

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

Monday, April 23, 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

Motion to Excuse Commissioner Cheek

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to excuse Commissioner Cheek from the Commissioner meetings through the end of May due to medical issues.

The motion carried with the following vote:

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

Announcements

Chairman Reckhow made the following announcements:

- Culminating activities for Durham Reads Together will take place on Saturday, May 5, from 4:00 to 6:00 p.m. at the North Carolina Mutual Insurance Company building auditorium, 411 W. Chapel Hill Street. The Last Shot: City Streets, Basketball Dreams author Darcy Frey will talk about the joys and challenges of in-depth journalism and “Finding the Story”.
- The 2007 Walk for the Animals will be held at Duke University’s Wallace Wade Stadium on May 19, 2007 from 9:00 a.m. to 1:00 p.m. The fun lineup of events includes a free breakfast to all participants, demonstrations, contests, children’s activities, rescue group booths, a raffle, and other great prizes that are planned for the

day of the Walk. You will also have a great time along the scenic 5k or 1-mile fun walk route. You are welcome to walk with or without a pet. Everyone who registers to Walk for the Animals will receive a free t-shirt and will qualify to win many other wonderful prizes.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve as submitted the April 2, 2007 Worksession, April 3, 2007 Capital Improvement Plan, and the April 9, 2007 Regular Session Minutes of the Board.

The motion carried with the following vote:

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

National County Government Week: Exemplary Volunteer Awards

National County Government Week, sponsored by the National Association of Counties, is an annual celebration of county government. First held in 1990, the goal of county government week is to raise public awareness and understanding about the roles and responsibilities of the nation's counties. Each year, more than 200 citizens work on appointed advisory Boards and Commissions to help the Board of County Commissioners conduct the public's business. These individuals donate hundreds of hours annually working on key issues such as environmental affairs, nursing home safety, planning and zoning issues, and more.

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

Mr. Barker French

- Chaired the Cultural Arts Master Plan Steering Committee and took on the extra task of studying revenue options for the legislative agenda. He is also a member of the Workforce Development Board and recently was appointed Chair of the Youth Council. Mr. French is an active member of the Durham Crime Cabinet and assisted with the recent study of the Magistrates' Office.

Mrs. Pam Glean

- Demonstrated dynamic leadership in shaping the community perception of the Durham County Social Services Board. She puts clients first and continues to promote activities that will allow the community to be heard and more importantly engage the community in service delivery.

Mrs. Frances Willmarth

- Appointed to the Nursing Home Advisory Board in 2000 and served until her term expired in February 2007. During her tenure she served with distinction as vice chairman and was highly respected for enhancing board relations and for her tireless efforts to guard the health and wellbeing of our most vulnerable senior citizens.

Mr. Ken Burger

- Brings a wealth of experience to the Library Board of Trustees and has set an excellent example of providing countless hours of dedicated service in his role. He is knowledgeable, committed, and determined to make the Durham County Library one of the best in the nation.

Chairman Reckhow read the following proclamation into the record to recognize April 22-28 as National County Government Week:

PROCLAMATION

WHEREAS, the nation's 3,066 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, counties take seriously their responsibility to protect and enhance the health, welfare, and safety of its citizens in sensible and cost-effective ways; and

WHEREAS, many county government initiatives involve the protection of valuable and vulnerable environmental resources in communities; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States, provides essential services to the nation's counties, advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money; and

WHEREAS, the National Association of Counties first celebrated National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation's counties to meet the needs of the community; and

WHEREAS, in recognition of the leadership, innovation, and valuable service provided by the nation's counties:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim April 22-28, 2007 as

“NATIONAL COUNTY GOVERNMENT WEEK”

in Durham County. We encourage all citizens and employees to join together and partake in the various events and observations planned throughout the week.

This 23rd day of April, 2007.

/s/ Ellen W. Reckhow, Chairman

Chairman Reckhow thanked the honorees for their outstanding service to the citizens of Durham County.

NCACC Outstanding Program Award to DSS

The North Carolina Association of County Commissioners presented the Department of Social Services with an Outstanding Program Award for the agency’s Latino Ombudsman Program. The purpose of this initiative has been to develop and implement a plan to increase the capacity of the Department of Social Services to serve non-English-speaking clients in a respectful, culturally, and linguistically appropriate manner. The agency contracted with the NC Latino Coalition in July 2006 to provide Latino Ombudsman services to work with DSS staff in developing a plan for improving service delivery. This initiative is unique because the partnership not only provides immediate services to families, but is designed to improve systems and processes to allow the agency to increase its long-term capacity to serve non-English speaking families. It is increasing the agency’s ability to do this work on its own in the future. It is a public-private partnership with a nonprofit agency that is well connected to the Latino Community in particular. It has opened doors and allowed a win-win focus on solutions before problems reach a stage where they could become difficult to resolve.

Sammy Haithcock, DSS Director, stated that one of the goals at DSS is to become more effective in handling the clients in a compassionate and sensitive manner. He expressed appreciation for the NCACC Outstanding Program Award.

Sharon Hirsch, Assistant DSS Director, stated that the agency has seen a 100% increase in Spanish-speaking families within the past three years. The relationship with the NC Latino Coalition has really helped to increase the capacity to serve the families.

Ivan Parra, Executive Director of NC Latino Coalition, shared the experience of working with DSS staff in making sure all plans are implemented to reach the Latino community.

Recognition for 2007 William A. Campbell Award Winner Kim Simpson

Ken Joyner, Tax Administrator, stated that William A. Campbell served the citizens of North Carolina as a staff member of the Institute of Government for nearly 40 years. Trained as a lawyer, he advised and consulted with many local government officials during his tenure

there. Although he was well versed in many aspects of local government law, he is best known for his work with registers of deeds, mappers, and tax collectors. It is this last group of city and county tax officials through the North Carolina Tax Collectors' Association who chose to establish an award in his honor to be awarded to a member of the organization who has distinguished himself or herself in service to the organization by furthering its goals and by emulating the qualities of the person in whose name the award is given.

Mr. Joyner further stated that in choosing Kimberly H. Simpson for this year's award, NCTCA President Ronald Antry noted that like Mr. Campbell, Kim distinguished herself with her commitment to the education of its members. She stood above those who could have been chosen to receive the award. Kim has conducted or participated in many of the training sessions for tax collectors and various locations throughout the state. Intellect, integrity, and service to others are all hallmarks of Kim's professional conduct—all of which reflect well upon her association with other tax collectors and with Durham County. It is with a great sense of pride and honor that President Antry recently conferred the 2007 William A. Campbell Award upon our own Kim Simpson.

Mr. Joyner stated that Ms. Simpson leads by example with her dedication and professionalism. He noted that Ms. Simpson is the first recipient of the Award who does not hold the position of tax collector.

Ms. Simpson expressed gratitude to the Commissioners and Mr. Joyner for allowing her to serve on the North Carolina Tax Collectors' Association.

Child Abuse Prevention Month Proclamation

Commissioner Page read the following proclamation into record to recognize April as Child Abuse Prevention Month:

PROCLAMATION

WHEREAS, child maltreatment is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope; and

WHEREAS, over 100,000 children were assessed for suspected abuse and neglect in North Carolina in 2006; and

WHEREAS, the Durham County Department of Social Services conducted safety and risk assessments for 2,307 Durham County youth in 2006, substantiating the abuse or neglect of 474 youth, assuming legal custody of 117 youth and implementing protection plans for all others; and

WHEREAS, the majority of child maltreatment cases stem from situations and conditions that are preventable with the help of an engaged and supportive community; and

WHEREAS, the effects of child maltreatment are felt by whole communities, and need to be addressed by the community as a whole; and

WHEREAS, child maltreatment not only causes physical and emotional trauma to children, but also increases the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risk behavior such as smoking; and

WHEREAS, all citizens should be involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child maltreatment programs succeed because of partnerships created among social services agencies, schools, faith communities, civic organizations, law enforcement agencies and the business community:

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

“CHILD ABUSE PREVENTION MONTH.”

I commend this observance to our citizens and urge all citizens, community agencies, faith groups, medical facilities, and businesses to join with the Department of Social Services to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

This 23rd day of April, 2007.

/s/ Ellen W. Reckhow, Chairman

Older Americans Month Proclamation

When Older Americans Month was established in 1963, only 17 million living Americans had reached their 65th birthdays. About a third of older Americans lived in poverty and there were few programs to meet their needs. Interest in older Americans and their concerns was growing, however. In April of 1963, President John F. Kennedy's meeting with the National Council of Senior Citizens served as a prelude to designating May as "Senior Citizens Month." Thanks to President Jimmy Carter's 1980 designation, what was once called Senior Citizens Month, is now called "Older Americans Month," and has become a tradition.

Today, one in six Americans, or 44 million people, is age 60 years or older. While most older Americans are active members of their families and communities, others are at risk of losing their independence. These include four million Americans age 85 years and older, those who are living alone without a caregiver, those living in nursing homes or other

institutional settings, members of minority groups, older persons with physical or mental impairments, older persons residing in rural areas, low income older persons, and those who are abused, neglected or exploited.

Older Americans Month is a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since JFK has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities. Older Americans Month is celebrated across the country through ceremonies, events, fairs, and other such activities.

The Department of Social Services, Council for Senior Citizens and the Keeping in Step Committee together are requesting that the Board of Commissioners declare May as Older Americans Month in Durham County and help to promote this observance to Durham residents.

Chairman Reckhow announced that on May 15 through 17, DSS is planning a *community drive for personal care items* for seniors living in adult care homes to raise awareness of the needs of older residents. DSS and the Council for Senior Citizens will host the annual *Celebration of Life* luncheon for DSS Adult Services clients (ages 70+) at the Center for Senior Life on May 22.

Vice-Chairman Heron read the following proclamation into record to recognize May as Older Americans Month:

PROCLAMATION

WHEREAS, Durham County is home to more than 21,500 residents 60 years of age or older; and

WHEREAS, the older residents of Durham County represent a dramatic trend in our nation's demographic make up; and

WHEREAS, older persons are diverse, respected citizens who continue to contribute to our nation's social and economic well-being; and

WHEREAS, a growing number of baby boomers are rapidly joining the population of older residents, and the number of individuals providing care to family members and friends is expanding significantly; and

WHEREAS, the Department of Social Services provides in-home services for more than 600 older residents to allow them to remain independent at home and prevent institutional placements; and

WHEREAS, more than 850 older Durham residents live in 34 adult care homes that are monitored for safety by the Department of Social Services; and

WHEREAS, more than 250 referrals are made to the Department of Social Services annually for investigations of abuse, neglect or exploitation of adults; and

WHEREAS, the opportunities and challenges that lie ahead require the Durham County community to think differently about health and long term care, and work together to rebalance and modernize our current systems so that we may adequately plan for and address the needs of current and future generations; and

WHEREAS, older persons are entitled to lives of dignity and independence through:

- Streamlined access to information and community services;
- Information about cost-effective prevention practices and activities that will improve health and quality of life; and
- Innovative, affordable option for care and support that will provide an array of choice about how and where to live:

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

“OLDER AMERICANS MONTH.”

I commend this observance to our residents and urge all citizens, community agencies, faith groups, medical facilities and businesses to join with the Department of Social Services, Council for Senior Citizens, and Keeping in Step to honor older adults, and those who care for them, during May and throughout the year. We urge all citizens to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

This the 23rd day of April, 2007.

/s/ Ellen W. Reckhow, Chairman

Gail Souare, Executive Director for Senior Citizens, announced the upcoming activities for the month of May at the Senior Center for Life. She thanked the Board for its continued support and for recognizing seniors as vital members of the community.

Diane Wright, Chair, Keeping in Step Committee, concurred with Ms. Souare’s comments regarding the recognition of seniors in the community.

Proclamation in Recognition of May as Mental Health Month in Durham County

Commissioner Cousin read the following proclamation into record to recognize May as Mental Health Month:

PROCLAMATION

WHERAS, mental health is essential to everyone's overall physical health and emotional well-being; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race, ethnicity, religion, or economic status; and

WHERAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHERAS, the cost of untreated and mistreated mental illnesses to American businesses, governments, and families has grown to over \$100 billion annually; and

WHERAS, community-based services, incorporating a System of Care approach, that respond to individual and family needs have proven cost-effective and beneficial to consumers and the community; and

WHERAS, the mental health advocacy groups locally and nationally observe Mental Health Month each May to raise awareness and understanding of mental health and illness:

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

“MENTAL HEALTH MONTH”

in Durham County. I call upon the citizens, government agencies, public and private institutions, businesses, and schools in Durham County to recommit our community to increasing awareness and understanding of mental illness and to providing for appropriate and accessible services for all people who have mental illnesses.

This 23rd day of April, 2007.

/s/ Ellen W. Reckhow, Chairman

Ellen Holliman, Area Director, The Durham Center, stated that The Durham Center and the provider agencies have served over 4,700 individuals over the past year with mental illnesses. She thanked the Board for the recognition.

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 2006-2007 (accept the property tax release and refund report for March 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Cultural Master Plan Spending Requests (approve the grants for the Cultural Education Resource Directory Project [\$29,900] and the Technical and Training Support Initiative [\$20,000] authorizing the expenditure of implementation funds);
- *c. Budget Amendment No. 07BCC000058—Close the Reappraisal Reserve Fund, Transfer the Remaining Balance of \$269,852.15 to the General Fund, and \$269,853 Appropriated in the Tax Department’s FY 07 operating budget;
- *d. Budget Ordinance Amendment No. 07BCC000059—The Durham Center—Budget Decrease of \$16,602,930 to be in line with state and federal dollars actually allocated to The Durham Center; the state and miscellaneous funding decrease is \$317,930 and the federal funding decrease is \$16,285,000;
- *e. Budget Ordinance Amendment No. 07BCC000060 (approve authorization for execution of a Wellness Clinic contract with HealthSTAT Inc. for a period of 13 months, totaling an operational cost of \$380,900 effective June 1, 2007 to June 30, 2008);
- *f. Budget Ordinance Amendment No. 07BCC000061—Social Services (recognize Smart Start funding [\$27,637], Child Care Subsidy [\$209,944], and Direct Medical Funds [\$44,188] for a total of \$281,769);
- g. Approve the Home and Community Care Block Grant Revenue in the amount of \$8,120 for the Council for Senior Citizens to be applied to Adult Day Services and the Senior Center Operations;
- h. County Surplus Property (approve the sale of 1320 Willowdale to Briscoe Enterprises for \$28,900, 2300 Fitzgerald Avenue to Ms. Deedgra Lucas and Ms. Yasmin M. Fozard for \$11,000, & 0 Barbee Road to Thomas Maddry for \$1,500);
- *i. Declaration of 0 Redwood Road as Surplus Property and Offer to Purchase (determine that 0 Redwood Road [parcel ID 171545] is no longer needed for County purposes; declare the property Surplus; and pursue the upset bid process for the sale of the property);
- j. left blank intentionally
- k. Authorize the Execution of Architectural Design Service Contract with Cherry Huffman Architects, P.A. for the Expansion and Renovation of the Durham County Southwest Branch Library in the amount of \$316,950, plus additional

services and reimbursable expenses estimated at \$57,200, thus totaling \$374,150. RFQ 07-005 Project No.: DC075-67;

- l. Approve the Request for Authorization to Submit Street Closing Applications for the Redevelopment of the 500 Block of East Main Street for the Human Services Complex Surface Parking Lot;
- m. Federal Farm and Ranchlands Protection Grant Request for Little Mountain Farm (approve the submission of a federal farmland grant for \$1,065,129 in order to provide 50 percent of the proposed purchase price for permanent farmland conservation easements on up to 552 acres of Little Mountain Farm);
- n. Durham County Hospital Corporation Appointments (appoint Lewis Cheek [as the Commissioner Representative] and County Manager Michael Ruffin); and
- o. Approve the FY 2007-2008 Annual Action Plan for the use of CDBG, HOME, ADDI, and ESG funds for submission to the U.S. Department of Housing and Urban Development.

The motion carried with the following vote:

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 2006-2007 (accept the property tax release and refund report for March 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 March 2007.

Releases & Refunds for 2007 Taxes:

Real Estate	\$ 2,715.56
Personal	\$ 4,343.85
Total for 2007 Taxes and Fees	\$ 7,059.41

Releases & Refunds for 2006 Taxes:

Real Estate	\$ 1,679.70
Personal	\$ 6,502.84
Registered Vehicles	\$ 26,767.85

Vehicle Fees	\$ 455.00
Solid Waste	<u>\$ 80.00</u>
Total for 2006 Taxes and Fees	\$ 35,485.39

Prior years' (2002-2005) releases and refunds for March 2007 are in the amount of \$8,578.90. The total current year and prior years' releases and refunds amount to \$51,123.70.

(Recorded in Appendix A in the Permanent Supplement of the April 23, 2007 Minutes of the Board.)

Consent Agenda Item No. c. Budget Amendment No. 07BCC000058—Close the Reappraisal Reserve Fund, Transfer the Remaining Balance of \$269,852.15 to the General Fund, and \$269,853 Appropriated in the Tax Department's FY 07 operating budget.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$25,572,077	\$269,853	\$25,841,930

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$ 29,927,479	\$269,853	\$ 30,197,332

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

This the 23rd day of April, 2007.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 07BCC000059—The Durham Center—Budget Decrease of \$16,602,930 to be in line with state and federal dollars actually allocated to The Durham Center; the state and miscellaneous funding decrease is \$317,930 and the federal funding decrease is \$16,285,000.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance

Amendment No. 07BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$321,655,342	-\$421,346	\$321,233,996
Service Charges	\$40,200,642	-\$16,400,000	\$23,800,642
Other Revenues	\$773,506	\$218,416	\$991,922

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$396,443,166	-\$16,602,930	\$379,840,236

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

This the 23rd day of April, 2007.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 07BCC000060 (approve authorization for execution of a Wellness Clinic contract with HealthSTAT Inc. for a period of 13 months, totaling an operational cost of \$380,900 effective June 1, 2007 to June 30, 2008).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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 Revenues	\$991,922	\$18,935	\$1,010,857
Other Financing Sources	\$25,841,930	\$361,965	\$26,203,895

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$30,197,332	\$380,900	\$30,578,232

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

This the 23rd day of April, 2007.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 07BCC000061—Social Services (recognize Smart Start funding [\$27,637], Child Care Subsidy [\$209,944], and Direct Medical Funds [\$44,188] for a total of \$281,769).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$321,233,996	\$281,769	\$321,515,765

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$379,840,236	\$281,769	\$380,122,005

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

This the 23rd day of April, 2007.

Consent Agenda Item No. i. Declaration of 0 Redwood Road as Surplus Property and Offer to Purchase (determine that 0 Redwood Road [parcel ID 171545] is no longer needed for County purposes; declare the property Surplus; and pursue the upset bid process for the sale of the property).

RESOLUTION

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

O Redwood Road
Pin #0863-01-38-7579
Parcel ID #171545

WHEREAS, Mr. Oscar Lee has made an offer to the County to purchase the above property for \$3,500 and has made a bid deposit in the amount of \$175 which is no less than 5 percent of the bid; and

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

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

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

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

Upon motion properly made and seconded, adopted by the Board at its meeting on April 23, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

Public Hearing—Resolution Removing Territory from RTP Service District

The Board held a public hearing on removing a small parcel of land from the Durham-Wake Research and Production Service District. The owners of the land filed petitions with the Clerk to the Board Vonda Sessoms requesting the removal. The property is proposed to be used for residential purposes. The property and its proposed use were described in a memorandum presented to the Board.

Chairman Reckhow opened the public hearing that was properly advertised.

Patrick Byker, 2614 Stuart Drive, Durham, NC 27707, represented Triangle Metro Center Associates. He recognized the County Manager, County Attorney, and the Clerk to the Board for their outstanding assistance during the process. He stated his availability to answer questions.

As no questions were asked of Mr. Byker, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to adopt the resolution removing the territory from the RTP Service District.

The motion carried with the following vote:

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

**RESOLUTION REMOVING TERRITORY FROM THE DURHAM-WAKE FOREST
RESEARCH AND PRODUCTION SERVICE DISTRICT**

WHEREAS, pursuant to North Carolina General Statute § 153A-314.1, the Durham County Board of County Commissioners (the "Board") is duly authorized to remove territory from the Durham-Wake County Research and Production Service District; and

WHEREAS, the research triangle foundation has identified a portion of PIN 0737-03-87-8064 containing +/- 11.63 acres, located on the east side of Jenkins Road north of Hopson Road (the "Property"), as territory within the Durham-Wake County Research and Production Service District not suitable to be developed for research or research applications purposes; and

WHEREAS, those Owners and Tenants of Research Triangle Park present at a duly noticed meeting of the Owners and Tenants' Association on March 8, 2007 voted unanimously to release the property from the restrictive covenants governing land use and development within the research triangle park; and

WHEREAS, the research triangle foundation has provided the report and other documentation required by N.C.G.S. § 153A-314.1 to the Board; and

WHEREAS, the property is adjacent to another development which currently is being developed for residential purposes; and

WHEREAS, the property is suitable for residential development; and

WHEREAS, all of the owners of the property to be removed have petitioned for removal; and

WHEREAS, the owners of the property contemplate placing residential uses on some of the territory to be removed; and

WHEREAS, the property no longer requires the services, facilities or functions financed, provided for or maintained by the Durham-Wake County Research and Production Services District;

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

- 1) The Property is hereby removed from the Durham-Wake County Research and Production Service District, with the Property more particularly described as follows:

Beginning at an iron in the intersection of the common property line of TMC Associates, LLC, Research Triangle Foundation of North Carolina and the proposed right-of-way recorded in Book 1227, Page 978, Durham County Registry, said point being the POINT OF BEGINNING; thence along the southern margin of said right-of-way North 48 07' 13" East 797.62 feet to existing iron pipe, said iron pipe being a control corner with coordinates of N=776,590.79, E=2,039,703.85 as shown on that plat by Ballentine Associates, P.A. dated February 16, 2005 and recorded in Plat Book 169, Page 238, Durham County Registry; thence leaving the margin of said right-of-way and proceeding South 03 15' 46" West 840.14 feet to an existing iron pipe; thence South 86 57' 08" West 423.66 feet to an existing iron pipe; thence North 22 41' 23" West 177.65 feet to a point; thence along a simple curve to the right having a Radius of 14,650.00 feet, an arc Length of 173.70 feet and a Chord of North 18 16' 18" West 173.70 feet to an iron pipe, said point being the POINT OF BEGINNING, and containing 7.08 acres, more or less; and

Beginning at an iron pipe in the northeast corner of the property, said corner being in the property line of TMC Associates, LLC and from said POINT OF BEGINNING South 03 15' 46" West 50.00 feet to an existing iron pipe, said iron pipe being a control corner with coordinates of N=775,701.80, E=2,039,853.17 as shown on that plat by Ballentine Associates, P.A. dated December 2, 2005 and recorded in Plat Book 171, Page 48, Durham County Registry; thence South 06 05' 48" West 8.73 feet to an existing iron pipe; thence South 02 18' 32" West 221.03 feet to a point; thence South 02 11' 23" West 161.33 to an existing iron pipe; thence South 01 49' 30" West 170.58 feet to an existing iron pipe; thence South 03 04' 57" West 216.22 feet to an existing iron pipe; thence South 02 19' 56" East 94.56 feet to an existing iron pipe; thence South 01 59' 52" East 9.50 feet to an existing iron pipe; thence South 00 58' 38" West 7.30 feet to an iron pipe; thence North 27 23' 41" West 93.58 feet to an iron pipe; thence North 22 41' 23" West 902.57 feet to an iron pipe; thence

North 86 57'04" West 423.66 feet to an iron pipe, said point being the POINT OF BEGINNING, and containing 4.55 acres, more or less.

- 2) This Resolution shall be effective on June 30, 2007.

/s/ Ellen W. Reckhow, Chairman

/s/ Vonda Sessoms, Clerk to the Board

Public Hearing—Zoning Map Change—1423 Bungalow Avenue (Z07-10)

Steve Medlin, Assistant Planning Director, City-County Planning Department, requested that the Board approve the request for a zoning map change for a 0.919-acre site located on the east side of Bungalow Avenue, north of Angier Avenue, and south of Featherglenn Court. Request: RS-20; F/J-B to RS-10; F/J-B.

Mr. Medlin stated that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Mr. Medlin stated that staff recommended approval based on consistency with the *Comprehensive Plan* and the information contained in the staff report. In addition, the Planning Commission recommended approval with a vote of 11-0 on March 13, 2006. The Planning Commission found that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest, and recommends approval based on the information in the staff report.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Page moved, seconded by Commissioner Cousin, to approve the Zoning Map Change—1423 Bungalow Avenue (Z07-10).

The motion carried with the following vote:

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

Lease Agreement Between the Department of Social Services and Genesis Home

Sammy Haithcock, DSS Director, stated that space within the Department of Social Services (DSS) for activities such as foster care visitation, parent education classes, foster and adoptive parent training, LINKS meetings (for teens in foster care), Child and Family Team meetings, Team Decision Making meetings, etc. is inadequate and institutional. The DSS visitation room is approximately 90 square feet, about half of which is usable after accounting for the sofa, chairs, and table. Birth parents visiting their children in foster care frequently complain about the crowded, uncomfortable conditions and lack of privacy. Although free space in the community is utilized when available, the amount of space is still inadequate since over 260 youth are in foster care. Moreover, the existing DSS building has no space that promotes an environment where families feel comfortable in discussing the types of extremely sensitive issues that are the subject of Child and Family Team meetings and Team Decision Making meetings. Genesis Home has approximately 4400 square feet of leasable space that formerly housed a child care center. This space is ideal for DSS' needs due to its location, kitchen, large rooms, playground space, and non-institutional environment. To access the space, DSS will pay a monthly lease amount of \$3500 and a prorated share of utilities and security costs. The proposed agreement clarifies each party's responsibility for structural, systemic, and routine maintenance. DSS will be responsible for separate telephone and computer lines. Total monthly cost is estimated at \$4250. Funding for the lease is budgeted for this year. The funds for next year will be included in the agency budget request with an anticipated state reimbursement of 40% of the cost.

Mr. Haithcock commented that the proposed agreement has been reviewed and approved by Carol Hammet of the County Attorney's Office and Jane Korest of the County Open Space and Real Estate Division. The effective date of the agreement is April 1, 2007. DSS anticipates an extension through fiscal year 2009 and beyond if the arrangement is satisfactory to all parties and funding is available for this purpose. As a source of support for System of Care, the space will be made available for Child and Family Team meetings arranged by DSS agency partners when available.

Commissioner Page expressed appreciation to Mr. Haithcock for submitting the cost figures for utilities to the Board in a timely manner.

Chairman Reckhow asked that DSS consider ways to make the leasing space flexible to reduce future costs of the facility.

Vice-Chairman Heron stated that she would not be in support of the expenditure regarding the lease agreement between DSS and Genesis Home due to lack of information. She suggested that the Board give DSS 30 days to look for alternative space that is less costly or possibly reducing the cost by subleasing a portion of the Genesis Home from profit to nonprofit and bring a report back to the Board.

In response to Chairman Reckhow's concern regarding how DSS plans to furnish the building, Mr. Haithcock stated that existing furniture will be used and additional expenditure

will not be required; computer and phone lines are included in the cost quoted to the Board for utilities.

Chairman Reckhow requested that DSS provide more background information regarding future lease agreements in the future and consider nonprofits that work with families that may need a space to defray the County's cost.

Commissioner Page stated that he supports the efforts of DSS. He also stated that he would be looking forward to collaborating with Genesis Home in the future regarding community needs. Commissioner Page commended Mr. Haithcock and staff on their concerted efforts to take DSS to another level in informing families about being productive citizens. He emphasized the need for DSS to utilize the space.

Commissioner Page moved, seconded by Commissioner Cousin, to approve and execute the lease agreement.

The motion carried with the following vote:

Ayes: Cousin, Page, and Reckhow
Noes: Heron
Absent: Cheek

Board and Commission Appointments

Vonda Sessoms distributed ballots for the Board to vote on appointments to the following boards and commissions (incumbents are underlined):

Animal Control Advisory Committee
Joyce McKinney

Animal Control Review Board
William B. Garner III

Durham City-County Appearance Commission
John H. Compton
Howard R. Holcomb
John Wood

Durham County Hospital Corporation
MaryAnn E. Black
Mary T. Champagne
Marian C. Johnson-Thompson

Durham-Wake Counties Research and Production Service District
Lori Greenstein

Martie Nolan
Bob Maynard

Open Space & Trails Commission
Charles R. Welch

Closed Session

Commissioner Cousin moved, seconded by Commissioner Page, to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G.S. 143-318.11(a)(4) and to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

The motion carried with the following vote:

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

Reconvene to Open Session

Chairman Reckhow stated that the Board met in Closed Session to discuss the performance of Clerk to the Board Vonda Sessoms.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to increase the Clerk to the Board's salary by 5% effective immediately, and by an additional \$7,500, effective upon receipt of municipal clerk certification.

The motion carried with the following vote:

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

Adjournment

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

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board