

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

Monday, October 13, 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 13, 2008 Regular Session of the Board of County Commissioners. She requested that persons rise for the Pledge of Allegiance to the Flag.

**Agenda Adjustments**

Chairman Reckhow asked if anyone wished to adjust the agenda. No one responded.

Chairman Reckhow stated that the meeting would proceed according to the printed agenda.

**Minutes**

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve as submitted the September 22, 2008 Regular Session Minutes of the Board.

The motion carried unanimously.

**Proclamation for 50th Anniversary of Durham Chapter of the Links Inc.**

Chairman Reckhow read the following proclamation into the record:

PROCLAMATION

WHEREAS, Durham North Carolina Chapter of the Links Incorporated, founded in 1946, is one of the nation's oldest and largest volunteer service organizations dedicated to enriching, sustaining, and ensuring the culture and economic survival of African Americans and other persons of African ancestry; and

WHEREAS, the Durham North Carolina Chapter of the Links Incorporated was chartered on October 11, 1958 by sixteen prominent African-American women, including former Durham County Commissioner Josephine Clement, along with Barbara Cooke, Julia Dawson, Frances Eagleson, Helen Edmonds, Ophelia Grandy, Mollie Lee, Lola Riddick, Hazel Rivera, Fannie Robinson, Mae Bass Spaulding, Otelia Stewart, Dessa Turner, Constance Watts, and Selena Wheeler; and

WHEREAS, during the early years, the organization focused its activities on helping African-American students in the segregated public schools secure funds for testing and college application fees for academically talented students, conducting cultural enrichment activities, and providing scholarships; and

WHEREAS, the Durham Chapter of Links remains committed to unselfishly serving their communities in four major areas: Services to the Youth, National Trends and Services, International Trends and Services, and the Arts; and

WHEREAS, the Durham Chapter of Links has unselfishly provided dedicated service to the Durham community and has focused its collective energies on supporting civil and human rights, health issues including drug and alcohol abuse prevention and women's healthcare, mentoring and supporting students at all grade levels, and most recently supporting Genesis Home and its residents; and

WHEREAS, this stellar organization begins its next chapter armed with a \$100,000 grant from the Ford Foundation to develop training tools and products that will be used for civic involvement and community philanthropy to benefit this community and beyond:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim the week of October 13, 2008 as

**“DURHAM CHAPTER OF LINKS INC. WEEK”**

in celebration of its 50<sup>th</sup> Anniversary. I call upon all citizens to celebrate the positive and significant accomplishments that members of the Durham Chapter of the Links Incorporated have made towards improving the quality of life in Durham County and beyond.

This the 13<sup>th</sup> day of October, 2008.

/s/ Ellen W. Reckhow, Chairman

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Chairman Reckhow congratulated the Durham Chapter of the Links Incorporated for 50 wonderful years of enhancing the quality of life for others in Durham County.

Chairman Reckhow called President June Michaux forward for comments and to receive the proclamation.

Ms. Michaux asked Vice-President Faye Tate Williams and E. Joyce Grant, Chairperson of the 50<sup>th</sup> Anniversary Celebration, to join her at the podium. On behalf of the Durham Chapter of the Links Inc., Ms. Michaux thanked the Commissioners for the recognition of 50 years of service to the Durham community, as well as for proclaiming this week “Link Week” in honor of the 50<sup>th</sup> Anniversary. She commented that The Links Inc. is a national organization of African-American women that have directed their time, talent, and treasure to support civic, social, and education efforts. Over the years, local members have provided scholarships to high school and college students here and abroad and have helped fund construction of schools in South Africa. The Links organization has partnered with other local groups such as Women-In-Action for the Prevention of Violence and its Causes, Urban Ministries, and Lincoln Community Health Center to promote issues such as expansion of mental health services, women’s health issues, drug and alcohol abuse, prevention, and more.

Ms. Michaux spoke about the history of the Durham Chapter and its outstanding contributions that have made a positive difference in the lives of Durham citizens, particularly African Americans and others of African ancestry. She stated that the Durham Chapter looks forward to its next 50 years of service to the Durham community through the cornerstone on which its organization was founded—friendship.

Ms. Michaux invited everyone to a reception which would be held on Wednesday, October 15, at 6:30 P.M. at North Carolina Mutual Life Insurance Company Cafeteria.

**Proclaim October 19 - 25, 2008 as Pull the Plug Week in Durham**

Chairman Reckhow spoke of her tremendous support of the Pull the Plug Week in Durham, which encourages families to use media less and to increase communication between parents and their children.

She read the proclamation into the record:

PROCLAMATION

WHEREAS, the Durham Coalition on Adolescent Pregnancy Prevention (DCAPP) believes that parents are the first and foremost sexuality educators of their children, and October is "Let's Talk" Month, which encourages individuals and communities to celebrate by promoting special events on family education about sexuality; and

WHEREAS, DCAPP recognizes the importance of a strong partnership between the family and community in helping adolescents develop responsible and positive attitudes about their sexuality and the role media plays in developing attitudes and beliefs about sex and relationships; and

WHEREAS, mass media, including television, magazines, video games, internet, and music, send some negative messages about sexuality; and young people ages 8 – 18 spend an average of 6½ hours a day using media compared to a little over two hours spent with parents (Kaiser Family Foundation Study, 2005); and

WHEREAS, community agencies and religious organizations are leaders in this effort through the provision of educational programs, resources, and information to children as well as parents; and

WHEREAS, time and opportunities for parents to share their values, beliefs, and information about relationships and sex may be limited. By reducing the use of media, parents and their children can discuss important topics; and parents can give information and support necessary to prepare young people for their future endeavors as responsible adults and nurturing parents:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim October 19-25 as

**PULL THE PLUG DURHAM WEEK**

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

This the 13<sup>th</sup> day of October, 2008.

/s/ Ellen W. Reckhow, Chairman

Chairman Reckhow called Annette Carrington and Emily Adams forward for comments and to accept the proclamation.

Ms. Adams stated that The Durham Coalition on Adolescent Pregnancy Prevention (DCAPP) is excited to announce that October 19 - 25 is "Pull the Plug Durham (PPD) Week", which is designed to encourage families to set aside time to unplug from the TV, computer, video games, and music so that they can connect with their families. Ms. Adams highlighted the activities planned for the week to encourage more parent-child time. She requested that citizens recognize and participate in the observance.

**Resolution for 25<sup>th</sup> Anniversary of Urban Ministries**

Chairman Reckhow announced that during October 19 - 25, Urban Ministries will celebrate its 25<sup>th</sup> Anniversary Week. This nonprofit organization has worked tirelessly to provide food, shelter, and various services to Durham's most vulnerable citizens.

Vice-Chairman Page read the following resolution:

**RESOLUTION**

WHEREAS, Urban Ministries of Durham was founded 25 years ago by a group of Durham's religious and civic leaders; and

WHEREAS, those farsighted leaders created Urban Ministries of Durham to be an interfaith organization where people of good will would come together to serve the needs of the hungry, homeless, and needy people of the Durham community; and

WHEREAS, over the past 25 years, Urban Ministries of Durham has become a primary provider of emergency services to Durham's most economically distressed people; and

WHEREAS, this year, over 2,700 different people will volunteer at the Community Kitchen, Shelter, Pantry, and Closet of Urban Ministries; and

WHEREAS, over 1,200 individuals, religious congregations, civic and school groups, foundations, and government agencies provide funding to Urban Ministries; and

WHEREAS, eighty-three cents of every dollar donated directly supports Urban Ministries; and

WHEREAS, this year, Urban Ministries of Durham will serve more than 180,000 meals to over 4,500 of Durham's hungry people, provide over 40,000 nights of shelter to over 1,400 homeless people, will offer food for in home use to some 2,000 people, and distribute over 24,000 articles of donated clothing; and

WHEREAS, Urban Ministries of Durham also offers substance abuse recovery services to homeless people with addictions, employment opportunities to homeless people, quality janitorial services to the business community through its Jani-King franchise, and permanent supportive housing to six disabled and formerly chronically homeless adults; and

WHEREAS, Urban Ministries of Durham operated the Community Shelter on Durham County's behalf for the last seven years and continues to be an important partner with the County in providing vital social services to those most in need in Durham County:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do salute volunteers, staff, and Board members of

#### URBAN MINISTRIES OF DURHAM

for their 25 years of dedicated service to Durham's most vulnerable citizens by preserving their dignity and helping countless individuals regain self sufficiency.

This the 13<sup>th</sup> day of October, 2008.

/s/ All Five Commissioners

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Chairman Reckhow announced that Julia Webb Bowden, Development Director; Markeith Williams, Board Chairman; and Sammy Haithcock, Rhonda Stevens, and Sue Guptill (Durham County staff who serve on the Board) are present at the meeting.

Ms. Bowden spoke about the creation of Director of Urban Ministries. She thanked Durham County for the partnership, which is an example of public and private collaboration that should be a model to the greater community throughout North Carolina. Ms. Bowden spoke about and invited everyone to attend the 25<sup>th</sup> Anniversary Celebration on October 23.

### **Ketner Award for the Guardianship Assistance Program**

Chairman Reckhow stated that at the NC Association of County Commissioners' annual meeting in August, Durham County and DSS leaders were presented with a Ketner Award for the Guardianship Assistance Program (GAP). With the support of the Boards of Social Services and County Commissioners, the Durham County DSS has implemented the State's first child welfare kinship care program. The program helps individuals who are appointed guardians in juvenile court to fulfill their long-term commitments to children who would otherwise enter foster care.

Chairman Reckhow recognized Rebecca Troutman with the NCACC to say a few words.

Ms. Troutman stated that:

“It is a pleasure to visit with a Board who is both individually and collectively very active in statewide county issues. For 17 years, the Ralph Ketner Productivity Awards has recognized and rewarded innovative county employees for their successful productivity initiatives. Sponsored by the North Carolina Association of County Commissioners, this program has been made possible by the generous financial support of Ralph Ketner, co-founder of Food Lion. In its 17 years, the program has identified over 100 million dollars in savings to counties in the 1,350 applications submitted. To be eligible, applications must describe the problem being addressed, its solution, and its financial impacts. Annual review committees, made up of commissioners, county staff, and university faculty, select ten winning projects based on ingenuity, efficiency, and transferability. Each winning employee or team of employees receives a certificate of appreciation and a check for \$1,000. We hold an awards ceremony at our annual conference each August in order to highlight and describe each winning innovation to county commissioners from across the state. This statewide exposure often prompts other counties to replicate the winning innovations. Since Durham County's team could not all be in attendance at this year's ceremony, we were invited to make a special presentation here in Durham, in recognition of your staff's achievement. The County Commissioners Association would like to congratulate again Durham County's DSS Director Sam Haithcock and his staff, Chuck Harris and Michael Ward, for their Foster Care Guardianship Assistance Program. The Problem—Facing a 30-percent increase in foster care placements, Durham County's GAP team knew that relatives of many foster kids would be willing to provide care but lacked the financial means to do so. While unrelated foster parents receive monthly stipends for care, extended families do not. The Solution—With a start-up grant from the Board of Commissioners, the team began the GAP program to support the relatives of foster children who were willing and able to

provide ongoing care. For example, supportive programs might include childcare subsidies, tutoring, clothing and help with medical expenses. A Kinship Care Coordinator arranges advocacy, counseling, and community services. The Results—In its first four months, the GAP program helped 14 foster kids remain with relatives, saving \$25,000 in placement costs alone. More importantly, these children can remain in the homes of those who know and love them. Our congratulations again to Durham County's GAP team. I would also like to note that Durham County's Human Services programs have received a Ketner Award for three out of past the five years, truly demonstrating a commitment to innovation and creativity. The program provides childcare subsidy, financial support, and on-going advocacy for guardianship arrangements resulting from Child Protective Service (CPS) interventions. Program supports include funds to meet the child's needs for education, health, and self-esteem, such as tutoring, summer camp, clothing, and uninsured medical expenses. GAP allows relatives to make a 'long and strong' commitment to a child that they would otherwise be unable to make, such as grandparents living on fixed incomes. GAP is supported by funds that would have been spent to provide foster care services for participating youth and is expected to pay for itself by offsetting more expensive foster care costs. In a typical year, foster care placement costs in excess of \$13,000, not including the costs Medicaid, court-related costs, transportation, and other required services."

### **Consent Agenda**

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

- \*b. Budget Ordinance Amendment No. 09BCC000012— Budget Changes Related to Capital Finance Program Dedicated Sales Tax and Occupancy Tax Revenues (approve to appropriate over-realized FY 2007-08 Article 40 and 42 sales tax and Occupancy tax [now FY 2008-09 General Fund fund balance] to the Capital Finance Fund per Durham County's Policy on financing capital projects);
- \*c. Budget Ordinance Amendment No. 09BCC000013—The Durham Center—Regional Mobile Crisis and START Program Funding (approve in the amount of \$1,275,410);
- \*d. Budget Ordinance Amendment No. 09BCC000014— Durham Soil and Water Conservation District: NC Agricultural Development and Farmland Preservation Trust Fund Grant (appropriate \$30,000 in grant funds for the purpose of contracting the services of a professional consultant to assist County staff in the development, completion, and adoption of a Durham County Agricultural Development and Farmland Protection Plan);

- \*f. Budget Ordinance Amendment No. 09BCC000016—Public Health—Recognize \$48,000 in One-Time Funding from the N.C. Department Of Health And Human Services, Division Of Public Health, to Improve the Delivery of Essential Public Health Services by Creating Earned Media (TV, Radio, Magazine) on Prevention/Health Issues;
- \*g. Capital Project Amendment No. 09CPA00007—Durham Public Schools Adjustments to Two Durham Public School Projects Partially Funded With NC Public School Building Funds (approve to reduce the Hillside High School capital project budget [SH088] \$24,515 and the Southern High School capital project [SH092] budget \$10,620 to reflect unspent Public School Building Funds [PSBF] being returned to the state fund);
- \*h. Capital Project Amendment No. 09CPA000008 (authorize an appropriation of \$4,700,000 to the South Regional Library project for a total project budget of \$10,387,262 and the execution of the construction contract with Bar Construction Company Inc. in the amount of \$5,318,000 [Base Bid Plus Alternate SH-1] and the execution of any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$5,864,800; funding for this project will come from a COPS financing loan and any General Fund funds spent towards these projects will be reimbursed once loan funds are secured);
- j. Establishment of Eight Positions—Mental Health LME (approve as follows: Care Coordinator [4 positions], Housing Specialist [1 position], Community Liaison [1 position], and Substance Abuse Evaluators [2 positions]);
- \*k. Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax (adopt the Resolution which replaces the lost personal property taxes);
- \*l. Street Annexation Petition (approve the addition of Broughton Drive to the state’s road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- m. Approve Terms for Additional Leased Space at 300 East Main Street (approve the terms according to the terms in the Letter of Intent; authorize the Manager to negotiate a lease agreement based on these terms, which will be brought back to the Board for approval at a later date); and
- n. Approval to Amend Existing State Contract from the COPS Interoperable Communications Technology Grant Funds.



The motion carried unanimously.

\*Documents related to these agenda items follow:

Consent Agenda Item No. b. Budget Ordinance Amendment No. 09BCC000012—Budget Changes Related to Capital Finance Program Dedicated Sales Tax and Occupancy Tax Revenues (approve to appropriate over-realized FY 2007-08 Article 40 and 42 sales tax and Occupancy tax [now FY 2008-09 General Fund fund balance] to the Capital Finance Fund per Durham County’s Policy on financing capital projects).

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000012

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	\$28,582,983	\$944,530	\$29,527,513

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$27,063,070	\$944,530	\$28,007,600

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

This the 13<sup>th</sup> day of October, 2008.

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Consent Agenda Item No. c. Budget Ordinance Amendment No. 09BCC000013—The Durham Center—Regional Mobile Crisis and START Program Funding (approve in the amount of \$1,275,410).

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000013

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	\$395,408,870	\$1,275,410	\$396,684,280

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$443,859,559	\$1,275,410	\$445,134,969

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

This the 13<sup>th</sup> day of October, 2008.

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Consent Agenda Item No. d. Budget Ordinance Amendment No. 09BCC000014—Durham Soil and Water Conservation District: NC Agricultural Development and Farmland Preservation Trust Fund Grant (appropriate \$30,000 in grant funds for the purpose of contracting the services of a professional consultant to assist County staff in the development, completion, and adoption of a Durham County Agricultural Development and Farmland Protection Plan).

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000014

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	\$396,684,280	\$30,000	\$396,714,280

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 6,378,037	\$30,000	\$ 6,408,037

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

This the 13<sup>th</sup> day of October, 2008.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 09BCC000016—Public Health—Recognize \$48,000 in One-Time Funding from the N.C. Department Of Health And Human Services, Division Of Public Health, to Improve the Delivery of Essential Public Health Services by Creating Earned Media (TV, Radio, Magazine) on Prevention/Health Issues.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000016

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	\$396,914,280	\$48,000	\$396,962,280

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,334,969	\$48,000	\$445,382,969

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

This the 13<sup>th</sup> day of October, 2008.

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Consent Agenda Item No. g. Capital Project Amendment No. 09CPA00007—Durham Public Schools Adjustments to Two Durham Public School Projects Partially Funded With NC Public School Building Funds (approve to reduce the Hillside High School capital project budget [SH088] \$24,515 and the Southern High School capital project [SH092] budget \$10,620 to reflect unspent Public School Building Funds [PSBF] being returned to the state fund).

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Capital Project Ordinance  
Amendment No. 09CPA000007

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>Expenditures</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Hillside High School Project	\$561,000	(\$24,515)	\$536,485
Southern High School Project	\$553,800	(\$10,620)	\$543,180

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

This the 13th day of October, 2008.

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Consent Agenda Item No. h. Capital Project Amendment No. 09CPA000008 (authorize an appropriation of \$4,700,000 to the South Regional Library project for a total project budget of \$10,387,262 and the execution of the construction contract with Bar Construction Company Inc. in the amount of \$5,318,000 [Base Bid Plus Alternate SH-1] and the execution of any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$5,864,800; funding for this project will come from a COPS financing loan and 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. 09CPA000008

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>			
South Regional Library Project	\$5,687,262	\$4,700,000	\$10,387,262

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

This the 13th day of October, 2008.

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Consent Agenda Item No. k. Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax (adopt the Resolution which replaces the lost personal property taxes).

RESOLUTION IMPOSING A GROSS RECEIPTS TAX  
ON HEAVY EQUIPMENT IN LIEU OF PROPERTY TAX

WHEREAS, pursuant to Session Law 2008-144, the County may by resolution impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; and

WHEREAS, North Carolina General Statute § 105-275(42a) designates Heavy Equipment on which a gross receipts tax may be imposed under N. C. Gen. Stat. § 153A-156.1 as a special class of property which is exempted from property taxation and shall not be effective for taxes imposed for taxable years beginning on or after July 1, 2009; and

WHEREAS, the Board of Commissioners has determined that it is necessary to enact the gross receipts tax described above in order to replace the loss of personal property taxes.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DO TH RESOLVE:

1. That a tax of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail is imposed and levied pursuant to N. C. Gen. Stat. § 153A-156.1 in the County of Durham.

2. The Durham County Finance Officer shall administer and collect the tax levied hereunder. In connect therewith, the Finance Officer shall develop a form for the reporting of the gross receipts levied herein.

3. The tax imposed by this Resolution is payable quarterly. A person whose principal business is the short-term lease or rental of heavy equipment shall remit the tax imposed by this Resolution, together with the reporting form documenting the amount of the tax, by the last day of the month following the end of the quarter.

4. All penalties and collection remedies that apply to the payment of sales and use taxes under Article 5 of Chapter 105 of the North Carolina General Statutes shall apply to the tax imposed hereunder. The Durham County Finance Officer shall have the same authority as the Secretary of Revenue in imposing these penalties and remedies.

5. This Resolution shall be in full force and effect as of the 1st day of January, 2009. This the 13th day of October, 2008.

Teste: A true copy

/s/ Vonda Sessoms  
Clerk to the Board

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Consent Agenda Item No. 1. Street Annexation Petition (approve the addition of Broughton Drive to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR ADDITION OF STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina  
County of Durham  
Road Description: 850+ feet of Broughton Drive

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Durham requesting that the above-described road, the location of which has been indicated in red on the attached map,\* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above-described road should be added to the secondary road system, if the road meets

minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that the Division of Highways is hereby requested to review the above-described road and to take over the road for maintenance if it meets established standards and criteria.

#### CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Durham at a meeting on the day of October 13, 2008.

Witness my hand and official seal this the day of October 13, 2008.

/s/ Vonda C. Sessoms  
Clerk, Board of Commissioners  
County of Durham

#### **Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. a. Durham Public Schools Projects (accept the title to the properties [Jordan High, Northern High, and Lakewood Elementary] and authorize the deeds to be recorded).

Commissioner Heron removed Consent Agenda Item No. a to request that the County Attorney explain the burden placed on local government due to certain legislation regarding the change involving the sales tax refund to public schools.

Chairman Reckhow interjected that about two years ago, the State removed the sales tax refund that was available to public schools; private schools can get the refund. In order to save money for Durham Public Schools, Durham County is going through major efforts with its capital projects.

County Attorney Chuck Kitchen explained that the County gets a sales tax refund; however, Durham Public Schools does not. Therefore, the County must take the title to the schools' property in order to do the construction project in the name of the County. Attorney Kitchen spoke to the staff time spent in his office, as well as the Finance Department, due to the lengthy process, which places an unnecessary burden on the County.

Chairman Reckhow noted that the effort saves the school district approximately \$1.5 to \$2 million per year.

Commissioner Heron stated that she pulled the item so the public could be made fully aware of what the Legislature has done. She asked that citizens voice their opposition to this legislation.

Chairman Reckhow requested that Rebecca Troutman with the NCACC relay the message about the time the counties spend in the effort to save their school systems millions of dollars.

Commissioner Heron moved, seconded by Commissioner Cheek, to approve Consent Agenda Item No. a.

The motion carried unanimously.

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Consent Agenda Item No. e. Budget Ordinance Amendment No. 09BCC000015—The Durham Center—Bureau of Justice Assistance Grant in the amount of \$200,000.

Chairman Reckhow informed signed speaker Victoria Peterson that she would be allowed two minutes to comment on the consent agenda item.

Victoria Peterson, PO Box 101, Durham 27702, asked the person who wrote the grant to explain how the grant will be used. She asked to see a copy of the grant. Ms. Peterson then requested that the grant be used to work with persons who are and have been incarcerated. She asked the name of the person who will treat the individuals.

Chairman Reckhow clarified for Ms. Peterson that the personnel involved could not be identified at this point because the process to contract with a provider has not been completed.

County Manager Mike Ruffin clarified for the record that the jail is not overcrowded. There is capacity for about 125 additional detainees. County Manager Ruffin did agree with Ms. Peterson's comments that some detainees remain in jail too long. He invited Ms. Peterson and others to pass the comments along to those in the judicial system who move the trials forward.

Chairman Reckhow stated that this particular project may relieve some pressure on the jail. The idea is to access inmates to determine whether they should be diverted due to mental illness. The County is very excited about receiving the grant.

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

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000015

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	\$396,714,280	\$200,000	\$396,914,280

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$445,134,969	\$200,000	\$445,334,969

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

This the 13<sup>th</sup> day of October, 2008.

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Consent Agenda Item No. i. Approval of the Durham City-County Interlocal Cooperation Agreement for Planning.

Chairman Reckhow stated that she and the County Manager have spoken about extending the term on the Interlocal Agreement. The County Manager then spoke with the City Manager.

County Manager Mike Ruffin referenced page 10, Section VII. A of the Interlocal that stipulates a three-year term. He requested permission from the Board to pursue a three-, four-, or five-year term. The Interlocal works very well and has very few changes.

Chairman Reckhow noted that longer terms would lighten the load on the County Attorney's Office. This is a good thing due to the extra duties of the Attorney's Office related to the legislation which disallows public schools to receive sales tax refunds.

Commissioner Cousin moved, seconded by Commissioner Heron, to authorize the County Manager to work to extend the Interlocal for up to five years.

The motion carried unanimously.

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Consent Agenda Item No. o. Budget Ordinance Amendment No. 09BCC000017—Recognize Grant Funds for the Sheriff's Office (approve to appropriate unexpended grant funding in the amount of \$163,335).

Chairman Reckhow informed signed speaker Victoria Peterson, PO Box 101, Durham 27702, that she could speak on this item for two minutes.

Ms. Peterson requested to see a copy of the grant. She voiced concern that these funds appear to be leftover dollars. She asked if some of the money could be used to hire additional staff at the jail. Ms. Peterson stated that inmates miss their court dates because the Sheriff's Office has insufficient staff to transport them.



Kisha Ethridge representing the City of the Durham stated that the referenced 2005 grant is a City grant. The City requested and received an extension through the COPS office with the stipulation that neither the scope of the original contract nor the grant agreement be revised.

Chairman Reckhow noted that the information on the agenda action form did not state that it was a City grant.

Vice-Chairman Page asked how the funds were to be expended.

Ms. Ethridge replied that the grant would not be returned. Staff is attempting to make it more interoperable between the governments so information can be exchanged. The grant ends this month; however, an extension was requested through the COPS office so the remaining funds can be expended.

Commissioner Heron asked if some of the funds were used to make the Sheriff's equipment compatible with the 800 MHz.

Ms. Ethridge replied in the affirmative.

Chairman Reckhow asked that future agenda items be clearer because this item does not state that the funds will be going to the City.

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

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000017

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	\$396,962,280	\$163,335	\$397,125,615

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> Public Safety	\$ 49,612,837	\$163,335	\$ 49,776,172

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

This the 13<sup>th</sup> day of October, 2008.

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Commissioner Cheek addressed the allegation made by Ms. Peterson that the Sheriff's Office has insufficient staff to transport jail inmates to the court to meet their court dates. "I have never heard that before and do not believe that to be the situation." He asked for an inquiry to be made.

County Manager Mike Ruffin stated that deputies on the transportation team, not Detention staff, transport detainees not only to the courts, but all over the state for examination, etc. In addition, problems in the Detention Center regarding staffing are not because the Commissioners have not provided sufficient staffing. A handful of vacancies exist that are in the process of being filled; however this is not a serious issue. One group of County Government positions that have quite a high turnover rate is Detention Officers. Working conditions in the jail are not ideal, and some people who take the jobs find out that they are not suited for them. When a few vacancies occur within a specific pod, staff is rearranged so no pod is understaffed.

Chairman Reckhow requested that County Manager Ruffin correspond with the Sheriff's Office to determine if the information that he conveyed is correct.

County Manager Ruffin agreed to follow up on Chairman Reckhow's request.

### **Public Hearing on the Work First Plan**

Jim Polk, Chair of the Work First Planning Committee, explained that Work First is the primary program in North Carolina for administering the Temporary Assistance for Needy Families (TANF) Program. Since Work First is administered locally in each county, North Carolina law (NCGS 108A-27) requires each county to submit a County Work First Block Grant Plan every two years. Local leaders were appointed from various community agencies and organizations to form the Work First Planning Committee to be responsible for the development of the Work First Block Grant Plan. On July 28, 2008, the Board of County Commissioners approved the list of members for the Work First Planning Committee. The initial draft of the Durham County Work First Plan for Biennium 2010-2011 was presented to the Board of County Commissioners at the September 22, 2008 meeting. The plan was distributed to the public for comment October 6-9, 2008. The Work First Plan was distributed to community agencies and organizations throughout the county and on the County's internet site for access by the citizens of Durham County. The distribution was also preceded by an announcement in local newspapers informing the public of the plan's availability for public comment. The Board of County Commissioners has set this public hearing on the plan. By October 31, 2008, the Board of County Commissioners must submit the new Work First Plan to DHHS.

Chairman Reckhow opened the public hearing that had been properly advertised.

Victoria Peterson, PO Box 101, Durham 27702, voiced her concern that companies which have been given incentive monies by the County have not hired Work First clients. She

stated the need for private sectors to work with this program in order to train and employ Durham citizens.

Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Vice-Chairman Page thanked the Work First Planning Committee for its hard work on the extensive document, which shows promise and support for clients who have expressed difficulty obtaining transportation and childcare services. He asked for an explanation regarding clients who return after being employed.

Ms. Stevens mentioned the success in keeping individuals off of Work First, which is one of the measurements of Work First. This past year, the goal is that 90% of the individuals who leave Work First remain off. The average this past year was 97%. Reasons that people return are wages and lost jobs for various reasons.

Vice-Chairman Page spoke about the involvement of the Workforce Development Board and some the companies related to the training at Durham Tech. He asked that Ms. Stevens clarify for the public that Work First is working with the community to create jobs.

Ms. Stevens responded that the Planning Committee has developed a better coordinated system whereby individuals are made aware of the training in order to take advantage of new jobs.

Chairman Reckhow asked if a contact mechanism has been set up with the Chamber of Commerce and the Workforce Development Board to inform Work First staff of new companies, their needs, and their time tables in order to place Work First participants into new jobs.

Ms. Stevens stated that the Chamber of Commerce and the Workforce Development Board are represented on the Committee, which is in the process of implementing the mechanism.

Chairman Reckhow requested that Ms. Stevens work with Deputy County Manager Carolyn Titus and Kevin Dick and write a memo to the County Commissioners outlining plans for implementation of the contact mechanism.

Commissioner Heron asked if companies which have been given incentives are being monitored in relation to their employment of Durham County residents.

Chairman Reckhow replied that the employment is being monitored. Extra payments to companies are not being made unless the information is provided.

County Manager Ruffin spoke about reporting requirements that must precede the payments.

Vice-Chairman Page asked that Durham Technical Community College be included in the discussions.

Ms. Stevens added that the Employment Security Commission should be included.

Chairman Reckhow directed Ms. Stevens and Mr. Haithcock to pull together the representatives from the entities mentioned, establish an approach, and memorialize it in a memo to the representatives, County Manager Ruffin, Deputy County Manager Titus, and the County Commissioners about how they will proceed. “We must make sure that our citizens are reaping the dividends of the success of the County’s economic development program.”

Chairman Reckhow stated that no action is required at this point. A finalized plan would be brought back to the Commissioners for approval at the October 27 Regular Session.

### **Public Hearing—Zoning Map Change—Chin Page Office Park (Z07-21)**

Steven L. Medlin, AICP, City-County Planning Director, stated that the request is by Tri Properties Inc. for a zoning map change for a 51.32-acre site located on the north side of Chin Page Road, west of Page Road. The request is to rezone the existing Rural Residential (RR) and Industrial Limited (IL) to Industrial Limited with a development plan (IL[D]) for a proposed use of 550,000 square feet of office space. The plan includes a number of proffered committed elements as well as Traffic Impact Analysis required road improvements. The proposed zoning district boundaries are consistent with the future land use designation of the *Comprehensive Plan*, which designates the site as industrial. A development plan is provided with this request. This indicates that the general physical layout of the property shown on the development plan is committed as part of the adopted rezoning. Any significant change in the plan will require a new zoning petition for the property. Staff recommends approval, based on consistency with the *Comprehensive Plan* and considering the information provided in this report. The Planning Commission recommended and voted for approval, 10-3, on August 12, 2008. The Planning Commission found that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission opined 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.

Per questions posed by Commissioner Heron, Mr. Medlin responded that the development plan indicates a couple of stormwater detention facilities adjacent to the stream. The area will probably require a temporary sedimentation and erosion control license to allow sediments to settle prior to allowing the stormwater to enter into the stream. The intermittent streams are tributaries to Stirrup Iron Creek.

Discussion ensued related to a question by Chairman Reckhow regarding open space or tree save requirements in an office project.

Craigie Sanders, Attorney for the applicant, stated that, at this point, no more area than the required 10% would be committed; however, it is possible that more area could be provided at the site plan stage.

Vice-Chairman Page initiated conversation about Planning Commission Member George Brine’s comments relative to the Chin Page Road right in/right out only without a median to enforce the movement.

Earl Lewellyn, P.E., John R. McAdams Company, informed the Board that they would honor the requirements of NCDOT; he fully expected NCDOT to require the median to be constructed.

Vice-Chairman Page requested that the median concern be addressed. He mentioned a section of road on Highway 55 below the Martin Luther King Parkway exit where the median does not offer enough space for vehicles. He stated that he would inform Mr. Medlin of the exact street so that Mr. Medlin could look into it.

Mr. Medlin informed Commissioner Heron that his office would work closely with NCDOT to ensure that the median issue is completely evaluated.

Chairman Reckhow broached the subject of erosion into the creek. Problems exist with erosion, particularly in eastern Durham County. The topography on the southwest corner of the site, just north of the creek, is quite severe. She asked if there could be a requirement about extra measures around the creek to address erosion.

County Engineer Glen Whisler stated that this would be addressed at the time the erosion control plan is developed to ensure sensitivity to that area and that appropriate measures are required to minimize any chance of sediment getting to the creek. One of the offers in the past is a willingness to install skimmer basins as opposed to conventional basins.

Mr. Sanders stated that he would commit to installing a double silk fence to try to help prevent any sedimentation from settling into the creek in that area.

Chairman Reckhow asked Mr. Whisler to be on the lookout for this item when it comes through his office and determine if other requirements are necessary.

Commissioner Heron asked how much water is estimated to leave the site.

Mr. Sanders replied that this question can be answered best at the site plan site. Ordinance requires that more water cannot be released post-development than pre-development in terms of the rate the water leaves the site. The stormwater detention basin is engineered based on a two- and ten-year storm event. In that regard, no problems are anticipated in meeting the Ordinance requirements. He stated that Ordinance requirements would be met.

Mr. Lewellyn added that Tri Properties wishes to be a good corporate citizen in Durham and takes environmental protection very seriously, as reflected by its record.

Commissioner Heron noted the large amount of impervious surface on the site.

Mr. Sanders stated his confidence that Tri Properties would be able to meet all Ordinance requirements.

Commissioner Heron spoke about the many road improvements within the immediate area of the site.

Mr. Medlin agreed, stating that the 24 improvements are transportation related.

Chairman Reckhow opened the public hearing that was properly advertised.

Craigie Sanders, PO Box 14210, RTP 27709, made the following comments:

“Good evening, Chair Reckhow and members of the Durham Board of County Commissioners. My name is Craigie Sanders, and I am an attorney here in Durham with the law firm of K and L Gates. I am representing Tri Properties, who is the applicant for this rezoning case. With me tonight is Bob Zumwalt, who many of you know is with John R. McAdams. They are the land planners for this rezoning request.

You have heard the staff’s comments recommending approval of our request. I will try not to repeat their comments. However, there are three primary reasons that you should support this request.

First, this area is in transition, due in part to a recent change in circumstance in the area. The recent change is the rezoning approved by you, the Durham Board of County Commissioners, near the end of last year. This Board approved the master-planned Bethpage development, which is approximately 400 acres in size. The Bethpage rezoning will allow about 1,300 single-family and multi-family residential uses, approximately 150,000 square feet of commercial space and roughly 500,000 square feet of office space.

You may also recall that we stated during the Bethpage rezoning process that Crosland, who is the developer of Bethpage, would be collaborating with others to assemble the adjacent site for additional office space. This rezoning is that collaborative project.

In addition, Goodwill Industries, A T and T, Browning-Ferris Industries (better known as BFI), IBM, and CREE all have a significant business presence in the general area near our site.

Second, a closer look at the specific use illustrated on the recently rezoned Bethpage development plan for the area abutting our site is shown as office. Our request tonight will allow us to develop similar office space on our site. We plan to blend our proposed office use with that of the office use illustrated for the Bethpage site, by giving our buildings a similar look and creating a campus like office development.

Finally, providing an additional 550,000 square feet of office space in the general area will help create a major work location in Durham County near Brier Creek. Further, with the potential office job location at our site, and the close proximity to the residential development in Bethpage, we believe that our office use, coupled with the residential and commercial uses, will all support

each other, creating an area where folks can live, work, shop, and play. This could potentially reduce traffic generated at the site leaving and coming into the area, which would save valuable resources, in support of the Durham Greenhouse Gas (Reduction) Plan.

Thank you for your attention. We are happy to answer your questions and we would like to reserve the balance of our time for that purpose.”

Chairman Reckhow asked Mr. Sanders to speak to the amenities around the stormwater pond about which she and Mr. Sanders had previously spoken.

Mr. Sanders read the following new committed elements which addressed Chairman Reckhow’s concerns:

1. Developer shall install a minimum of 500 linear feet of soft surface walking trails through the open space prior to the final certificate of occupancy.
2. Developer shall install a minimum of two picnic tables and a covered shelter on the site prior to the final certificate of occupancy.

Regarding the committed element to install a double silk fence, Mr. Sanders stated that he would work with the Planning staff regarding the language.

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—Chin Page Office Park (Z07-21) with the additional committed elements.

The motion carried unanimously.

AN ORDINANCE AMENDING THE DURHAM UNITED DEVELOPMENT ORDINANCE BY TAKING THE HEREAFTER DESCRIBED PROPERTY OUT OF IL, RR ZONING DISTRICT AND ESTABLISHING THE SAME AS IL(D) DISTRICT

BE IT ORDAINED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1. THAT THE DURHAM COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING ON ZONING CASE Z07-21 AND VOTED ON OCTOBER 13, 2008 TO APPROVE THE ZONING MAP CHANGE REQUEST DESCRIBED HEREIN.

SECTION 2. THAT THE DURHAM ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE ARE HEREBY AMENDED BY TAKING THE FOLLOWING DESCRIBED PROPERTY OUT OF IL, RR ZONING AND PLACING THE SAME IN AND ESTABLISHING THE SAME AS IL(D) ZONING.

ALL PROPERTY AS FOLLOWS, AND TO THE CENTERLINES OF ANY ADJOINING PUBLIC RIGHT-OF-WAYS:

PIN# 0748-04-91-0606, -91-5180, -92-7132

Beginning at an iron pipe set on the northern right-of-way of Chin Page Road, said point being the POINT OF BEGINNING; thence along said right-of-way North 82°33'01" West, a distance of 249.50 feet to an existing iron pipe; thence North 82°35'32" West, a distance of 99.81 feet to an existing iron pipe; thence North 82°26'06" West, a distance of 537.60 feet to an iron pipe set; thence leaving the right-of-way running along the line of Ronnie and Daphne Cox North 12°38'48" East, a distance of 268.68 feet to an iron pipe set; thence North 77°27'49" West, a distance of 208.51 feet to a point; thence South 12°19'39" West, a distance of 271.35 feet to an iron pipe set on the northern right-of-way of Chin Page Road; thence along said right-of-way North 76°33'15" West, a distance of 59.97 feet to an iron pipe set; thence North 68°25'51" West, a distance of 206.78 feet to an iron pipe set; thence leaving the right-of-way running along the line of Mark Burnette North 24°52'10" East, a distance of 234.98 feet to an existing iron pipe; thence North 76°18'29" West, a distance of 47.94 feet to a point; thence North 76°29'49" West, a distance of 187.94 feet to an existing iron pipe; thence North 76°26'18" West, a distance of 103.51 feet to an iron pipe set in the line of Browning Ferris industries; thence along said line North 11°39'10" East, a distance of 949.41 feet to an iron pipe set; thence South 89°04'53" East, a distance of 12.22 feet to an existing iron pipe; thence South 89°04'53" East, a distance of 1,036.71 feet to an existing iron pipe in the line of Ruth Harris; thence along the Harris line North 00°54'42" East, a distance of 711.45 feet to an existing iron pipe; in the line of the Sanders Family Partners LP; thence along said line South 89°19'23" East, a distance of 442.78 feet to an existing iron pipe in the line of ALFC-Page Road, LLC; thence along said line South 00°00'23" East, a distance of 824.87 feet to existing iron pipe in the line of Page Road (Durham) PIP; thence along said line South 88°34'27" West, a distance of 100.21 feet to an existing iron pipe; thence South 01°19'33" West, a distance of 1,333.12 feet to an iron pipe set, said point being the POINT OF BEGINNING, containing 51.32 acres, more or less as shown on a zoning map change exhibit by the John R. McAdams Company, Inc., James W. Mulligan NCPLS L-2566 dated 02 April 2007.

SECTION 3. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

SECTION 4. ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

**Public Hearing—Plan Amendment—Evaluation and Assessment Report (A0800005)**

Joseph Carley, Planner, summarized the staff report on a plan amendment for the Evaluation and Assessment Report (A0800005).

The City-County Planning Department recommended approval based on the justification and meeting the criteria for plan amendments. The Planning Commission recommended approval, 13-0, August 12, 2008, based on information provided in the staff report.

Chairman Reckhow opened the public hearing that was properly advertised.



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

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve Plan Amendment—Evaluation and Assessment Report (A0800005).

The motion carried unanimously.

Commissioner Heron asked if Mr. Medlin is receiving up-to-date data from NCDOT regarding the traffic count.

Mr. Medlin replied in the affirmative.

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

Chairman Reckhow stated that Ellen Beckmann, Transportation Planner, DCHC MPO, was not present. She asked City-County Planning Director Steve Medlin if he knew the deadline for approving the list.

Mr. Medlin replied that he did not know the timeframe.

Chairman Reckhow asked Mr. Medlin to convey tonight's comments to staff so staff would be prepared at the next meeting to respond to the Commissioners points.

Chairman Reckhow commented that she had received a request from a citizen about moving up the bike project on Ephesus Church Road.

Chairman Reckhow mentioned that the Cornwallis Road project is very important because of the connectivity to Rodgers Herr Middle School and other areas. She and Commissioner Heron had mentioned the project at the Transportation Advisory Committee meetings.

Commissioner Cousin voiced his interest in the Fayetteville Road (Woodcroft Parkway to Riddle Road—widen to four-lane) project.

Chairman Reckhow stated that the project is on the top of the list of projects which have not yet been funded. "It is a shame that it has not been funded."

Vice-Chairman Page noted the danger to Hillside students who walk to school on Cook Road (from Martin Luther King Parkway to Fayetteville Road). He asked if that project could be added to the list.

Commissioner Cousin spoke about Chairman Reckhow's comment approximately five years ago that the problem with Durham County is that there is great connectivity moving east and west but insufficient connectivity moving north and south.

Chairman Reckhow remarked that the problem is that the federal government is facing a shortfall with its highway trust fund and the state is experiencing the ripple down affect; however, the Fayetteville Road projects are really important.

Chairman Reckhow reiterated to Mr. Medlin to relay the comments to staff so they will be prepared to respond at the next Commissioner meeting (October 27).

**Closed Session**

Commissioner Cheek moved, seconded by Vice-Chairman Page, that the Board adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow stated that the Board met in Closed Session; no action was taken.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 10:22 p.m.

Respectfully submitted,

Vonda Sessoms, CMC  
Clerk to the Board