

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

Monday, January 28, 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 and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Becky M. Heron

Absent: Vice-Chairman Michael D. Page

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the Monday, January 28, 2008 Regular Session of the Board of County Commissioners. She requested that persons rise for the recitation of the Pledge of Allegiance.

Announcement

Chairman Reckhow announced that Vice-Chairman Page is out of town and has been excused from the meeting.

State of the County Address

Chairman Reckhow requested that the Commissioners move to the front row of the Chambers during the State of the County Address.

County Commission Chairman Ellen Reckhow delivered the County's Annual State of the County Address chronicling the accomplishments of County Government in 2007 as follows:

Second Annual State of the County Address

“On behalf of the Durham County Board of Commissioners, County Manager, and staff, it is my pleasure to welcome you to the 2nd Annual State of Durham County Address. This is an opportunity to review our accomplishments during the past year and outline some of the challenges as we enter 2008.

We are fortunate to live in a dynamic, progressive, well managed county. As I mentioned in last year's address, we continue to be one of only 44 counties in the country with a Triple A bond rating placing us in the top 1% of counties nationwide. Durham County is a leader in the state and nation in a number of key areas. During 2007, according to the Durham

Convention and Visitors Bureau website, the community received many national accolades including recognition in the areas of business, workforce, lifestyle, green community, best communities for young people and more.

2007 Accomplishments

2007 was filled with positive news and some outstanding accomplishments. Durham County's Tax Department once again achieved a record setting collection rate of 98.74%, the second highest rate among the state's ten largest counties. The Tax Office received an award from the North Carolina Association of Assessing Officers in recognition of outstanding achievement.

We owe great thanks to Ken Joyner, our former Tax Administrator, who recently joined the faculty at the UNC School of Government.

New tax values were determined for real property in the county effective January 1. The tax office has scheduled 3,806 informal appeals compared to over 14,000 in 2001, the last time revaluation occurred. These appeals will be heard the next few months, and, if not resolved, will move to the Board of Equalization and Review in April. I commend the Tax Office for their focus on customer service which has kept calls to the Commissioners to a minimum.

Capital Improvement Plan

Voters approved the largest bond package in the County's history in November - \$207 Million. The lion's share of the money was for the Durham Public Schools with smaller amounts for Durham Technical Community College and the Museum of Life and Science. The overwhelming support for the bonds was a tribute to the community's commitment to support life long learning. The county thanks the bond co-chairs Mary Ann Black and Steve Toler for their leadership and the citizens of Durham for their support.

Last spring, the Board approved a 10 year Capital Improvements Program (CIP) that included 37 projects at a cost of over \$1.2 billion dollars. Within that package there are three major projects:

- New County Courthouse \$110 Million
- Human Services Complex \$103 Million
- Durham Public Schools \$590 Million

The Courthouse and Human Service projects will help to shape and improve the downtown streetscape since we are planning landmark, LEED certified buildings with major plazas and community areas.

Completed Capital Projects

During the past year we have also completed three capital projects.

A new North Durham Branch Library located on Milton Road adjacent to Carrington Middle School and near Eno Valley Elementary and Northern High schools opened in January. It features 30 Internet access work stations, a wireless environment, a large community meeting room, and an extensive collection for all ages. The library has reached out to the surrounding schools to offer cooperative programming.

EMS Station Number Two replaced a smaller station located on the Lincoln Community Health Center Campus. The new station, located near Hayti Heritage Center, is a state-of-the-art facility which allows us to keep pace with the growing number of emergency calls.

“Catch the Wind”, one of the last components of the Bioquest master plan, at the Museum of Life and Science opened in 2007. The exhibit helped the Museum achieve a record year in attendance with over 319,000 visitors.

Durham County successfully negotiated for the Oakleigh Facility on the Durham Regional Hospital campus to be returned to the County as a home for our Crisis Access Center. We also obtained an adjoining vacant parcel which will become the home of a new City of Medicine Academy. We thank the Duke Health System for working with us to accommodate these important community needs.

Revenue Options

After many years of trying, the North Carolina Association of Counties, which is celebrating its centennial year, successfully negotiated a Medicaid swap and provision of two new revenue options for counties – a land transfer tax, and a sales tax. The Medicaid swap which takes away a half cent sales tax but relieves us of a large Medicaid match will transition over the next couple of years. As we evaluate the impact, we will also begin a community discussion of whether either of these two new revenue options should be used to reduce pressure on the property tax as we build new infrastructure.

Economy

While we did not have the large economic development announcements of 2006, Durham County’s economic base continued to grow at a healthy clip adding over 3,100 jobs. Several organizations such as Research Triangle Institute and Blue Cross Blue Shield announced large expansions and the life sciences cluster continued to flourish with several smaller expansions. Our unemployment rate went down during the year to 3.7%, and we had more people working in Durham County than ever before.

We were pleased to have Southern Research Institute (SRI) locate its Carbon to Liquids Development Center in Durham. The new research center will meet the growing need for research and testing services in the energy and transportation fields to help advance alternative fuels. SRI is located in close proximity to Cormetech, the leading producer of devices for air pollution control. These two companies position Durham County to attract other environmentally oriented companies and develop a green industry cluster.

Environmental Stewardship

Environmental stewardship is a core value for Durham County. A few months ago, we joined with the City of Durham to adopt the first Greenhouse Gas Action Plan in the state. It is a comprehensive plan with the goal to reduce greenhouse gas emissions by 30% in the community and by 50% in government operations by 2030. We are now hiring our first City-County Sustainability Manager to help implement the plan.

A key goal is for local government to set an example for the rest of the community by using resources more efficiently and reducing energy costs. Through systematic energy audits of our buildings over the past 15 years, we have saved \$850,000 in energy costs. I am proud to say that Durham County government is working actively with the National Association of Counties Energy Star Program.

This year our two new regional library facilities earned Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council with the North Regional Library earning Silver designation. As we plan our new capital projects, we are committed to use high performance design to reduce the energy costs and greenhouse gas emissions.

Our Triangle Wastewater Treatment Plant, which is also a LEED Certified Building, received a national award for our Plant's 100% compliance with its Pollutant Discharge Elimination permit.

Farmland and Open Space Preservation

Preserving the environment for future generation continues to be a priority. Durham County was awarded \$927,108 in 2007 Federal Farm and Ranchlands funds to be used towards the 918-acre Little Mountain Farm conservation project on the Flat River in northern Durham. This award, the largest grant in the state to date, will go towards 50 percent of the estimated cost for a conservation easement to protect the farm.

In addition, Durham County received three grants totaling about \$2 Million from the State of North Carolina Clean Water Management Trust Fund. Two of the grants will be used to preserve 293 acres of critical open space along the Little River for water quality protection, and the third grant will be used for the Little Mountain Farm project.

Drought Response

In the second half of the year, the word "drought" became embedded in our conversations. I'm proud to say that Durham County Government, as a large water user, took a proactive approach to help conserve water. The General Services Department initially conducted a water audit on twenty-six county facilities to establish base line data. Six County buildings including the jail and homeless shelter were identified with the highest volume usage for initial installation of low flow devices.

Other steps have been taken with the goal of reducing county water usage by 30-50%. In addition, more than 1000 County employees received aerators and low flow showerheads for home use just before the holidays.

Safety

AWARD. The Durham County Sheriff's Office was designated as a "2007 Flagship Agency", by the Commission on Accreditation of Law Enforcement Agencies. The Flagship Program acknowledges the achievement and expertise of some of the most successful accredited public safety entities. The Durham County Sheriff's Office becomes the 7th North Carolina agency and the only Sheriff's Office in our state to receive this designation.

GANG ASSESSMENT. The City Council and Board of Commissioners received a Comprehensive Gang Assessment conducted by two outside consultants. We adopted the report in concept and directed staff to employ the three tier strategy of suppression, intervention, and prevention as identified in the Comprehensive Gang Model. A project coordinator has been hired by the City to spearhead the effort and work with a Steering Committee and Intervention Team to implement the 46 recommendations for prevention, intervention, and suppression in the report. Implementation of these recommendations will be critical to stem the tide of gang activity.

CODE RED SYSTEM. City and County governments substantially enhanced the ability to warn residents of critical situations by implementing “Code Red”, a high-speed community alert notification system. Using this technology, the 911 Center is able to inform the community by delivering a recorded message. This system substantially improves our ability to communicate in emergencies and can be targeted to specific geographic areas. It can be used to warn residents of an increase in robberies or burglaries in a neighborhood such as the recent experience around the Duke Campus and provide recommended precautions.

OPERATION BULL’S EYE. The County has agreed to be an active partner with the City to make the 2 square mile Operation Bulls Eye area safer. The Office of the Sheriff is assisting with safety initiatives and the County will provide other support including mental health and social services. By taking a comprehensive approach, we hope to make a real difference in area.

Results Based Accountability (RBA)

Our Results Based Accountability program – a city/county initiative continues to impact positively the quality of life in our community. This year we published our third Community Report Card along with progress in 8 program areas: Safety, Health, Education, Housing, Prosperous Economy, Vibrant Community, Healthy Environment, and Sustainable Neighborhoods.

The full report can be viewed on our website. We encourage new members to join these ongoing committees. If you are interested, please contact program coordinator Bill Stout at 560-0032.

Health RBA Committee—Project Access

The Health Group is our most active, involving over 50 citizens on various committees. The Health Access committee has developed a proposal to expand access for the approximately 40,000 citizens who are uninsured in Durham.

Project Access, an award winning program piloted in Buncombe County, is a way to encourage and coordinate free care provided by physicians and hospitals. Physicians see patients in their own offices and make “fair share” commitments to serve the uninsured.

The plan is to enroll uninsured patients at Lincoln Community Health Center who need to see a specialist. The program should begin this summer with the goal of offering 2,400 specialty referrals per year. This has enormous potential for enhancing access to care.

I want to thank Gail Harris and Gina Upchurch, the co-chairs of the committee, and Pam Silberman from the Institute of Medicine for their hard work on this project.

Housing RBA—Adult System of Care

The Housing RBA Committee is working to implement the Ten Year Plan to End Homelessness. A multi-pronged effort is underway as evidenced by the Project Homeless Connect event held in October.

To help homeless adults with many problems, our award winning System of Care that serves children, is being broadened to serve adults as well. I am happy to report that the Adult System of Care will begin implementation on February 4th. Priority populations have been identified and a Care Review process developed to promote the wellness and recovery of vulnerable citizens.

Recognitions

These accomplishments were made possible by the excellent work of our staff led by our able County Manager Mike Ruffin. In addition, I want to thank our citizens who serve on boards and committees providing invaluable volunteer support. Many of our accomplishments would not be possible without the work of you here tonight and others across the community. Thanks for your service.

2008 Challenges

While we have made excellent progress in many areas, we still face challenges as a community. At a recent County retreat, we spent several hours discussing three major challenges that we face in 2008 -- economic empowerment, reconnecting our youth, and sustainability. I must stress that these are community-wide issues not just county issues.

1. Economic Empowerment

Former County Commissioner Josephine Clement made an important observation about our community two decades ago. She stated, "There are two sides of Durham; an affluent, well educated side and a poor, less educated side." Unfortunately, her comment is still true today. The county's poverty rate of 15.6% is slightly higher than the statewide rate of 14.7% and 20% of our children live in poverty. The number of Food Stamp and Medicaid recipients continues to rise. Fortunately, our Social Services Department is taking a holistic approach to this issue through their Investing in Human Capital initiative.

Recently, the Prosperous Economy RBA group formed an Economic Security Committee to focus on reducing poverty. The committee's first project is to increase the number of families who file for the federal Earned Income Tax Credit (EITC). It is estimated that 3,000 to 6,000 households in Durham do not file a claim leaving \$3-\$5 million on the table. The goal of the 2008 EITC Campaign is to generate at least 1,500 more claims and \$1 million

more in refunds. The Mayor and I recently wrote a letter to the 200 largest employers in the County asking them to assist in this effort.

Other strategies that the committee is considering are: enhancing financial literacy - including debt reduction, establishing checking accounts and saving plans, and other financial goals.

We also need to expand literacy programs, GED instruction, and workforce training and certification so our citizens are prepared to enter the workforce. At our retreat, we agreed that all stakeholders need to come together to provide a seamless continuum of services. The Workforce Development Board is positioned to pull the key players together to develop an action plan, including the use of the new Holton Career Center for adults in non-school hours. The County also plans to increase its efforts to work with companies receiving incentives to hire Durham citizens.

2. Reconnecting Our Youth

Tragically, half of the 30 homicide victims in the City last year and 14 of the named suspects were under 25. Unfortunately, many of our youth face a tough future, since they are disconnected. They are neither in school nor employed. Generally, to be disconnected is to be in danger. As the recent Durham Gang Assessment indicates, addressing disconnection should reduce the prevalence of gangs and juvenile crime. Prevention strategies are the best way to stem the tide of gang involvement and juvenile crime long term.

In Durham, for school year 2006-07, our high school graduation rate was 66.3%, a decrease from the preceding year, compared to 69.5% for the state. To increase the graduation rate, we need to assist the Durham Public Schools in the implementation of their High School Completion Plan. Fortunately, last week we received two Drop-Out Prevention grants from the state – one for the school system to establish a “twilight school” (after hours) and one for a consortium of non-profit programs including RIL and YO Durham and others.

It is critical that we begin our efforts earlier than high school. Too many of our young people are not ready for high school when they enter ninth grade or are already disconnected. There are a number of initiatives underway and others that we need to ramp up to help more of our youth succeed:

- Smart Start. We need to give more children a good start in life by expanding Smart Start, Head Start, and More at Four. Investment in quality pre-K programs yields large dividends.
- Help for Parents. Parents and caregivers are a child’s first teachers and they need to know how to parent. Led by the Child and Family Policy Center at Duke, we will support new parents through home visits by nurses and development of a Grandparents Network, building on our Welcome Baby Program.
- Reading is Fundamental. The Durham County Library plans to develop a strong community reading program to promote the importance of parents reading with young children.
- Tutoring and Mentoring. The County and City are working with the Volunteer Center to expand tutoring and mentoring since we know that all children need a

caring adult in their lives. If you have an extra hour a week, I encourage you to contact them.

- After School Programs. We need to increase after-school and summer enrichment programs. This can help develop an attachment to school by allowing more youth to be involved in clubs, sports, and other activities. Piloting an extended day program at one school is a concept that I have discussed with the Superintendent.
- Alternative Learning Programs. Alternative programs like the Performance Learning Center are needed to accommodate different educational needs and learning styles.
- Business Partnerships and Employment Experience. Marketable skills are essential so students can move into careers after high school. Business partnerships, service learning, and more summer jobs can help to bridge the gap between school and work and make school more relevant.
- Workforce Preparedness. For the students who have dropped out, we need expanded GED and workforce training, internships, and apprenticeship programs based in the new Holton Career Center. A proposal to create a Green Durham Job Corps as a pathway out of poverty for young adults is an exciting initiative.

According to the Gang Assessment, we have a tendency to create many initiatives that go in disparate directions. This can result in young people falling through the cracks. To create real systemic change, we need to work together and break down the silos. The County has asked the Education RBA group to lead the effort on the initiatives related to younger youth. We will form a separate task force including the Chamber of Commerce, Durham Technical Community College, the School System, and the Workforce Development Board for the older youth. With focus and collaboration over time, we can reconnect our youth, provide hope for the future, and give them a greater chance for success.

Sustainability

The recent drought and the convincing evidence regarding climate change have heightened our awareness of the importance of resource conservation and environmental stewardship. Efficient use of water and water conservation should become the norm. As the Planning Commission stated in a recent resolution, our goal should be to become a “drought resistant” community.

A focus on sustainability to provide our children a community as good as or better than the one we have is clearly critical to our future. The good news is that we have a strong foundation of “Green” initiatives to work from. Now, I challenge the community to do more. I suggest consideration of the following new sustainability measures.

- Expedite the wastewater reuse project at the Triangle Wastewater Treatment Plant. We can make 2 million gallons of treated wastewater available for irrigation and cooling tower use reducing the demand for potable water.
- Work with our neighbors to develop a 50 year regional water supply and demand plan.
- Request the state to update the rules regarding use of gray water.
- Assess the short and long term carrying capacity for new development based on future water supply projections. We will receive a report on this next week.

- Consider an update of our storm water ordinances to encourage low impact design and water reuse including rainwater harvesting.
- Discourage mass grading and clear cutting associated with residential development and encourage the retention of more existing vegetation with all development.
- Encourage the use of drought resistant landscaping. The Durham Cooperative Extension Service has scheduled three sustainable landscape workshops in February.
- Work with the state to update well rules to assure long term water supplies.
- Set a target of Gold LEED certification for all new County facilities. While we have several LEED buildings, it is appropriate to strive for a higher level to meet the targets in our Greenhouse Gas Action Plan.
- Encourage green building by private developers. I attended a press conference this morning about the expansion of the Home Builders Association Green Building Program across the Triangle. Their slogan is “We’re bringing green to mainstream.”
- Adopt a new transit plan for the region using the recommendations from the Special Transit Advisory Commission.
- Develop a farm and forest preservation plan for Durham County to guide our future conservation efforts.

I expect that the new Sustainability Manager, along with the joint City-County Planning Committee and Environmental Affairs Board, will provide direction on these and other measures. We can and should become a model “Green” county.

Conclusion

I am confident that we can make progress in addressing these community challenges if we work together. Partnerships and collaboration will be essential. During the recent Martin Luther King celebration, I was reminded of the following statement by Dr. King: “I call upon you not to be detached spectators but involved participants.”

Durham County is blessed with talented, interested, and involved citizens. If we focus on an issue, we can make a difference. I assure you that this Board of Commissioners is committed to working with you in effective partnerships to tackle the issues facing us.

Thank you for working to make Durham a better place to live and work.”

Chairman Reckhow announced a ten-minute recess prior to the continuation of the meeting.

Agenda Adjustments

Chairman Reckhow noted the revised agenda which had been placed in the Commissioners’ folders.

Chairman Reckhow commented that Commissioner Cheek suggested that the public hearings for item Nos. 11 (Public Hearing—Plan Amendment, Epcon Neighborhood [A07-13]) and 12 (Public Hearing—Zoning Map Change—Epcon Neighborhood [Z07-26]) be moved up on the agenda due to the request for deferral.

Commissioner Cheek added that the agenda items should be addressed so people in attendance would not have to wait.

Chairman Reckhow agreed to move the items to follow the consent agenda.

Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve as submitted the January 7, 2008 Worksession Minutes of the Board.

The motion carried with the following vote:

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

Recognition of Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for FY2007-2008 Durham County Budget Document

County Manager Mike Ruffin reported that the Budget & Management Services Department submitted Durham County's FY2007-2008 Budget Document for consideration to GFOA for its Distinguished Budget Presentation Award. To receive the award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device. Durham County received notification at the end of December that a panel of independent reviewers had completed its examination of Durham County's budget document and voted to award the GFOA Distinguished Budget Presentation Award to Durham County. This is the fourth consecutive year that Durham County has applied for and received this award. County Manager Ruffin congratulated the entire Budget & Management Services staff.

Budget and Management Services Director Pam Meyer thanked the County Manager and the Commissioners for recognizing the Budget Department for the reward. She requested that her staff stand and be recognized as follows: Minora Sharpe, Kim Connally, Gene Hodges, Kevin Etheridge, and Keith Lane. She also acknowledged the intern who is working in the department.

Chairman Reckhow applauded the efforts of Ms. Meyer and her hardworking staff. She mentioned that the Budget Document offers a great overview of Durham County government.

County Manager Ruffin noted that Budget "season" for the Commissioners begins May 27. He thanked Ms. Meyer and the entire department for their hard work.

Recognition of 5 Years of Service by Kenneth Joyner

Chairman Reckhow recognized former Tax Administrator Kenneth Joyner for his five “excellent” years of outstanding service to Durham County. Mr. Joyner is credited with achieving record-setting collection rates and for making customer service in the office a priority. Mr. Joyner joined the faculty of the UNC School of Government earlier this month following his outstanding tenure with Durham County. Chairman Reckhow presented a recognition plaque to Mr. Joyner in honor of this visionary leadership while serving as Durham County’s Tax Administrator.

Mr. Joyner thanked the Commissioners for the acknowledgement and for the opportunity to have served Durham County. He spoke about how teamwork between the County Commissioners and staff made the accomplishments possible.

Chairman Reckhow wished Mr. Joyner much luck in the future.

Consent Agenda

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

- *a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for December 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Budget Ordinance Amendment No. 08BCC000051—Public Health—Recognize \$12,000 in Grant Funding from the N.C. Department of Health and Human Services, Division of Public Health, Office of Healthy Carolinians, to Support the Work of the Partnership for a Healthy Durham;
- *c. Budget Ordinance Amendment No. 08BCC000052—Public Health—Recognize \$112,647 in Revenue from the Epidemiology, HIV/STD Prevention and Care Branch (recognize revenue for the Lincoln Community Health Center—Ryan White Part C, Early Intervention Clinic);
- *d. Budget Ordinance Amendment No. 08BCC000053—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services, Office of Public Health Preparedness and Response, in the amount of \$20,000 for the Local Public Health Preparedness Program;
- *e. Budget Ordinance Amendment No. 08BCC000054—Public Health—Recognize One-Time Family Planning Title X Bonus Funds in the Amount of \$833 from the NC

- Department of Health and Human Services to purchase miscellaneous supplies for the Family Planning Clinic;
- *f. Budget Ordinance Amendment No. 08BCC000055—Public Health—Recognize \$10,000 in Grant Funding from Kate B. Reynolds Charitable Trust to support the initial phase of the strategic outreach campaign planned by the Partnership for a Healthy Durham;
 - *g. Budget Ordinance Amendment No. 08BCC000056—Public Health—Recognize \$4,080 in Grant Funding from the Health and Wellness Trust Fund Commission to Support the Work of *Teens Against Consuming Tobacco* (**Chairman Reckhow extended congratulations to the Public Health Department for the grants.**);
 - *h. Budget Ordinance Amendment No. 08BCC000057—Turner Business Appraisers Inc.—Contract Amendment (recognize additional tax revenue in the amount \$650,000);
 - *i. Capital Project Amendment No. 08CPA000013—Decreasing Seven Completed Durham Public School Projects and Closing Six Completed DPS Projects (decreasing \$234,412 of 2003 GO Bond funds from seven projects, officially closing six projects, and reserving the unspent bond proceeds of \$234,412 as Reserved Fund Balance for future appropriations to DPS Capital Projects);
 - j. Ambulance Replacement (authorize the Manager to enter into a contract with Southeastern Specialty Vehicles in the amount of \$227,753 for the purchase of a replacement vehicle for Redwood Volunteer Fire Department and Durham County EMS, and one remount for Durham County EMS);
 - k. Execution of Consulting Service Contract Amendment with ECS Carolinas LLP for Additional Services for the Geotechnical Evaluation at the Proposed Durham County Justice Center—Project No.: DC066 (authorize the execution of a design contract amendment for \$18,394.70, thus increasing the total compensation for the consulting services to \$65,134.70);
 - l. Execution of Design Contract Amendment with Cherry Huffman Architects, P.A. for the Expansion and Renovation of the Durham County Southwest Branch Library. RFQ 07-005 Project No.: DC075-67 (authorize the execution of a contract amendment in the amount of \$18,000, thus increasing the total compensation for the basic design services, additional services, and reimbursement to \$392,150);

- m. Left blank intentionally
- n. Left blank intentionally
- o. Professional Services for the Architectural Programming and Master-Planning for the Detention Center Expansion: Project No: DC086 (authorize execution of a contract with O'Brien/Atkins Associates, P.A. to provide professional services for the programming and master planning of the Detention Center Expansion, in the amount of \$226,970, plus a reimbursable amount of \$2,500, thus totaling \$229,470 and execution of any other related contracts, if necessary, not to exceed the estimated budget of \$300,000);
- p. Johnston Ambulance Service Franchise Renewal accept the three-year ambulance franchise renewal request, and schedule the request for a second and final approval on February 11, 2008); and
- q. Approval of Resolution for Exemption of Architectural, Engineering, and Surveying Services when the Estimated Professional Fee is less than \$30,000 (approve the resolution and authorize the County Manager to negotiate and sign contracts).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for December 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of December 2007.

Releases & Refunds for 2007 Taxes:

Real Estate	\$128,758.97
Personal	\$190,029.79
Registered Vehicles	\$ 31,464.96
Vehicle Fees	\$ 560.00
Solid Waste	\$ 340.00
Total for 2007 Taxes and Fees	\$351,153.72

Prior years' (2002-2006) releases and refunds for December 2007 are in the amount of \$449,731.36. The total current year and prior years' releases and refunds amount to \$800,885.08.

(Recorded in Appendix A in the Permanent Supplement of the January 28, 2008 Minutes of the Board.)

Consent Agenda Item No. b. Budget Ordinance Amendment No. 08BCC000051—Public Health—Recognize \$12,000 in Grant Funding from the N.C. Department of Health and Human Services, Division of Public Health, Office of Healthy Carolinians, to Support the Work of the Partnership for a Healthy Durham.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000051

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	\$363,889,081	\$12,000	\$363,901,081

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$417,986,353	\$12,000	\$417,998,253

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

This the 28th day of January, 2008.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 08BCC000052—Public Health—Recognize \$112,647 in Revenue from the Epidemiology, HIV/STD Prevention and Care Branch (recognize revenue for the Lincoln Community Health Center—Ryan White Part C, Early Intervention Clinic).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000052

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	\$363,901,081	\$112,647	\$364,013,728

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$417,998,253	\$112,647	\$418,110,900

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

This the 28th day of January, 2008.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 08BCC000053—Public Health—Recognize One-Time Funding from the NC Department of Health and Human Services, Office of Public Health Preparedness and Response, in the amount of \$20,000 for the Local Public Health Preparedness Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000053

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	\$364,013,728	\$20,000	\$364,033,728

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$418,110,900	\$20,000	\$418,130,900

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

This the 28th day of January, 2008.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 08BCC000054—Public Health—Recognize One-Time Family Planning Title X Bonus Funds in the Amount of \$833 from the NC Department of Health and Human Services to purchase miscellaneous supplies for the Family Planning Clinic.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000054

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	\$364,033,728	\$833	\$364,034,561

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$418,130,900	\$833	\$418,131,733

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

This the 28th day of January, 2008.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 08BCC000055—Public Health—Recognize \$10,000 in Grant Funding from Kate B. Reynolds Charitable Trust to support the initial phase of the strategic outreach campaign planned by the Partnership for a Healthy Durham.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000055

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	\$364,034,561	\$10,000	\$364,044,561

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$418,131,733	\$10,000	\$418,141,733

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

This the 28th day of January, 2008.

Consent Agenda Item No. g. Budget Ordinance Amendment No. 08BCC000056—Public Health—Recognize \$4,080 in Grant Funding from the Health and Wellness Trust Fund Commission to Support the Work of *Teens Against Consuming Tobacco*.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000056

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	\$364,044,561	\$4,080	\$364,048,641

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$418,141,733	\$4,080	\$418,145,813

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

This the 28th day of January, 2008.

Consent Agenda Item No. h. Budget Ordinance Amendment No. 08BCC000057—Turner Business Appraisers Inc.—Contract Amendment (recognize additional tax revenue in the amount \$650,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000057

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>			
Taxes	\$234,978,747	\$650,000	\$235,628,747

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 32,845,350	\$650,000	\$ 33,495,350

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

This the 28th day of January, 2008.

Consent Agenda Item No. i. Capital Project Amendment No. 08CPA000013—Decreasing Seven Completed Durham Public School Projects and Closing Six Completed DPS Projects (decreasing \$234,412 of 2003 GO Bond funds from seven projects, officially closing six projects, and reserving the unspent bond proceeds of \$234,412 as Reserved Fund Balance for future appropriations to DPS Capital Projects).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000013

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>			
Smith Elementary	\$ 351,379	(\$ 36)	\$ 351,343
Technology Improvements	\$1,687,000	(\$17,733)	\$1,669,267
Activity Buses	\$ 356,000	(\$48,785)	\$ 307,215
Parkwood Elementary	\$ 628,000	(\$ 9,909)	\$ 618,091
System Wide Measures	\$ 475,000	(\$42,546)	\$ 432,454
Chewing Middle	\$6,364,000	(\$83,814)	\$6,280,186
New elementary "E"	\$ 800,000	(\$31,589)	\$ 768,411

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

This the 28th day of January, 2008.

Consent Agenda Item No. j. Ambulance Replacement (authorize the Manager to enter into a contract with Southeastern Specialty Vehicles in the amount of \$227,753 for the purchase of a replacement vehicle for Redwood Volunteer Fire Department and Durham County EMS, and one remount for Durham County EMS).

BID TABULATION

Bidders	Two EMS Ambulances	One Remount	Trade-In Allowance No. 1	Trade-In Allowance No. 2	Total Bid Price for 2 Ambulances and 1 Ambulance Remount, less Trade-In Allowance
Southeastern Specialty Vehicles	\$93,999 each Total Price \$187,998	\$61,755	\$11,000	\$11,000	\$227,753
American Emergency Vehicles	No Response				
Wheeled Coach of NC	No Response				
Northeastern Emergency Vehicles	No Response				
Triad Fire	No Response				
Braun Industries Inc.	No Response				

Consent Agenda Item No. q. Approval of Resolution for Exemption of Architectural, Engineering, and Surveying Services when the Estimated Professional Fee is less than \$30,000 (approve the resolution and authorize the County Manager to negotiate and sign contracts).

RESOLUTION FOR EXEMPTION OF ARCHITECTURAL, ENGINEERING, AND SURVEYING SERVICES WHEN THE ESTIMATED PROFESSIONAL FEE IS LESS THAN THIRTY THOUSAND DOLLARS (\$30,000)

WHEREAS, North Carolina General Statute Chapter 143, Article 3D, provides guidelines for the procurement of architectural, engineering, and surveying services by units of local government; and

WHEREAS, G.S. 143-64.32 states that units of local government may in writing exempt from the provisions of Article 3D proposed projects “where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000);”

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners does hereby exempt Durham County projects from the procurement procedures set out in G.S. Chapter 143, Article 3D, for architectural, engineering, and surveying services when the estimated professional fee on any project is in an amount less than thirty thousand dollars (\$30,000).

BE IT FURTHER RESOLVED that the County Manager is hereby authorized to negotiate and sign contracts for architectural, engineering, and surveying services when the estimated professional fee on any project is in an amount less than thirty thousand dollars (\$30,000) and the funds to pay for the contracted services are properly appropriated.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 28th DAY OF JANUARY 2008.

Public Hearing—Plan Amendment, Epcon Neighborhood (A07-13) and Public Hearing—Zoning Map Change—Epcon Neighborhood (Z07-26)

The Board was requested to conduct a public hearing on a plan amendment for Epcon Neighborhood (A07-13); and to approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less).

City-County Planning Department Recommendation: Denial, based on the request not being justified and not meeting one of the four criteria for plan amendments.

Planning Commission Recommendation: Denial, 5-6, November 13, 2007, based on information provided in the staff report, the request not being justified and not meeting one of the four criteria for plan amendments.

The Board was also requested to approve a request for a zoning map change for a 32.84-acre site located on the west side of Farrington Road, south of Ephesus Church Road, and north of Wendell Road. Request: RS-20 to PDR 4.500).

Patrick Byker, representing Epcon Communities, stated that a neighborhood association has requested that Epcon include several committed elements (to which Epcon has agreed); however, Planning staff has not had time to review them to ascertain that they are legally enforceable. Mr. Byker respectfully requested a two-cycle deferral to work with the Planning Director and the Board to resolve outstanding issues.

Chairman Reckhow asked the Interim Planning Director, Steven L. Medlin, AICP, to explain his rationale for denial relative to a corridor study for Hwy. 54.

Mr. Medlin explained that a corridor study for Hwy. 54 is a part of Planning's work program to be accomplished jointly with the Town of Chapel Hill. Neither staff nor resources have been allocated. Planning staff hopes to meet with the Joint City-County Planning Committee within the week to consider elevating the study to a higher priority on the work program. Mr. Medlin stated that he would be recommending denial of all land use changes in the vicinity of the corridor until the work is completed.

Chairman Reckhow solicited comments from County Attorney Chuck Kitchen.

County Attorney Kitchen had no response.

Chairman Reckhow stated that given the slight need for a land use change and the density of the situation, the developer is encouraged to look at whether the plan could be accomplished without a land use change (in keeping with the Planning Department's policy).

Chairman Reckhow opened the public hearings that were properly advertised for Plan Amendment, Epcon Neighborhood (A07-13) and Zoning Map Change—Epcon Neighborhood (Z07-26).

Commissioner Cousin moved, seconded by Commissioner Cheek, to defer any comment or action for two cycles.

Commissioner Heron expressed the unfairness to the residents in the area who had not been notified of the deferral. A notification process should be in place other than a newspaper article. She requested that the residents be treated fairly and equally when decisions are made.

Chairman Reckhow agreed and noted that some citizens have been waiting for approximately an hour to speak.

Danielle Paul, 24 Aman Court, Durham, 27713, Fairfield resident and Creekside Elementary PTA member, thanked the County Commissioners for the opportunity to speak. She requested that the Commissioners deny Plan Amendment, Epcon Neighborhood (A07-13), citing sprawl, overcrowded schools, redistricting, traffic congestion, and massive grading resulting in the loss of rural area. She stated that tax paying residents in southern Durham and the parents of children in Durham Public Schools would be negatively impacted by more development in the area. She asked that the Commissioners adhere to the current comprehensive long-range plans that were created after much thought and planning. "Please do not let developers sway you to change those plans." Ms. Paul spoke about the benefits of dense, upscale retail development around the SouthPoint area, which has contributed jobs to County residents, expanded the tax base, and has raised the tax valuation of the homes in the area. Residents have benefited from the opening of a new elementary school, the Herndon Park on Scott King Road, and the American Tobacco Trail; however, the residents do not wish to lose the remaining rural land.

Commissioner Heron asked the developer to explain the last-minute deferral.

Mr. Byker stated that the delay, in part, is in response to the Farrington Road Neighborhood Association's request for four committed elements on Thursday evening. Planning staff has not had the opportunity to review the additional committed elements.

Commissioner Heron asked if the new committed elements would go before the Planning and Zoning Commission.

Mr. Medlin responded that typically when additional committed elements are proffered, the item is not referred back to the Planning Commission; however, at the request of the

Planning Commission, it is provided a list of proffered elements made at the meeting of the governing body.

Chairman Reckhow stated that she had heard early on that this project would be a senior age-restricted development; however, the plans and submitted documents show no such restrictions. She asked the County Attorney to research this and work with Mr. Byker to get a good understanding about the solidity of a commitment for senior housing. She wished to know how to assure the community that the commitments are realized, what notification there would be for prospective buyers, and what kind covenants and deed restrictions will be on the property. Chairman Reckhow expressed “incredible” disappointment in the way this was presented and the lack of documentation.

Mr. Byker stated that former Planning Director Frank Duke informed the developer that he was not allowed to include a committed element about age restriction, but the development would be happy to do so.

Due to a question posed by Commissioner Heron, Mr. Medlin replied that there was a typo on the agenda action form regarding the density. It would be corrected when the form is resubmitted in two cycles.

Chairman Reckhow expressed that the staff report did not sufficiently describe that the parcel contains two different designations.

Hoang Nguyen, 1304 Queensbury Circle, Durham, NC 27713, a resident of the Fairfield Development off Herndon Road, expressed opposition to the development due to school and traffic impacts.

Commissioner Cheek stated the appropriateness to defer the issue to ascertain that the issues are resolved.

Commissioner Cheek called the question on the motion to defer.

The Commissioners briefly discussed the possible need to defer for more than two cycles.

County Attorney Chuck Kitchen advised that the public hearing must be continued to a certain date.

Chairman Reckhow stated that the motion would include two cycles or February 25 so the citizens will know well in advance when the item will be back before the Board.

Commissioner Heron asked about the notification process.

Chairman Reckhow replied that the item would be included on the agenda which is placed on the County’s website.

Mr. Medlin commented that the information would also be placed on the Planning Department's website. All of the information is entered into the Land Development office software which enables citizens to be able to track project through the system. There is no requirement for additional notices to the adjacent property owners and no requirement for an additional newspaper announcement. However, the site has been signed with the proper notice that there is a pending application for zoning and plan amendment.

At the request of Commissioner Cousin, Chairman Reckhow directed Assistant County Manager Deborah Craig-Ray to place an update of the item on the County's website and note that the item was deferred.

Commissioner Cousin stated that clarity is the primary problem with this issue.

Mr. Byker offered that Epcon would be willing to cover the cost of an additional mailing notification for adjacent property owners.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Page

Due to a question by Commissioner Heron, Mr. Medlin stated that Planning staff would be happy to meet with the neighborhood and explain staff's recommendation.

Advance Public Comments on the FY2008-2009 Budget

Chairman Reckhow announced that the Board will hold an Advance Public Comment session to receive public comments for the FY2008-2009 Budget. As County staff begins the preparation of the fiscal year 2008-2009 budget, public input is being solicited on issues which may need to be addressed during the budget process. The County Manager's Recommended FY2009 Budget will be presented to the Board of Commissioners on May 27, 2008, with individual budget worksessions with the Board to be scheduled for the period May 22-June 13, 2008. Final adoption of the FY2008-09 Budget Ordinance is scheduled for Monday, June 23, 2008.

Chairman Reckhow recognized Pam Meyer, Director of Budget and Management Services, for comments.

Ms. Meyer added that the budget process has begun. This public comment session provides the public with the opportunity to offer suggestions on issues and programs for the upcoming budget. Additionally, comments can also be e-mailed to commissioners@durhamcountync.gov.

Chairman Reckhow called signed speaker Victoria Peterson forward for comments.

Victoria Peterson, PO Box 101, Durham, NC 27702, requested that the County Commissioners schedule ongoing budget meetings for the public, create an economic development commission, and authorize an independent audit on County programs and departments.

FY 2008-2009 Annual Action Plan “Needs” Public Hearing

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 purpose of the second public hearing is to receive citizen comments on the draft Annual Action Plan, which specifies the allocation of CDBG, HOME and ESG funds. The City of Durham held its “Needs” public hearing on January 22, 2008.

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. Comments received from the “Needs” public hearing will be incorporated into the draft FY 2008-2009 Annual Action Plan to be presented to the Board of County Commissioners for adoption in April 2008.

Chairman Reckhow recognized Mike Barros, Director of the City of Durham Department of Community Development, for remarks.

Mr. Barros first commented on the State of the County Address, particularly regarding the 99th percentile in fiscal rating enjoyed by the County and the County’s concern about people who are challenged. He and Mr. Michael Pullum were present to speak about entitlements which are received for the County to address persons with the greatest needs.

Mr. Jarvis reported on the use of HOME Consortium funds in the County as follows:

Rehab Program

2007-08—Currently, one unit is under contract—\$49,000—6404 Guess Road
HOME guidelines require full rehabs. No minor repairs allowed under the program.

Homeownership Program—Employees Program

2007-08—One County employee purchased a home at the Eastway Development (Northeast Central Durham)—\$25,000 second mortgage and \$1,200 grant for closing costs

The Durham Center—Willard Street

2007-08—\$100,000 in HOME funds have been used to provide long-term rental assistance to physically and mentally challenged persons who can live independently; 17 clients have been served.

Mr. Jarvis also spoke about the \$69,606 in Community Development Block Grant (CDBG) funds dedicated to the Durham County Criminal Justice Resource Center. These funds were used in a construction skills training program for ex-offenders. This involves classroom training and on-site experience. The program was administered in two cycles (fall and spring). Two-thirds of the ex-offenders completed the program, and upon graduation, the program placed 60% of the participants into permanent jobs.

Chairman Reckhow opened the public hearing that was properly advertised.

Emily Sanford, 616 Shepherd Street, Durham, 27701, representing Open Table Ministry, spoke to the need in Durham for safe and affordable housing for chronically homeless individuals, homeless veterans, persons with mental illness, persons with a history of substance abuse, elderly persons, and persons with low-income.

Ann Oshel, Adult System of Care Coordinator for Durham County, thanked the County Commissioners for their ongoing support of Adult System of Care. She provided an update regarding the work of System of Care.

Chairman Reckhow thanked Ms. Oshel for all of her hard work.

Denene Hinton, Housing Specialist at The Durham Center, spoke to the importance of affordable housing for The Durham Center consumers. She thanked the Commissioners for allowing her to speak.

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

Chairman Reckhow suggested that Mr. Barros consider the citizens' comments about special needs housing and housing for the homeless when developing the Plan.

Commissioner Heron stressed the importance of meeting housing needs in the County, outside of the City limits.

Mr. Barros suggested preparing a summary of the ways that the eligible money can be utilized. The HOME money used on a house is slightly restricted because the entire house must be brought up to code. The best use for the funds within the County at the present time is for rent subsidy.

Commissioner Cheek asked if the HOME money could only be used to address code violations.

Mr. Jarvis responded that Federal regulations require that HOME funds be used directly for housing activities, basically for rehabilitation and new construction. Other exceptions do exist for special needs or special situations.

Commissioner Cheek asked that the summary include a definition for what constitutes rehabilitation.

Public Hearing—Plan Amendment—Angier Haven II (A07-10)

Joe Carley, Planner, City-County Planning Department, summarized the staff report. He certified that all notifications for Planning Department items on tonight's agenda have been carried out per Ordinance requirements and that the affidavits are on file for review. He requested that the Board conduct a public hearing on a plan amendment for Angier Haven II (A07-10) and approve the requested change to the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Commercial to Low-Medium Density Residential (4-8 DU/Ac.). The site is located north of Angier Avenue, near its intersection with Wrenn Road, in the Suburban Tier; the site is 11.08 acres. Existing uses are Single-Family Residential and vacant. On June 27, 2007, the Board of County Commissioners approved another plan amendment, Angier Haven I (A07-05), which is adjacent to the site being discussed tonight. Previously, during the Planning Commission's discussion of Angier Haven I, a resolution was adopted to encourage the Board of Commissioners to adopt a plan amendment to remove the existing Commercial designations on the north side of Angier Avenue. The Board of Commissioners, upon adopting A07-05, directed the Planning staff to bring forward this plan amendment. The applicant states that the proposed plan amendment stems from changes in conditions in the area due to the adoption of Plan Amendment Case A07-05, Angier Haven. The southern commercial node is a new, isolated, mid-block commercial use which is discouraged in Policy 2.2.5b of the *Durham Comprehensive Plan*. The change in designation of the neighboring parcels as part of A07-05, Angier Haven, represents changed conditions for these sites since the adoption of the *Durham Comprehensive Plan* and meets the four criteria for plan amendments. City-County Planning Department recommendation is approval based on the justification and meeting the criteria for plan amendments.

Chairman Reckhow opened the public hearing that was properly advertised.

Tony Tate, 5011 Southpark Drive, Durham, 27713, landscape architect and land planner, stated that he was present to assist the petitioner, R. D. Construction. The petitioner owns land on both sides of the property being discussed tonight. Mr. Tate explained the rationale for the plan amendment.

Mr. Tate and Steven L. Medlin, AICP, Interim City-County Planning Director, responded to Chairman Reckhow's questions regarding the portion of the property not included in the requested change to Residential.

Chairman Reckhow asked Planning staff if it would be reasonable to sever the parcel.

Commissioner Cheek wished to know whether the owners of the other parcels (which are zoned Residential) were notified.

Mr. Carley responded that a neighborhood meeting, required by Ordinance for any plan amendment, was held. He spoke directly to three of the eight property owners. In addition, mailed notices were sent.

Chairman Reckhow again asked the Planning staff's position.

Mr. Medlin stated that it is conceivable that a rational break point would be the existing zoning line which exists at the CG property (Mr. Zinner's property) with the exception of the RS-20. This property could be severed from the request if the Board wishes to do so. Staff would still like to transfer the RS-20 portions from Commercial to Low-Medium-Density Residential.

Chairman Reckhow stated that the parcels that are occupied by houses would be moved to Low-Medium Density Residential.

Mr. Medlin stated that would be correct and consistent with their current usage.

Mr. Medlin stated that Planning staff is familiar with the four parcels in question. They can be severed if that is the intent of the Board.

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

Mr. Medlin stated that Planning staff preferred to change the land use designation to Low-Medium-Density Residential distinction on all four parcels, including the one owned by Mr. Zinner.

Chairman Reckhow noted that the change would not include the back parcel, which would be severed associated with the existing zoning (GC).

Per a question by Commissioner Cheek, Mr. Medlin replied that there would be an option in the future to request that the parcels be converted to Commercial.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve that the northern tract be converted from Commercial to Low-Medium-Density Residential; the southern tract will be converted for only the four residential RS-20

parcels from Commercial to Low-Medium Density Residential with the residual tract which is currently zoned CG being retained in the Commercial land-use designation.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Page

BOARD OF COMMISSIONERS RESOLUTION
AMENDING DURHAM COMPREHENSIVE PLAN
Angier Haven II (A07-10)

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Durham County Board of Commissioners has adopted a resolution that requires that the Board consider changes to adopted land use plans when requested rezoning substantially conflicts with the adopted land use plan.

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the Future Land Use map of the *Durham Comprehensive Plan* be amended by designating as Low-Medium Density Residential (4-8 DU/Ac.), the following parcel, as shown on the attached map: 0840-03-32-7799, -7895, -42-0803, -0639, -41-4919, -4972, -5825, 7822 (partial).

SECTION 2

This change shall become effective upon the adoption of this resolution.

This 28th day of January, 2008.

Public Hearing—Unified Development Ordinance (UDO) Text Change—Conservation Subdivision Technical Change (TC07-16)

Chairman Reckhow called Steven L. Medlin, AICP, Interim City-County Planning Director, forward to present this item. She clarified for interested citizens that a more substantive change of the conservation subdivision would be forthcoming in approximately two months. The technical change requested tonight is relatively minor.

Mr. Medlin summarized that this text amendment would make a technical change to Sec. 6.2, Residential Rural (RR) Development Intensity, of the Unified Development Ordinance (UDO), clarifying the applicability of regulations under Sec. 6.2.4, Conservation Subdivision, in order to conform to new state law. Sec. 6.2.4, Conservation Subdivision, contains paragraph A, Purpose, which lists the acceptable purposes for a Conservation Subdivision, and paragraph F, Primary and Secondary Conservation Areas, which identifies the elements to be included within open space in a Conservation Subdivision. Both paragraphs are clearly intended to impose standards under which applications for conservation subdivisions will be evaluated. Recently adopted state law requires that decisions regarding plats must be made on the basis of standards explicitly set forth in the ordinance. This clarification makes it clear that the purpose section and open space considerations are considered standards for evaluation of a conservation subdivision. The Joint City-County Planning Committee (JCCPC) has initiated a text amendment to revise comprehensively the Conservation Subdivision section of the UDO. This technical change is proposed in advance to ensure compliance with recent state legislative changes. It is consistent with the intent of the comprehensive amendment and the JCCPC's direction to staff. The Planning Commission held a public hearing on this item on December 11, 2007, and there was no opposition. The Commission voted unanimously (12-0) to recommend approval. Planning staff recommended approval, as well.

Mr. Medlin responded to a question by Commissioner Heron. He replied that approval of a conservation subdivision is somewhat discretionary provided that it can be tied back to specific performance standards or standards within the Ordinance. This text amendment gives Planning staff greater latitude to look at the intent provisions of the conservation subdivision, which talk about the quality of the open space areas that are required to be set aside, the protection of the primary and secondary conservation areas. It gives Planning staff greater legal leverage should the approving authority decide that the application pending before them is not meeting the intent of those sections.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Unified Development Ordinance (UDO) Text Change—Conservation Subdivision Technical Change (TC07-16).

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Reckhow

Noes: None

Absent: Page

AN ORDINANCE TO CLARIFY THE UNIFIED DEVELOPMENT ORDINANCE
CONCERNING CONSERVATION SUBDIVISION REQUIREMENTS

WHEREAS, the Durham County Board of Commissioners wishes to amend certain provisions regarding conservation subdivisions in the Unified Development Ordinance; and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO more clearly express the intent of the governing bodies regarding the standards that must be followed for such subdivisions, and to better promote the health, safety, and general welfare of the community.

NOW, THEREFORE, be it ordained that Article 6, District Intensity Standards, of the Unified Development Ordinance is clarified and amended to make the following changes:

SECTION 1

Modify Section 6.2, Residential Rural (RR) Development Intensity, paragraph 6.2.4, Conservation Subdivision, paragraph B, Applicability of Regulations, as set forth below.

6.2.4 Conservation Subdivision

B. Applicability of Regulations

This Conservation Subdivision option is available as a use by right subject to subdivision approval in accordance with Sec. 3.6, Subdivision Review, and in accordance with the standards set forth in Sec. 6.2.4A, Purpose, and Sec. 6.2.4F, Primary and Secondary Conservation Areas.

SECTION 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 3

That this clarification and amendment of the Unified Development Ordinance shall become effective upon adoption.

**NCDOT Public Hearing for the FY 2008-2009 Community Transportation Grant—
Application Request**

Johnny Ford, Transportation Access Coordinator, stated that the FY2008-2009 Community Transportation Program grant is applied for annually to the North Carolina Department of Transportation (NCDOT). Cooperative Extension has applied since 1999 to purchase vehicles and to subsidize the administrative costs associated with the Community Transportation Program.

The Community Transportation Program grant application requests \$215,751 from NCDOT. The Department of Transportation requires a local match of \$26,498 to be appropriated in FY 2008-2009 budget. This represents a \$4600 increase from fiscal year 2007-2008.

Requested Budget	
• Administrative	\$98,451
Transportation Coordinator, Administrative Assistant and administrative supplies and support	
• Capital Expenditures	\$117,300
Three Vehicles	
Total	\$215,751

Commissioner Heron stated that the cost per trip should be reviewed, particularly the access to Human Services agencies and the Council for Senior Citizens.

Commissioner Heron and Chairman Reckhow spoke about the ongoing, delayed study commissioned by the state.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Commissioner Cousin moved, seconded by Commissioner Cheek, to approve the resolution authorizing Durham County Cooperative Extension to submit the FY2008-2009 Community Transportation Program Grant to the North Carolina Department of Transportation. The Board of Commissioners commits \$26,498 for inclusion in the County's FY2008-2009 budget to meet local match requirements.

The motion carried with the following vote:

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

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2008 - FY 2009 RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding,
Enter Into Agreement with the North Carolina Department of Transportation
And to Provide the Necessary Assurances.

A motion was made by Commissioner Philip R. Cousin Jr. and seconded by Commissioner Lewis A. Cheek for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Durham County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the Chair of the Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

Regulation of Solicitation on the Streets and Highways of Durham County

Chairman Reckhow stated that after receiving information regarding the possible adoption of an ordinance regulating solicitation in the rights-of-way outside the municipal limits of cities in Durham County, the Board passed on January 14, 2008, an ordinance regulating solicitation on a 4-1 vote. As the ordinance was not passed by a unanimous vote of the Board, the ordinance is required to be passed on a second vote.

Chairman Reckhow recognized citizens who had signed up to speak to the item.

The following citizens spoke in opposition to the ordinance:

Scott Rhotone, 402 Liberty Street, Durham, NC 27707

Jay Davis, 507 Bill Poole Road, Rougemont, NC

Allison Hill, 1102 Birch Avenue, Durham, NC 27707

Randy Pickle, 27 Beverly Drive, Durham, NC 27707, spoke in support of the ordinance regulating solicitation.

Commissioner Cheek moved, seconded by Commissioner Heron, to adopt the Ordinance Regulating Solicitation on the Streets and Highways of Durham County.

Chairman Reckhow stated, "I just want to say before we vote on this that I hope people listened earlier. We had the woman in charge of the adult System of Care in our Durham Center here—Ann Oshel. We had the Housing person who is working directly with the homeless here. I would like anyone who wants to help get help to see our Manager when this over. We will help! We have the ability at this point in time with services that are available, to not give you the run-around, provide case management, and wrap around services. That's why we developed System of Care for adults with a target for the homeless. And in this point in time, I think what we need to do is ask you to please avail yourselves of all the social services this county has and not put yourselves in harms way with standing in traffic, with cars often going 45-55 miles per hour; that is not a safe thing to do. So, I would really encourage you to try again. I understand you said, ma'am, that you didn't get services eight years ago. We've improved greatly in the past eight years. So, I think at this point in time, the services would be available."

Chairman Reckhow called for the vote.

The motion carried with the following vote:

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

Chairman Reckhow noted that the Ordinance would become effective July 1, 2008.

**ORDINANCE REGULATING SOLICITATION ON THE
STREETS AND HIGHWAYS OF DURHAM COUNTY**

WHEREAS, pursuant to N.C.G.S. §§ 20-175, 153A-125, and 153A-126, the Board of Commissioners may regulate begging, solicitation campaigns, and salesmen; and

WHEREAS, begging and the solicitation of money for charities or businesses in the streets and highways of Durham pose a significant hazard both to pedestrians and motorists; and

WHEREAS, begging and the solicitation of money in the streets and highways of Durham pose a significant opportunity for fraud and misrepresentation.

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

1. That the Durham County Code of Ordinances is hereby amended by adding a new article, to be numbered Article IV of Chapter 22, which article reads as follows:

ARTICLE IV. SOLICITATION ON THE STREETS AND HIGHWAYS

Sec. 22-60. Solicitation defined.

For purposes of this article, "solicit" shall mean the asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

Sec. 22-61. Solicitation prohibited.

It shall be unlawful for any person to solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway. Provided, however, that this section shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

Sec. 22-62. Jurisdiction.

This article shall be effective for all of Durham County not within a city, and effective in such city or cities which have by resolution permitted this article to be effective within such city or cities.

2. This Ordinance shall be effective on and after July 1, 2008.

This the 14th day of January, 2008.

Closed Session

Commissioner Cheek moved, seconded by Commissioner Cousin, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and pursuant to G.S. § 143-318.11(a)(5) to instruct the staff on the position to be taken concerning the acquisition of real properties. The properties and owners are Roger and Patti McClendon, owners 7408 Big Horn Drive; Neil and Catherine Frank, owners of 2306 Moores Mill Road; Roger and Lisa Tilley, owners of 1811 Tilley Farm Road; and the Aids Community Residence, owners of 4404 Guess Road.

The motion carried with the following vote:

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

Absent: Page

Reconvene to Open Session

Chairman Reckhow announced that, in closed session, the Board discussed several items related to land. The Board is in a position to take action on two items.

Commissioner Cheek moved, seconded by Commissioner Cousin, to authorize the County Manager to sign an option to purchase for conservation easements on 75 acres of Roger Tilley Farm, parcel IDs 208887 (partial) and 191957.

The motion carried with the following vote:

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

Commissioner Cheek moved, seconded by Commissioner Heron, to authorize the County Manager to sign an option to purchase for conservation easements on 300 acres of the Frank Farm at 2306 Moores Mill Road, parcel IDs 190562, 190563, 190590, and 190588 (partial).

The motion carried with the following vote:

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

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Vonda Sessoms, CMC
Clerk to the Board