

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

Monday, February 9, 2009

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

Absent: None

Presider: Chairman Page

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

**Agenda Adjustments**

Chairman Page informed the Board that the presenter for "Cultural Master Plan Mid-Year Update and Project Funding Proposals" must leave the meeting early due to an emergency. He requested that the item be moved to follow the consent agenda.

County Manager Mike Ruffin advised Chairman Page to consult with County Attorney Chuck Kitchen as Board action may be required to move a regular item ahead of a public hearing.

County Attorney Kitchen stated that the Board may either vote or consent to the change.

Commissioner Heron requested that Cultural Master Plan representatives give a brief presentation since many citizens would have to wait longer to speak to the public hearing item.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to move Cultural Master Plan Mid-Year Update and Project Funding Proposals prior to Public Hearing—Zoning Map Change—New Middle School—Treyburn (Z0800034).

The motion carried unanimously.

Commissioner Bowser requested to add a discussion prior to the Closed Session regarding the proposed hiring freeze.

Chairman Page requested time at the end of the meeting for the Board to decide on a date to hold another special meeting to discuss Capital Improvement Projects (CIP). The meeting must occur prior to the February 23 CIP meeting.

County Manager Ruffin suggested a two-hour allotment for the CIP meeting.

### **Minutes**

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve as submitted the January 5, 2009 Worksession and the January 12, 2009 Regular Session Minutes of the Board.

The motion carried unanimously.

### **Keep Durham Beautiful Honored by Keep America Beautiful for High Performance Achieved in 2008**

Mike Turner, General Services Director, reported that for the fourth consecutive year, Keep Durham Beautiful (KDB) has been awarded the Keep America Beautiful (KAB) President's Circle Recognition Award for exemplary efforts in the reduction of litter, minimizing of waste, and beautification in the City and County of Durham.

KDB is a nonprofit, volunteer organization working in partnership with the City and County of Durham to bring private businesses, citizens, and community organizations together to conserve and enhance the appearance and environment of Durham. The 2008-09 Board of Directors are: Sylvia LeGoff, Chairman; Marge Nordstrom, Vice-Chair; Jamie Clarke, Secretary; Waylon Lynch, Treasurer; and Ginny Bowman, Merrill Davis, Dawn Dudley, David Harris, Mark Hough, Robb Teer, and Mike Young. In addition, three ex-officio members are appointed to represent City and County Governments.

On December 4, 2008 at the 55<sup>th</sup> Annual National Conference in Washington, the 2008 President's Circle Recognition Award, was presented to KDB by Matthew M. McKenna, President and CEO of Keep America Beautiful.

In qualifying for a President's Circle Award, Keep Durham Beautiful has met Keep America Beautiful's standards of excellence by conducting an annual Litter Index, calculating the affiliate's cost/benefit ratio, and engaging volunteers to take greater responsibility for their community environment. The KDB's 2007-2008 Annual Report specifically describes the organization's quarterly achievements in Litter Abatement, Education, Beautification, and Fundraising.

Sylvia LeGoff, Chairman, Keep Durham Beautiful (KDB), recognized the following KDB members in the audience: Virginia Bowman, David Harris, Dawn Dudley, and Mike Turner. She also recognized and thanked Dorothea Pierce, KDB Executive Director, for greatly contributing to the success of KDB.

Chairman Page congratulated Ms. Pierce and the entire KDB organization on the award. He thanked them for the excellent presentation at Northgate Mall on February 7.

Vice-Chairman Reckhow thanked Ms. LeGoff and KDB members for their “energy and enthusiasm” in making Durham beautiful.

Commissioner Heron stated how proud she is of Ms. LeGoff for her dedication and hard work.

Chairman Page asked Ms. LeGoff to keep the Board informed of upcoming KDB events.

### **Recognition of Durham County Pacesetters for 2008 Walk to Cure Diabetes**

Gayle Harris, Public Health Director, stated that the Juvenile Diabetes Research Foundation (JDRF) annually sponsors the “Walk to Cure Diabetes” as a fundraising event to raise dollars for continued research. Ms. Harris has directed the County’s participation for several years. She announced that this fall, despite a slowing economy, the “Durham County Pacesetters”, comprised of 121 walkers, raised \$13,547.01 for the effort. JDRF was founded in 1970 by the parents of children with type 1 (juvenile) diabetes—a disease that strikes children suddenly, makes them insulin dependent for life, and carries the constant threat of devastating complications. Since inception, JDRF has awarded more than \$1 billion to diabetes research, including more than \$122 million in FY2006. JDRF's mission is to find a cure for diabetes and its complications through the support of research. Thanks to the leadership of Ms. Harris, the Durham County Pacesetters team received the JDRF PLATINUM AWARD for outstanding team performance.

Ms. Harris asked “2008 Walk to Cure Diabetes” team captains in the audience to stand and be recognized. She thanked the County Manager for permitting the fundraiser.

Chairman Page asked the audience to applaud Ms. Harris and County employees for their efforts.

### **Recognition of Eddie Culberson, Lyn Streck, and the Durham Soil and Water Conservation (SWCD) Board**

Talmage Layton, District Chair, Soil and Water Conservation (SWCD) Board, requested that the Board of County Commissioners recognize Durham Soil and Water Director Eddie Culberson, the Durham SWCD Board, Durham Academy school teacher Lyn Streck, and Durham Soil and Water Department staff for their accomplishments at the county and state levels.

Jennifer Brooks, Watershed Conservationist, commented that each year, the NC Association of SWCD recognizes a district employee, as well as a teacher, who have made significant contributions to the conservation and proper management of NC’s natural resources. On January 5, 2009 in RTP, North Carolina, the Employee of the Year award was presented to Eddie Culberson and the Teacher of the Year award was presented to Lyn Streck.

Mr. Culberson expressed thanks for the recognition. He contributed his success to having a competent staff and an active SWCD board. Mr. Culberson thanked the Board and County Manager’s office for their continuing support and assistance.

Chairman Page thanked Mr. Culberson and the Soil and Water staff for their diligent work and accomplishments. He presented Mr. Culberson with the Outstanding Technical Employee of the Year plaque from the North Carolina Association of Soil and Water Conservation District.

Vice-Chairman Reckhow recapped her positive experiences while working with Mr. Culberson. She commended him for always following-up timely and for his innovative ideas.

Commissioner Heron told a story about Mr. Culberson removing a turtle from a pond.

Commissioner Howerton commented on her professional relationship with Mr. Culberson; she served on the SWCD board for six years. She thanked Mr. Culberson and his staff for their hard work.

Commissioner Bowser stated, for the record, his congratulations to Mr. Culberson. He opined that the award was well deserved. Commissioner Bowser expressed a desire to dine again with Mr. Culberson and Mr. Layton.

Ms. Brooks gave a brief overview of Ms. Streck's accomplishments.

Ms. Streck thanked Ms. Brooks, the SWDC, and Durham City public educators for their role in her success.

Chairman Page thanked Ms. Streck for educating the students. He presented Ms. Streck with the Conservation Education Teacher of the Year plaque from the North Carolina Association of Soil and Water Conservation District.

Lisa Marochak, Administrative Officer, reported that each year, the Hugh Hammond Bennett Chapter/Soil and Water Conservation Society recognizes a Unit of Government. On January 24, 2009 in Raleigh, North Carolina, the Unit of Government Award was presented to the Durham SWCD for all of its accomplishments throughout the year in natural resource conservation.

Mr. Layton extended his appreciation to the SWCD board and staff. He accepted from Chairman Page the Soil and Water Society Unit of Government plaque awarded by the North Carolina Association of Soil and Water Conservation District.

Chairman Page reiterated his thanks to the entire SWCD board and staff for their hard work.

### **Consent Agenda**

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items:

- \*a. Budget Ordinance Amendment No. 09BCC000045—Board of Elections—Recognize and Appropriate a \$124,000

- Grant from the State Board of Elections for One-Stop, No-Excuse Absentee Voting;
- \*b. Budget Ordinance Amendment No. 09BCC000046—Social Services—Recognize Additional Revenue (Crisis Intervention Payments—\$295,931 increase; and LIEAP and CIP Administration Funds—\$45,923 increase);
  - d. AAA Transport Inc. Service Franchise Renewal (accept the three-year ambulance franchise renewal request and schedule the request for a second and final approval on February 23, 2009);
  - g. Request Approval of Right-Of-Way Agreements with Duke Energy Carolinas, LLC for Durham County South Regional Branch Library (authorize the Manager to enter into the agreements for the project located at 4504 South Alston Avenue, Durham, North Carolina);
  - j. Contract With NexGen Digital Document Solutions (approve the contract with NexGen Digital Document Solutions for web site enhancement and scanning of tax documents for the Tax Administration Department; contract amount not to exceed \$69,075); and
  - k. Contract of Government and Public Access Channel Programming (authorize the Manager to enter into a contract in an amount not to exceed \$55,000 for technical services related to public access channel programming through June 30, 2010, and in an amount not to exceed the Fiscal Year 2009 budget appropriation for technical services related to government access channel services).

The motion carried unanimously.

Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 09BCC000045—Board of Elections—Recognize and Appropriate a \$124,000 Grant from the State Board of Elections for One-Stop, No-Excuse Absentee Voting.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$400,734,175	\$124,000	\$400,858,175

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 34,590,032	\$124,000	\$ 34,714,032

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

This the 9<sup>th</sup> day of February, 2009.

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Consent Agenda Item No. b. Budget Ordinance Amendment No. 09BCC000046—Social Services—Recognize Additional Revenue (Crisis Intervention Payments—\$295,931 increase; and LIEAP and CIP Administration Funds—\$45,923 increase).

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$400,858,175	\$341,854	\$401,200,029

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$449,988,886	\$341,854	\$450,330,740

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

This the 9<sup>th</sup> day of February, 2009.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. c. Budget Ordinance Amendment No. 09BCC000047 in the amount of \$93,736—Interlocal Cooperation Agreement with the City and Sheriff Regarding Warrants.

Vice-Chairman Reckhow requested a report on baseline data regarding the percentage of warrants served last year and a target for moving forward with the initiative over the upcoming year. She commented that progress should be documented, considering the abundant funding allocated for the project.

County Manager Ruffin agreed to provide the report.

Commissioner Bowser inquired about the \$388,832 for existing Sheriff's Office personnel costs that the City will not be contributing towards.

County Manager Ruffin explained that the City is not sharing some of the preceding costs. The County had four existing warrant control officers prior to the inception of this expansion. The expansion includes the City's participation in four additional warrant control officers and eight clerical personnel to allow the office to be staffed 24/7. The remaining cost for the County is currently in the Sheriff's Office's budget.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. c.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2008-09 Budget Ordinance  
Amendment No. 09BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2008-09 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	\$401,200,029	\$93,736	\$401,293,765

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Public Safety	\$50,634,314	\$93,736	\$50,728,050

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

This the 9<sup>th</sup> day of February, 2009.

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Consent Agenda Item No. e. Purchase of Periodical and Subscription Services—Library (authorize the Manager to enter into a contract with EBSCO Information Services for a total amount not to exceed \$60,000, with an option to renew the contract for four, successive one-year periods).

Commissioner Bowser asked if the County Manager has the authority to renew the contract without Board approval.

Rheda Epstein, Durham County Library, replied that the Commissioners are being requested to approve contract renewals.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. e.

The motion carried unanimously.

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Consent Agenda Item No. f. Award of Contract for Purchase of Vehicles for Various Departments (authorize the Manager to enter into contracts with University Ford Inc. for \$654,253, Bobby Murray Chevrolet Inc. for \$194,846, and Hendrick Durham Auto Mall for \$60,078).

George Quick, Finance Director, explained the bidding process in response to a question posed by Commissioner Bowser.

Vice-Chairman Reckhow inquired about the Department of Social Services' request for two 4x4 sports utility vehicles.

Antonia Pedroza, Social Services, responded that the request for the sports utility vehicles was made due to having to transport children in severe weather; the department currently has one vehicle. Some vehicles are shared amongst staff; seven staff members are assigned vehicles because they travel throughout the day. Ms. Pedroza noted that the request was made prior to the current economic status.

Vice-Chairman Reckhow requested a two-week deferral to allow the County Manager to investigate whether a fleet expansion is necessary for DSS.

Chairman Page consented to placing the item on the February 23 meeting agenda.

Mr. Quick informed the Board that the funds have already been appropriated; no additional funds are required.

Ms. Pedroza replied to Commissioner Heron that the cars are parked on Duke Street. She stated that the new vehicles would be parked on the top level of the parking deck.

Commissioner Heron suggested using County-owned vehicles with high mileage for other County services.

Ms. Pedroza responded that DSS currently uses its vehicles with high mileage.

Mr. Quick mentioned the criteria for replaced vehicles—mileage and age—according to the County's Vehicle Replacement Policy.

Chairman Page asked the County Manager to include in his research a full report on the usage of the vehicles.

Commissioner Bowser commented on information presented on replacement vehicles, which includes vehicle make, model, and mileage.

County Manager Ruffin stated that the replacement vehicle information is provided to the Board during budget season. He offered to provide a copy to Commissioners Bowser and Howerton.

Commissioner Bowser recommended possibly revisiting the Vehicle Replacement Policy.

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Consent Agenda Item No. h. Durham Public Schools Construction Project at Jordan High School (approve the owner/contractor agreement with C.T. Wilson Construction Co. Inc. for work at Jordan High School in the amount of \$420,110; authorize the Manager to execute the agreement pursuant to the terms of the Interlocal Agreement with Durham Public Schools).

Chairman Page pulled this item to allow signed speaker Dr. E. Lavonia Allison, PO Box 428, Durham 27702, to comment.

County Manager stated that he spoke with Dr. Allison last week and Hugh Osteen, Durham Public Schools, prior to the meeting regarding Dr. Allison's request for information on the 13.3% M/WBE participation and how it would be monitored. County Manager Ruffin informed Ms. Allison that he has a meeting with Dr. Harris, Superintendent, DPS, the following morning and would relay her request.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. h.

The motion carried unanimously.

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Consent Agenda Item No. i. Approval of Commissioner Assignments to Boards and Commissions.

Commissioner Bowser stated that he had been appointed to Operation Breakthrough; however, he had not received notification regarding meeting dates and times. He inquired about the procedure for notifying various commissions/boards of Commissioner appointments.

Chairman Page explained that the Clerk to the Board's office mails letters to organizations informing them of Commissioner appointments. The Clerk also forwarded a list of board and commission meeting schedules to each Commissioner.

Commissioner Bowser stated that he had not received board and commission meeting schedules.

County Manager Ruffin added that a list of the meeting schedules was forwarded to the Commissioners subsequent to the liaison appointments. He offered to follow-up with Operation Breakthrough to ensure that Commissioner Bowser is informed of meeting information.

Commissioner Bowser noted that he also had not received meeting information from the Civic Center Authority. He requested a follow-up on the matter.

Chairman Page asked Yvonne Gordon, Deputy Clerk to the Board, to forward the board and commission meeting schedule list to Commissioner Bowser.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. i.

The motion carried unanimously.

The appointments follow:

Commissioner Becky Heron

- Triangle J Council of Government (Delegate)

Commissioner Joe Bowser

- Triangle J Council of Government (Alternate)

Vice-Chairman Ellen Reckhow

- Transportation Advisory Committee (Alternate)

Commissioner Brenda Howerton

- Durham City-County Committee (Alternate)

### **Cultural Master Plan Mid-Year Update and Project Funding Proposals**

Joshua Parker, Chair, Cultural Master Plan Advisory Board (CMPAB), reported that the Interlocal Agreement to extend the Cultural Master Plan Advisory Board and provide City and County funding through June 30, 2009 was signed November 3, 2008. He stated that before any payment from County-provided implementation funds can be made, the Agreement requires a mid-year report to the Board of County Commissioners, as well as approval by the Commissioners of spending proposals.

Mr. Parker gave a PowerPoint presentation regarding the following information:

The Cultural Master Plan Advisory Board recommends approval of grant funds for the following initiatives:

Arts and Business Council Project (\$18,000)—To contract with the Durham Arts Council for a joint project with the Chamber of Commerce to affiliate with the national Arts and Business Council program. This replaces an earlier authorization for a \$40,000 project, producing cost savings of \$22,000.

Museum Without Walls Project Phase Two (\$2,700)—To fund a second phase project to create a Durham History Museum website to be administered by the Museum of Durham

History Inc. It would use \$2,700 of the funds remaining from the first phase project, which was completed for \$6,400 less than budgeted.

The Cultural Master Plan Advisory Board recommends that the Board of County Commissioners receive three reports:

Durham History Museum Report—The Durham History Museum Feasibility Study prepared by Riggs Ward Design.

Public Art Consultant's Report—Summary Recommendations: Public Art Planning and Implementation report prepared by Janet Kagan of the Percent for Art Collaborative LLC.

Cultural Master Plan Initiatives Report—The report recommends 12 new initiatives, totaling \$74,900, from County-provided funds. It proposes using \$25,700 in funds remaining from the original funding provided by the County for the Arts and Business Council project and Museum Without Walls project, and \$49,200 from the County funds in the 2008 - 2009 Fiscal Year budget.

Vice-Chairman Reckhow requested that the alternative of using the Durham County Government Administrative Complex as a history museum be given consideration. She explained that the building would continue to be used as the Administrative Complex; however, as an interim measure, the grand floor foyer could be used as a "launch pad" for a history display. She commended the CMPAB for the "Day of show ticket discount outlet system", which would offer last-minute discount tickets on unsold tickets for cultural events in Durham County.

Vice-Chairman Reckhow asked for clarification of Item No. D.(7), Partnership with the Durham Chamber of Commerce in the creation and initial activities of a new Business and the Arts committee of the Chamber. Funding would assist the Chamber in the cost of membership recruitment for the committee and for a pilot event to launch the committee's activities—\$7,500. She suggested that ways to reduce funding be considered.

Mr. Parker addressed Vice-Chairman Reckhow's question pertaining to the exclusion of counties in the Public Art Consultant's Report.

Mr. Parker explained to Chairman Page that the \$25,000 for the management consulting initiative is to provide management advising services in areas such as accounting, board management, marketing, and legal issues. The RFP has not yet been issued.

Chairman Page expressed concern that school projects have the least proposed funding. He inquired about the process for groups to apply for funding.

Mr. Parker clarified for Commissioner Howerton that the CMPAB is requesting approval for of grant funds for the Arts and Business Council Project (\$18,000) and the Museum Without Walls Project Phase Two (\$2,700), and that the Board receive the Durham History Museum Report, Public Art Consultant's Report, and the Cultural Master Plan Initiatives Report.

Commissioner Howerton expressed desire in the CMPAB contracting with a local agency or corporation for the Management Consulting Initiative.

Chairman Page called the following signed speakers forward for comments:

Victoria Peterson, PO Box 101, Durham 27702, expressed concern about usage of the funds.

Vice-Chairman Reckhow shared with Ms. Peterson that the County's portion of funding would be used for cultural purposes.

Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, urged the Commissioners to defer action.

Nancy Cox, 4 Falcon Nest, Durham 27713, spoke in support of the project funding proposals.

Mr. Parker addressed the following questions posed by Commissioner Bowser:

- Replacement funding for the prepared foods tax
- Total amount of proposed funding
- Including North Carolina Central University (NCCU) in the proposal
- NCCU representatives who serve on the CMPAB

Per a request by Commissioner Heron, County Manager Ruffin explained the origination of the funds to be used for the projects; he stated that the monies are occupancy tax proceeds.

Commissioner Heron recapped an agreement made between the City and County that designates the City's responsibility for operations and expenses for cultural programs and the County's responsibility for operations and expenses for the NC Museum of Life and Science.

Commissioner Howerton asked if an approval on funding proposals for the Arts and Business Council Project and the Museum Without Walls Project Phase Two is time-sensitive.

Mr. Parker responded in the negative.

Chairman Page asked for a Board consensus on deferring this item until the February 23 Regular Session to allow time for Commissioner and citizen questions to be answered.

Commissioner Bowser consented to a deferral. He expressed interest in obtaining additional information as to why NCCU is not participating in the proposal.

Chairman Page concurred with Commissioner Bowser in regards to seeking full collaboration from all local universities. He requested that Mr. Parker contact Starla Huggins, Director of Government and Community Relations at NCCU, to encourage participation in the proposal.

County Manager Ruffin suggested that the Board defer this item until its March 2 Worksession.

The Board was in agreement of deferring the item until the March 2 meeting.

Mr. Parker announced that the CMPAB's next meeting would be open to the public on February 26 at 4:00 p.m. at the City's Office of Economic and Workforce Development.

**Public Hearing—Zoning Map Change—New Middle School—Treyburn (Z0800034)**

Steven L. Medlin, AICP, City-County Planning Director, stated that proper notification had been given in accordance with General Statute and UDO requirements. He requested that the Board approve a request for a zoning map change for approximately 117 acres of a 150.25-acre site located north of Snow Hill Road, west of Vintage Hill Parkway (the remaining area is in the City's jurisdiction). Request: PDR 2.240; F/J-B (partial) and M/LR-A (partial) to RR; F/J-B (partial) and M/LR-A (partial)

Mr. Medlin reported that staff recommended approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report. The Durham Planning Commission recommended and voted 14-0 for approval on December 9, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believed the request is reasonable and in the public interest and recommended approval based on the information in the staff report and comments received during the public hearing.

Vice-Chairman Reckhow referenced a protest petition that was placed at each Commissioner's station. She suggested the following changes for future petition forms:

- Either underline or make bold: "The petition must be signed by all persons having an ownership interest in the property as represented by signatures on the property deed".
- Increase the size of the name and address table to allow additional writing space.
- Include two lines to the left of the address space as many properties often have two owners.

Mr. Medlin informed Vice-Chairman Reckhow that the zoning request does not include a development plan. He cautioned the Board that the requested zoning is Residential Rural (RR) which could allow for any future development that is allowed in the zoning district. The applicant has submitted a site plan and an application for a minor special use permit, which are currently being reviewed by Planning staff.

Mr. Medlin explained to Commissioner Bowser that no cost is associated with the zoning map change request. However, fees are related to applications for site plans, minor special use permits, and transportation special use permits. Each has its own individual fee structure which is approved in the Planning Department's annual budget.

Commissioner Bowser indicated that Ms. Smith, a Planning Commissioner, voted "yes" to approve the request; however, she included "no comment" in the Planning Commission's written comments.

Mr. Medlin articulated that Planning staff does not edit comments received from the Planning Commission; the comments are verbatim.

Chairman Page stated that he perceived “no comment” to mean that Ms. Smith did not desire to provide further comment in addition to her “yes” vote. He requested that Planning Commissioners be more specific in their comments to alleviate confusion.

Commissioner Heron clarified that a proprietor’s spouse does not have to sign the petition unless he/she is a co-owner of the property.

Mr. Medlin echoed Commissioner Heron’s statement. He emphasized that only the person’s name that is on the deed would need to sign the petition. Deed holders’ information is verified with Tax Administration.

Per Commissioner Howerton’s request, Mr. Medlin reiterated the information regarding application fees.

Mr. Medlin informed Chairman Page that the applicant would need to verify that the site plan submitted to Planning is consistent with the plan presented to property owners.

Chairman Page opened the public hearing that was properly advertised. He recognized William Vaughan, 1021 Snow Hill Road, Durham 27712, for comments.

Mr. Vaughan asked for clarification as to why the petition he submitted was deemed invalid by the Planning Department.

Mr. Medlin addressed Mr. Vaughan’s concerns.

Dan Jewel, Architect, Coulter Jewel Thames PA, gave a presentation to elaborate on the zoning map change request.

Chairman Page called the signed speakers forward to comment.

The following citizens opposed the zoning map change location:

Robert Vearnon, 1205 Snow Hill Road, Durham 27712

Richard Tunstall, 1018 Snow Hill Road, Durham 27712

Jim Slaughter, 816 Snow Hill Road, Durham 27712

William Vaughan, 1021 Snow Hill Road, Durham 27712

Christian Ferrell, 1009 Snow Hill Road, Durham 27712

Patrick Connell, 1014 Snow Hill Road, Durham 27712

Victoria Peterson, PO Box 101, Durham 27702, expressed concern that constructing a school in Treyburn may cause students to be transported miles away from their homes.

Commissioner Heron asked Ms. Peterson if she is in favor of community schools.

Ms. Peterson responded that she is opposed to community schools that would require inner-city youth to be transported across the City. She voiced her support for neighborhood schools.

Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, inquired about the classroom capacity, ethnic diversity, and economic enhancement diversity.

Chairman Page closed the public hearing and referred the matter back to the Board.

Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools (DPS), addressed the following questions and concerns raised by Commissioner Bowser:

- Distance from Treyburn to Little River School
- The possibility of using additional land at Little River School as an alternative location for the new middle school

Commissioner Howerton asked if the developer is willing to honor the citizens' request to defer this item for two weeks.

Mr. Osteen commented that DPS considers the citizens' concerns to be valid and would continue to meet with them.

Vice-Chairman Reckhow spoke in support of a two-week deferral to allow adequate time for DPS to work with the neighboring property owners.

Commissioner Heron inquired about constructing the school to face in the opposite direction.

Mr. Osteen responded that it would be possible to build the school facing the opposite direction.

Commissioner Bowser reiterated his request for consideration of utilizing additional DPS properties for an alternative site for the new middle school.

Chairman Page asked the developer to address 1) the concerns raised by citizens regarding safety and wells, 2) Dr. Allison's questions and forward responses to the Board, and 3) the question of whether the site is the best location for the new middle school.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to continue this item at the March 9, 2009 Regular Session.

The motion carried unanimously.

**Consent Agenda Item No. f.**

County Manager Ruffin informed the Board that he had been made aware of a price increase by Finance Director George Quick if an order for the vehicles is not placed by February 13. He suggested that the Board award contracts for purchases of all vehicles except for the Bobby Murray and Hendrick Durham Auto Mall contracts.

County Manager Ruffin communicated to Commissioner Bowser that the prices were set according to State contract, but the contract states the price increase if purchases are not made by February 13.

County Attorney Kitchen concurred with County Manager Ruffin's statement about the State contract including a price increase notice.

Vice-Chairman Reckhow suggested price negotiations outside of the state contract.

Commissioner Bowser opined that it would not be fair to approve General Services' vehicle requests and not approve requests by DSS.

County Manager Ruffin indicated that the Board did not raise questions about General Services' vehicle requests.

Commissioner Bowser requested replacement vehicle information on the General Services and DSS vehicles (i.e. mileage).

County Manager Ruffin asked for Board approval on the contract to purchase the Sheriff's Office vehicles.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to authorize the Manager to enter into contracts with University Ford Inc. for \$575,101 and Hendrick Durham Auto Mall for \$42,838 for purchases of Sheriff's Office vehicles.

The motion carried unanimously.

**Discussion on the Hiring Freeze**

Commissioner Bowser voiced his support for the hiring freeze that the County Manager has placed on Durham County Government. He noted that the Assistant Public Health Director was recently promoted to Public Health Director, leaving the Assistant position vacant. Commissioner Bowser requested that the Assistant position be frozen until the County's budget can better support the position.

Commissioner Bowser requested that the County Manager provide a monthly report on positions that have been filled during the hiring freeze.

County Manager Ruffin consented to providing the monthly report.

Chairman Page expressed concern with Commissioner Bowser's request to freeze the Assistant Public Health Director position. He stated that not filling the position may result in work overload for current staff.

Carolyn Titus, Deputy County Manager, clarified that the four Assistant DSS Directors have different duties for over 450 employees. She explained that each Assistant leads one of four segments of DSS.

Chairman Page commented that not providing an Assistant Public Health Director may create failure within the department.

Commissioner Bowser suggested using data from 2000 to compare with today's workforce and workload at DSS and Public Health.

Commissioner Heron concurred with Commissioner Bowser, stating that the hiring of a new Assistant Public Health Director could be delayed by four months, until the County obtains a better idea of its budget for the next fiscal year.

County Manager Ruffin noted that the Assistant Public Health Director position has been frozen and encouraged the Board to maintain the decision.

Ms. Titus briefly discussed the vacant Assistant DSS Director position, which is currently being filled.

Commissioner Bowser suggested that the position be frozen and that the workload be distributed among the remaining three Assistant DSS Directors.

Ms. Titus agreed to work with Sammy Haithcock, DSS Director, to honor Commissioner Bowser's request.

Commissioner Howerton requested additional information prior to commenting on the matter.

Vice-Chairman Reckhow asked the County Manager to take Commissioner Bowser's request into consideration; however, he should consult the Board if major management conditions arise.

Discussion ensued regarding the hiring freeze.

### **Meeting Date for Capital Improvement Projects (CIP)**

The Commissioners held a discussion to determine a second meeting date for CIP. (One CIP meeting had been scheduled for February 23).

The Board reached a consensus to set the meeting for February 16 at 3:00 p.m. in the Commissioners' Chambers.

### **Closed Session**

Commissioner Heron moved, seconded by Commissioner Howerton, to adjourn to Closed Session for the following:

1. pursuant to N.C. G.S. § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. § 143-318.10(e);
2. pursuant to G.S. § 143-318.11(a)(5) in order to instruct staff concerning the position to be taken by or on behalf of the Board in negotiating the price and other material terms of a contract for the acquisition of real property located at 4524 S. Alston Avenue, Durham; and
3. pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer or employee.

The motion carried unanimously.

### **Reconvene to Open Session**

Chairman Page announced that the Board met in Closed Session; no action was taken; directives were given to staff.

### **Adjournment**

There being no further business, Chairman Page adjourned the meeting at 10:30 p.m.

Respectfully Submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board