

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

Monday, October 22, 2007

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 Becky M. Heron, and Commissioners Philip R. Cousin Jr. and Michael D. Page

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

**Opening of Regular Session**—Pledge of Allegiance

**Announcements**

Vice-Chairman Heron invited the public to attend the first Howl-O-Ween, sponsored by the Animal Protection Society (APS), on Saturday, October 27, 2007, from 12:00 Noon to 2:00 p.m. at Camp Bow Wow, 1710 Page Road Extension, Durham.

Chairman Reckhow announced that the Greater Durham Mentoring Alliance will host its 2007 Fall Mentoring Fair on October 23, 2007, from 10:00 a.m. to 12:00 Noon, at the American Tobacco Campus, 318 Blackwell Street, Bay 7, in Downtown Durham. She recognized Steven Reyburn, The Volunteer Center of Durham, to elaborate on the event.

Mr. Reyburn stated that the Greater Durham Mentoring Alliance is an initiative spearheaded by The Volunteer Center of Durham. The Fair has been extended by one hour, ending at 1:00 p.m. He emphasized the importance of mentoring and its positive impact on the youth. Mr. Reyburn encouraged citizens to attend to learn about the wide variety of mentoring programs Durham has to offer. Volunteers may sign up at the Fair to become a mentor. Refreshments will be served.

Chairman Reckhow added that County Manager Mike Ruffin approved for County employees to be given an hour's leave during the week if they volunteer as a mentor at Durham Public Schools. She urged employees to attend the Fair to learn about volunteering as a mentor.

Commissioner Page supported the Mentoring Alliance initiative; however, he suggested that the next fair be held during after-work hours to allow more individuals to attend.

Mr. Reyburn informed Commissioner Page that the Fair will be held at varying times and in different places throughout the county to make it more convenient for citizens to attend.

Chairman Reckhow continued with the announcements, stating that Kids Voting will give Durham students the opportunity to vote on the same candidates and issues as adults in several Durham County Schools on Monday, November 5, and at most Durham polling sites on Election Day, November 6. Durham residents can play a key part in this effort to help our community's youth understand the democratic process and the impact they can have through voting by volunteering to help with Kids Voting activities on or before Election Day.

Chairman Reckhow reminded citizens of the election for City Council and Mayor and of the three county bond issues on the November 6 ballot—Durham Public Schools, Durham Technical Community College, and the Museum of Life and Science. She advised that all polls will be open across Durham County from 6:30 a.m. to 7:30 p.m. Early voting begins this week; voting hours may be obtained from the Board of Elections.

Carolyn Kreuger, Durham Cooperative Extension, briefly reported on Kids Voting. She offered persons who are interested in additional information to contact her at 560-7321 or [carolyn@kidsvotingdurham.org](mailto:carolyn@kidsvotingdurham.org).

Chairman Reckhow announced that the Durham County Library will offer an early literacy workshop on Monday, November 5, 2007, from 6:30 to 8:00 p.m. as part of a nationwide initiative called “Every Child Ready to Read @ Your Library”. The workshop will be held in the Main Library auditorium, 300 N. Roxboro Street, in Downtown Durham. To register, please contact the Library’s Youth Services Division at 560-0172 or [kfyffe@durhamcountync.gov](mailto:kfyffe@durhamcountync.gov). (Pre-registration is required.) All participants will receive a free children’s book, and daycare providers will receive two continuing education credits.

Chairman Reckhow relayed a comment made by Ron Ferguson, Harvard Researcher and Educator, at a workshop last week at Hillside High School to address closing the achievement gap. He advised parents to encourage leisure reading among their children, starting from childhood through high school.

Chairman Reckhow informed the public that Duke University Health System is sponsoring its 2007 Health Summit on Saturday, November 3, 8:00 a.m. – 1:30 p.m., at the Durham Civic Center, 201 Foster Street. The Summit is a community gathering to: 1) listen to ideas and concerns of people without health insurance; 2) discuss methods of increasing access to health care in Durham; and 3) discuss *Project Access*, a new means for uninsured persons to receive care. To register or for more information, citizens may call Kimberly Monroe at 681-4041. Chairman Reckhow encouraged Durham residents to attend, particularly those who are without insurance and cannot afford health care and those who are interested in improving access to health care.

### **Minutes**

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve as corrected the September 19, 2007 BOCC/City Council Minutes and as submitted the October 1,

2007 Worksession and October 8, 2007 Regular Session  
Minutes of the Board.

The motion carried with the following vote:

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

**Adoption Month Proclamation**

Commissioner Page read the following proclamation into the record:

PROCLAMATION

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

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

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

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

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

WHEREAS, more than 244 children in Durham County are in foster care, and of that number, 23 are available for adoption but are not currently in an adoptive placement and are waiting for permanent families; and

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

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, do hereby proclaim November 2007, as

“ADOPTION AWARENESS MONTH”.

I commend this observance to our citizens and urge all citizens to join in raising awareness on behalf of the 23+ children in Durham County who are waiting for a loving family. I further encourage communities, businesses, schools, faith-based organizations, and families to honor the special needs of children in Durham County in hopes of securing a permanent,

loving family for each and every child regardless of race, age, gender, healthy, emotional, or behavioral condition and past distress.

This the 22<sup>nd</sup> day of October, 2007.

/s/ Ellen W. Reckhow, Chairman

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Janice Williams, Adoption Supervisor, Department of Social Services (DSS), thanked the Board on behalf of DSS Child Placement Supportive Services for proclaiming November as Adoption Awareness Month. She also thanked adoptive families for providing permanent homes for children in foster care. Ms. Williams asked that persons interested in fostering or adopting a child call 560-8092 for further information.

Jovetta Whitfield, Child Placement and Supportive Services Program Manager, accepted the proclamation from Chairman Reckhow.

Ms. Williams announced that an adoption awareness celebration will be held on November 3, 2007 at Wheels Family Fun Center.

Chairman Reckhow thanked Ms. Williams and staff for their efforts.

### **Proclamation for Project Homeless Connect**

Chairman Reckhow read the proclamation as follows:

#### PROCLAMATION

WHEREAS, ending homelessness is a national, a statewide, and a Triangle-wide initiative, with more than 300 participating communities across the United States, including more than twenty cities and counties across North Carolina and within in the Research Triangle—Raleigh/Wake County, Durham County, and Chapel Hill/Orange County, each adopting and implementing 10-Year Plans to End Homelessness; and

WHEREAS, each night across the Triangle, on average approximately 2,000 persons are homeless including more than 300 children; and

WHEREAS, on October 25, 2007, Triangle area counties and communities are working together to coordinate an event which has become a nationally-recognized best practice held in more than 150 cities across the U.S., called “Project Homeless Connect”. On this day at three locations in Durham, Chapel Hill, and Raleigh, communities are working together to bring the wide range of services and service providers to each place to link persons who are homeless with the services, potentials for housing, and the specific assistance they need to begin the process which will move them from homelessness and help them to more quickly regain stability in their lives; and

WHEREAS, in support of “Project Homeless Connect” in Durham and neighboring communities and in support of the estimated more than 500 homeless individuals and households expected to attend these local events and receive assistance:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim October 25, 2007 as

“PROJECT HOMELESS CONNECT DAY”

in Durham County and join leaders of neighboring communities in challenging our citizens, businesses, and civic and faith organizations across the Triangle to support “Project Homeless Connect” and the 10-Year Plan to End Homelessness in Durham.

This the 22<sup>nd</sup> day of October, 2007.

/s/ Ellen W. Reckhow, Chairman

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Edy Thompson, Director of the 10-Year Plan to End Homelessness in Durham, discussed Project Homeless Connect (PHC). PHC is a one-day, one-stop, on-site center designed to link homeless people with a broad range of needed services. PHC will work to end homelessness in Durham by providing valuable community-wide services in one location for free. The event is planned for October 25, 8:30 a.m. until 3:30 p. m., at the Urban Ministries Center.

Chairman Reckhow presented the proclamation to Ms. Thompson.

County Manager Ruffin thanked the Board of Commissioners for consenting to provide flu shots to homeless persons who attend Project Homeless Connect on October 25.

Chairman Reckhow thanked County Manager Ruffin for coordinating the flu shot drive for the homeless.

**Proclamation for National Home and Hospice Care Month**

Commissioner Cousin read the proclamation into the record:

PROCLAMATION

WHEREAS, in-home health, hospice, and community-based services provide for an individual’s health and social needs across the continuum of life—compassionate care which serves expectant mothers, infants, children, adults, the disabled and elderly, and also provides love, comfort, and support at the end of life; and

WHEREAS, in-home health, hospice, and community-based services enable Durham County citizens to access a wide variety of quality health and social services, including preventive care, acute care, sustainable long-term care, and palliative care; and

WHEREAS, these services include care provided by home health agencies, licensed home care agencies, hospice agencies, adult day care and adult day health care facilities, and home medical equipment companies; and

WHEREAS, in-home health, hospice, and community-based services build upon a strong tradition of care and compassion, striving to keep families intact and responsible while preserving an individual's independence and dignity in the setting of their choice;

WHEREAS, Duke HomeCare & Hospice has provided care to terminally ill patients and their families for 28 years:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of County Commissioners, do hereby proclaim November 2007 as

“HOME CARE AND HOSPICE MONTH”

in Durham County. I urge our citizens to celebrate all in-home and community-based services.

This the 22<sup>nd</sup> day of October, 2007.

/s/ Ellen W. Reckhow, Chairman

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Ms. Carol Ann Mullis, Program Manager of Duke HomeCare and Hospice, thanked the Board for recognizing November as National Home Care and Hospice Month. Home care agencies across the nation are working to raise awareness about home care and hospice. She invited citizens to attend a groundbreaking ceremony to be held on November 15, 2007 at 9:00 a.m. at the site of the new 12-bed inpatient hospice care facility in Durham County. For more information, please call 620-3853.

Chairman Reckhow presented the proclamation to Ms. Mullis.

**Resolution to Reduce the Risks of Climate Change**

Chairman Reckhow reported that on September 19, the Durham Board of County Commissioners and the Durham City Council adopted a comprehensive plan to reduce greenhouse gases by 30% by the year 2030. In doing so, the City of Durham and Durham County are the first in the state to adopt such a plan. A key goal of the plan is to set an example for the rest of the community by using resources more efficiently and reducing energy costs.

Chairman Reckhow read the following resolution into the record:

## RESOLUTION

WHEREAS, most scientists are in agreement that climate disruption is a reality and that the impacts are currently being seen; and

WHEREAS, climate change could result in an increasing number of droughts, increasing risk of forest fires, shifting crop patterns, a reduction in our snow pack, increasing sea levels, more flooding, and extreme temperature fluctuations; and

WHEREAS, the U.S. National Academy of Sciences and 10 other countries recently called for immediate action to curb greenhouse gas emissions tied to global climate change; and

WHEREAS, many state and local governments are reducing pollutants through a series of activities that simultaneously provide economic and quality of life benefits; and

WHEREAS, emissions reduction programs can benefit communities through reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, increased transportation choices, and economic development and job creation through energy conservation and new technologies; and

WHEREAS, the members of the National Association of Counties (NACo) support immediate and long-range efforts to mitigate possible sources of climate change and have agreed that NACo will provide leadership in the education, discussion, evaluation, and decision making regarding climate change affecting counties:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that:

Durham County, working with the National Association of Counties, will take action to mitigate sources of climate change by:

- Committing to reduce greenhouse gas emissions from local government operations by 50 percent from 2005 levels by 2030; and
- Working with the City of Durham, the State of North Carolina, and the federal government to reduce greenhouse gas emissions from the community at large in Durham County by 30 percent from 2005 levels by 2030; and
- Implementing the recommendations in the adopted Durham Greenhouse Gas and Criteria Air Pollutant Emissions Inventory and Local Action Plan for Emission Reductions; and
- Hiring a Sustainability Manager to coordinate the efforts of City and County departments to reduce greenhouse gas emissions and energy consumption; and
- Providing leadership in our community and region through public education, open dialogue and partnerships.

This the 22<sup>nd</sup> day of October, 2007.

/s/ All Five Commissioners

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Chairman Reckhow stated that a copy of the resolution, along with the Local Action Plan for Emissions Reduction, will be forwarded to the National Association of Counties for inclusion in its database.

Commissioner Cousin moved, seconded Vice-Chairman Heron, to approve the resolution and forward a copy of the resolution and the Local Action Plan for Emissions Reduction to the National Association of Counties for inclusion in its database.

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

### **Triangle Wastewater Treatment Plant—Performance Gold Award from the National Association of Clean Water Agencies**

Chairman Reckhow introduced this item, stating that each year the National Association of Clean Water Agencies (NACWA) recognizes wastewater utilities that achieve 100% compliance with their National Pollutant Discharge Elimination System (NPDES) permit for an entire calendar year. Durham County's Triangle Wastewater Treatment Plant received a Peak Performance Gold Award from NACWA for 2006.

County Engineer Glen Whisler explicated that more than 2,500 tests are conducted on the treatment plant effluent each year to demonstrate NPDES permit compliance. He asked the following persons to stand and be recognized for their hard work in maintaining the operation of the Treatment Plant: Joe Pearce, Andy Lambeth, and Richard Simms, Utility Division; and Gary Stainback, Operating Contractor, and Pete Corsaro, United Water.

Chairman Reckhow congratulated Mr. Whisler and staff, while presenting him with the award.

### **East & North Regional Libraries LEED Certification**

Chairman Reckhow stated that the Board is being requested to recognize the project team for achieving Leadership in Energy and Environmental Design (LEED) Certification on the recently completed East & North Regional Libraries. The East Regional Library achieved LEED Certification on February 1, 2007 and the North Regional Library achieved LEED Certified "Silver" on June 22, 2007.

County Engineer Glen Whisler elaborated on the LEED Certification. The United States Green Building Council recognizes projects that achieve LEED certification based on the LEED Green Building Rating System. The Green Building Rating System is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their building's performance. LEED promotes a



whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. This comprehensive approach is the reason LEED-certified buildings have reduced operating costs, have healthier and more productive occupants, and conserve our natural resources.

On December 9, 2002, the Board of County Commissioners approved the design contract agreement with The Freelon Group, P.A. to provide architectural services to develop a prototype regional branch library to be located in the eastern and northern parts of Durham County. All design and construction efforts have been successfully completed. The 25,000-square-foot East Branch Library was opened to the public on June 16, 2006; the public opening for the North Branch was held on January 30, 2007. The execution of both projects was within the budget. The projects were the County's second and third LEED certified facilities along with the Triangle Wastewater Treatment Plant Administrative Building which obtained LEED Certification in April 2005.

Mr. Whisler asked the following team members to stand and be recognized: Skip Auld, Director, and Priscilla Lewis, Administrative Librarian III, Durham County Library; Peri Manns, Project Manager, County Engineering; Zena Howard, AIA, The Freelon Group; and C. T. Wilson, General Contractor. Mr. Whisler thanked the individuals for their role in making these two libraries good examples of sustainable designs and helping Durham County become a leader in sustainable design of public buildings. He stated that the two glass awards will be displayed in the two libraries in the near future.

Chairman Reckhow thanked the team members for their diligent work on the projects.

### **Consent Agenda**

Commissioner Page moved, seconded by Vice-Chairman 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 September 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \*b. Budget Ordinance Amendment No. 08BCC000013—Appropriate Reserved Funds in the amount of \$1,158,166 for the Tax Department, Sheriff's Office, Fire Marshal's Office, CJRC, Cooperative Extension, DSS, Cultural Arts Master Plan, and the County Vehicle and Equipment Loan;
- \*c. Budget Ordinance Amendment No. 08BCC000014—Appropriate Reserved Funds for Open Space and Active Recreation in the General Fund and Transfer the Funds to the County Contribution Fund; Capital Project Ordinance Amendment No. 08CPA000006 (DC083) Open Space and Farmland Preservation—Appropriate Payment-Lieu-Revenue Transferred from the General Fund (appropriate

- reserved fund balance in the amount of \$47,589 to increase the DC083 Open Space and Farmland Preservation Capital Project from \$6,507,243 to \$6,554,832);
- \*d. Budget Ordinance Amendment No. 08BCC00015— Social Services—Recognize Additional Revenue in the Amount of \$89,408 for Adult Care Home Case Management (\$7,062), Crisis Intervention Prevention (\$52,842), and State Adult Day Care (\$29,504);
  - \*e. Budget Ordinance Amendment No. 08BCC000016— Cooperative Extension—Welcome Baby (recognize 2<sup>nd</sup> Year Grant Revenue in the amount of \$53,783 from the US Health and Human Services Department through the University of North Carolina School of Social Work to Establish a .75 FTE Position and to Continue the Strong Couples Strong Children [SCSC] Project);
  - \*f. Budget Ordinance Amendment No. 08BCC000017— Cooperative Extension—Welcome Baby Grant Funds for Incredible Years Basic Parent Training (recognize \$21,374 in grant funding and approve an additional .53 FTE);
  - \*g. Budget Ordinance Amendment No. 08BCC000018— Cooperative Extension—Recognize \$5,000 in Grant Funding from the North Carolina Department of Insurance for the Seniors Health Insurance Information Program (SHIIP);
  - \*h. Budget Ordinance Amendment No. 08BCC000019— Cooperative Extension—Durham Kids Voting Administration Grant (appropriate an additional \$8,129 from Kids Voting North Carolina for the purpose of administering the Durham Kids Voting program in cooperation with the program’s partners and increase the FTE for the community consultant position from .40 FTE to .53 FTE); **Chairman Reckhow congratulated Cooperative Extension for receiving numerous grants;**
  - \*i. Budget Ordinance Amendment No. 08BCC000020— Technical Adjustment to Budget Ordinance Amendment No. 08BCC000010—Office of the Sheriff and City of Durham Police Department Acceptance of 2007 Edward Byrne Memorial Justice Grant (JAG) (approve in the amount of \$107,139, which combined with Budget Ordinance Amendment No. 08BCC000010 approved in the amount of \$107,139, will budget this grant at the correct total of \$214,278; in addition, approve the establishment of 1.0 FTE in the Criminal Justice Resource Center for the grant-funded case worker for the period of one year);
  - j. Request to Execute a Non-Exclusive Revocable License Agreement with NC National Guard at the Durham County Memorial Stadium (approve the Revocable License

Agreement Between the County of Durham, the Stadium Authority, and the North Carolina National Guard for use of the Stadium's South Side Parking Lot for Overflow Personal Vehicle Parking for Guardsmen Participating in Weekend NC National Guard Drills at the Armory);

- k. Approve the Sale of County Surplus Property—1327 Clinton Road to Bruno Rodriguez for \$15,905; 1412 N. Hyde Park Avenue to P.A.P's Custom Home Building for \$6,300; 2300 Fitzgerald Street to William Bright for \$4,000; and 10037 Rougemont Road to Cynthia Klenke for \$1,730;
- l. Triangle Transit Authority Appointment (approve the reappointment of Commission Chairman Ellen W. Reckhow to the Triangle Transit Authority Board of Trustees in the Durham County representative position; the term is December 1, 2007 to November 30, 2011); and
- m. Terminate the contract by and among the County, Administrative Office of the Courts, and the Durham County Superior Clerk of Court to fund the cost of five deputy clerks; the Clerk of Court has received funding from the State and no longer needs the funding from the County.

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

\*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 September 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 September 2007.

Releases & Refunds for 2007 Taxes:

Real Estate	\$ 287,672.81
Personal	\$503,085.04
Registered Vehicles	\$ 25,595.12
Vehicle Fees	\$ 510.00
Solid Waste	<u>\$ 255.00</u>
Total for 2007 Taxes and Fees	\$817,117.97

Prior years' (2002-2006) releases and refunds for September 2007 are in the amount of \$43,568.34. The total current year and prior years' releases and refunds amount to \$860,686.31.

(Recorded in Appendix A in the Permanent Supplement of the October 22, 2007 Minutes of the Board.)

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Consent Agenda Item No. b. Budget Ordinance Amendment No. 08BCC000013—Appropriate Reserved Funds in the amount of \$1,158,166 for the Tax Department, Sheriff's Office, Fire Marshal's Office, CJRC, Cooperative Extension, DSS, Cultural Arts Master Plan, and the County Vehicle and Equipment Loan.

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000013

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	\$ 30,855,508	\$1,158,166	\$ 32,013,674

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 32,307,927	\$ 152,002	\$ 32,459,929
Public Safety	\$ 47,758,260	\$ 323,941	\$ 48,082,201
Economic and Physical Development	\$ 4,501,857	\$ 25,336	\$ 4,527,193
Human Services	\$415,548,404	\$ 585,570	\$416,133,974
Cultural and Recreation	\$ 11,430,113	\$ 62,679	\$ 11,492,792
Other	\$ 31,576,436	\$ 8,638	\$ 31,585,074

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

This the 22<sup>nd</sup> day of October, 2007.

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Consent Agenda Item No. c. Budget Ordinance Amendment No. 08BCC000014—Appropriate Reserved Funds for Open Space and Active Recreation in the General Fund and Transfer the Funds to the County Contribution Fund; Capital Project Ordinance Amendment No. 08CPA000006 (DC083) Open Space and Farmland Preservation—Appropriate Payment-Lieu-Revenue Transferred from the General Fund (appropriate reserved fund balance in the amount of \$47,589 to increase the DC083 Open Space and Farmland Preservation Capital Project from \$6,507,243 to \$6,554,832).

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000014

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	\$32,013,674	\$47,589	\$32,061,263

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Other	\$31,585,074	\$47,589	\$31,632,663

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

This the 22<sup>nd</sup> day of October, 2007.

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Capital Project Ordinance  
Amendment No. 08CPA000006

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	\$6,507,243	\$47,589	\$6,554,832

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

This the 22<sup>nd</sup> day of October, 2007.

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Consent Agenda Item No. d. Budget Ordinance Amendment No. 08BCC00015— Social Services—Recognize Additional Revenue in the Amount of \$89,408 for Adult Care Home Case Management (\$7,062), Crisis Intervention Prevention (\$52,842), and State Adult Day Care (\$29,504).

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000015

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	\$362,069,858	\$89,408	\$362,159,266

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$416,133,974	\$89,408	\$416,223,382

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

This the 22<sup>nd</sup> day of October, 2007.

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Consent Agenda Item No. e. Budget Ordinance Amendment No. 08BCC000016—Cooperative Extension—Welcome Baby (recognize 2<sup>nd</sup> Year Grant Revenue in the amount of \$53,783 from the US Health and Human Services Department through the University of North Carolina School of Social Work to Establish a .75 FTE Position and to Continue the Strong Couples Strong Children [SCSC] Project).

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000016

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	\$362,159,266	\$53,783	\$362,213,049

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 4,527,193	\$53,783	\$ 4,580,976

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

This the 22<sup>nd</sup> day of October, 2007.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 08BCC000017—  
 Cooperative Extension—Welcome Baby Grant Funds for Incredible Years Basic Parent  
 Training (recognize \$21,374 in grant funding and approve an additional .53 FTE).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2007-08 Budget Ordinance  
 Amendment No. 08BCC000017

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	\$362,213,049	\$21,374	\$362,234,423

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 4,580,976	\$21,374	\$ 4,602,350

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

This the 22<sup>nd</sup> day of October, 2007.

Consent Agenda Item No. g. Budget Ordinance Amendment No. 08BCC000018—  
 Cooperative Extension—Recognize \$5,000 in Grant Funding from the North Carolina  
 Department of Insurance for the Seniors Health Insurance Information Program (SHIIP).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2007-08 Budget Ordinance  
 Amendment No. 08BCC000018

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	\$362,234,423	\$5,000	\$362,239,423

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 4,602,350	\$5,000	\$ 4,607,350

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

This the 22<sup>nd</sup> day of October, 2007.

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Consent Agenda Item No. h. Budget Ordinance Amendment No. 08BCC000019—Cooperative Extension—Durham Kids Voting Administration Grant (appropriate an additional \$8,129 from Kids Voting North Carolina for the purpose of administering the Durham Kids Voting program in cooperation with the program's partners and increase the FTE for the community consultant position from .40 FTE to .53 FTE).

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000019

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	\$362,239,423	\$821	\$362,240,244

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 4,607,350	\$821	\$ 4,608,171

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

This the 22<sup>nd</sup> day of October, 2007.

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Consent Agenda Item No. i. Budget Ordinance Amendment No. 08BCC000020—Technical Adjustment to Budget Ordinance Amendment No. 08BCC000010—Office of the Sheriff and City of Durham Police Department Acceptance of 2007 Edward Byrne Memorial Justice Grant (JAG) (approve in the amount of \$107,139, which combined with Budget Ordinance Amendment No. 08BCC000010 approved in the amount of \$107,139, will budget this grant at the correct total of \$214,278; in addition, approve the establishment of 1.0 FTE in the Criminal Justice Resource Center for the grant-funded case worker for the period of one year).

DURHAM COUNTY, NORTH CAROLINA  
FY 2007-08 Budget Ordinance  
Amendment No. 08BCC000020



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	\$362,247,552	\$107,139	\$362,354,691

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 48,082,201	\$107,139	\$ 48,189,340

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

This the 22<sup>nd</sup> day of October, 2007.

**Public Hearing for Industrial Revenue Bonds—RTI Inc.**

Carol Hammett, Assistant County Attorney, reported that the Board of Commissioners is being requested to hold a public hearing concerning the issuance and sale by the Durham County Industrial Facilities and Pollution Control Financing Authority of its Revenue Bonds in an amount not to exceed \$42,000,000.

Chairman Reckhow opened the public hearing that was properly advertised. She recognized Mary Nash-Rusher, Hunton & Williams, Bond Counsel, for comments.

Counsel Nash-Rusher provided additional information on the revenue bonds. She stated that the proceeds will be loaned to Research Triangle Institute (“RTI”), a North Carolina nonprofit corporation, and used to: 1) finance the construction of a new, approximately 120,000-square-foot office building and approximately 490-space parking deck at a cost of approximately \$28,000,000; and 2) to refinance an existing loan from SunTrust Bank of approximately \$12,500,000 (the proceeds of which were used to finance the construction of an approximately 78,000-square-foot office and laboratory building known as the Earl Johnson Jr. Building). RTI is solely responsible for the repayment of the bonds. Neither the County nor the Authority has any financial responsibility for the debt. The Project is located at 3040 Cornwallis Road, Research Triangle Park, and will be owned and operated by RTI.

Chairman Reckhow called the following citizens forward who requested to speak on this item:

Kevin Johnson, 2 Hanes Drive, Durham 27709, representing the Research Triangle Foundation of NC, urged the Board to approve the revenue bonds.

Victoria Peterson, PO Box 101, Durham 27702, representing Durham Citizens Rebuilding Communities, asked: 1) if RTI is planning to hire Durham citizens for the construction of the office building and parking deck; 2) for clarification of the County’s involvement in

issuing the bonds; 3) if the Board could delay action on this item until all five commissioners are present to vote; 4) if the County will gain interest from the loans; and 5) for additional details on RTI's existing loan with SunTrust Bank.

County Attorney Chuck Kitchen addressed Ms. Peterson's question Nos. 2 and 4. He explained that the bonds will be issued in the Industrial Facilities and Pollution Control Financing Authority's name; however, they will neither have possession of the funds nor have control of the funds. Therefore, the County will generate no interest from the transaction. This is private financing that has the stamp of approval from the Authority. A public hearing is required by law to be held by the Board of County Commissioners prior to the approval by the Authority. The Board does not issue the bonds; they are issued by the Authority. County funds are not involved in the bonds.

Counsel Nash-Rusher responded to No. 4 of Ms. Peterson's questions. She stated that federal and state law permit tax-exempt financing for nonprofit institutions to be used to refinance existing financing that was used for capital improvements that furthered their 501(c)(3) purposes. This would allow for a reduction in interest costs.

E. Ward Sax, Vice President, Treasurer, Chief Risk Officer, RTI Inc., provided background information on RTI. He continued by responding to No. 1 of Ms. Peterson's questions. Research Triangle Institute employs approximately 2,600 individuals worldwide. Of the 2,600 employees, 2,200 are located in the Research Triangle Park; 600 reside within Durham County. Approximately \$35 million is generated in payroll for the 600 employees. Other individuals are employed through the cafeteria, landscaping, land maintenance, facility staff, and janitorial staff. Research Triangle Institute also has employees that are graduates of North Carolina Central University and Durham Technical Community College.

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

Chairman Reckhow informed Ms. Peterson that the Board can vote on this item since a quorum is present.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the issuance and sale by the Durham County Industrial Facilities and Pollution Control Financing Authority of its Revenue Bonds in an amount not to exceed \$42,000,000.

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

THE BOARD OF COMMISSIONERS OF THE DURHAM COUNTY INDUSTRIAL  
FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

Excerpt from Minutes of Meeting of November 5, 2007

The Durham County Industrial Facilities and Pollution Control Financing Authority met in the County Manager's conference room at 200 East Main Street, Durham, North Carolina, at 12:00 Noon on the 5<sup>th</sup> day of November, 2007.

Present: Francis A. Stephans, Randy Pickle, Edward F. Conner, Charles H. Darwin, John F. Wily III, and Doreen Johnson

Absent: Tracy Sanders

Also Present: Carol Hammett, County Attorney's Office; Mary Nash-Rusher, Hunton & Williams; and Allwyn Richards, RTI Inc.

\* \* \* \* \*

Commissioner Wily introduced the following resolution the title of which was read:

**FINAL RESOLUTION AUTHORIZING ISSUANCE OF \$40,560,000 VARIABLE RATE REVENUE BONDS (RESEARCH TRIANGLE INSTITUTE) SERIES 2007**

WHEREAS, the Board of Commissioners of The Durham County Industrial Facilities and Pollution Control Financing Authority (the "Authority") met pursuant to notice [in the County Manager's conference room at 200 East Main Street, Durham, North Carolina, at 12:00 p.m. on the 5<sup>th</sup> day of November, 2007; and

WHEREAS, Research Triangle Institute, a North Carolina nonprofit corporation (the "Borrower"), has requested the Authority and the Authority has agreed to issue its Variable Rate Revenue Bonds (Research Triangle Institute) Series 2007 in an amount up to \$40,560,000 (the "Bonds") under the provisions of the North Carolina Industrial and Pollution Control Facilities Financing Act (the "Act") to: (a) finance the acquisition and construction of a 120,000 square foot office building and 490 space parking deck located at 3040 Cornwallis Road, Research Triangle Park, Durham County, North Carolina (the "Project"); (b) pay the cost of refinancing the outstanding principal amount of an existing loan from SunTrust Bank to the Borrower, of which \$12,100,000 is currently outstanding, the proceeds of which paid a portion of the cost of the acquisition and construction of the Earl Johnson, Jr. Building on the Borrower's campus; (c) the cost of acquiring a direct pay letter of credit; and (d) certain expenses incurred in connection with the authorization and issuance of the Bonds. The Project will be financed by the sale of the Bonds, such bonds to be secured by a pledge of all receipts to be derived under a Loan Agreement (as defined below) with the Borrower, including payments on a promissory note with respect thereto (except in each case for payments to the Authority for indemnification and Authority fees and expenses); and

WHEREAS, the issuance of the Bonds is expected to be approved by the North Carolina Local Government Commission at its November 6, 2007 meeting; and

WHEREAS, there have also been presented to this meeting the forms of the following instruments (the "Documents") which the Authority proposes to approve to carry out the transactions described above, copies of which instruments shall be filed with the records of the Authority:

- (a) Indenture of Trust dated as of November 1, 2007 (the "Indenture"), between the Authority and U.S. Bank National Association (the "Trustee");
- (b) Loan Agreement dated as of November 1, 2007 (the "Loan Agreement"), between the Authority and the Borrower;
- (c) The form of the promissory note of the Borrower in the amount of \$40,560,000, to be dated the date of closing (the "Note") together with the form of the assignment from the Authority to the Trustee;
- (d) The form of the Authority's \$40,560,000 Variable Rate Revenue Bonds (Research Triangle Institute) Series 2007, bearing interest and payable as set forth therein; and
- (e) Bond Purchase Agreement dated on or about November 28, 2007 (the "Bond Purchase Agreement") among the Authority, the Borrower and Morgan Stanley & Co. Incorporated, as underwriter (the "Underwriter");
- (f) The Official Statement to be dated on or about the date of closing, which describes the Bonds, the Documents and the Project, which will be used to market and remarket the Bonds (the "Official Statement").

NOW THEREFORE, the Board of Commissioners of the Authority does the following:

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE DURHAM COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY:**

- 1. It is hereby found and determined that the financing of the Project for the benefit of the Borrower will promote the purposes of the Act, and thereby promote the general welfare of the inhabitants of North Carolina.
- 2. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to execute, the Secretary or Assistant Secretary is authorized and directed to affix and attest the seal of the Authority to, and either is authorized and directed to deliver the Indenture to the Trustee.
- 3. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to execute, the Secretary or Assistant Secretary is authorized and directed to affix and attest the seal of the Authority to, and either is authorized and directed to deliver the Loan Agreement to the Borrower.
- 4. The Chairman or Vice Chairman is authorized and directed to accept the Note, execute the form of assignment thereon, and deliver the Note to the Trustee.
- 5. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to execute, the Secretary or Assistant Secretary is authorized and directed to affix and attest the seal of the Authority to, and either is authorized and directed to deliver the Bonds to the Underwriter on behalf of the purchasers thereof upon payment to the Trustee of the purchase price therefore.
- 6. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to execute and deliver the Official Statement.
- 7. The Authority hereby approves the use of the Official Statement in the offering, sale and remarketing of the Bonds.
- 8. The Indenture, the Loan Agreement, the Note, the Bond Purchase Agreement, the Official Statement and the Bonds shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officers executing them, their execution to

- constitute conclusive evidence of their approval of any such omissions, insertions and changes.
9. The officers of the Authority are hereby authorized and directed to execute and deliver all other certificates and instruments, including IRS Form 8038 and a Nonarbitrage Certificate, and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds and the undertaking of the Project.
  10. All other acts of the officers of and counsel to the Authority which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds and the undertaking of the Project are hereby approved, ratified, and confirmed.

Commissioner Stephans moved the passage of the foregoing resolution and Commissioner Darvin seconded the motion and the resolution was passed by the following vote:

Ayes: Commissioners Stephans, Pickle, Conner, Darvin,  
Wily, Johnson  
Nays: None  
Not voting: Commissioner Sanders

**Public Hearing—Plan Amendment—Treyburn Village (A06-13)**

Steven L. Medlin, AICP, Interim City-County Planning Director, reported on this item. He requested that the Board conduct a public hearing on a plan amendment for Treyburn Village (A06-13) 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 Density Residential (4 DU/Acre or less).

The Planning Department recommended approval, based on the justification and meeting the four criteria for plan amendments.

The Durham Planning Commission recommended approval, with a 12-0 vote, on July 11, 2006, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.

Chairman Reckhow opened the public hearing that was properly advertised. She called Mr. Tony Tate, 5011 Southpark Drive, Durham 27713, Landscape Architect and Land Planner representing the developer, forward for comments.

Mr. Tate requested that the Board approve: 1) the change to the land use designation from Commercial to Low Density Residential; and 2) the zoning map change.

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

Chairman Reckhow noted that Treyburn Village would not have to be designated as commercial as the County has redesignated and rezoned land along the 501 North Highway for commercial land use within the past six months.

Vice-Chairman Heron inquired about the Orange Factory Road site plan.

Mr. Medlin replied that the site plan has yet to be submitted. However, Planning staff has had ongoing conversations with the design firm responsible for preparing the site plan; it will be submitted shortly.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve Plan Amendment—Treyburn Village (A06-13).

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

#### **Public Hearing—Zoning Map Change—Treyburn Village (Z06-39)**

Steven L. Medlin, AICP, Interim City-County Planning Director, requested that the Board approve a request for a zoning map change for a 71.60-acre site located on the south side of Vintage Hill Parkway, east of Sawmill Creek Parkway. Request: CN (42.689 acres) and CC (28.911 acres); F/J-B to PDR 2.240; F/J-B

The Planning staff recommended approval, subject to approval of the plan amendment, based on consistency with the *Comprehensive Plan* and considering the information provided in this report.

The Durham Planning Commission recommended and voted for approval, with a 13-0, on August 14, 2007. The Commission found that the ordinance request is not consistent with the adopted Comprehensive Plan. However, if the governing body approves the pending plan amendment, then the ordinance request would then be in compliance with the revised Comprehensive Plan. The Commission opined that the request is reasonable and in the public interest and recommended approval based on the information in the staff report, comments received during the public hearing, and additional committed elements proffered by the applicant at the meeting.

Mr. Medlin informed Vice-Chairman Heron that while he does not have readily available the number of housing developments that are being built or are in the process of being built, he would provide that number to her at a later date.

Vice-Chairman Heron advised Mr. Medlin to be cautious of the number of housing developments that are in the process of being built due to the current drought status in the county. She suggested that the Commissioners and City Council discuss at the next Joint City-County Committee meeting housing developments in the process of being built in

regards to the current drought. Vice-Chairman Heron expressed a desire to ensure new home owners of adequate water supplies.

In regards to Vice-Chairman Heron's suggestion, Chairman Reckhow indicated that she emailed the City and County Managers and the Mayor a few days ago to request that this issue be discussed at the next Joint City-County Committee meeting; it will be placed on the November 13 meeting agenda. Chairman Reckhow directed the County Manager to ask Sid Miller, Triangle J Council of Governments, and Bill Holman, the Nicholas Institute, to give presentations at the joint meeting.

Vice-Chairman Heron noted that she has received several emails from citizens expressing concerns about developers continuing to build while the current water supply in Durham is critically low. She referenced one letter in which a citizen suggested that during such time, the issuing of building permits and certificates of occupancy should be suspended until water is replenished at an adequate level.

Chairman Reckhow shared with Vice-Chairman Heron that the Planning Department has issued a deferment of the landscaping requirement for new construction to help with water conservation. (This waiver was also instituted in 2002.)

Chairman Reckhow directed Mr. Medlin to provide updates on the Development Review Committee's (DRC) recommendations within the staff report to specify whether the issues have been addressed and any rationale for the issues not addressed.

Mr. Medlin agreed to provide additional details within the staff report. He stated that of the list of conditions by the DRC, Nos. 1, 2, 4, 5, and 7 have been addressed; No. 8 is not applicable to this item. The developer would be able to provide detailed information on Nos. 3 and 6.

Mr. Medlin advised Vice-Chairman Heron to ask the applicant about adding conditions.

Chairman Reckhow inquired about minimum lot size.

Mr. Medlin responded that the minimum lot size is not indicated; however, the applicant would be able to provide a number.

Vice-Chairman Heron emphasized that the Catawba Indian Trading Path must be protected.

Mr. Medlin articulated that the developer is committing to providing a 10-foot setback on both sides of the Path.

Chairman Reckhow opened the public hearing that was properly advertised. She called signed speakers forward for comments.

Mr. Tony Tate, 5011 Southpark Drive, Durham 27713, Landscape Architect and Land Planner, representing the developer, addressed the following conditions by the DRC:

1. “No. 3. The cul-de-sac noted as street “D” be pulled away from the Indian Path in order that any grading associated with the road will not be detrimental to this historic feature.”  
*The cul-de-sac has been pulled away from the path. The Path is being preserved.*
2. “No. 6. Access to the William Johnston Grave site and homeplace are shown, yet these facilities are on a property that is adjacent to this property zone change request. Please clarify the access points to assure that sufficient preservation is provided.”  
*Access has been provided adjacent to that street. There is a separation in the lots where access can be gained to the grave site and homeplace, outside of the rezoning area. Mr. Tate pointed to the street on a map for identification purposes.*

Mr. Tate addressed Vice-Chairman Heron concerns about water conservation. The developer of the Treyburn Village has either installed conservation easements or has dedicated approximately 1,000 acres to the Triangle Land Conservancy of the original Treyburn tract, which may decrease the number of homes built in the long run (thereby conserving water).

Vice-Chairman Heron asked about the amount of water from Little River that currently flows through the Treyburn golf course.

Mr. Tate replied that he did not know the answer to Vice-Chairman Heron’s question.

In response to Chairman Reckhow’s question regarding minimum lot size, Mr. Tate stated that the average lot size would be 70 ft. x 140 ft., although some may be smaller. The developer is willing to commit to a 6,000-minimum lot size.

Mr. Tate clarified for County Attorney Chuck Kitchen that the 6,000-minimum lot size is a proffer by the developer.

Chairman Reckhow responded to a question posed by Commissioner Page in regards to the emails received by him and Vice-Chairman Heron from concerned citizens. She stated that the City of Durham has the ultimate decision-making power in terms of allowing additional developments to be constructed, depending on what happens with the water supply. Development of this plan would not take place for at least another nine months; water supply would hopefully improve by then.

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

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve Zoning Map Change—Treyburn Village (Z06-39).

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek



**2008/2009 Employee Health and Dental Insurance—Selection of Vendor(s) and Authorization to Enter Contract(s) for Employees Health and Dental Insurance**

County Manager Mike Ruffin introduced this item. He reported that each November, 1800+ employees are required to reenroll in benefits for the upcoming year. County Manager Ruffin recapped that during the 2008 budget presentation in June, the County's major medical benefits, provided by the North Carolina Association of County Commissioners (NCACC), were projected to increase by 10%. In August, the County was informed that the rate would increase by 14.3%. Unfortunately, by October, NCACC was not able to lower the rate increase. The County Manager then authorized the contracting of a consultant to research comparable major medical benefit rates. Subsequent to the hiring of the consultant, NCACC agreed to lower the rate increase to 9.9%. However, by that time, the County had already secured a benefit proposal from Blue Cross Blue Shield of North Carolina for a 5% rate increase.

County Manager stated that the County has two benefits with NCACC, in addition to major medical—dental and health. He recommended no changes to the dental insurance. However, Marqueta Welton, Human Resources (HR) Director, and HR have researched and chosen an alternative for the 2008 health insurance benefit.

Ms. Welton presented the following PowerPoint presentation:

Durham County Government Employee Health Insurance  
January 1, 2008 – June 30, 2009  
NCACC-Cigna vs. Blue Cross Blue Shield (BCBS)

- Scope of Impact
  - DC has approximately 1741 benefit-eligible employees
  - 120 out of 318 retirees are age 65 or over and are eligible for Medicare Supplement Plan J and Part D as their primary medical and prescription drug coverage
  - 57 ABC Board employees and retirees moved from Durham County's plan to their own plan
- Rate Comparison—Health
  - NCACC-Cigna
    - 18-month renewal
      - 9.9% high plan
      - 9.6% low plan
  - BCBS
    - 18-month renewal
      - 12 months at 5% high average
      - 6 months at 5% low average
- 18-Month Rate Comparison—Health
  - NCACC-Cigna
    - High Plan: \$13,254,880
    - Low Plan: \$1,981,587

- Total: \$15,236,467
  - BCBS
    - High Plan: \$12,818,204
    - Low Plan: \$1,969,866
    - Total: \$14,788,071
- 18-Month Cost Difference—Health
  - NCACC-Cigna —\$15,236,467
  - BCBS—\$14,788,071
  - Difference—\$448,396
- Rate Comparison—Dental ASO
  - NCACC-Cigna —18 months
    - Benefit Plan/Rates: No change
    - Administrative Charge: \$1.13PEPM (current) and \$1.60 PEPM (renewal)
  - BCBS—18 Months
    - Benefit Plan/Rates: No change
    - Administrative Charge: \$2.05PEPM (proposed)
    - Includes *Benefit Focus* online enrollment
    - Renewal NTE 7% (additional cost: \$14,094)
- Plan Comparison
  - NCACC-Cigna
    - No changes to benefits
    - Prescription Drug Administrator: Caremark
    - Mail Order Co-pays: 3 months for 2
    - New employee/child tier
    - Moving retirees 65 and older and ABC Board employees reduced rate by .3%
    - ABC Board employees rated under NCACC small group plan
  - BCBS
    - No changes to benefits
    - Prescription Drug Administrator: Medco
    - Lose: 3 months for 2 co-pays
    - Gain: deeper discounts on drugs
    - Retirees 65 and older no longer included in claims data resulting in reduced rate
    - ABC Board employees rated under separate BCBS plan
- Administration Comparison
  - NCACC-Cigna
    - Changes are faxed to NCACC then transmitted to Cigna/Caremark. (May take as long as two weeks to get an employee added or taken off.)
    - No provision for SAP data interface
  - BCBS
    - Changes may be made via *eBenefitsNow.com* resulting in information being updated immediately
    - Compatibility to accept data transmissions from SAP
- Recommendation: Health—BCBS
  - Durham County will save \$448,396 over 18 months by selecting BCBS.

- Employees will enjoy a wider network of physicians and other healthcare providers.
- Employees will benefit from deeper discounts with hospitals, physicians, and prescription drugs.
- Durham ABC Board employees and Retirees will be covered under a separate policy.
- Administration of benefits will be simplified by the transmission of data through SAP and *eBenefitsNow.com*.
- Durham County employees will be able to apply the additional \$44 flex credit towards actual benefits versus merely absorbing the plan rate increase.
- Recommendation: Dental—NCACC
  - Durham County will save \$14,094 for the 18-month renewal period by remaining with NCACC.
  - Continuity of dental services for employees will be maintained.
  - Ongoing relationship with NCACC maintained.

The following questions and concerns were addressed by Ms. Welton and John Gasiorowski, Benefits Advisor, during the presentation:

- Will Caremark be dropped as the prescription provider? (Commissioner Page)  
*Caremark is the provider under the NCACC plan; Medco is the provider under the BCBS plan. If the Board authorizes staff to contract with Blue Cross Blue Shield (BCBS), then employees will lose the benefit of mail ordering a 3-month supply of a prescription for the cost of 2-months co-pay, although with BCBS, employees will receive a “deeper” discount.*
- “Deeper Discounts” (Vice-Chairman Heron)  
*Since BCBS has a considerably large number of members, it is able to negotiate prescription costs. However, ordering prescriptions via mail order would be more expensive. Of approximately 27,000 prescriptions ordered by employees last year, 1,000 of them were ordered by mail. Therefore, the 26,000 prescriptions (the majority) would benefit more from the discount. While the employee saves money, the County does not.*
- What incentive does Medco give to order prescriptions via mail? (Chairman Reckhow)  
*Medco offers an incentive to use mail order; however, the incentive is not known at this time. Ms. Welton agreed to provide additional information to the Board at a later date. The co-pay is the same regardless of how prescriptions are ordered.*
- Separate plan for ABC Board employees? (Vice-Chairman Heron)  
*Yes, both NCACC and BCBS are prepared to write a separate plan for those employees.*
- Benefits Effective Period (Commissioner Page)  
*January 1, 2008 – June 30, 2009, which will allow the benefits year to be in alignment with the fiscal year, making it easier to budget.*
- Current NCACC Benefits Plan (Commissioner Page)  
*NCACC currently contracts with Cigna and provides benefits to approximately 20-30 counties in the NCACC pool. By contracting with BCBS, the County will no longer be in the pool, thereby, avoiding additional costs.*

- Hospitalization Coverage (Vice-Chairman Heron)  
*Coverage will remain the same.*
- Will the dental coverage remain with NCACC? (Chairman Reckhow)  
*Yes, staff is recommending that NCACC-Cigna remain the County's dental provider; it offered the County the best rate.*

Chairman Reckhow suggested that staff compare the pros and cons of obtaining self insurance due to the constant rise in insurance rates.

County Manager Ruffin commented that staff will be exploring self insurance within the next 18 months to help fight annual increases in health benefits.

Commissioner Page moved, seconded by Vice-Chairman Heron, to authorize the execution of a health insurance contract with BlueCross BlueShield of North Carolina for the 18-month period beginning January 1, 2008 through June 30, 2009, and to authorize the execution of a dental insurance contract with the North Carolina Association of County Commissioners for the 18-month period beginning January 1, 2008 through June 30, 2009.

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

### **Board and Commission Appointments**

Vonda Sessoms, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

The Board referred the Design District Review Team (DDRT) appointment back to the Joint City-County Planning Committee for a recommendation, as the current applicant is a City employee.

Chairman Reckhow directed the Clerk to readvertise for the DDRT position.

The Board made the following appointments (incumbents are underlined):

#### Animal Control Review Board

Lee Landis

#### Durham Convention & Visitors Bureau

Wib Gulley (Recommended by DCVB/TDA)

Newman Aguiar (Recommended by DCVB/TDA)

#### Durham County Hospital Corporation

Ronald Wiley

Nursing Home Community Advisory Committee  
Gregory M. Holloway (Recommended by NHCAC)

Raleigh-Durham Noise Abatement  
Miles Simpson

Transportation Advisory Board  
Joseph E. Kilsheimer

**Closed Session**

Commissioner Page moved, seconded by Commissioner Cousin, to adjourn to closed session to consider the conditions of initial appointment of a public officer and to preserve the attorney-client privilege and to discuss *In Re Fayette Place LLC*, 05 PTC 687 and *County v. Woodall*, 06 CVS 6793, pursuant to N. C. Gen. Stat. § 143-318.11(a)(3) & (6).

The motion carried with the following vote:

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

**Reconvene to Open Session**

Chairman Reckhow announced that the Board met in closed session; no action was taken; directives were given to staff.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 9:58 p.m.

Respectfully Submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board