I thank the public again for your support. I am sure that this Board will work together to make Durham the best place in the world to live and work.”

Commissioner Bowser thanked all of the individuals who gave him support during the campaign. “It kind of feels like I am back home, sitting in this seat again after a four-year absence. As many of you know, I spent eight years on this board prior to 2004. I enjoy working for Durham County citizens; I look forward to working for you all again. As Becky

has stated, we are responsible for the health, safety, and welfare of the people in the community. My intent is to work toward that goal. I look forward to working with management, and I look forward to working with my fellow commissioners to make this the best place that we can here in Durham County.”

Commissioner Howerton thanked the Durham citizens who voted for her to be a representative on the Board. “I look forward to working with the staff and the Commissioners. Again, I appreciate your confidence in voting for me. I wish you the very best holiday.”

Vice-Chairman Reckhow thanked the citizens for their continuing support for her candidacy. “I look forward to serving the citizens again for another four-year term and working with the Board. As I thought about comments for tonight, I think with these tough economic times, it is very important for us to focus on fundamentals that we face in this community. The areas that come to me are to continue our efforts to assure that our youth get the best start in life that we can provide; we need to continue to work on this. We have not achieved the high school graduation rate that we need to achieve. There is much more work to do...” Vice-Chairman Reckhow encouraged Board members to read the book, Harlem Children’s Zone. She stated that President-Elect Obama has indicated that he feels that this is one of the strongest initiatives in the country for achieving suggest with the core youth. Vice-Chairman Reckhow suggested that the County Manager provide the books as holiday gifts to the Commissioners. “In light of the study that was done by MDC Inc. on disconnected youth and the fact that we are not focusing enough, the Harlem approach really is a focused approach. I hope that we, this year, can look at ways of using our resources better; we may not have a lot of new resources, but how can we better channel our resources to serve our people.” Vice-Chairman Reckhow stated that she has spoken with the County Manager about reviewing departmental line-item budgets in January before the upcoming retreat to determine ways to prune and trim within County government. “I look forward to working with everyone on these important issues.”

Chairman Page concurred with the comments made by his fellow Commissioners. “I appreciate the support from County Government and the community for electing me again to serve in this capacity, particularly in a leadership role. I have committed myself to doing so with the highest integrity. I look forward to working on behalf of this community.”

Chairman Page requested applause for the previous Chairman of the Board, Ellen Reckhow. He thanked her for her service and dedication as chairman for the past six years.

**Recognition of the Herndon Foundation and Family—Budget Ordinance Amendment No. 09BCC000035—Durham County Library**

Chairman Page remarked that the Board is requested to recognize the Herndon Foundation for its contribution to the Durham County Library and to approve Budget Ordinance Amendment No. 09BCC000035.

Hampton (Skip) Auld, Library Director, introduced the President of the Durham Library Foundation—Judge Willis P. Whichard, who has served as President for several years. Mr. Auld also introduced the Library Board of Trustees Chairman Al Roberts and Vice-Chairman Elsa E. Woods. Mr. Auld requested that Durham Library Foundation members stand to be recognized. He stated that a couple of years ago, the Herndon Foundation gave the Durham Library Foundation \$100,000 for a special project to enhance the South Regional Library, while honoring the life of Mary Herndon and celebrating children, books, and learning. Mr. Auld acknowledged Bob Bailey, a Herndon Foundation Trustee, along with Gus Godwin and Jack Walker. The special project funding would be used to create art on the exterior of South Regional Library. Chairman Roberts formed a committee to develop the project. The Library is contracting with Janet Kagan to work with an Art Selection Committee (comprised of a number of people in the arts' community and the community at-large and designated by the Library Board of Trustees) to select and approve the artwork to be placed at South Regional Library.

Judge Whichard stated that the Durham Library Foundation, incorporated 7½ years ago, has raised approximately \$3 million to enable the Library to offer programs and services to Durham County citizens. The Foundation now has a \$1.85 million endowment for the humanities. The position of the Foundation's officers and board is to provide a margin of excellence and enhance the services provided by the Library. The atmosphere of the South Regional Branch of the Library will be greatly enhanced by the artwork this funding will make possible. Judge Whichard extended thanks to the Herndon Foundation Trustees for the gift to the Durham Library Foundation. He remembered with affection and appreciation the late Marshall Spears Jr., who convinced Mr. Herndon to create a foundation to support projects to benefit Durham residents. Judge Whichard stated that the Durham Library Foundation is delighted to present the first installment of this donation in the amount of \$50,000. A second and final installment will be made in Fiscal Year 2010. He thanked the Commissioners for their service to the Library and to the County.

Chairman Page, on behalf of the Board, thanked the Herndon Foundation for its support and for the gift. He also thanked Judge Whichard and Mr. Auld for their leadership in the effort.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to recognize the Herndon Foundation for its contribution and approve Budget Ordinance Amendment No. 09BCC000035 in the amount of \$50,000 to enhance the South Regional Library,

The motion carried unanimously.

### **Resolution Honoring the Life of James E. Fields Sr.**

Chairman Page commented that for many years, Durham County citizens watched Board of County Commissioner meetings on local cable access Channel 8, thanks to the videotaping services of Mr. James E. Fields. Mr. Fields voluntarily began taping Durham County Board meetings and delivering tapes to Time Warner Cable for airing in the early 1980s.

Ultimately, he became a valued contractor, continuing to tape meetings and special events and photographing various activities. Chairman Page stated that Mr. Fields passed on November 24, 2008 and a resolution had been prepared for the Board's approval.

Chairman Page read the resolution into the record:

#### RESOLUTION

WHEREAS, James Edward Fields Sr., a native of Fountain Inn, South Carolina, was one of Durham's most well-known photojournalists; and

WHEREAS, armed with his unique sense of humor, trademark smile, and the latest camera equipment, he photographed and videotaped generations of major events throughout many eastern cities and states, particularly in Winston-Salem and Durham; and

WHEREAS, Mr. Fields voluntarily began taping Durham County Board of Commissioners' meetings and delivering tapes to Time Warner Cable for airing in the early 1980s; and

WHEREAS, he was a highly valued contract employee who continued to videotape meetings and special events and to photograph various activities of Durham County Government for more than 23 years; and

WHEREAS, Mr. Fields was one of Durham's most active community access producers, and countless citizens tuned in weekly to watch shows by his company "Uncle Bubba Productions" on Cable Access Channel 8; and

WHEREAS, he received many community recognitions including the "Service Award" for devoted services rendered to the Durham community by the Martin Luther King Jr. Steering Committee and earlier this year was recognized by the Durham County Commissioners with a special "Lifetime Achievement Award" in recognition of his invaluable work to preserve legislative proceedings of Durham County Government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

MR. JAMES EDWARD FIELDS SR.,

a creative, gifted, and dedicated photojournalist who gave his talents to chronicle noteworthy historic events for others. We call upon all citizens of Durham County to remember the extraordinary contributions he made in this community and beyond during his lifetime.

This the 8<sup>th</sup> of December, 2008.

/s/ All Five Commissioners

---

Chairman Page called signed speaker Reverend James Vaughan, representing Durham Cable Television Advisory Board, forward for comments.

Reverend Vaughan, 3206 Cole Mill Road, Durham 27712, stated that the Durham Cable Television Advisory Board and the Durham Cable Access Association of Producers wished to thank the County Commissioners for the tribute to Mr. Fields. Rev. Vaughn expressed appreciation to the family of Mr. Fields for sharing him with the community. He spoke about specific contributions and talents of Mr. Fields.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, that the resolution honoring the life of Mr. James E. Fields Sr. be accepted and presented to the family.

The motion carried unanimously.

Vice-Chairman Reckhow stated that she would always remember Mr. Fields as a shining light and as a special man who helped capture the history of the Durham community.

Commissioner Heron remarked that Mr. Fields made his contribution to the community and will be greatly missed.

Mr. James E. Fields Jr., Mr. Fields' son, expressed gratitude on behalf of his family for the resolution honoring his father. He thanked everyone for the outpouring of love, affection, and sympathies bestowed during the grieving process.

### **Bill of Rights Defense Resolution**

Chairman Page announced that the Board is requested to reaffirm its support of civil rights and liberties contained in the Bill of Rights of the United States Constitution. The original resolution was approved by the Board of County Commissioners in 2003.

Chairman Page read the following resolution:

#### RESOLUTION

WHEREAS, Durham County Government is committed to the human rights of its residents and to actions that both protect and preserve those rights; and

WHEREAS, Durham County respects and recognizes the civil rights and liberties guaranteed to all by the Bill of Rights; and

WHEREAS, Durham County upholds the civil rights and liberties of all people in Durham County and their free exercise and enjoyment of all rights and privileges secured by the Constitution and the laws of the State of North Carolina and the United States; and

WHEREAS, enforcement of immigration laws by local law enforcement officials, if done incorrectly, can lead to violations of the civil rights guaranteed by the United States Constitution to both citizens and non-citizens and fear in the immigrant community which can result in their reticence to report crimes when they are victims or otherwise cooperate with local law enforcement:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby reaffirm our support of the Bill of Rights and of the civil rights and liberties it guarantees to all residents of Durham County, by reaffirming the Bill of Rights Defense Resolution adopted by the Durham County Board of Commissioners on September 22, 2003, and by recommending that the Sheriff of Durham County remain mindful of the concerns expressed above in such efforts as may be taken with U. S. Immigration and Customs Enforcement (ICE), or otherwise to assist with the enforcement of our nation's immigration laws.

This the 8<sup>th</sup> of December, 2008.

/s/ All Five Commissioners

---

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Bill of Rights Defense Resolution be accepted.

The motion carried unanimously.

Victoria Peterson, PO Box 101, Durham 27702, shared her concern about the civil rights of incarcerated persons and ex-offenders. She requested that the County establish a task force to address the possibility of opening a vocational training center for these individuals.

Joan Walsh, Chairman, Durham Bill of Rights Defense Committee, thanked the Commissioners for affirming the human rights of all residents of Durham County. She stated that the Bill of Rights was written for persons who have lived in the United States for many generations, as well as for those newly arrived. Durham County should welcome all hardworking people who come here to build a life for themselves and for their families.

Chairman Page thanked the Durham Bill of Rights Defense Committee and for the comments that were shared this evening.

### **Recognition of EMS Employee Kathy Mellown for Recent Award**

Mike Smith, EMS Director, informed the Board that on Monday, October 27, Kathy Mellown, certified paramedic and special program coordinator for Durham County's Emergency Medical Services (EMS), was awarded the Child Passenger Safety Committee Award for 2008 by the North Carolina Governor's Highway Safety Program. The Child Passenger Safety Committee Award, given in recognition of outstanding leadership in child passenger safety and for the dedication to the safety of children in North Carolina, is awarded

annually. Ms. Mellown has served on the North Carolina Child Passenger Safety Committee for three years. She chaired the committee in 2008, and has been asked to return for an additional three-year commitment to the committee. Ms. Mellown, employed 18.5 years with Durham County EMS, is in charge of the three permanent car seat checking stations in Durham County. Stations are official locations for parents to meet with certified technicians who ensure proper installation of car seats and also provide car seat education to parents.

Mr. Smith read the inscription on the plaque that had been presented to Ms. Mellown.

Ms. Mellown thanked Mr. Smith and her immediate supervisor, Kevin Wilson, for allowing her to participate in committees where she can have a positive impact on children's lives in Durham County, as well as across the state. She thanked the Commissioners for the recognition.

### **Consent Agenda**

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

- a. Lowes Grove Middle School—Utility Easement (approve the Duke Energy Carolinas Right-of-Way Agreement and authorize the Manager to execute the agreements);
- \*b. Budget Ordinance Amendment No. 09BCC000033—Cooperative Extension—Recognize \$9,950 in Grant Funding from NC State University's Office of Extension Engagement and Economic Development to support the implementation of Parenting for Effective Teens: Building Family Support and Community Capacity for our Youth (PET) through June 30, 2009;
- c. Triangle United Way Inc.—Service Contract Approval for Imagine Durham, an RBA Initiative (authorize the Manager to enter into a contract with Triangle United Way Inc. in the amount of \$30,000 to provide RBA Initiative administration and coordination);
- \*d. Budget Ordinance Amendment No. 09BCC000036—Public Health—Recognize One-Time Funds in the amount of \$3,000 from the N.C. Department of Health and Human Services for the Immunization Clinic;
- \*e. Budget Ordinance Amendment 09BCC000037—Department of Social Services—Fund Balance Appropriation in the amount of \$272,006 for Additional At-Risk Case Management Services;
- f. Extension of the 2009 Listing Period for Business Personal Property (authorize the Tax Assessor to grant extensions until April 15, 2009 to taxpayers who request an extension and show good cause during the month of



January 2009 and file by means of the counties electronic listing of business personal property; and grant extensions until March 15, 2009 to all other taxpayers who request an extension and show good cause during the month of January 2009);

- g. Cooperative Extension—To Increase the Work Percentage for an Extension Agent Position with the Strong Couples Strong Children (SCSC) Project (approve the FTE increase for position number 40000917 from .49 to .62 FTE);
- \*h. Budget Ordinance Amendment No. 09BCC000038—Economic Development—Pass-Through of \$500,000 in One NC Funds from State of North Carolina to Quintiles Transnational Corporation;
- i. Approve the Durham Board of County Commissioners' 2009 Meeting Schedule;
- j. Reset the Register of Deed's salary at \$112,000;
- k. Request for Lease Extension for the Scarborough & Hargett Funeral Home (extend the lease through June 30, 2009 at a rate of \$9,250 per month);
- l. Execution of Architectural Design Service Contract with MHAworks for the Criminal Justice Resource Center Renovation—Project No.: DC082 (authorize the execution of the contract for the Phase II Renovation of the Criminal Justice Resource Center and Sheriff's Offices, in the amount of \$275,000 plus additional services and reimbursable expenses at \$112,800, thus totaling \$387,800);
- m. South Regional Library—Right-of-Way and Easement Dedication and Plat (approve the right-of-way and easement dedications and corresponding Final Plat that will be recorded in the Durham County Register of Deeds Office);
- \*o. Budget Ordinance Amendment No. 09BCC000039—Cooperative Extension—Recognize \$17,893 in Additional Funding from the Juvenile Crime Prevention Council for community base JCPC Programs;
- p. Criminal Justice Partnership Act Advisory Board (CJPAAB) (approve CJPAAB's recommended appointment of John Fitzpatrick—Criminal Defense Attorney); and
- \*q. Capital Project Amendment No. 09CPA000012—Southwest Branch Library Project (DC075) and Execution of the Construction Contract for the Southwest Regional Branch Library Building—Project No.: DC075-67, Bid No: IFB 09-013 (authorize a \$3,300,000 appropriation to

the Southwest Regional Library project for a total project budget of \$6,664,504; enter into a contract with The Resolute Building Company Inc. [TRBC] for the construction of the addition and renovation to the Branch Library located on 3605 Shannon Road, Durham, in the amount of \$3,747,104 [Base Bid Plus Alternates 1,3,4, & 5]; execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$4,309,170; funding for this project will come from a COPS financing loan; any General Fund funds spent towards these projects will be reimbursed once loan funds are secured).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. b. Budget Ordinance Amendment No. 09BCC000033—Cooperative Extension—Recognize \$9,950 in Grant Funding from NC State University’s Office of Extension Engagement and Economic Development to support the implementation of Parenting for Effective Teens: Building Family Support and Community Capacity for our Youth (PET) through June 30, 2009.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000033

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$399,794,621	\$9,950	\$399,804,571

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> Economic and Physical Development	\$ 6,474,101	\$9,950	\$ 6,484,051

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

This the 8<sup>th</sup> day of December, 2008.

---

Consent Agenda Item No. d. Budget Ordinance Amendment No. 09BCC000036—Public Health—Recognize One-Time Funds in the amount of \$3,000 from the N.C. Department of Health and Human Services for the Immunization Clinic.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000036

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$399,804,571	\$3,000	\$399,807,571

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$449,291,476	\$3,000	\$449,294,476

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

This the 8<sup>th</sup> day of December, 2008.

---

Consent Agenda Item No. e. Budget Ordinance Amendment 09BCC000037—Department of Social Services—Fund Balance Appropriation in the amount of \$272,006 for Additional At-Risk Case Management Services.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000037

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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>			
Other Financing Sources	\$ 31,769,845	\$272,006	\$ 32,041,851

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$449,294,476	\$272,006	\$449,566,482

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

This the 8<sup>th</sup> day of December, 2008.

---

Consent Agenda Item No. h. Budget Ordinance Amendment No. 09BCC000038—Economic Development—Pass-Through of \$500,000 in One NC Funds from State of North Carolina to Quintiles Transnational Corporation.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000038

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$399,807,571	\$500,000	\$400,307,571

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 6,484,051	\$500,000	\$ 6,984,051

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

This the 8<sup>th</sup> day of December, 2008.

---

Consent Agenda Item No. o. Budget Ordinance Amendment No. 09BCC000039—Cooperative Extension—Recognize \$17,893 in Additional Funding from the Juvenile Crime Prevention Council for community base JCPC Programs.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000039

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$400,307,571	\$17,893	\$400,325,464

Expenditures:

<u>Activity</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$449,566,482	\$17,893	\$449,584,375

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

This the 8<sup>th</sup> day of December, 2008.

---

Consent Agenda Item No. q. Capital Project Amendment No. 09CPA000012—Southwest Branch Library Project (DC075) and Execution of the Construction Contract for the Southwest Regional Branch Library Building—Project No.: DC075-67, Bid No: IFB 09-013 (authorize a \$3,300,000 appropriation to the Southwest Regional Library project for a total project budget of \$6,664,504; enter into a contract with The Resolute Building Company Inc. [TRBC] for the construction of the addition and renovation to the Branch Library located on 3605 Shannon Road, Durham, in the amount of \$3,747,104 [Base Bid Plus Alternates 1,3,4, & 5]; execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$4,309,170; funding for this project will come from a COPS financing loan; any General Fund funds spent towards these projects will be reimbursed once loan funds are secured).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2008-09 Capital Project Ordinance  
 Amendment No. 09CPA000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Southwest Regional Library	\$3,364,504	\$3,300,000	\$6,664,504

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

This the 8<sup>th</sup> day of December, 2008.

**Consent Agenda Item Removed for Discussion**

Consent Agenda Item No. n. Approve the Reimbursement Resolution for the South Regional Library, Southwest Library, and Civic Center Projects.

Vice-Chairman Reckhow removed this item to raise the issue on the public record. With the approval of the sale of two parcels on the Lowe's Grove site, the County will be receiving between \$1.5 and \$2 million associated with the sales. She suggested that the County attempt to expedite the sales such that the COPs issuance associated with the libraries may be able to be reduced. The proceeds from the sale should be spent on libraries in the community because library bonds were used to buy the property. Obtaining the revenue can reduce the amount of debt.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Reimbursement Resolution for the South Regional Library, Southwest Library, and Civic Center Projects.

The motion carried unanimously.

Commissioner Heron commented that "when we can move money around that has a direct association with a project, then that money should go toward that project to reduce our debt."

The reimbursement resolution follows:

RESOLUTION OF THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF DURHAM, NORTH CAROLINA,  
DECLARING ITS INTENTION TO REIMBURSE SAID  
COUNTY FROM THE PROCEEDS OF ONE OR MORE  
TAX-EXEMPT FINANCINGS FOR CERTAIN  
EXPENDITURES IN CONNECTION WITH THE  
SOUTHWEST BRANCH LIBRARY, THE SOUTH  
REGIONAL BRANCH LIBRARY AND THE DURHAM  
CIVIC CENTER.

WHEREAS, the County of Durham, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County has paid, beginning no earlier than October 9, 2008, and will pay, on and after the date hereof, certain expenditures in connection with (a) expanding and improving the existing Southwest Branch Library to accommodate additional material collections, provide additional or expanded public computing facilities, meeting rooms, quiet

rooms and study spaces and facilitate better operations (the “Southwest Branch Library Project”), (b) constructing a new 25,000 square-foot branch library and 150 related parking spaces (the “South Regional Branch Library Project”) and (c) improving, renovating and repairing the Durham Civic Center, including the conversion of an exhibit hall to a ballroom, the construction of improvements to facilitate its use by disabled persons, the construction of partitions in the ballroom, the improvement of the pre-function corridor, the repair of the heating, ventilating and air-conditioning systems and the design of additional improvements, renovations and repairs (the “Durham Civic Center Project”); and

WHEREAS, the Board of Commissioners for the County (the “Board”) has determined that certain moneys previously advanced by the County no earlier than October 9, 2008 and to be advanced on and after the date hereof by the County to pay such expenditures (the “Expenditures”) are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings of the County in the form of one or more installment financings that are expected to be authorized by the Board (collectively, the “Tax-exempt Financings”);

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County’s intent to reimburse the County with the proceeds of the Tax-exempt Financings for the Expenditures made on and after October 9, 2008, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the

date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Southwest Branch Library Project is \$3,300,000, the maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the South Regional Branch Library Project is \$4,700,000 and the maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Durham Civic Center Project is \$1,900,000 plus such additional amounts, if any, as shall be determined to be reasonably necessary for the funding or payment of costs of entering into the Tax-exempt Financings.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Southwest Branch Library Project, the South Regional Branch Library Project or the Durham Civic Center Project, as may be applicable to the Expenditure, is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.



Section 5. This resolution shall take effect immediately upon its passage.

### **Transportation Options for the 2035 Long Range Transportation Plan**

Andy Henry, City of Durham Transportation Planner and staff person to the Durham Chapel Hill Carrboro Metropolitan Planning Organization (DCHC MPO), stated that every four years the DCHC MPO updates the Long Range Transportation Plan (LRTP). The 2035 LRTP will list highway, transit, bicycle, and other transportation projects and services to be implemented between 2008 and 2035. The projects must demonstrate the best method of meeting the expected transportation demand, within the limits of the revenue available to pay for the projects and services. Transportation projects and services must be included in the LRTP in order to receive state and federal funding. As the funding becomes available, projects from the LRTP will be added to the Transportation Improvement Program (TIP). The development of the LRTP includes an ongoing program to inform and involve the governing bodies. This presentation is a part of that effort. Mr. Henry provided the following PowerPoint presentation:

Durham-Chapel Hill-Carrboro Metropolitan Planning Organization  
(DCHC MPO)  
2035 Long Range Transportation Plan (LRTP)  
Transportation Options

What is the DCHC MPO?

- Responsible for long range transportation planning in
  - Durham City and County, and
  - Parts of Orange County and Chatham County
- Federal mandate – MPO must plan use of federal transportation funding
- Policy Board—Transportation Advisory Committee (TAC) composed mostly of local elected officials

What is the 2035 Long Range Transportation Plan (LRTP)?

- Lists highway, transit, and other transportation projects to address future transportation deficiencies through year 2035
- Assumptions – based on future land use, population, and employment
- Fiscal Constraint – Anticipated revenues must cover anticipated project costs
- Funding – Projects must be in LRTP to receive state and federal funding (via Transportation Improvement Program – TIP)
- Used for Planning
  - e.g., In development review, use LRTP to reserve right-of-way for future highway and fixed guideway projects

Where are we in the 2035 LRTP Process?

1. Goals and Objectives
2. Socioeconomic Data (population and employment forecasts)
3. Deficiency Analysis
4. Alternatives Analysis—August – October 2008
5. Transportation Options—October – December 2008 WE ARE HERE!

6. Draft LRTP—December 2008
7. Air Quality Conformity—January – April 2009
8. Federal Approval by June 2009

What are the Transportation Options?

Options only vary by transit component (highway projects are the same)...

#### Bus Transit

- Local, express, and regional bus expansion
- Mostly by improved headways (time between bus arrivals at stops)
- No rail transit

#### Commuter Rail

- Commuter Rail on mainline tracks—no other Fixed Guideway
- Four trains during each peak period and one midday train
- Some local, express, and regional bus expansion

#### Rail Transit (DMU)

- Raleigh/Durham corridor (2019) uses Diesel Multiple Unit (DMU) rail cars, and Durham/Chapel Hill uses light rail cars (2025)
- Systems overlap and require passenger transfer between them
- Some local, express, and regional bus expansion
- Based on STAC recommendations

#### Light Rail Transit (Electric)

- Durham/Chapel Hill (2019) and Raleigh/Durham corridors (2025) use light rail cars with deviation to North Carolina Central University (NCSU) stops
- One continuous system with no overlap or rail-to-rail passenger transfers
- Some local, express, and regional bus expansion
- Based on STAC recommendations

#### Bus Transit Option

##### Major Projects:

- Express Bus Service
- Local Bus
- Circulator Bus Service
  - Downtown Durham
  - Downtown Chapel Hill
  - Research Triangle Park
- Improved bus headways
  - Peak service improved: 10 – 15 minutes
  - Off-peak service improved: 20 – 30 minutes

#### Commuter Rail Option

##### Major Projects:

- Commuter Rail
  - Greensboro-Durham-Raleigh-Goldsboro

- University Station to Carrboro/Chapel Hill
- Express Bus Service
- Local Bus
- Improved bus headways

#### Rail Transit (DMU)

##### Major Projects:

- Rail Transit
  - Uses Diesel Multiple Unit (DMU) from Durham to Raleigh—Opens 2019\*
  - Uses light rail from Durham to Chapel Hill—Opens 2025
- Express Bus Service
- Local Bus
- Improved bus headways

\*DMU are heavy rail cars and therefore cannot deviate from the current rail corridor.

#### Rail Transit (Electric)

##### Major Projects:

- Rail Transit
  - Uses light rail (electric rail cars) from Durham to Raleigh—Opens 2025\*
  - Uses light rail (electric rail cars) from Durham to Chapel Hill—Opens 2019\*
  - Deviation to NCCU
- Express Bus Service
- Local Bus
- Improved bus headways

\*Electric rail cars are light cars and therefore can deviate from the current rail corridor, up to a certain point, to share use of the roadway.

#### Highway Projects

##### Major Projects:

- I-40 HOV/“HOT” lanes
- I-85 widening\*
- East End Connector\*
- Durham Freeway Widening
- Triangle Parkway
- US 70 upgrade to freeway\*
- US 15-501 upgrades
- Northern Durham Parkway\*
- Roxboro Road widening\*

\*Highway Trust Fund Projects

#### Other Transportation Modes

Plan includes other modes (but these are mostly not itemized in the plan)...

- Bicycle projects – bike lanes and wide outside lanes
- Sidewalks and pedestrian facilities

- Transportation Demand Management (TDM) – carpools, vanpools
- Transportation System Management (TSM) – intersection improvements, freeway and incident mgmt., coordinated signal systems
- Intelligent Transportation Systems (ITS) – highway system monitoring, bus automated vehicle tracking

Financial Plan—Cost/Revenue Summary

- Costs exceed revenues
- Local revenue: ½-cent sales tax and \$10 vehicle registration fee increase
- Possible cost reductions: reduce highway and transit projects; delay implementation of rail transit projects

<b>2035 LRTP</b>				
<b>Cost/Revenue Summary</b>				
(Years 2009 through 2035)				
<b>Amount:</b>				
<b>Costs</b>	<b>Bus Transit</b>	<b>Commuter Rail</b>	<b>Rail Transit</b>	<b>Light Rail Transit</b>
Total Highways and Other	\$ 5,384,508,124	\$ 5,384,508,124	\$ 5,384,508,124	\$ 5,384,508,124
Total Bus Transit	\$ 1,539,894,144	\$ 1,306,290,382	\$ 1,816,008,062	\$ 1,233,788,118
Total Rail Transit	(No rail in this option)	\$ 422,038,202	\$ 1,401,800,000	\$ 1,580,900,000
<b>Total Costs</b>	<b>\$ 6,924,402,268</b>	<b>\$ 7,112,836,709</b>	<b>\$ 8,602,316,186</b>	<b>\$ 8,199,196,242</b>
<b>Revenues</b>				
Total Highways and Other	\$ 4,253,316,542	\$ 4,253,316,542	\$ 4,253,316,542	\$ 4,253,316,542
Total Bus Transit	\$ 1,405,171,409	\$ 1,346,270,100	\$ 1,367,504,700	\$ 1,346,270,100
Total Rail Transit	(No rail in this option)	\$ 295,212,748	\$ 678,853,000	\$ 765,000,000
<b>Total Revenues</b>	<b>\$ 5,658,487,951</b>	<b>\$ 5,894,799,390</b>	<b>\$ 6,299,674,242</b>	<b>\$ 6,364,586,642</b>
<b>Difference (Revenues minus Costs)</b>	<b>\$ (1,265,914,318)</b>	<b>\$ (1,218,037,319)</b>	<b>\$ (2,302,641,944)</b>	<b>\$ (1,834,609,600)</b>
<b>Local Source Revenues</b>				
Total	\$ 861,580,063	\$ 861,580,063	\$ 861,580,063	\$ 861,580,063
<b>Difference</b>	<b>\$ (404,334,255)</b>	<b>\$ (356,457,256)</b>	<b>\$ (1,441,061,881)</b>	<b>\$ (973,029,537)</b>
<small>(Revenues + Local Source Revenues) minus (Costs)</small>				

Next Steps in the LRTP Process

- Get public feedback on the Options.
- Develop draft 2035 LRTP—reduce projects and costs and increase revenues to achieve fiscal constraint
- TAC approve 2035 LRTP (possibly as early as December 2008)
- Complete air quality conformity and federal/state approval process (by June 15, 2009)

Mr. Henry asked if the Commissioners had questions.

Vice-Chairman Reckhow requested a preview of the staff recommendation.

Mr. Henry responded that the recommendation is light rail transit built by the year 2025 (going from Chapel Hill to Durham and the RTP). The bus transit had been reduced; however, the coverage had been kept the same except the redundant routes had been reduced. Some of the highways projects had been put in the past year. The HOV running out to NC 86 in Orange County had been rolled back to end at NC 54 in Durham County (west side of Durham close to Chapel Hill). The Durham Freeway would be widened only to the east end connector as opposed to widening north to I-85. Some segments of Alexander Drive have been taken out.

Vice-Chairman Reckhow asked if the changes brought the cost and revenue into balance with the revenue options in the plan.

Mr. Henry answered that the cost and revenue are close to balancing.

Vice-Chairman Reckhow stated that the good news is that the federal government may begin investing more in transportation.

Per a question by Commissioner Heron, Mr. Henry informed her that enabling legislation is required by the North Carolina General Assembly for the sales tax revenue to change. He clarified that the DCHC MPO and its board have no power to tax.

Vice-Chairman Reckhow stated that the sales tax revenue would be debated in the upcoming session of the General Assembly. She requested that the Board members think about it and get involved.

Chairman Page asked about community meetings.

Mr. Henry responded that about 24 to 30 presentations and workshops (three in Durham, two in Orange, and one in Chatham) were conducted. Presentations were made to transportation planning and environmental boards in both Durham and Orange Counties.

Chairman Page requested that Mr. Henry provide the Board with a copy of the document comprising a summary of the comments and the actual comments, resolutions, and recommendations from the various boards.

Chairman Page thanked Mr. Henry for his report and for his work on the project.

### **Board and Commission Appointments**

Vonda Sessoms, Clerk to the Board, distributed ballots to the Board to vote on appointments to various boards and commissions.

---

County Manager Mike Ruffin reminded the Commissioners of the State of the Durham Economy Breakfast tomorrow, 7:30 a.m. at the Marriott. Chairman Page would be seated at the head table, as he would be making comments. Another table at the front had been reserved for the other Commissioners.

Chairman Page took the opportunity to thank Durham County Government department heads and employees. "This has been a phenomenal year, and the Board is grateful for their hard work and dedication." Chairman Page also thanked County Manager Ruffin for leading the charge.

County Manager Ruffin alerted the Commissioners that the January 5 Worksession would last beyond the noon hour. He asked that the Commissioners set aside time on their calendars up to 3:00 p.m. Lunch would be provided.

Chairman Page wished the Board a happy holiday.

---

The Commissioners selected the following applicants (incumbents are underlined):

**Animal Control Advisory Committee**

One Position

Joyce McKinney

---

**Boxing & Wrestling Commission**

Two Positions

Jeffrey M. Elliot

Walter P. Keay III

---

**Criminal Justice Partnership Act Advisory Board**

One "At-large" Position

Nina Bullock (At-large)

---

**EMS Council**

One "Law Enforcement" Position

Thomas J. Mellown (Law Enforcement)

---

**Nursing Home Community Advisory Committee**

One Position

Kae Huggins (Recommended by NHCAC)

---



**Open Space & Trails Commission**

One "At-large" Position

Lisa Buckley (At-large)

---

**Public Health Board**

One "Pharmacist" Position

William "Bill" Burch (Pharmacist)

---

**Raleigh-Durham Airport Authority**

Two Positions

John T. Hunt

Craigie D. Sanders

**Adjournment**

There being no further business, Chairman Page adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Vonda Sessoms, CMC  
Clerk to the Board