

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

Monday, October 5, 2009

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Becky M. Heron, Brenda A. Howerton, and Joe Bowser.

Absent: None

Presider: Chairman Page

Review of September BOCC Directives

Laura Jensen, Assistant to the County Manager, introduced this item. She stated that it was requested that at each month's worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary.

Vice-Chairman Reckhow made a comment about North Carolina Department of Transportation (NCDOT) placing crosswalks at the corner Mt. Moriah and Garrett Roads. She referenced a recent incident where a pedestrian was killed. She inquired about the Board weighing in regarding the need for the crosswalks. She informed the Board that the Transportation Advisory Committee has received no response from NCDOT regarding the issue.

Chairman Page announced that he would be placing the Economic Development Update at the end of the agenda to allow time for all representatives to arrive.

Directives

1. County Manager Ruffin to work with Mark Arhendson to write a letter to NCDOT requesting crosswalks at the intersection of 15-501 and Garrett and Mt. Moriah Roads.
2. Submit copies of the Triangle Transit Authority (TTA) budget to the Board.
3. Follow-up with Angela Nunn, Youth Home Director, and Perry Dixon, Information Technology Director, about computer needs.

East Durham Children's Initiative

Wanda Boone, Co-Chair, EDCI Steering Committee, introduced this item. She stated that the East Durham Children's Initiative (EDCI) is a chance for the community to come together to enable all children in East Durham to be ready for college and a career. EDCI would assemble resources and work to create an environment that supports families and children. The effort, modeled after the highly successful Harlem Children's Zone, would involve the development of high quality, comprehensive, coordinated, neighborhood-based programs for children, youth, young adults, and parents.

Ms. Boone stated that the next steps would include the following:

- Solicit ongoing feedback from the community, through various community events/dialogues, meeting neighbors, and the Community Conversation on October 15;
- Develop a citizen's advisory committee to provide strong neighborhood-based leadership;
- Continue to plan and fill gaps – identify strengths (what's working), needs, and gaps; begin to develop priorities and strategies to meet those needs and fill the gaps;
- Better coordinate existing services; and
- Continue to seek grant funding to help fill unmet needs.

Ms. Boone informed the Board that the EDCI team had asked the community to join together to develop a successful model that could be replicated in other parts of Durham. EDCI represents an effort to ensure that Durham's children are on a path to success, starting at the cradle and ending in college and a successful career.

Ms. Boone gave the following presentation:

East Durham Children's Initiative

Vision

- To develop support and resources for children and families to provide:
 - Pathway to success
 - Graduation from high school
 - Access to college
 - Entry into workforce
- Modeled after Harlem Children's Zone
- Builds on established programs and resources

Key Collaborators

- Durham's Partnership for Children
- Durham Public Schools
- Cooperative Extension
- The Durham At-Risk Youth Collaborative
- Office of Economic Development
- Child Care Services Association
- Duke's Center for Child and Family Policy
- Duke's Children Environmental Health Initiative

- North Carolina Central University
- Durham Technical Community College
- Center for Documentary Studies
- Durham Connected by 25
- System of Care
- PAC 1
- North East Central Leadership Council
- Downtown Durham Rotary
- Durham for Obama
- Several faith-based organizations

East Durham (Map)

East Durham – Poverty Rates (Map)

East Durham – Deferred Maintenance (Map)

East Durham – Some Facts

- The per capita income in 2000 was \$11,184, 50% of the citywide per capita income.
- The median household income was \$25,616, 62% of the median for the City of Durham.
- In 2000, there were 690 children ages 0-4 and approximately 1,600 – 1,700 school- aged children (some of the five-year olds are not school age).
- There are 14 childcare/preschool programs with a capacity of 372 children (98 infants and toddlers). The majority of children (220) are in four or five stars (higher quality) programs.
- Children attend Y.E. Smith Elementary, Neal Middle, and Southern High School.
- 2008 – 2009 data from the Durham Public Schools indicate that 1039 students from the area attend the public schools.
- Although, there have been significant changes in academic achievement this past year, historically, Y.E. Smith Elementary, Neal Middle Middle, and Southern High Schools were ranked among the lowest performing schools in the district.

Harlem Children’s Zone Principles

- Adults who are engaged and trained in effective parenting, and are engaged in community activities with their children
- Sound health care, intellectual and social stimulation, and consistent guidance from loving and attentive adults
- Commitment to sharing knowledge and improving service to poor children nationally

Harlem Children’s Zone Project History

- Established in 1997 by Geoffrey Canada after restructuring the Rheedlen Centers for Children and Families (1970)
- Goals included reaching a greater percentage of residents with wider, more effective mix of services, particularly at earlier ages through college
- Began as a program of services for a 24-block region
- Currently, provides a concentration of efforts for families within a 97-block area in Harlem

Shared Principles

- Engage residents and community ownership
- Reduce poverty
- Continuum of services using evidence based practices
- Culture of high expectations
- Proven track record initiatives based on data and outcomes
- Build on established programs/resources
- Evaluation and mid-course correction
- Provide technical assistance regarding evaluation and data collection
- Use existing resources as appropriate (for example, the Holton Career and Resource Center)

East Durham Children's Initiative Plan

- Community involvement, (engagement and ownership) and empowerment
- Early childhood services
- Elementary school improvements at Y.E. Smith
- Improvements at Neal Middle and Southern High School
- After school and summer school
- Family Support
- Health and wellness
- Adult literacy and job training
- Documentation and evaluation by Duke

Recent Achievements

- Secured start-up funds from:
 - Duke University Health Systems
 - GlaxoSmithKline
 - Skanska
 - Durham Cares
 - Verizon
- Received grants for new services in the community.
 - A parenting program continuum from infants through elementary school-aged children
 - A tutoring program at Y.E. Smith Elementary School
 - A reading initiative at Neal Middle School

Next Steps

- Continue to secure additional funds
- Continue to work with the community
- Continue to strengthen existing services
-

Community Conversation

- What: A Community to identify solutions for East Durham
- Why: To answer the question...How can we work together to ensure that our children graduate from high school ready for college and careers?
- When: Thursday, October 15; 5:30 Dinner followed by a conversation until 8:00 pm

- Where: Holton Career & Resources Center; 401 N. Driver Street; Free: Child care and Spanish interpreters
- RSVP: 560-3668 or Shirley.young@dpsnc.net by October 12

Ms. Boone stated that EDCI focuses on the lowest performing schools. Eastway Middle School is not directly involved with the initiative; however, it would benefit from the programs that exist and would receive additional support from the program. The schools that feed into Neal Middle School and Southern High School are Bethesda Elementary School, Glenn Elementary School, Merrick-Moore Elementary, Oak Grove Elementary, Spring Valley Elementary, and Y.E. Smith Elementary. The schools that are being focused on in the initiative are Y.E. Smith Elementary, Neal Middle School, and Southern High School.

Commissioner Heron spoke about coordinating services.

Commissioner Howerton expressed concerns about the lack of African-American males serving on the EDCI board and the income level.

Barker French, Co-Chair, EDCI Steering Committee, addressed Commissioner Howerton's concerns by discussing the steps as it relates to the grants. He informed the Board that the grant funds would be reviewed in the future.

Questions posed by the Board:

- What is being provided regarding economic development area?
- At what point would the community be taxed to support the initiative?
- Is the grant going to be enough to support this initiative for the next several years?
- Have additional faith-based organizations joined EDCI's efforts?
- What type of budget is being established for each individual?
- Do we know what the problems are as it relates to the children?
- Have we identified the causes of what is trying to be changed?
- What would the record look like in terms of hiring Durham county residents everyone excluding duke?
- How would you determine who the paid staff would?
- What are the plans to reduce poverty under shared principles?
- Are the young adults considered paid staff when they come back to work for the program?

Ms. Boone spoke to Commissioners about the involvement amongst African-American males. She addressed questions regarding EDCI's budget.

Mr. French stated that Workforce Development is involved with efforts related to economic development. The Holton Career and Resource Center would house efforts by Workforce Development along with Durham Technical Community College (DTCC) to prepare individuals for decent jobs. EDCI's initiative has partnered with other groups that are already established in the Durham community.

Vice-Chairman Reckhow stated that DTCC has made a commitment to start adult literacy classes at the Holton Career and Resource Center for second semester. She responded to

County Attorney Siler's inquiry regarding efforts that were undertaken in Portland, Oregon. She stated that a group went to Portland to review issues that involve disconnected youth and how issues surrounding reconnection could be addressed. Many of the ideas would be used at Neal Middle School and Southern High School in terms of helping the youth stay in school and graduate. The concept is to do whatever it takes that would encourage children to graduate from high school and prepare for college and a career.

Vice-Chairman Reckhow addressed Commissioner Howerton's concerns regarding the income level. She also stated that existing resources would assist residents.

Mr. French highlighted that part of the solution is to connect individuals in East Durham to services that have not been available. He stated that reaching out to all aspects of the Durham community and surrounding areas would help find services that would improve outcomes.

Commissioner Bowser reiterated Commissioner Howerton's concerns regarding African- American males who are being targeted and are not serving on the EDCI Board. He referred to a letter sent by the Workforce Development Board to a citizen in Durham that was denied funding. He made a suggestion that Verizon and GlaxoSmithKline provide jobs for East Durham residents to allow individuals to properly take care of their families. He opined that it would help enhance EDCI's efforts.

Mr. French notified the Board that Harlem Children's Zone (HCZ) in New York had allocated \$5,000 per child, per year not counting the educational cost, which is reimbursed through the charter school system. He stated that the community conversation meeting that would be held on October 15 is designed to learn the community's needs.

Ms. Boone responded to the Board's concerns regarding how to reduce poverty.

Vice-Chairman Reckhow informed the Board that EDCI would be competing with several other communities to receive the promise grant.

Mr. French discussed EDCI hiring process. He stated that a request to find individuals for the various positions would be through 501(c)(3), which would ensure a place to house funds that have been raised and to oversee administrative functions of EDCI. However, there is no legal structure at this time to either pay or contribute to the efforts.

Commissioner Heron expressed appreciation for the presentation.

Chairman Page highlighted the gradual long-term process. He acknowledged that this initiative would not happen overnight. He expressed gratitude for EDCI rising to the occasion in an effort to help Durham citizens improve. He stated that it is very important to engage with the students and focus on areas that are mostly distressed. He thanked Ms. Boone and Mr. French for their presentation.

Directive

Provide a list of churches that are involved with EDCI efforts.

Durham Public Schools—Purchase of Property for New Elementary “F”

Hugh Osteen, Assistant Superintendent of Operational Services, introduced this item. He stated that on August 27, 2009, the Board of Education approved the selection and purchase of real property for New Elementary “F”. The school site is funded by the 2007 Bond and does not include the construction cost at this time. The Board of Education seeks the County’s approval of the purchase price. The purchase price is \$1,870,000, and an MAI appraisal has confirmed a value of \$2,938,000. The Board of Education reviewed its analysis and due diligence information and presented the information to the Commissioners. Total expenditures would be \$1,950,000 to include surveys, testing, and other required services.

Mr. Osteen discussed the following:

- Location: Hope Valley Farms; S. Roxboro Street/MLK
- Seller: Standard Pacific of the Carolinas, LLC
- Acreage: 33.2 +/- acres depending on survey
- Price: \$1,870,000 (\$56,325.30 per acre)
- Additional Expenses: Survey, testing, attorney fees, etc. Sewer easement - \$10,000
- Total Estimated Expenses: \$1,950,000 +/-
- Appraisal Price: \$2,938,000
- Funding Sources: 2007 Bond \$1,086,304
2/3 Bond-Land \$864,000 +/-

Mr. Osteen stated that the acquisition of property for New Elementary “F” had been included in the 2007 Bond and is supported by Durham Public Schools demographics/land use study. The search area is much the same as Elementary “C” (Scott King Road) though it focuses more towards the North and more urban areas.

Mr. Osteen highlighted that the parcel selected is a part of a larger planned community—Hope Valley Farms. This would make the site close to a large, residential base. The site is also close to a large, residential base and close to infrastructure such as water and sewer, and road improvements should be light to moderate. The site is expected to have higher on-site costs due to rocky conditions, but this can be accounted for when budgeting for future construction.

Mr. Osteen informed the Board that the cost of the property is significantly less than previously expected due to the economy. The current owner bought the property in 2006 for \$3 million, and proposed purchase price is \$1.87 million, with a current MAI appraisal of \$2,938,000. The Durham Public Schools Board of Education requested that the County approve the purchase price.

Mr. Osteen stated that an exact calculation had not been done as it relates to unbuildable acreage. He stated that DPS is expected to obtain all of the flat areas that are required by elementary schools to include parking, building pads, and playing fields. He informed the Board that the tax department had appraised the property. He also communicated to the

Board that DPS would take all precautions to ensure that the site is safe. An environmental screening has been done to determine if there are any natural heritage issues or any endangered plants or animals.

The Board raised concerns and questions as follows:

- Concerns about the map
- How much of the 33 acres is unbuildable
- Location of the school
- Concerns with the rocks, the overflow, the creek, impervious surface, additional costs, and effects from blasting
- Would there be a large building pad for the building and the playing fields?
- Would the school be considered an elementary school?
- Would the new school help with Parkwood Elementary School?
- Is there a planned development in the area?
- Has an environmental study been completed?
- What would it cost to remove the rocks?
- Would it be cost prohibitive to purchase the property because of the rock removal process?
- How many parking spaces would there be for staff?

Commissioner Bowser voiced his opinion about the rock removal process and individuals that would lose funding on the purchase price of their property. He discussed issues with blasting in the area as it relates to construction. He stated that several homes were damaged in the past due to blasting. He asked that DPS consider homes in the area while demolishing the property.

Commissioner Heron stated that she was undecided on whether additional funds should be appropriated until answers are received regarding the Commissioners' concerns.

Directives

1. DPS work with the Planning Department to complete a thorough assessment regarding environmental and transportation impacts.
2. Planning Department to review the reports.
3. Place on October 26 Regular Session agenda.

Presentation: Update on Novel H1N1 Influenza

Gayle Harris, Public Health Director, introduced this item, stating that the Board requested to receive a presentation on the status of the novel H1N1 Influenza (swine flu) outbreak and community prevention and mitigation plans. She recapped that in late May 2009, the Board received an update on the activities associated with the person-to-person transmission of a new influenza virus which was detected in the United States after it caused illness and death in Mexico. Since that time, the virus has spread throughout the world, resulting in the World Health Organization declaring an H1N1 pandemic.

Ms. Harris explained that the widespread influenza activity is currently being reported in states throughout the country, particularly those in the southeast. This level of influenza

activity is very unusual in the month of September. With this escalation, health officials declared the region to be in the second wave of the pandemic. The virus continued to cause mild symptoms in otherwise healthy individuals. The virus had not mutated, so there was a close match between the vaccines that have been developed.

Ms. Harris acknowledged that five manufacturers had developed an H1N1 flu vaccine using the same process that is used to create the seasonal flu vaccines. The FDA had approved the vaccines from four of the five companies for distribution and administration throughout the US. Delays in vaccine development resulted in fewer doses being available by October. Therefore, the initial shipments would be offered to those determined to be at greater risk of becoming ill and/or developing complications from the virus and at risk of transmitting the illness.

Ms. Harris pointed out the following targeted populations:

- Pregnant women
- Caregivers and household members of children less than six months old
- Children and young adults ages six months through 24 years;
- Health care workers and first responders
- Adults ages 25 – 64 who have underlying health conditions

Ms. Harris highlighted that the targeted populations are not listed or cited in numerical priority.

Ms. Harris enlightened the Board that the vaccine was ordered by providers through the Health Department for the priority populations in the community and Duke affiliated practices in other communities. Providers that would have the vaccine shipped directly to their sites received provider agreements that must be signed and returned before the vaccine is shipped. The Health Department is working with community partners to assure that Durham County residents are offered and receive vaccines according to state and federal guidelines. Also, the Health Department continues to take the lead in providing prevention messages and H1N1 updates throughout the community.

Ms. Harris concluded by stating that due to rapidly changing information and guidelines from the CDC (Center of Disease Control) and WHO (World Health Organization), back-up materials would not be distributed until the day of the meeting.

The following questions were asked by the Board:

- What are the visitor restrictions in the hospital facilities?
- Has an evaluation been done to look into individuals who are contracting the disease?
- Can both shots be taken simultaneously?

Ms. Harris addressed questions asked by the Board. She also explained the reason why schools would not close due to the H1N1 virus. She encouraged the Board as well as citizens to visit the Public Health website to access updated information.

Directives

1. Consider placing signs in each restroom about the importance of washing your hands.

2. Include the faith community.
3. Educate the community about information surrounding the H1N1 vaccine.

Agenda Adjustments

Chairman Page announced that the Economic Development discussion would be placed on the November 2 Worksession.

City Historic Landmarks, Background Information

Keith Luck, Assistant Planning Director, provided a report to the Board for informational purposes only. He stated that no action was required; however, any comments from the Commissioners would be forwarded to the City Council for consideration.

Commissioner Heron asked the following:

- How much time does it take to bring the facility up to par so that it is preserved and the renovations are done and has been inspected so that it meets the criteria?
- How much time does it take to declare a property as a historic site?
- Is there any designation placed around a property?
- Are there any requirements that indicate a historic site?

Mr. Luck answered Commissioner Heron's questions stating that there is no program that neither the City nor the County have to salvage signs that indicates which properties are designated historic landmarks; however, there are no requirements. He stated that the intent of the landmark program is to designate properties as historic landmarks that have already been renovated and are examples of the historic preservation activities. Therefore, staff generally does not designate properties that have the potential to be renovated, but have already completed the process. He responded to concerns about recognizing properties that have the potential to be renovated. He conveyed that in the past staff have experienced many properties that have come in that were already designated or have already gone through the process of renovations.

Lisa Miller, Planner/Urban Designer, City-County Planning Department, replied to Vice-Chairman Reckhow's questions about properties that have the potential to be renovated. She stated that she does not recall having designated any properties that have been pre-renovated; however, there potential to do so. The only thing required in the process is that properties are not currently undergoing renovations. If properties have undergone renovations prior to designations, part of the considerations are made by staff, the State Historic Preservation office, and the Historic Preservation Commission (HPC) in determining whether or not the rehabilitations have been undergone in a way that is historically appropriate. If properties have not undergone the process in the historically appropriate manner, it could not be designated for something that has not yet undergone renovations; therefore, once it has designated, any reservations would be required to go through the HPC.

Ms. Miller responded to Vice-Chairman Reckhow inquiry about Liberty Warehouse. She stated that Liberty Warehouse qualifies as a historic landmark, but it has not been renovated. The warehouse has been kept up as an existing warehouse from a loose-leaf tobacco warehouse to a storage warehouse. If the exterior of the building were to be restored to its

original look, which would come through in the future, the HPC and the guidelines for doing rehabilitation would come into existence. There have been changes made to the building over time and when rehabilitation is undertaken, at what point do previous interventions become historic in their own right.

Vice-Chairman Reckhow asked about what constitutes making something exceptional so that it qualifies and about taking into account the actual history of the building.

Ms. Miller noted that there are two of the six applications that are individually listed on the national register and is essentially a criteria that includes the Liberty Warehouse and the Clark and Soil building, both in the Central Park area of downtown. She informed the Board that the two buildings have already been through an assessment in the State Historic Preservation office.

Ms. Miller addressed Commissioner Heron question about maintaining the building. She stated that there is not a maintenance requirement; however, there is a provision for historic structures in the city limits if there is property owner neglect going on in terms of the historic structure. There is also demolition by neglect as one of the tools that could be used to ensure that it is pulled up into the appropriate condition. She enlightened the Board that part of the process is that once it is designated as a landmark, if it is not kept up or renovated properly, one could lose the historic landmark designation and owe back taxes for the property tax reduction that was received.

Commissioner Heron stated that this would be quite a hit on the tax base meaning a loss of revenue. Heron asked who sets the landmark taxable value.

Ms. Miller stated that taxable value is just applying the 50% rule which is part of the state legislation which basically states it as the current value. If a property becomes a landmark, the value becomes 50% of the current value and the tax is applied to the 50% value which is considered tax office value.

County Manager stated the reason for this item is to convey any comments that the Board may have to City Council. The comments would be transmitted in writing to the Steve Medlin, Planning Director, for a presentation at the appropriate time.

The Board thanked staff for the report.

Falls Lake Nutrient Management Strategy (FLNMS) Rules Updates

Glen Whisler, P.E., County Engineer, introduced this item. He stated that on August 3, 2009, the Durham County Engineering Department presented a status report of the Falls Lake rules during a Board of County Commissioners Worksession. A summary of the rule-making process was discussed, and background information was distributed. A resolution proclaiming Durham County's support for legislation related to nutrient management strategy rules for Falls Lake was approved and adopted August 3, 2009.

Since that time, SB 1020 was ratified and signed into law, SL 2009-486. The Falls Lake Stakeholder group had divided into several smaller subcommittees by concentrations to allow

the rule creation process to move at a faster pace. According to the law, the Environmental Management Commission (EMC) must adopt final rules by January 15, 2011. NCDWQ staff has therefore said that the stakeholder process would end in December of 2009 and that draft rules must be presented to EMC by March of 2010.

Mr. Whistler stated that the purpose of the presentation was for the Board to receive a report on the status of the Falls Lake Nutrient Management Strategy rule-making process and to provide policy direction as the process moves forward. A draft resolution is available, and a final version of the resolution is proposed to be on the October 12 consent agenda.

He discussed the following:

Falls Lake Nutrient Management Rules Update
Falls Lake Watershed (Map)
Entities within Upper Neuse River Basin (Chart)

Falls Lake Rules Meeting Status

- Requires EMC to give local governments credit for adopting rules that reduces runoff and discharge of nutrients before the permanent rules are made into law (Section 1b).
- Requires the EMC to adopt temporary rules effective January 15, 2011 (Section 3).
- Amends the Nutrient Management Strategy development and adoption date from
- July 1, 2009 to January 15, 2011 (Sections 3c, 3e).
- Requires reductions in nutrient loading from all sources to begin no later than five years after the rule becomes effective (Section 3e).
- Requires Section 3h (Additional Standards for Land Disturbance Activities) to become effective, January 1, 2010 (Section 4).

Land Disturbance Requirements

- Staff has drafted an erosion control text amendment to comply with the requirements of S.L. 2009-486.
- Draft erosion control text amendment was approved to proceed to departmental review by the Joint City/County Planning Committee on September 3, 2009.
- Currently, the erosion control draft text amendment is under review by the department heads.
- The erosion control draft text amendment will next be seen by:
 - Planning Commission – October 13, 2009
 - Governing Boards – Early December, 2009

Falls Lake Rules Meeting Status

- Eight out of ten full Stakeholders Meetings completed.
- Stakeholders have now formed into five subcommittees:
 - New Development
 - Point Source and Package Plants
 - Existing Development and Onsite Wastewater
 - Agriculture
 - Local Jurisdictional Approach (Combination of Existing Development and Point Source Subcommittees)

Nutrient Management Strategy Rulemaking Timeline

- Stakeholder process: August 2008 – January 2010
- Subgroups: September – November 2009
- Fiscal note to Office of State and Budget Management December 2009
- Draft rules to WQC and EMC March 2010
- Public hearing process
- Final Rules to EMC no later than January 15, 2011
- Further modification of rules likely during 2011 long session of the General Assembly

Nutrient Management Strategy Implementation

- DWQ’s proposed conceptual nutrient management strategy approach:
 - First Stage:
 - More readily achievable actions
 - Uniform measures among sources
 - Apply to entire watershed
 - Continued water quality monitoring
 - Second Stage
 - Long term goals
 - Additional reductions in upper watershed
 - Uniform measures in lower watershed
 - Continued water quality monitoring

Nutrient Management Strategy Reduction Goals

<i>Option</i>	<i>Original Reduction combinations from Lake Model</i>	<i>Adjusted for Atmospheric Reductions and Redistribution of Background Sources</i>
A	30% TN and 70% TP	40% TN and 77% TP
B	55% TN and 55% TP	73% TN and 61% TP

- City and County Staff are still evaluating the different options, but both are leaning towards Option A as the more cost-effective and realistic for our community.

Nutrient Loading Sources (Graphs)

Issues

- One Lake or Two Lake approach (Hwy 50)?
- Equity between all contributors and benefactors.
- Increase monitoring frequency and stations.
- Droughts of 2005 and 2007 may have contributed to diminished water quality during lake monitoring years.

Recommendations

- Review the draft resolution and provide direction to staff.

- Adopt the resolution at the October 12, 2009 Board of County Commissioners session.

The following questions were posed by the Board:

- Is the water quality compared between seasons?
- How many active septic tanks in Durham County that are impacting Falls Lake?
- Who is currently monitoring the lake?
- Is there enough knowledge to do accurate knowledge?
- How can the farmland in Durham be monitored?
- Would there be Durham representation at the subcommittee meetings?
- Would the government hold the County responsible for the privately-owned package plants?
- Are package plants located in East Durham?
- How does the County have sewer systems that affect the Falls Lake area?

Mr. Whistler informed the Board that some of the subcommittees meeting dates have been set. DWQ has indicated that it would gather input through the stakeholder and subcommittee process for the drafting rules.

Vice-Chairman Reckhow raised concerns about how issues related to implementation across the watershed were discussed. She stated that she felt the process should be monitored.

Mr. Whisler provided clarification regarding the rulemaking timeline. He identified point sources that were included in the Falls Lake Process and Policy Report. He also discussed the equity issues. He stated that as the rules are developed, equity should be based on how it is formulated amongst the sectors, political jurisdictions, and between those that contribute and those that benefit. He gave details about the effects of a drought as it relates to the degradation of the lake.

Staff gave a comparison between conventional septic systems verses the sand filter systems. Accurate figures were provided to the Board that addressed the total number of conventional septic systems and sand filters within the County. Staff responded to the Commissioners' concerns about monitoring farmlands in Durham.

Commissioner Bowser voiced his opinion about Durham County not having water quality problems with Falls Lake and Little River.

Commissioner Howerton asked that staff clarify the equity between all contributors and benefactors.

Vice-Chairman Reckhow referenced the report in regards to low returns at a high cost.

County Attorney Siler added that without a good monitoring system, one could not predict where the bad nutrients originate.

Commissioner Heron voiced her opinion about residential development and mass grading.

The Board held a discussion about nutrient loading sources and active sewer systems.

Directives

1. Make the necessary changes as directed by the Board.
2. Place on the October 12 consent agenda.
3. County Manager to consider working with other jurisdictions in the upper watershed to obtain advice from water experts at the Water Resources Research Institute.
4. Bring in an individual that could provide creditability to the Board's arguments.
5. Submit subcommittee meeting schedule to the Board.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 12:40.

Respectfully Submitted,

Angela M. Pinnix
Clerk to the Board's office