

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

Monday, October 27, 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 Ellen W. Reckhow, Vice-Chairman Michael D. Page, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the Monday, October 27, 2008 Regular Session of the Board of County Commissioners. She requested that persons rise for the Pledge of Allegiance to the Flag.

Chairman Reckhow read the following in honor of Alex Rivera, who passed away on Thursday night:

“This evening, our hearts are saddened as we join the community in mourning the loss of a ‘giant of a man’, Mr. Alex Rivera. This native of Greensboro and graduate of North Carolina Central University was a highly acclaimed photojournalist who covered national and international events. He is especially noted for chronicling events surrounding the Brown vs. Board of Education decision and major activities during the Civil Rights era. For generations, he was the official voice of North Carolina Central University, having the distinction of creating the school's Public Relations office. Some of Alex's Rivera's lifelong work as a ‘Pioneer Photojournalist for Black America’ is on display (through March 1, 2009) at the North Carolina Museum of History in Raleigh. Last year, Rivera was honored by Governor Easley with a North Carolina award, the highest award bestowed by the State. Our thoughts, prayers, and condolences are extended to his family.”

Announcements

Chairman Reckhow made the following announcements:

- The North Carolina Department of Transportation (NCDOT) will hold a citizens' informational workshop for the proposed SR 1978 (Hopson Road) grade separation, the North Carolina Railroad/Norfolk Southern Track realignment, and the Church Street rail crossing closure and street extension on Thursday, October 30, 2008. It will be held from 5:00 p.m. to 7:00 p.m. at the Comfort Suites Hotel RTP/RDU in the Tarheel Room, located at 5219 Page Road, Durham 27703.

- The remaining Early Voting schedule for Durham County is:
Tuesday, October 28 9am-5:30pm all locations
Wednesday, October 29 9am-5:30pm all locations
Thursday, October 30 9am-7:00pm all locations (Extended hours)
Friday, October 31 9am-7:00pm all locations (Extended hours)
Saturday, November 1 9am-1pm all locations-- FINAL DAY
On Election Day, November 4, citizens may vote between the hours of 6:30 a.m. and 7:30 p.m.
- An Open House Reception celebrating the expansion and renovation of the Southwest Branch Library will be held on November 2, 2008 from 2:00 p.m. to 6:00 p.m. (County officials will speak at 3 p.m.)

Minutes

Commissioner Cousin moved, seconded by Commissioner Heron, to approve as submitted the October 6, 2008 Worksession Minutes of the Board.

The motion carried unanimously.

Adoption Month Proclamation

Chairman Reckhow read the following proclamation into the record:

PROCLAMATION

WHEREAS, the County of Durham recognizes the importance of giving children in foster care permanent, safe, and loving families through adoption; and

WHEREAS, every child deserves the chance to grow up in a loving, stable family; and

WHEREAS, children of all ages need adoptive homes. Forty percent are five and under (few are infants), another 40 percent are between six and 12 years, and 20 percent are between 13 and 18 years. Many of them are siblings and need to be placed together; and

WHEREAS, more than 118,000 children in the United States foster care system are waiting to be adopted; and

WHEREAS, more than 10,000 children in North Carolina are waiting for permanent families; and

WHEREAS, more than 253 children in Durham County, NC are in foster care, and of that number, 17 are legally free for adoption but are not currently in an adoptive placement and are waiting for permanent families; and

WHEREAS, this effort, along with similar celebrations in all 50 states around the country, will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim November 2008 as

“ADOPTION AWARENESS MONTH”.

I commend this observance to our citizens and urge all citizens to join in raising awareness on behalf of the 17+ children in Durham County who are waiting for a loving family. I further encourage communities, businesses, schools, faith-based organizations, and families to “answer the call” and honor the special needs of Durham County’s children in hopes of securing a permanent, loving family for each and every child regardless of race, age, gender, health, emotional or behavioral condition, and past distress.

This the 27th day of October, 2008.

/s/ Ellen W. Reckhow, Chairman

Janice Williams, Adoption Supervisor, thanked the Board for proclaiming November National Adoption Awareness month in Durham. Ms. Williams reported that in Durham County, there are more 253 children in foster care, and 17 children are available for adoption but are not currently in an adoptive placement. Thirty-one children were adopted last year in Durham. She asked citizens who are interested in fostering or adopting a child to call (919) 560-8092 for further information.

Chairman Reckhow presented the proclamation to Ms. Williams and Jovetta Whitfield, DSS Child Placement and Supportive Services Program Manager.

Chairman Reckhow recognized signed speaker Victoria Peterson, PO Box 101, Durham 27702, for comments.

Ms. Peterson commended Child Placement and Supportive Services staff for their efforts; however, she urged them and the Durham community to work diligently to return children to their homes. Ms. Peterson shared her experience as a foster child.

Proclamation for Hire-A-Veteran Month

Commissioner Cousin read the Hire-A-Veteran Month proclamation into the record as follows:

PROCLAMATION

WHEREAS, throughout our history, American armed forces have stood tall against tyranny, offering hope to the oppressed and securing the blessings of liberty for our citizens. Many brave men and women continue to answer the call to service in the face of great personal sacrifice, hardship, and danger. They accept and overcome these challenges with dignity and honor; and

WHEREAS, in 1944 when President Franklin D. Roosevelt signed the G. I. Bill into law, he observed that more than anything else, American servicemen and women wanted “the assistance of satisfactory employment upon their return to civilian life;” and

WHEREAS, Durham County recognizes November as “Hire-A-Veteran Month” to honor these military veterans whose courageous service has preserved our freedoms. We are proud that Durham County is home to over 17,000 veterans, and it is our duty to remember their commitment to service and recognize their importance to our economic future; and

WHEREAS, as employers and co-workers, it is not only appropriate, but also in our public and economic interest, to take advantage of this tremendous resource by providing employment opportunities to our veterans already in the workforce and to the number of veterans who are leaving the military; and

WHEREAS, these men and women stepped forward to serve our nation to bring the same level of commitment and dedication to Durham County’s workforce. They have the training, work ethic, and proven skills to benefit our county’s businesses. As they leave the military and transition to civilian life, they deserve our appreciation and a place in our workforce:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim November as

HIRE-A-VETERAN MONTH

in Durham County. I urge all citizens to recognize and participate in its observance.

This the 27th day of October, 2008.

/s/ Ellen W. Reckhow, Chairman

Linzie Atkins, Veterans Employment Supervisor for the North Carolina Employment Security Commission, thanked the Board for the proclamation. He announced that a brief ceremony would be held on Veteran’s Day, November 11, at 11:00 a.m. on the front steps of the Durham County Government Administrative Complex. Mr. Atkins also announced that on Wednesday, November 12, at 11:30 a.m., the North Carolina Employment Security Commission would kick-off “Hire-A-Veteran” month with a job fair at the Durham Marriott at the Civic Center. He invited citizens to attend both events. Mr. Atkins closed his comments with a poem, entitled, “Freedom isn’t Free”.

Chairman Reckhow presented the proclamation to Mr. Atkins.

Adopt Durham County High Performance Building Resolution

Chairman Reckhow asked Tobin L. Freid, Sustainability Manager, to provide background information on this item.

Ms. Freid stated that Durham County is a leader in developing green buildings in North Carolina. Several of the County's existing buildings, including the Triangle Waste Water Treatment Plant, East Regional Library, and North Regional Library, are Leadership in Energy and Environmental Design (LEED) certified by the US Green Building Council. All new buildings under development, including the new Human Services Building and the Justice Building, are scheduled to achieve some level of LEED certification. To reach the goals established in the Greenhouse Gas Reduction Plan and the Durham Comprehensive Plan, the County must continue its commitment to building and maintaining healthy, efficient, high-performing buildings. A high performance building policy was developed by the Engineering Department and General Services Department, in consultation with the Environmental Affairs Board Sustainability Committee. This policy solidifies the County's commitment to be a leader in green building development. The Environmental Affairs Board voted to support this resolution on October 1, 2008.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, Durham County is committed to improving the health of its employees and its citizens, improving energy efficiency, reducing waste, and conserving water; and

WHEREAS, the County has committed to reducing greenhouse gas emissions by 50% from 2005 levels by 2030; and

WHEREAS, the County is tasked with being a good steward of its taxpayers' dollars; and

WHEREAS, high performance buildings provide occupants and visitors with a healthier and more productive environment, and this increase in worker productivity can produce enormous economic benefits, as worker salaries are historically an organization's largest expense; and

WHEREAS, studies show that the financial benefits of green design are more than 10 times the additional cost associated with building green; and

WHEREAS, a building's initial construction costs represent only 20-30 percent of the building's entire costs over its 30 to 40 years of life. Emphasis should be placed on the "life cycle costs" of a public building rather than solely on its initial capital costs; and

WHEREAS, the County is a member of the U.S. Green Building Council and ICLEI's Climate Protection Campaign; and

WHEREAS, the Durham Comprehensive Plan includes Objective 4.2.5 to encourage construction of high performance buildings in the public and private sector; and

WHEREAS, the County commits to high performance building practices that protect the quality of our air, water, and other natural resources; provide employees and the public with safe and healthy indoor environments; minimize our ecological footprint; reduce operating and maintenance costs over the life of the building; and serve as a model to others:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF DURHAM, NORTH CAROLINA in public meeting assembled:

That it shall be the policy of the County to finance, plan, design, construct, manage, renovate, commission, maintain, and deconstruct its non-school facilities and buildings to be sustainable. It is the County's intent to achieve the following:

- New construction of public buildings and facilities over 10,000 square feet shall achieve a minimum rating of LEED Gold or any comparable performance criteria and strive to achieve the highest rating. Buildings between 4,000 and up to 10,000 square feet shall achieve a minimum rating of LEED Silver or any comparable performance criteria and strive to achieve the highest rating;
- Renovations of public buildings in excess of 25% of the building and comprising upgrades or replacements of two of the three major systems (HVAC, lighting, and plumbing) shall be able to achieve a minimum rating of LEED Certified or any comparable performance criteria and strive to achieve the highest rating;
- All other new construction, renovations, repairs, replacements, maintenance, and operations of public buildings shall employ cost-effective, energy-efficient, green building practices to the maximum extent possible through the use of the USGBC LEED checklist or other comparable performance criterion in the planning, construction, renovation, maintenance and operation of the facility; and
- New public buildings will be sited to minimize transportation-related energy use, and every effort will be made to reuse previously developed land.

This the 27th day of October, 2008.

/s/ All Five Commissioners

Commissioner Cousin moved, seconded by Commissioner Heron, to adopt the High Performance Building Resolution.

The motion carried unanimously.

Chairman Reckhow thanked Ms. Fried and stated that the resolution indicates an investment in the County's future to help reduce utility bills and to improve the health and wellness of Durham County employees.

Consent Agenda

County Attorney Chuck Kitchen informed the Commissioners of a revised agenda action form for Consent Agenda Item No. b that had been placed at their stations.

Chairman Reckhow noted that changes in Consent Agenda Item No. b were made to the contribution dollar amount and percentage.

County Manager Mike Ruffin explained that the Fund Balance amount increased from 16.11% to 16.28%, which increased the amount of contribution.

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

- *a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for September 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Approve the Request for Funds Designated for Other Post Employment Benefits;
- *c. Budget Ordinance Amendment No. 09BCC000018—Public Health—Recognize Aid to County Funds in the amount of \$38,482 from the N.C. Department of Health and Human Services for operational expenses for the Document Management Project.
- *d. Budget Ordinance Amendment No. 09BCC000019—Public Health—Recognize Grant Revenue in the amount of \$5,727 from N.C. Department of Health and Human Services for the Local Healthy Carolinians Initiative, The Partnership for a Healthy Durham;
- *f. Budget Ordinance Amendment No. 09BCC000021—Public Health—Recognize One-Time Funds in the amount of \$15,000 from N.C. Department of Health and Human Services to Support a Syphilis Elimination Media Campaign in the Division of Health Education;
- *h. Budget Ordinance Amendment No. 09BCC000024—Appropriate Reserved Funds for the Tax Department, Sheriff's Office, Fire Marshall, Cooperative Extension, DSS, and Mental Health (appropriate reserved fund balance [e.g., previously classified in prior years as deferred revenue] in the amount \$2,242,332);
- j. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (execute the Utility Contracts for the additions to the County sanitary sewer system);
- k. Durham Public Schools Lighting Projects at Northern and Hillside High Schools (approve the assignment of design contracts with Spring Stoops McCullen Engineering, PA, and approve the owner/contractor agreements with C.W. Electric Co. Inc. for lighting work at Hillside and Northern High School in the amounts of \$173,075.00 and \$302,000; authorize the Manager to execute the agreements);
- l. Durham Public Schools Projects at Jordan High and Carrington Middle School (approve the Owner/Engineer contract with Coulter Jewel Thames in an amount not to exceed \$93,080.00; approve the Design Consultant contract with Bute, PLLC for work at Carrington Middle School in

- an amount not to exceed \$230,100.00; and authorize the County Manager to execute the contracts);
- n. Annual Report for the Durham Board of Adjustment (accept the Durham Board of Adjustment Annual Report for FY 07-08);
 - o. RFID Tags Purchase and RFID Conversion Stations Rental for Main, Southwest, and South (Parkwood) Libraries (approve as requested); and
 - p. Little River Uplands Open Space Clean Water Management Trust Fund Grant Agreement (execute the CWMTF Grant Agreement, and approve the conveyance of conservation easements to the State of North Carolina on the Lee property).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for September 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of September 2008.

Releases & Refunds for 2008 Taxes:

Real Estate	\$713,160.21
Personal	\$ 92,253.18
Motor Vehicles	\$ 43,085.53
Vehicle Fees	\$ 795.00
Solid Waste	<u>\$ 270.00</u>
Total for 2008 Taxes and Fees	\$849,563.92

Prior years' (1995-2007) releases and refunds for September 2008 are in the amount of \$18,802.68. The total current year and prior years' releases and refunds amount to \$868,366.60.

(Recorded in Appendix A in the Permanent Supplement of the October 27, 2008 Regular Session Minutes of the Board.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 09BCC000018—Public Health—Recognize Aid to County Funds in the amount of \$38,482 from the N.C. Department of Health and Human Services for operational expenses for the Document Management Project.

FY 2008-09 Budget Ordinance
Amendment No. 09BCC000018

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	\$397,125,615	\$38,482	\$397,164,097

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,382,969	\$38,482	\$445,421,451

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

This the 27th day of October, 2008.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 09BCC000019—Public Health—Recognize Grant Revenue in the amount of \$5,727 from N.C. Department of Health and Human Services for the Local Healthy Carolinians Initiative, The Partnership for a Healthy Durham.

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Budget Ordinance
Amendment No. 09BCC000019

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	\$397,164,097	\$5,727	\$397,169,824

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,421,451	\$5,727	\$445,427,178

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

This the 27th day of October, 2008.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 09BCC000021—Public Health—Recognize One-Time Funds in the amount of \$15,000 from N.C. Department of Health and Human Services to Support a Syphilis Elimination Media Campaign in the Division of Health Education.

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Budget Ordinance
Amendment No. 09BCC000021

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	\$397,176,069	\$15,000	\$397,191,069

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,433,423	\$15,000	\$445,448,423

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

This the 27th day of October, 2008.

Consent Agenda Item No. h. Budget Ordinance Amendment No. 09BCC000024—Appropriate Reserved Funds for the Tax Department, Sheriff's Office, Fire Marshall, Cooperative Extension, DSS, and Mental Health (appropriate reserved fund balance [e.g., previously classified in prior years as deferred revenue] in the amount \$2,242,332).

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Budget Ordinance
Amendment No. 09BCC000024

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	\$29,527,513	\$2,242,332	\$31,769,845

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$34,429,872	\$152,660	\$34,582,532
Public Safety	\$49,776,172	\$716,579	\$50,492,751

Economic and Physical Development	\$6,408,037	\$40,513	\$6,448,550
Human Services	\$445,468,426	\$1,332,580	\$446,801,006

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

This the 27th day of October, 2008.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. e. Budget Ordinance Amendment No. 09BCC000020—Public Health—Recognize \$6,245 in Additional Funding from the North Carolina Teenage Pregnancy Prevention Initiative to support Plain Talk, a pregnancy prevention program.

Chairman Reckhow pulled this item to allow signed speaker Victoria Peterson, PO Box 101, Durham 27702, to comment.

Gayle Harris, Assistant Public Health Director, addressed Ms. Peterson's questions regarding Plain Talk.

Commissioner Heron asked Ms. Harris if Plain Talk is working with Durham Public Schools.

Ms. Harris replied that Plain Talk reaches out to adults as well, which in turn may empower them to support their children in the schools. Plain Talk is mandated by a Public/Private Ventures organization to follow the plan as designed by the Casey Foundation.

Vice-Chairman Page briefly recapped information shared at a community leadership breakfast, which was held on October 24. He encouraged Ms. Peterson to contact Ms. Harris or Annette Carrington, Chairman of the Durham Coalition on Adolescent Pregnancy Prevention (DCAPP), to assist in the prevention of teenage pregnancy in Durham County.

Chairman Reckhow inquired about the number of teen pregnancies in Durham compared to the state average.

Ms. Harris responded that Durham is currently below the state average; however, disaggregated data reveals that the pregnancy rate for African-American teenagers is higher than for Caucasian teenagers. Durham has either the second or third highest teenage pregnancy rate in the State for Hispanics, with approximately 260 to every 1,000 teenage girls between ages 10 and 19 becoming pregnant.

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve Consent Agenda Item No. e.

The motion carried unanimously.

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	\$397,169,824	\$6,245	\$397,176,069

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,427,178	\$6,245	\$445,433,423

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

This the 27th day of October, 2008.

Consent Agenda Item No. g. Budget Ordinance Amendment No. 09BCC000022—Public Health—Recognize One-Time Temporary Aid to Needy Families (TANF) Out-of-Wedlock Funds in the amount of \$20,003 from the N.C. Department of Health and Human Services to Support the Family Planning Program to purchase contraceptive supplies.

Chairman Reckhow pulled this item to allow signed speaker Victoria Peterson, PO Box 101, Durham 27702, to comment.

Ms. Peterson suggested that career-based programs for high school dropouts be created and that community colleges provide on-site daycare.

Ms. Harris asked Ms. Peterson to give her a call to discuss initiatives underway to address issues raised.

Vice-Chairman Page moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. g.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2008-09 Budget Ordinance
Amendment No. 09BCC000022

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	\$397,191,069	\$20,003	\$397,211,072
-------------------	---------------	----------	---------------

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,448,423	\$20,003	\$445,468,426

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

This the 27th day of October, 2008.

Consent Agenda Item No. i. Budget Ordinance Amendment No. 09BCC000025—Appropriate Unexpended Grant Funds for Cooperative Extension’s Strong Couples Strong Children Grant in the amount of \$25,551.

Signed speaker Victoria Peterson, PO Box 101, Durham 27702, suggested that funding for family-related initiatives be combined. She inquired about the number of families to be assisted with the grant and the efforts to assist young men.

Delphine Sellars, Cooperative Extension Director, elaborated on the Strong Couples Strong Children program and addressed Ms. Peterson’s questions.

Vice-Chairman Page moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. j.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
 FY 2008-09 Budget Ordinance
 Amendment No. 09BCC000025

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	\$397,211,072	\$25,551	\$397,236,623

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$6,448,550	\$25,551	\$6,474,101

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

This the 27th day of October, 2008.

Consent Agenda Item No. m. Final Work First Block Grant Plan for 2009-2011 (approve the final draft of the plan).

Chairman Reckhow pulled this item to acknowledge revised wording that was placed at each Commissioner's station. She stated that the wording addressed an issue raised by the Board regarding organizing a committee to assure that new and expanding industries provide an opportunity for workers' clients. The wording would be inserted into the Work First Block Grant Plan before it is sent to Raleigh.

Vice-Chairman Page thanked the Work First Planning Committee for incorporating the wording into the Plan.

Chairman Reckhow requested written semi-annual reports on the progress of the Plan.

Commissioner Heron complimented the Work First Planning Committee on their strategies. She asked how the strategies would be implemented. Commissioner Heron asked that the Board receive periodic progress reports on all program grants.

Commissioner Cousin asked Chairman Reckhow if the grants are results-based accountable.

Chairman Reckhow replied in the affirmative, stating that performance measures are provided in the grants. To minimize paperwork, she requested that the County Manager work with department heads and place a tracking tool for performance measures (i.e. teen pregnancy) on the County website.

Vice-Chairman Page supported Chairman Reckhow's request to track performance measures on the County website. He suggested that periodic updates also be given at Board worksessions.

Chairman Reckhow agreed with Vice-Chairman Page. She asked the County Manager to research the best approach and to report his findings to the Board.

Chairman Reckhow thanked Jim Polk, Chairman of the Work First Planning Committee, and the Planning Committee members for their hard work.

Mr. Polk stated that the work performed has been a collaborative effort. He recognized the Work First Planning Committee for their diligent efforts.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Consent Agenda Item No. m.

The motion carried unanimously.

Public Hearing on Coordinated Transportation FY 2008-2009 Rural Operating Assistance Program (ROAP) Grant

Johnny Ford, Transportation Access Coordinator, stated that Cooperative Extension requested that the Board hold a second public hearing on the Rural Operating Assistance Program (ROAP) application, which was submitted to the North Carolina Department of Transportation on August 27, 2008. The Board held a public hearing and approved the submittal of the grant during its August 25, 2008 Regular Session. The application has been received, reviewed, and approved by NCDOT pending having another public hearing. The initial public hearing notice was published in July for the August 11, 2008 BOCC meeting. When the item was moved to a later meeting, it was published again in August for the August 25, 2008 BOCC meeting. The official length of notice requirement of 14 days was not met by the August 25, 2008 BOCC meeting; hence, another public hearing is required to receive the funds.

Chairman Reckhow opened the public hearing which was properly advertised. As no one signed up to speak, she closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve the FY 2008-2009 Rural Operating Assistance Program (ROAP) grant application.

Commissioner Heron inquired about issues regarding transporting individuals in rural areas to appointments and work.

Mr. Ford responded that while transportation for citizens in rural areas continue to be a challenge, the ROAP grant funds help provide services to more residents in the County. Some of the grant funds are earmarked specifically for rural areas within the County.

The motion carried unanimously.

Public Hearing—Zoning Map Change—1521 Mineral Springs Road (Z0800002)

Steven L. Medlin, AICP, City-County Planning Director, requested that the Board approve a request for a zoning map change for a 4.14-acre site located on the east side of South Mineral Springs Road, south of Delmar Drive. Request: RR and RS-20; F/J-B to PDR 4.000; F/J-B. Mr. Medlin certified that proper notice had been given in accordance with the General Statutes and Unified Development Ordinance (UDO) and that affidavits had been completed and are part of the case file for public review.

Planning staff recommended approval, based on consistency with the Comprehensive Plan, and considering the information provided in the report. The Durham Planning Commission recommended and voted 11-2 for approval with additional committed elements on September 9, 2008. The Commission found that the ordinance request was consistent with the adopted Comprehensive Plan. The Commission believed the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing, and additional committed elements proffered by the applicant at the meeting.

Chairman Reckhow asked Mr. Medlin when the area was designated Low-Medium Density Residential (4-8 DU/Ac) in the long range land use plan.

Mr. Medlin replied that he did not know the answer; however, the area had been designated as such since the most recent Comprehensive Plan was adopted in 2005. The adjoining property is zoned PDR 2.720 under the old zoning ordinance requirements, which were based on a gross acreage calculation. The actual density of the site is consistent with 4-8 DU/Ac. The PDR designation for the 4.14-acre site (east side of South Mineral Springs Road, south of Delmar Drive) would be approximately a ½-unit less.

Chairman Reckhow expressed concern regarding the density and location of the site.

Mr. Medlin informed Chairman Reckhow that the lot sizes are a minimum of 5,000 sq. ft., which are consistent with the minimum lot size requirement of the adjacent lots.

Chairman Reckhow stated that directly abutting lots appear to be significantly larger.

Mr. Medlin responded in agreement.

Chairman Reckhow asked if staff requested additional buffer between the developments considering the substantial difference in lot size.

Mr. Medlin responded in the negative.

Commissioner Heron expressed concern that that traffic volume numbers were used from the 2005 NCDOT Traffic Count Map. She stated that she requested at a previous meeting that volume numbers be retrieved from the 2007 Count Map.

Mr. Medlin agreed with Commissioner Heron, stating that staff has received the 2007 NCDOT Traffic Count Map; it should have been included in the staff report.

Commissioner Heron concurred with Chairman Reckhow's remarks regarding the significant difference in lot sizes.

Chairman Reckhow opened the public hearing that was properly advertised. She recognized signed speaker Bob Zumwalt, Landscape Architect, John R. McAdams Co., 2905 Meridian Parkway, Durham 27713, for comments.

Mr. Zumwalt discussed elements of the proposed development plan. He informed Commissioner Heron that he was not aware that a more recent traffic count map existed. Mr. Zumwalt indicated that the developer agreed to add the following Durham Planning Commission requests as committed elements: 1) to provide a pedestrian connection to Mineral Springs Road, and 2) to provide a pedestrian connection through the open space in the northeast quadrant of the site to the open space in the adjacent development to the north.

Commissioner Heron described the Bright Leaf development, stating it is a preferable development design.

Mr. Zumwalt stated that the Mineral Springs road development would not be constructed in the front of the Ashton Hall subdivision; however, he concurred with Commissioner Heron's comment. Mr. Zumwalt noted that once the development is underway, the lot sizes may increase as the UDO allows for a 20% reduction in lot count.

Commissioner Heron articulated that she could not make her decision based on the possibility that the lot sizes may increase.

Mr. Zumwalt stated that increased buffer sizes between lots could be added as a committed element.

Chairman Reckhow expressed concern with Lots 10 through 15 because they abut substantially larger lots. She commented that Lots 10 and 11 would be challenged to develop the depth of those lots from the street.

Mr. Zumwalt explained that Lot 10 would face a cul-de-sac; Lot 11 would be closer to Lot 12 and would have a left-sided entry garage.

Chairman Reckhow discussed the depth of Lots 10-15 with Mr. Zumwalt.

Commissioner Heron suggested that the plan be amended to increase the lot sizes and to include additional tree save areas.

Mr. Zumwalt responded that to remove one lot would require amending the Comprehensive Plan, as a minimum of four units per acre is required.

Chairman Reckhow spoke to the illustrative plan distributed by Mr. Zumwalt, stating that it was not drawn to scale. She referred to the development plan provided in the agenda packet, which was true to scale. Lot 11, at its widest, is less than the required 60 feet.

Mr. Zumwalt assured Chairman Reckhow that the lots meet the 60-foot requirement; Lot 11 is at least 70 feet wide.

Mr. Medlin explained that the plans distributed to the Board were reduced copies; the scale was copied from the original plan. Lot 11 is approximately 55 feet at its narrowest and 70 feet at its common property line with Lot 12.

Mr. Zumwalt added that Lot 11 would have approximately 15 feet of backyard space.

Chairman Reckhow requested that this item be deferred to 1) allow the developer to consider traffic volume from the 2007 NCDOT Traffic Count Map, 2) revisit the lot sizes, and 3) add a more intense buffer for the lot line abutting Ashton Hill Subdivision.

Commissioner Heron reiterated her concern regarding constructing a development on such a low-density property, which reduces lot sizes.

Commissioner Cheek stated that the development plan meets the requirements of the Comprehensive Plan and UDO. He supported deferring the item to allow the developer to consider Chairman Reckhow's recommendations.

Vice-Chairman Page concurred with Commissioner Cheek, stating that the Board must comply with the Comprehensive Plan.

Chairman Reckhow requested a motion to continue the public hearing for two cycles.

Commissioner Cheek moved, seconded by Vice-Chairman Page, to defer action until the November 24 Regular Session of the Board.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Page, and Reckhow

Noes: Heron

Chairman Reckhow directed Mr. Medlin to provide the Board with up-to-date traffic counts.

Mr. Medlin agreed to provide recent traffic counts in the revised staff report.

Commissioner Heron suggested amending the UDO to adjust lot size requirements.

Vice-Chairman Page elaborated on his earlier comments regarding complying with the UDO and Comprehensive Plan.

Chairman Reckhow noted that part of the legislative process includes the Board inspecting the design features of a development plan.

Public Hearing—Zoning Map Change—Pleasant Grove Church Road Warehouse (Z0800025)

Steven L. Medlin, AICP, City-County Planning Director, requested that the Board approve a request by Mr. James A. King II for a zoning map change for a 3.57-acre site located on the east side of Page Road, north of Comstock Road, west of I-540, and west of the Wake County line. Mr. Medlin certified that proper notice had been given in accordance with the General Statutes and Unified Development Ordinance (UDO) and that affidavits had been completed and are part of the case file for public review. The Planning staff recommended approval, based on consistency with the Comprehensive Plan and considering the information provided in the report. The Durham Planning Commission recommended and voted 13-0 for approval on September 9, 2008. The Commission found that the ordinance request was consistent with the adopted *Comprehensive Plan*. The Commission believed that the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Chairman Reckhow opened the public hearing which was properly advertised. She called signed speaker Beth Lewis, WSP Sells Inc., representing the applicant, 15401 Weston Parkway, Cary 27513, forward for comments.

Ms. Lewis provided additional information on the Pleasant Grove Church Road Warehouse zoning map change.

County Attorney Chuck Kitchen asked if the Town of Cary would annex the 3.57-acre parcel located in Durham County.

Ms. Lewis responded that to her understanding, the Town of Cary would annex the entire 21-acre parcel, which includes the 3.57-acre parcel.

County Attorney Kitchen expressed concern that the Town of Cary would be violating its joint agreement with Durham County regarding annexing across County line.

Mr. Medlin clarified for County Attorney Kitchen that it would be a violation of the joint agreement for the Town of Cary to annex across County line. It may annex up to but not across the Durham County property line; however, the Town of Cary may use the 3.57-acre parcel for parking purposes.

As no one else signed up to speak, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Zoning Map Change—Pleasant Grove Church Road Warehouse (Z0800025).

The motion carried unanimously.

Public Hearing for Close-out of the 2002 CDBG Scattered Site Housing Program Grant

The County is required by the State to hold a Public hearing to review the budget and activities that have been accomplished through the 2002 CDBG Scattered Site Housing grant and any amendments.

In 2002, the County of Durham received a \$400,000 grant from the Department of Commerce—Division of Community Assistance to rehabilitate housing in the unincorporated areas of Durham County. With this allocation, the County's administrator Leah Consulting Group rehabilitated 13 properties. The grant funds were designated to repair homes of Durham County for residents whose income was at or below 50 percent of the area median income. In addition to the original \$400,000 allocation, the State awarded another \$176,940.73 to repair the Gentry property. In total, the County expended \$518,008.12 of the \$576,940.73 that was allocated.

Brian Crawford, President of Leah Consulting Group, discussed the final results of the 2002 CDBG Scattered Site Housing Program and the close-out documents.

Commissioner Heron inquired about the number of years permitted to complete rehabilitation projects.

Mr. Crawford replied that three years is typically allotted. He explained that in 2005, an issue arose with a property, which an additional local option was requested and approved for renovation of the property; it was completed in 2008. The grant is awarded once every three years. If the renovations were completed on schedule, then the County would be in grant cycle number three.

Commissioner Heron asked if a consultant is required to administer the grant.

Mr. Crawford responded that some counties self-administer the grants; however, a full-time staff is required to manage the program.

Commissioner Heron expressed concern about additional home renovations being delayed due to the 2002 closing three years late.

Chairman Reckhow recapped the issue regarding the property that required an additional local option in 2005. Many attempts were made to gratify the homeowner; however, the homeowner continued to be dissatisfied. Chairman Reckhow requested that County Manager Ruffin write a letter to Secretary of Commerce Jim Fain regarding the Board's position on administration of the program.

County Manager Ruffin commended Mr. Crawford for his diligent work, particularly in resolving property issues. County Manager Ruffin noted that Mr. Crawford had not been paid due to issues that have arisen since Leah assumed administration in 2004.

Vice-Chairman Page stated that he hoped other homeowners would not be penalized for the actions of one homeowner. He commented that the grant is an exceptional program; many citizens would appreciate the assistance.

Commissioner Heron mentioned an elderly woman whose house was flooded by Hurricane Fran.

Mr. Crawford clarified that he was initially paid \$22,000 of the remaining grant from the lost contract with the previous administrator. He stated that he had not been compensated for extensive work done to help close out the grant; no funds remain in the 2002 grant for the additional work.

County Attorney Kitchen addressed a question posed by Commissioner Cousin regarding the homeowner in 2005, stating that the County could have disputed with the State or resolved the issue with the homeowner. Both options would have prolonged the matter, thereby, causing the County not to receive the 2005 CDBG Scattered Site Housing Program Grant.

Chairman Reckhow inquired about the number of houses that were completed quickly and efficiently.

Mr. Crawford responded that 12 homes were completed with no issues.

Commissioner Heron asked when the County may apply for the next CDBG Scattered Housing Grant.

Deputy County Manager Wendell Davis replied that the County could apply in 2008. Mr. Davis opined that due to the extensive waiting list and amount of time and work dedicated to administering the grant, it may not be worth applying for the grant.

Chairman Reckhow suggested that the letter to be written by the County Manager be submitted to the State, and then update the new Department of Commerce administration once it takes office.

Commissioner Heron supported applying for the grant to assist as many homeowners as the grant funds would allow.

Mr. Davis noted that a discussion would be held with the Department of Commerce.

Chairman Reckhow opened the public hearing that was properly advertised. She recognized signed speaker Victoria Peterson, PO Box 101, Durham 27702, for comments; however, Ms. Peterson was not in the room when her name was called. As no one else signed up to speak, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Commissioner Page, to close out the 2002 CDBG Scattered Site Housing Program Grant.

The motion carried unanimously.

Commissioner Heron asked the County Manager if he would include in his letter that the County intends on applying for the grant in the future.

County Manager Ruffin informed the Commissioners that he would forward them a draft letter to solicit feedback.

Chairman Reckhow recommended that the letter be framed as constructive suggestions for improvement.

County Manager Ruffin stated that the letter should emphasize that the County is disappointed with the program and looks forward to some changes.

2011-2017 Transportation Improvement Program (TIP) Local Priority List

Ellen Beckmann, Transportation Planner, DCHC MPO, requested that the Board adopt the "Resolution to Endorse the Durham County Project Priority List for the FY 2011-2017 Transportation Improvement Program". She reported that the N.C. Department of Transportation (NCDOT) and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) mutually adopt a seven-year Transportation Improvement

Program (TIP). The TIP is a program of transportation capital and operating assistance projects to be implemented in the next seven years with the use of federal and state funds. The TIP is traditionally updated every two years. The Administration prepares and recommends an update to the list of transportation priority projects to be submitted to the MPO and State for consideration in the development of the next TIP. The DCHC MPO and the State recently approved the FY 2009-2015 TIP and have begun development of the FY 2011-2017 TIP.

Chairman Reckhow referenced a memo provided by the Bicycle and Pedestrian Advisory Commission (BPAC) outlining the concept of looking at BPAC's projects in terms of conductivity and creating corridors.

Dale McKeel, City Transportation, BPAC staff representative, elaborated on the memo. He mentioned that BPAC's recommendations were consistent with the TIP Project Priority List. The BPAC also added Erwin Road (section between Cameron Avenue and Anderson Street) to its recommendation list.

Chairman Reckhow inquired about the priority ordering of the BPAC's recommendations.

Mr. McKeel responded to Vice-Chairman Page's question, stating that Cook Road is a city-maintained road. State funds are typically used for state-maintained roads. Enhancement funds could be used on city- and state-maintained roads. He suggested that the City be contacted about requesting funds to improve Cook Road.

Vice-Chairman Page expressed disappointment in the County not being able to request TIP funding for Cook Road. He mentioned numerous complaints he had received regarding pedestrian, particularly children, safety.

Chairman Reckhow requested that a letter to the City Manager be drafted concerning Cook Road and a copy forwarded to Mark Ahrendsen, Transportation Manager.

Mr. McKeel explained that Cook Road could be added to the TIP Project Priority List, but the State may not fund it as it is not a state-maintained road.

Commissioner Heron expressed concern regarding pedestrian safety near Rogers-Herr Middle School. She asked Ms. Beckmann if a highway median could be defined as a "pedestrian facility".

Ms. Beckmann replied in the affirmative.

Chairman Reckhow called signed speaker Daniel Clever, Chair, BPAC, 1608 Maryland Avenue, Durham 27705, forward for comments.

Mr. Clever provided additional information on the BPAC's recommendations listed in the memo.

Chairman Reckhow asked Mr. Clever if he had any suggestions for changes to corridors.

Mr. Clever recommended that Erwin Road (section between Cameron Avenue and Anderson Street) and Old Chapel Hill-Durham Road (University Drive and Pope Road/Ephesus Church Road endpoints) be added to the TIP Project Priority List.

Chairman Reckhow asked Mr. McKeel to consider adding Mr. Clever's recommendations to the TIP List.

Mr. McKeel advised against adding Erwin Road (section between Cameron Avenue and Anderson Street) to the TIP List as adding bike lanes to the road would require widening, which would be expensive.

Chairman Reckhow and Mr. McKeel briefly discussed the location of the Erwin Road section.

Commissioner Heron inquired about the Erwin Road (Orange County Line to NC 751) project.

Chairman Reckhow asked that Transportation staff revisit the priority list ordering.

Commissioner Cheek moved, seconded by Commissioner Heron, to adopt the Resolution to Endorse the Durham County Project Priority List for the FY 2001-2017 Transportation Improvement Program.

The motion carried unanimously.

Board and Commission Appointments

Angela McIver, Staff Specialist, distributed ballots to the Board to make appointments to boards and commissions.

Chairman Reckhow asked Commissioner Heron if Robert Glenn currently serves on the Farmland Protection Advisory Board (FPAB) as his status was unclear on his application.

Commissioner Heron responded in the affirmative. She added that both FPAB applicants, Mr. Glenn and Kathryn Spann, are excellent individuals. They attend every meeting and arrive timely.

Chairman Reckhow recommended that the FPAB consider a way to involve Ms. Spann on the Board.

The following appointments were made (incumbents are underlined):

Animal Control Review Board

George Webb

Durham Convention & Visitors Bureau/Tourism Development Authority
Newman Aguiar

Farmland Protection Advisory Board
Robert B. Glenn Jr.

Historic Preservation Commission
John R. Blackley (recommended by JCCPC)

Library Board of Trustees
Tatia Ash

Nursing Home Community Advisory Committee
Gregory Holloway
Grace M. Livingston
Stacie Peacock

Transportation Advisory Board
David Keaveney
Charles Landis

Workforce Development Board
Iheoma U. Iruka (Recommended by WDB)

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:27 p.m.

Respectfully Submitted,

Yvonne R. Gordon
Deputy Clerk to the Board