

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

Monday, April 14, 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 and Becky M. Heron

Absent: Commissioner Philip R. Cousin Jr.

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow acknowledged the following revised documents that had been placed at each Commissioner's station:

- April 14, 2008 Agenda;
- Agenda Item No. 5, National County Government Week: Exemplary Volunteer Awards;
- Agenda Item No. 10, Proclamation for 2008 Durham County Family Unity Week; and
- Consent Agenda Item No. 12i, Capital Project Amendment No. 08CPA000019—Appropriate \$29,272,390 in 2008 Issued (2003 Voter Approved) General Obligation Bonds to Various Durham Public Schools Capital Projects.

Announcements

Chairman Reckhow announced that One Stop Early Voting will begin on Thursday, April 17, in Durham County in advance of the May 6 primary. She informed citizens of the following One Stop Early Voting sites:

- Board of Elections Office at 706 W. Corporation Street;
- North Regional Library at 221 Milton Road;
- North Carolina Central University Campus: Parish Center; and
- Meeting Room, 1400 S. Alston Avenue (The former Holy Cross Catholic Church site).

Chairman Reckhow stated that voting hours are from 9:00 a.m. until 5:30 p.m., Monday through Saturday. One Stop Voting ends at 1:00 p.m. on Saturday, May 3. She encouraged citizens to contact the Board of Elections at 919-560-0700 for additional information.

Minutes

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve as submitted the following minutes of the Board:

- March 5, 2007 Closed Session
- March 12, 2007 Closed Session
- March 29, 2007 Closed Session
- April 9, 2007 Closed Session
- April 23, 2007 Closed Session
- May 14, 2007 Closed Session
- June 11, 2007 Closed Session
- June 12, 2007 Closed Session
- June 25, 2007 Closed Session
- August 27, 2007 Closed Session
- October 8, 2007 Closed Session
- October 22, 2007 Closed Session
- November 26, 2007 Closed Session
- December 10, 2007 Closed Session
- February 4, 2008 Closed Session
- March 3, 2008 Worksession
- March 10, 2008 Regular Session
- March 24, 2008 Regular Session

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

National County Government Week: Exemplary Volunteer Awards

National County Government Week, sponsored by the National Association of Counties, is an annual celebration of county government intended to raise public awareness and understanding about the roles and responsibilities of the nation's counties. In Durham County, more than 200 citizens work on appointed advisory boards and commissions to help the Board of County Commissioners conduct the public's business. These individuals donate hundreds of hours annually working on key issues such as environmental affairs, nursing home safety, planning zoning issues, and more.

In observance of National County Government Week, Chairman Reckhow recognized the following citizens nominated by the Durham County Board of Commissioners as "Exemplary Volunteers":

Steve Toler. Mr. Toler has served as a dedicated member of the RDU Airport Authority for several years including a stint as its Chairman. Last fall, he was Co-Chair of the Bond Marketing Committee which directed the overwhelming voter approval of Durham County's \$207.1 million Bond Referendum, a role he reprised from 2003. He is also a member of the Superintendent's Business Council and serves in a variety of other volunteer capacities throughout the community.

George Brine. Mr. Brine is the Chair of the Planning Commission and also serves as the Planning Commission's representative on the Joint City-County Planning Committee. He is well respected and highly regarded throughout the community for his strong abilities in the planning arena and is always well prepared for all meetings.

Lao Rubert. Ms. Rubert has been a member of the Criminal Justice Partnership Act Advisory Board since its inception in 1995 and has chaired the board twice. She is known as a visionary champion of community-based corrections across the state and for her strong advocacy on behalf of the programs, bringing the voice of local programs to the Legislature.

Rev. Melvin Whitley. Rev. Whitley serves as a member of The Durham Center (Mental Health) Board and is also a member of the Crime Cabinet. He was recently named "Tarheel of the Week" by *The News and Observer* for his role as a courageous fighter for the East Durham community and his efforts to improve the quality of life for those without an effective voice.

The Commissioners congratulated the Exemplary Volunteers and presented each Volunteer with a plaque that read, "Exemplary Volunteer Award in Grateful Appreciation for Dedicated Service to the People of Durham County, Presented by the Durham County Board of Commissioners, April 14, 2008."

Recognize Shivani Sud, "Junior Nobel Prize" Winner

Chairman Reckhow recognized Commissioner Heron to introduce Shivani Sud.

Commissioner Heron stated that Shivani Sud, a senior at Jordan High School, has won the highly prestigious Intel Science Talent Search, which is often referred to as the 'junior Nobel Prize', which includes a \$100,000 college scholarship. Shivani won first place for a bioinformatics and genomics project centered on determining which colon cancer patients would be at higher risk for recurrence and the best treatment for them. In addition to her science studies in Durham Public Schools, she has performed research at Duke University and the University of North Carolina at Chapel Hill.

Commissioner Heron continued to report that Shivani is President of the Model United Nations team at Jordan High. She is also Senior Tri-Speaker of the North Carolina Youth Legislative Assembly, Vice President of the Durham Youth Council, and a Davidson Fellow Laureate in Science. Shivani received the Siemens Advanced Placement Award in Math and Science and was a Siemens State Advanced Placement Scholar. Also, she was selected as a North Carolina Delegate to the U.S. Senate Youth Program. Shivani was recently named a Morehead-Cain Scholar at the University of North Carolina at Chapel Hill and a Park Scholar at N.C. State University, both full scholarships and the most prestigious available at those

respective institutions. In her “spare time,” Shivani is also a volunteer for the Durham Rescue Mission and enjoys performing classical and modern Indian dance.

Commissioner Heron asked Shivani, her mother, and Dr. Richard Webber, Principal of Jordan High School, to stand and be recognized.

Shivani thanked the Board for the recognition.

Commissioner Heron congratulated Shivani on her outstanding achievements.

Chairman Reckhow recapped a Soil and Water Conservation banquet several years ago when Shivani was acknowledged as a speaking award winner.

NCACC Outstanding County Program Award for DSS Long-Term Care Website

Chairman Reckhow recognized Todd McGee, Communications Director, NCACC, to introduce this award.

Mr. McGee stated that the North Carolina Association of County Commissioners (NCACC) Outstanding County Program Awards was initiated in 1991 as a way to recognize innovative programs that other counties might wish to emulate. The intent of the Outstanding County Program Awards is to recognize and share information with other counties about programs that involve a uniquely innovative process, solution, or idea to address a county or multi-jurisdictional issue and/or to prevent a future problem from developing. Entries are judged for Innovation, Success, Effort/Difficulty, and Collaboration.

Sammy Haithcock, DSS Director, thanked the NCACC for the award. He briefly described the Durham County Social Services Long-Term Care Website, which was the winning entry for the Program Award, and acknowledged Christopher Ivy, Social Work Supervisor III, and Susanna Reed for their leadership and cooperation with the Long-Term Care Website.

Mr. McGee presented the award plaque to Chairman Reckhow.

Resolution in Support of Continuation of Criminal Justice Partnership Program Funding—Criminal Justice Resource Center

Chairman Reckhow noted that Durham County has one of the best criminal justice programs in the state; therefore, continued program funding is needed. She asked Vice-Chairman Page, member of the Criminal Justice Partnership Act Advisory Board, to read the following resolution into the record in support of continuation of Criminal Justice Partnership Program funding:

RESOLUTION

WHEREAS, since 1995, the State of North Carolina and county governments have been partners in providing effective and necessary community supervision of adult criminal offenders; and

WHEREAS, the CJPP funded program of Durham County is meeting the goals for the program as stated in the General Statutes; and

WHEREAS, in accordance with legislative mandates, the Durham County CJPP local advisory board is comprised of representatives of the criminal justice community; and

WHEREAS, the Durham County CJPP diligently carries out its charge of establishing and delivering competent, effective and necessary program assistance to augment community supervision of adult criminal offenders; and

WHEREAS, the loss of CJPP services in Durham County will result in the loss in rehabilitative services for offenders and additional costs of incarceration due to higher failure rates of offenders; and

WHEREAS, Criminal Justice Partnership Program (CJPP) funding has been removed from the continuation budget and is now subject to continuation review; and

WHEREAS, the non-recurring status of CJPP funding and subsequent continuation review will delay the annual appropriation and will result in the loss of qualified professional personnel or county government to discontinue participation due to uncertain funding:

NOW, THEREFORE, BE IT RESOLVED that we, the Durham County Board of Commissioners, do strongly endorse full reinstatement of funding for Criminal Justice Partnership Program to the continuation budget.

This the 14th day of April, 2008.

/s/ All Five Commissioners

Gudrun Parmer, Director, Criminal Justice Resource Center, commented that the Durham County Criminal Justice Resource Center's Day Reporting Center serves over 150 high-risk offenders annually, providing well over 11,000 hours of service. The loss of the Criminal Justice Partnership Program (CJPP) funding will have a significant impact on the operation of the Criminal Justice Resource Center and will lead to the termination of its Day Reporting Center Program.

Judge Ann McKown, Chair, Criminal Justice Partnership Act Advisory Board, thanked the Board for its support. She urged everyone to relay the Program's need for continued funding to legislators in Raleigh.

Chairman Reckhow presented the resolution to Ms. Parmer and Judge McKown.

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

Ms. Peterson suggested that the Criminal Justice Resource Center partner with nonprofit organizations in the county (e.g. churches) that work with ex-offenders to preserve funding.

Resolution in Support of Continuation of Juvenile Crime Prevention Council Funding

The Senate budget has removed DJJDP community programs funds from the continuation budget and placed them in the expansion budget. This means that starting July 1, 2008, local programs cannot anticipate receiving continuation funds for FY 2008-2009. With uncertainty about funding, programs may have to close operations.

Chairman Reckhow requested that Commissioner Heron, member of the Juvenile Crime Prevention Council (JCPC), read the following resolution into the record to endorse full reinstatement of funding for JCPC programs to the continuation budget; the allocation of additional funds to support legislative mandates to protect the community; and provide a juvenile justice continuum at the local level:

RESOLUTION

WHEREAS, Juvenile Crime Prevention Council (JCPC) funding has been removed from the continuation budget and is now subject to continuation review; and

WHEREAS, the non-recurring status of JCPC funding and subsequent continuation review will delay the annual appropriation and may result in the loss of qualified professionals to provide diversion and dispositional alternatives at the local level; and

WHEREAS, since 1977, the State of North Carolina and county governments have been partners in providing effective and necessary community-based juvenile delinquency prevention and intervention services; and

WHEREAS, the JCPC funding programs of Durham County leverage in local support of a 30% match and in-kind in providing effective and necessary community-based juvenile delinquency prevention and intervention services; and

WHEREAS, the JCPC funded programs of Durham County are supported by the efforts of 244 volunteers yearly; and

WHEREAS, in accordance with legislative mandates, the Durham County JCPC is comprised of representatives of juvenile court, mental health, social service, schools, law enforcement, district judges, faith community, county manager, nonprofit sector, and other concerned citizens; and

WHEREAS, the Durham County JCPC diligently carries out its charge of assessing community needs, planning for those needs to be met, recommending programs for funding to meet the needs, and evaluating the performance of those programs; and

WHEREAS, the loss of JCPC program services in Durham County as of March 1 will result in approximately 325 juveniles being without intervention and prevention services, such as temporary shelter, restitution and community service, interpersonal skills, summer tutoring academic enrichment, and home-based family counseling services; and

WHEREAS, a lack of sanction programs and dispositional alternatives in Durham County will result in a higher cost for juvenile detention intermittent confinement:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, strongly endorse full reinstatement of funding for Juvenile Crime Prevention Council programs to the continuation budget and the allocation of additional funds to support legislative mandates to protect the community and provide a juvenile justice continuum at the local level.

This is the 14th day of April, 2008.

/s/ All Five Commissioners

Angela Nunn, JCPC Chair, and Karen K. Thompson, JCPC Treasurer, extended their appreciation to the Board for the resolution of support.

Chairman Reckhow thanked Ms. Thompson for her many years of service on the JCPC.

Ms. Nunn accepted the resolution from Chairman Reckhow.

Commissioner Heron stated that the County funds, monitors, and evaluates JCPC programs to ensure that they are succeeding.

Chairman Reckhow encouraged citizens to communicate to the legislators the need for CJPP and JCPC program funding. She directed staff to forward copies of the CJPP and JCPC resolutions the local delegation and general assembly.

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

Ms. Peterson expressed concern regarding African-American juveniles with criminal records who do not receive skill training from JCPC programs. She reiterated her suggestion that the County work with nonprofit organizations to help keep juveniles out of trouble.

Chairman Reckhow concurred with Ms. Peterson's comment that JCPC does not receive sufficient funding. However, the County partners with various nonprofit organizations, many funded through the nonprofit funding requests. Chairman Reckhow stated that for example, five groups in the community formed a consortium to apply for a dropout prevention grant, for which she wrote a letter of support. Many initiatives are underway, although better coordination is needed.

Commissioner Cheek disagreed with Ms. Peterson's comments regarding the County not providing adequate programs to help with delinquent juveniles. He apprised Ms. Peterson of efforts the County has taken/is taking to assist with alleviating juvenile and adult crime within the county.

Chairman Reckhow thanked Commissioner Cheek for his excellent comments.

Proclamation for 2008 Durham County Family Unity Week

Chairman Reckhow invited Commissioner Cheek to read into the record the proclamation to declare the week of September 15-21, 2008 as Durham County Family Unity Week:

Chairman Cheek read the following proclamation into the record:

PROCLAMATION

WHEREAS, family unity is a source of hope, stability, and love. On this Family Unity Week, we celebrate the special bonds that link parents, children, and relatives as we recognize the importance of close and distant family members' involvement in the lives of our children. By providing guidance, support, and unconditional love, family unity helps shape the character and future of our county, state, and nation; and

WHEREAS, parents, grandparents, aunts, uncles, caregivers, and other family members are the first line of defense in helping young people avoid the dangers and temptations they face each day. By being attentive to children's activities and choices, families can help young people grow into successful adults; and

WHEREAS, character is formed and shaped from a child's earliest days through the love and guidance of family. Families help us understand the difference between right and wrong and the importance of making good choices and instill important values of honesty, compassion, and respect for others. By loving and providing a secure environment, family unity helps us develop into successful adults and responsible citizens; and

WHEREAS, we recognize that strong families are at the center of strong communities; and everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofit agencies, policymakers, and, of course, families themselves; and

WHEREAS, families instill values, shape character, and are the foundation of a hopeful society. During Family Unity Week, we celebrate the rich traditions of family life and emphasize the importance of stable and loving relationships between children, parents, and relatives; and

WHEREAS, we recognize the many valuable contributions made by the Stagville Descendants Council, Cameron Grove Baptist Church, and the community of Durham, North Carolina, and we extend our heartfelt thanks for their continued commitment to public service:

NOW, THEREFORE, BE IT RESOLVED THAT I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim September 15-21, 2008 as

DURHAM COUNTY FAMILY UNITY WEEK

I commend this observance to our citizens and urge all citizens to join with Durham County Government in celebration and support of children everywhere.

This the 14th day of April, 2008.

/s/ Ellen W. Reckhow, Chairman

Ricky Hart, The Stagville Society Founder and Chairman, briefly discussed the importance of family unity and thanked the Commissioners for the proclamation.

Chairman Reckhow presented the proclamation to Mr. Hart.

Proclamation Declaring April 13 – 19, 2008 as Week of the Young Child

Chairman Reckhow introduced the proclamation to recognize the Week of the Young Child (April 13-19, 2008) per a request by Durham's Partnership for Children, a Smart Start Initiative. She stated that she is proud to be serving on the Durham's Partnership for Children Board of Directors.

Chairman Reckhow read the following proclamation into the record:

PROCLAMATION

WHEREAS, the Durham's Partnership for Children, a Smart Start initiative, and other local collaborating organizations are celebrating the Week of the Young Child, April 13 – 19, 2008; and

WHEREAS, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to building better futures for everyone in Durham, NC; and

WHEREAS, Durham's Partnership for Children has increased the number of quality child care facilities in Durham County; and

WHEREAS, Durham's Partnership for Children has increased the number and total percentage of children enrolled in high-quality child care and increased the percentage of children receiving subsidies in quality programs in Durham County; and

WHEREAS, it has helped to decrease teacher turnover by improving incentives for teachers to stay in early childhood education; and

WHEREAS, Durham's Partnership for Children has collaborated with Durham Public Schools and Head Start to increase school readiness for pre-kindergarten students to help close the preparation gap; and

WHEREAS, it has increased the community collaborative efforts continuing to build the early childhood system working with Durham Connects and community partners and initiating a new evidence-based parenting program; and

WHEREAS, Durham's Partnership for Children has increased awareness of school readiness issues with the local business community and advocated for family-friendly workplaces; and

WHEREAS, Durham's Partnership for Children has increased support for Spanish-speaking families, helping them to overcome isolation and language barriers in order to become better parents and to access high-quality child care and education for their children:

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

DURHAM'S PARTNERSHIP FOR CHILDREN, A SMART START INITIATIVE

on the celebration of the Week of the Young Child, April 13 - 19, and for the exemplary model of collaboration, which continues to change the landscape of early childhood care for Durham residents and benefits present and future generations of young children and their families.

This the 14th day of April, 2008.

/s/ Ellen W. Reckhow, Chairman

Chairman Reckhow recognized Marsha Basloe, Executive Director of Durham's Partnership for Children, for comments.

Ms. Basloe thanked the Board of County Commissioners for the proclamation and for the Board's support. She stated that she is not only accepting the proclamation on behalf of the Durham's Partnership for Children Board of Directors, but primarily for the 23,400 young children, their parents, and approximately 1,600 child care workers in Durham County. This year's theme for Family Unity Week is "Bring Communities Together for Children; Children Bring Communities Together." Young children and their families depend on high-quality education and care, which help children get a smart start and bring lasting benefits to Durham. Week of the Young Child is a time to recognize the importance of early learning and early literacy and to celebrate the teachers and policies that bring early childhood education to young children. All young children need and deserve high-quality early learning experiences that will prepare them for life, and Durham County has a great opportunity to do its part to help young children. Week of the Young Child is a time to recognize the importance of early learning for all young children and to bring Durham County together to help give all young children a smart start.

Chairman Reckhow presented the proclamation to Ms. Basloe.

Consent Agenda

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

- a. Receive the Annual Report of the Durham City-County Appearance Commission;
- *b. Offer to Purchase County Surplus Properties (2230 N. Oak Ridge Boulevard, 1750 & 1756 Ruffin Street, 1908 Essex Road, 1200 Grant Street, and 1101 Hazel Street) (pursue the upset bid process; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- c. Ambulance Franchise Renewals (accept the three-year ambulance franchise renewal request, and schedule the request for the second and final approval on April 28, 2008);
- *d. Capital Project Amendment No: 08CPA000016—Appropriation of County Contribution Capital Projects Fund Balance (\$58,118.68) and Movement of Various Unspent Capital Project Funds to Two Existing Projects (the Agricultural Building Project [DC068] and the East Regional Library Project [DC077]) and the Closing of Two Existing Projects (CJRC Project [DC082] and Judicial Building Renovations [DC067]), and the reduction of one project budget (EMS Relocation of Lincoln [DC069]);
- *e. Capital Projects Amendment No. 08CPA000018—Appropriation of \$1,402,923 in grant funds to the Open Space and Farmland Capitol Project (DC083) for a total project budget of \$7,957,755; revision to the 2007 Federal Farm and Ranchlands Protection (FRPP) Grant Cooperative Agreement to add an additional \$732,554 to the existing amended 2007 Cooperative Agreement; and authorization of an interfund loan from the General fund to the capital project until the federal Farm and Ranchlands Protection Program (FRPP) reimbursement funds are received; *Chairman Reckhow congratulated Jane Korest, Open Space and Real Estate Manager, for her work in achieving over \$1.4 million in federal farm and ranchland grants this year for the County to preserve several farms in northern Durham County;*
- *f. Budget Ordinance Amendment No. 08BCC000067—Supplement to 2007 Emergency Management Performance Grant (EMPG) (recognize \$18,127 in grant revenue received from the North Carolina Division of Emergency Management, to be applied to Durham County Emergency Management);

- g. Approval of Right-Of-Way Agreement with Duke Energy Carolinas LLC (DEC) for Durham County Animal Control Offices project located at 3105 Glenn Road, Durham, North Carolina 27704 (authorize the Manager to enter into the agreement);
- h. Approval of the Interlocal Agreement with City of Durham Regarding Sales Tax Distribution;
- *i. Capital Project Amendment No. 08CPA000019—Appropriate \$29,272,390 in 2008 Issued (2003 Voter Approved) General Obligation Bonds to Various Durham Public Schools Capital Projects;
- j. American Tobacco East Parking Deck—Architectural Façade Treatments (approve the banner design subject to review by the Appearance Commission);
- *m. Budget Ordinance Amendment No. 08BCC000068—Reversal of Advancement of \$9,203,550 in General Fund Fund Balance for the Durham County Memorial Stadium Renovations Project (DC092) and Ten Durham Public School Projects;
- n. Utilities Ordinance Amendment (approve the ordinance amending Chapter 26 of the Durham Code of Ordinances, entitled Utilities);
- o. Durham Center for Senior Life (approve the request to modify the kitchen); and
- *q. Capital Project Amendment No. 08CPA000020—Appropriate \$12,000,000 in 2008 Issued Two-Thirds General Obligation Bonds to Six Capital Projects.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

*Documents related to these items follow:

Consent Agenda Item No. b. Offer to Purchase County Surplus Properties (2230 N. Oak Ridge Boulevard, 1750 & 1756 Ruffin Street, 1908 Essex Road, 1200 Grant Street, and 1101 Hazel Street) (pursue the upset bid process; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

2230 North Oak Ridge Boulevard
PIN #0820-13-14-9987

Parcel ID #124073

WHEREAS, Ms. Carrie McNeil has made an offer to the County to purchase the above property for \$5,140 and has made a bid deposit in the amount of \$257, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on April 14, 2008.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

1750 Ruffin Street
PIN #0822-12-85-9635
Parcel ID #105973

1756 Ruffin Street
PIN #0822-12-85-9685
Parcel ID #105972

WHEREAS, P.A.P.'s Custom Home Building has made an offer to the County to purchase the above property for \$3,000 and has made a bid deposit in the amount of \$300, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on April 14, 2008.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

1908 Essex Road
PIN #0832-20-70-7697
Parcel ID #120391

WHEREAS, P.A.P.'s Custom Home Building has made an offer to the County to purchase the above property for \$2,500 and has made a bid deposit in the amount of \$125, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on April 14, 2008.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

1200 Grant Street
PIN #0831-17-10-0841
Parcel ID #117503

WHEREAS, Sweet Ivory CDC, Inc. has made an offer to the County to purchase the above property for \$1,020 and has made a bid deposit in the amount of \$51, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on April 14, 2008.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

1101 Hazel Street
PIN #0831-06-28-8327
Parcel ID #110618

WHEREAS, Sweet Ivory CDC, Inc. has made an offer to the County to purchase the above property for \$728 and has made a bid deposit in the amount of \$36.40, which is not less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on April 14, 2008.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

Consent Agenda Item No. d. Capital Project Amendment No: 08CPA000016—Appropriation of County Contribution Capital Projects Fund Balance (\$58,118.68) and Movement of Various Unspent Capital Project Funds to Two Existing Projects (the Agricultural Building Project [DC068] and the East Regional Library Project [DC077]) and the Closing of Two Existing Projects (CJRC Project [DC082] and Judicial Building Renovations [DC067]), and the reduction of one project budget (EMS Relocation of Lincoln [DC069]).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>			
Agricultural Building Renovation Project	\$823,551	\$181	\$823,732
Criminal Justice Resource Center Project	\$501,946	(\$17,772)	\$484,174
East Regional Branch Library Project	\$6,283,909	\$145,688.44	\$6,429,597.44
Judicial Building Renovation Project	\$26,730	(\$21,738)	\$4,992
Stanford Library Project	\$1,978,850	(\$15,120.44)	\$1,963,729.56
North Regional Library Project	\$6,356,087	(\$32,914.80)	\$6,323,172.20
EMS Relocation of Lincoln Project	\$1,793,250	(\$58,118.68)	\$1,735,131.32
Animal Control Office Project	\$1,510,199	(\$205.53)	\$1,509,993.47

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

This the 14th day of April, 2008.

Consent Agenda Item No. e. Capital Projects Amendment No. 08CPA000018—Appropriation of \$1,402,923 in grant funds to the Open Space and Farmland Capitol Project (DC083) for a total project budget of \$7,957,755; revision to the 2007 Federal Farm and Ranchlands Protection (FRPP) Grant Cooperative Agreement to add an additional \$732,554 to the existing amended 2007 Cooperative Agreement; and authorization of an interfund loan from the General fund to the capital project until the federal Farm and Ranchlands Protection Program (FRPP) reimbursement funds are received.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>			
Open Space and Farmland Preservation Project	\$6,554,832	\$1,402,923	\$7,957,755

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

This the 14th day of April, 2008.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 08BCC000067—
Supplement to 2007 Emergency Management Performance Grant (EMPG) (recognize
\$18,127 in grant revenue received from the North Carolina Division of Emergency
Management, to be applied to Durham County Emergency Management).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000067

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 2007-08 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	\$364,593,727	\$18,127	\$364,611,854

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$48,632,750	\$18,127	\$48,650,877

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

This the 14th day of April, 2008.

Consent Agenda Item No. i. Capital Project Amendment No. 08CPA000019—Appropriate
\$29,272,390 in 2008 Issued (2003 Voter Approved) General Obligation Bonds to Various
Durham Public Schools Capital Projects.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 2007-08 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>			
Githens Middle School Project	\$2,448,000	\$396,000	\$2,844,000
Spaulding Elementary School Project	\$8,105,771.50	\$512,193	\$8,617,965

New "C" Elementary School Project	\$15,000	\$660,000	\$675,000
New "D" Elementary School Project	\$13,354,700	\$500,000	\$13,854,700
New "A" Middle School Project	\$20,000	\$1,280,000	\$1,300,000
New "B" Middle School Project	\$10,000	\$1,165,000	\$1,175,000
Durham School of the Arts Project	\$6,434,600	\$400,000	\$6,834,600
Bond Management	\$450,000	\$2,117,894	\$2,567,894
Fayetteville St. Elementary School Project	\$7,645,772	\$660,366	\$8,306,138
Lowe's Grove Middle School Project	\$8,162,040	\$1,440,360	\$9,602,400
New "B" Elementary School Project	\$13,286,000	\$1,700,700	\$14,986,700
Mangum Elementary School Project	\$3,943,867	\$1,057,973	\$5,001,840
Shepard Middle School Project	\$800,000	\$8,998,400	\$9,798,400
Morehead Elementary School Project	\$300,000	\$3,735,304	\$4,035,304
Club Elementary School Project	\$300,000	\$2,345,200	\$2,645,200
Mobile Classrooms Project	\$0	\$325,000	\$325,000
Neal Middle School Project	\$0	\$510,000	\$510,000
Bacon Street Project	\$0	\$1,468,000	\$1,468,000

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

This the 14th day of April, 2008.

Consent Agenda Item No. m. Budget Ordinance Amendment No. 08BCC000068—Reversal of Advancement of \$9,203,550 in General Fund Fund Balance for the Durham County Memorial Stadium Renovations Project (DC092) and Ten Durham Public School Projects.

DURHAM COUNTY, NORTH CAROLINA
 FY 2007-08 Budget Ordinance
 Amendment No. 08BCC000068

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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	\$40,172,723	(\$9,203,550)	\$30,969,173

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other	\$38,424,174	(\$9,203,550)	\$29,220,624

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

This the 14th day of April, 2008.

Consent Agenda Item No. q. Capital Project Amendment No. 08CPA000020—Appropriate \$12,000,000 in 2008 Issued Two-Thirds General Obligation Bonds to Six Capital Projects.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>			
Criminal Justice Resource			
Center Renovations	\$501,946	\$3,800,000	\$4,301,946
Durham Public Schools Bond			
Management (Land Purchase)	\$450,000	\$3,950,000	\$4,400,000
Holton (CIS Academy) School	\$5,080,000	\$2,700,000	\$7,780,000
Main Library Renovations	\$300,000	\$500,000	\$800,000
Durham County Administration			
Building Renovations	\$0	\$700,000	\$700,000
EMS Station #1 Renovations	\$0	\$350,000	\$350,000

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

This the 14th day of April, 2008.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. k. Annual Contract Performance—Downtown Durham Inc.

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

Ms. Peterson requested that the County use the same notification process for issuing contracts for economic development as it does for awarding nonprofit funding.

In response to a question posed by Chairman Reckhow, County Manager Mike Ruffin replied that he believes that of Downtown Durham Inc. and the Greater Durham Chamber of Commerce, one is a 501(c)(3) and the other is a 501(c)(6).

Consent Agenda Item No. l. Annual Contract Performance—Greater Durham Chamber of Commerce.

Signed speaker Victoria Peterson, PO Box 101, Durham 27702, voiced her concern that the County informed the public that Downtown Durham Inc. and the Greater Durham Chamber of Commerce are 501(c)(3) corporations. She stated that while she is not opposed to the County awarding economic development contracts to organizations that are not 501(c)(3), she would encourage the County to allow other non-501(c)(3)s within the county to apply for such contracts.

Chairman Reckhow informed Ms. Peterson that the Board will take her comments under advisement.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve Consent Agenda Item Nos. k and l.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Consent Agenda Item No. p. Durham Public School Projects (DPS) (accept the deeds conveying the ten school parcels and approve the Design Consultant contracts for the ten school projects and authorize the County Manager to execute the Design Consultant agreements).

Chairman Reckhow pulled this item per a request by Vice-Chairman Page.

Vice-Chairman Page expressed concern regarding Creekside Elementary School reaching its capacity, which has resulted in the addition of several onsite trailers. He asked about the projected growth at New Elementary Schools “B” and “E”.

Hugh Osteen, Assistant Superintendent of Operational Services, DPS, responded to Vice-Chairman Page’s question, stating that the rapid growth at Creekside was not anticipated. Mr. Osteen explained that Creekside is scheduled to receive six additional trailers within the next year to accommodate the increased capacity. Eight classrooms are planned to be constructed by 2009 to eliminate some of the trailers; the project will be funded from the 2007 bond. New Elementary School “B” will serve a very high-growth area in Northeast Durham and is a challenge that DPS currently faces.

Vice-Chairman Page asked Mr. Osteen if the trailers have restrooms.

Mr. Osteen responded in the negative.

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

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Commissioner Heron asked County Attorney Chuck Kitchen if the County can require particular uses of a surplus property when it is sold.

County Attorney Kitchen responded that the County does not have the authority to make such requirements on surplus property; they must sell the property to the highest bidder for cash.

Commissioner Heron stated that she hopes that the properties are put to good use.

Public Hearing to Receive Citizen Comments on the Draft FY 08-09 Annual Action Plan

Larry Jarvis, Associate Director of the City of Durham Department of Community Development, reported that the Citizen Participation Plan contained in the adopted 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on housing and community development needs; the public hearing was held on January 28, 2008. The purpose of the second public hearing is to receive citizen comments on the City's Draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds.

Mr. Jarvis introduced the newest staff member in the Department of Community Development—Wilma Conyers, Federal Programs Coordinator. Ms. Conyers joined the department in January.

As an entitlement city, Durham has been the recipient of CDBG funds since 1975 and HOME Consortium funds since 1992. CDBG funds have primarily been used for housing activities, public services, code enforcement, and public infrastructure. HOME Consortium funds have been used for affordable housing activities as required by HOME program regulations. Durham has also been a recipient of Emergency Shelter Grant (ESG) funds from HUD, which have been used to provide assistance to individuals and households who are homeless or at risk of becoming homeless.

The Annual Action Plan is Durham's application to the U.S. Department of Housing and Urban Development for the upcoming fiscal year's funding and outlines the actions Durham is taking with HUD-awarded funds to meet the goals as described in the 2005-2010 Five-Year Consolidated Plan. HUD regulations require that the City submit the Council-approved Annual Action Plan by May 15. DCD requests that the Commissioners to approve the Annual Action Plan.

Mike Barros, Director of the City of Durham Department of Community Development, had reviewed this request and recommended that the Board of County Commissioners hold the public hearing to receive comments on the draft FY 2008-2009 Annual Action Plan.

Commissioner Heron requested a current roster for the Citizens Advisory Committee (CAC).

Mr. Jarvis agreed to obtain the CAC member list and submit it to Commissioner Heron at a later date.

Chairman Reckhow referenced Attachment A, Page No. 1 regarding FY08-09 CDBG Funds. She inquired about the Jruth "Lift Me Higher" program only serving 10 participants.

Mr. Jarvis responded that he would follow up on the inquiry and report back.

Chairman Reckhow questioned the \$0 recommended funding for Project Restore, the ex-offender reentry program administered by the Criminal Justice Resource Center (CJRC).

Mr. Jarvis explained that CDGB funds are capped at awarding no more than 15% for public service activities; smaller programs serving the youth that have not been previously award CDGB funds were given a priority. Project Restore has existing CDBG funds in place for both spring and fall sessions during calendar year 2008. As additional persons complete the program and seek to enter the workforce, the Department of Community Development will coordinate with CJRC to assess the project's effectiveness compared to alternative programs for ex-offenders and to determine whether modifications are needed prior to funding additional sessions. Reallocated funds or unanticipated CDBG program income may be recommended for at least one additional session during FY08-09.

Chairman Reckhow praised the efforts of Project Restore. She expressed her desire that staff revisit the funding recommendation for the program.

In response to a question posed by Chairman Reckhow regarding the Citizens Advisory Committee's (CAC) recommendations, Mr. Jarvis replied that due to a finite amount of ESG funds, more funds could not be allocated than what is available. As CDBG funds for public services are capped at 15%, those funds could not be used to increase allocations for programs that initially applied for ESG funds.

Vice-Chairman Page echoed Chairman Reckhow's comments regarding Project Restore.

Mr. Jarvis responded to Commissioner Cheek in the affirmative that CDBG funds are available only to the City.

Commissioner Cheek inquired about Neighborhood Improvement Services and the recommended funding for its Code Enforcement program.

Mr. Jarvis explained that the recommended funding for Code Enforcement will be used for salaries.

Commissioner Cheek emphasized his concern about CDBG monies being used to fund employee salaries. He opined that the funds would be better used for housing purposes.

Commissioner Cheek asked Mr. Jarvis about HOME funds allocated for County use.

Mr. Jarvis replied that HOME funds for the County are used for the housing rehabilitation (\$200,000) and first-time homebuyer (\$396,000) programs. However, there is no specific amount dedicated for uses outside of the Durham City limits.

Commissioner Cheek inquired about HOME funds spent in the county within the last year.

Mr. Jarvis responded that \$91,020 of \$1.4 million available HOME funds was spent to rehabilitate two homes in Durham County last year.

Commissioner Cheek expressed disappointment in the amount of HOME funds spent towards home rehabilitation within the county last year.

Chairman Reckhow inquired about the homeownership program for public sector employees.

Mr. Jarvis replied that the program was discontinued due to lack of bond funding. Public sector employees may qualify for the current homeownership program, which allows up to \$20,000 or 20% of the purchase price for a down payment on a home.

Chairman Reckhow requested that the Department of Community Development staff work with the County Manager's office to market the homeownership program to County employees. She directed County Manager Mike Ruffin to follow up with Mr. Jarvis.

Commissioner Heron echoed Commissioner Cheek's sentiment regarding minimal usage of HOME funds within Durham County for home rehabilitation.

Mr. Jarvis communicated that staff will consider more effective ways to notify residents outside of the City limits of the home rehabilitation program and to encourage them to apply for funding.

Commissioner Heron questioned the reduced CDBG funding for Community Kitchen, an Urban Ministries of Durham program that provides free meals.

Mr. Jarvis explicated that Community Kitchen requested CDBG and ESG funding, which only one funding source can be awarded; \$20,000 of ESG funds have been recommended.

Commissioner Heron asked about funding for the Pastor D.L. Forbes Youth Foundation and its academy location.

Mr. Jarvis reiterated that a program can only receive funding from once source; the Forbes Youth Foundation requested from two sources. He stated that the academy administers a boot camp during the summer and utilizes dormitories at North Carolina Central University.

Per a request by County Manager Ruffin, Mr. Jarvis stated that he will follow up on the amount of additional HOME funding the City receives due to the County's joint participation in the HOME funding program.

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

Chairman Reckhow noted that the FY 08-09 Annual Action Plan would be brought back to the Board of County Commissioners at its April 28 Regular Session for Board action.

Mr. Jarvis responded to Vice-Chairman Page that staff will provide answers to the Commissioners and County Manager's questions prior to the April 28 meeting.

Public Hearing—Zoning Map Change—Northern Durham Freeway at I-85 (Z07-48)

Steven L. Medlin, AICP, City-County Planning Director, requested that the Board approve a request for a zoning map change for a 76.484-acre site located on the south side of Redwood Road, east of Tom Clark Road and north of I-85. Request: Industrial Light (IL) to Residential Rural (RR); Falls/Jordan-A Watershed Area (F/J-A)

Mr. Medlin stated that Planning Staff recommends approval, based on consistency with the Comprehensive Plan and considering the information provided in the report. The Durham Planning Commission recommended and voted 7-4 for approval on February 12, 2008. The Commission found that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes 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. Mr. Medlin stated that staff certifies that all notifications have been completed and complies with the appropriate Unified Development Ordinance (UDO) standards and state statute requirements.

Commissioner Heron inquired about a development plan for this site.

Mr. Medlin responded that a site plan or preliminary plat is required if the site will be developed for residential purposes. Board approval of the site plan is dependent upon the scale and tract size. It is likely that the approval for this site would be at the Development Review Board (DRB) level.

Mr. Medlin addressed Commissioner Heron's question regarding clear-cutting of the watershed.

Commissioner Heron expressed concern that the source of the latest traffic volume is from the 2005 North Carolina Department of Transportation (NCDOT) Traffic County Map.

Mr. Medlin explained that the Board's concern that an updated traffic count is not being used has been relayed to NCDOT by him and County Manager Ruffin. Mr. Medlin stated that he was told that an updated count has been obtained but has not yet been released to local

government. It is anticipated to be released this summer. Once the information is received, staff reports will be updated to reflect the newest traffic count.

Commissioner Cheek asked Mr. Medlin to elaborate on the opposing votes by Durham Planning Commission members.

Mr. Medlin articulated that one of the property owners attended the Commission meeting to express his concern about the potential down zoning of the property. The owner stated that the property had been zoned *Industrial* for a number of years; he had been paying taxes based on the *Industrial* zoning. Subsequently, staff discovered that the property had been taxed as agricultural property, not as industrial as the citizen proclaimed.

Commissioner Heron expressed her lack of sympathy for the citizen complaining about his property taxes.

Chairman Reckhow opened the public hearing that 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 Zoning Map Change—Northern Durham Freeway at I-85 (Z07-48).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

AN ORDINANCE AMENDING THE DURHAM UNIFIED DEVELOPMENT ORDINANCE BY TAKING THE HEREAFTER DESCRIBED PROPERTY OUT OF IL ZONING DISTRICT AND ESTABLISHING THE SAME AS RR 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 Z07-48 AND VOTED ON April 14, 2008 TO APPROVE THE ZONING MAP CHANGE REQUEST DESCRIBED HEREIN.

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

The IL portion of the two PIN's 0853-02-89-7552 (partial), and 0853-02-79-7412 (partial) and reflected on Zoning Atlas Pages 0853, 0854 and 0864.

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.

Appointments to the Durham-Wake Counties Research and Production Service District

Vonda Sessoms, Clerk to the Board, distributed ballots to the Commissioners to make appointments to the Durham-Wake Counties Research and Production Service District.

Commissioner Heron commended Mr. Ron Hunter, an applicant, for being an excellent member of the Durham Convention and Visitors Bureau/Tourism Development Authority.

The following appointments were made:

Ron Hunter (primary recommendation)

Ray Gunner (primary recommendation)

Robert D. Teer Jr. (primary recommendation)

Tom Colwell (primary recommendation)

Closed Session

Commissioner Cheek moved, seconded by Vice-Chairman Page, to adjourn to Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Reconvene to Open Session

Chairman Reckhow announced that the Board met closed session to review the performance of the Clerk to the Board for the past year. The Board felt like she is doing a very good job.

Commissioner Cheek moved, seconded by Commissioner Heron, to adjust the salary of Clerk to the Board Vonda Sessoms to \$79,365.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:40 p.m.

Respectfully Submitted,

Yvonne R. Gordon
Deputy Clerk to the Board