

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

Monday, February 13, 2006

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 Lewis A. Cheek, Philip R. Cousin Jr. (arrived at 7:48 p.m.), and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the February 13, 2006 Regular Session. Following the Pledge of Allegiance, she extended a welcome to Durham's Boy Scout Troop No. 423 from McMannen United Methodist Church. (Commissioner Cheek invited the Troop to the meeting.)

Announcements

Chairman Reckhow announced that the Durham County Commissioners will hold two community-wide public meetings ("Conversations with Commissioners") to give citizens the opportunity to share their suggestions about the upcoming budget. County staff will provide a short overview of the budget and facilitate the discussion with the public. The meetings will be held at 7:00 p.m. at Little River Elementary School (2315 Snow Hill Road) on Thursday, February 16, and at Oak Grove Elementary School (3810 Wake Forest Road) on Monday, February 20.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve as submitted the January 12, 2006 Annual Retreat and January 23, 2006 Regular Session Minutes of the Board.

The motion carried unanimously.

Network of Care—Website for Durham’s System of Care (SOC)

Martha Kaufman, Durham Community Collaborative and System of Care, made a presentation on Network of Care, the new website for Durham’s System of Care (SOC). Network of Care includes an array of information, including community service and resource listings, local System of Care (SOC) news, and access to an extensive on-line library of relevant materials for families and professionals.

Ms. Kaufman gave a brief overview of the project and demonstration of the website.

Chairman Reckhow noted that the website would be updated monthly. She encouraged citizens to offer feedback and suggestions by accessing the feedback link on the website.

Chairman Reckhow thanked Ms. Kaufman for her presentation and for her work on the website.

Presentation of Award to Durham County Government from the North Carolina Committee for Employer Support of the Guard and Reserve (ESGR)

Chairman Reckhow recapped that at the November 14, 2005 Board of County Commissioners’ meeting, ESGR representative Johnny Dwiggins presented the Board with the “Seven Seals Award” for meritorious leadership and initiative in support of the men and women who serve America in the National Guard and Reserve. She announced that in addition to the Seven Seals Award, Durham County Government was chosen in the top 10% of North Carolina employers to receive the State ESGR Chairman’s “Above and Beyond Award”. County Manager Mike Ruffin, representing the employer, and General Services Director Mike Turner, the nominee, were present to receive the award on behalf of Durham County Government.

Mr. Turner reported that at its January 28, 2006 Annual Employer Recognition Banquet in Charlotte, the North Carolina Committee for ESGR, an agency within the Office of the Assistant Secretary of Defense for Reserve Affairs, recognized North Carolina employers who have exceeded legal requirements for providing support to Service Members who serve in the Guard and Reserves. At the banquet, Mr. Bud Brown, ESGR’s State Chairman, presented the “Above and Beyond Award” to Durham County Government for exceeding employer requirements.

Mr. Turner read the certificate and informed the Board that it would be displayed in the lobby alongside other Durham County awards.

Chairman Reckhow thanked County Manager Ruffin and Mr. Turner.

Mr. Turner thanked the Board for its continuous support.

Consent Agenda

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

- *b. Budget Ordinance Amendment No. 06BCC000037—
Social Services—Recognize Additional Crisis
Intervention Prevention Revenue of \$181,296;
- *c. Budget Ordinance Amendment No. 06BCC000038—
Public Health—Recognize \$20,000 in Grant Revenue
from the N.C. Department of Health and Human
Services, Office of Minority Health and Health
Disparities for the Health Education Division to
expand the Barber and Beautician HIV/STD Peer
Educator Program;
- *d. Budget Ordinance Amendment No. 06BCC000039—
Public Health—Recognize \$10,000 in Grant Revenue
for Syphilis Elimination from the N.C. Department of
Health and Human Services for the Health Education
Division to help support the Syphilis Elimination
Project;
- *e. Budget Ordinance Amendment No. 06BCC000040—
Public Health—Recognize \$500 in Grant Revenue
from the N.C. Health and Wellness Trust Fund for the
Health Education Division for Tobacco Use
Prevention;
- f. 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 27, 2006);
- g. Final Qualifying Bid to Purchase County Surplus
Property (accept the offer from Mr. John Morley to
purchase 2009 S. Roxboro Street (Parcel ID # 115936)
for \$9,500 and have a non-warranty deed prepared for
the Chairman's signature);
- h. Final Qualifying Bid to Purchase County Surplus
Property (accept the offer from Mr. James Bradford to
purchase 307 Elliott Street (Parcel ID # 110375) for
\$7,000 and have a non-warranty deed prepared for the
Chairman's signature);
- i. Final Qualifying Bid to Purchase County Surplus
Property (accept the offer from Ms. Dianne McCrea to
purchase 531 S. Briggs Avenue (Parcel ID # 114539)
for \$2,500 and have a non-warranty deed prepared for
the Chairman's signature);

- j. Contract Approval for Furniture Purchase for the Durham County East Regional Library Project No: DC073-48/50 & DC077-50—Bid No: IFB 06-010 (authorize execution of contracts with Interior Systems, Alfred Williams, and Carolina Business Interiors for \$303,754.11 [Base Bid plus Alternates] and execution of any other related contracts, if necessary, not to exceed the budget of \$311,000.00); and
- k. Renewal of the Interlocal Cooperation Agreement for Historic Preservation Planning (approve the Interlocal between Durham County and the City of Durham).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. b. Budget Ordinance Amendment No. 06BCC000037—Social Services—Recognize Additional Crisis Intervention Prevention Revenue of \$181,296.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000037

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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	\$296,848,467	\$181,296	\$297,029,763

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$363,835,738	\$181,296	\$364,017,034

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

This the 13th day of February, 2006.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 06BCC000038—Public Health—Recognize \$20,000 in Grant Revenue from the N.C. Department of Health and Human Services, Office of Minority Health and Health Disparities for the Health Education Division to expand the Barber and Beautician HIV/STD Peer Educator Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000038

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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	\$297,029,763	\$20,000	\$297,049,763

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$364,017,034	\$20,000	\$364,037,034

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

This the 13th day of February, 2006.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000039—Public Health—Recognize \$10,000 in Grant Revenue for Syphilis Elimination from the N.C. Department of Health and Human Services for the Health Education Division to help support the Syphilis Elimination Project.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000039

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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	\$297,049,763	\$10,000	\$297,059,763

Expenditures:

Activity

GENERAL FUND

Human Services	\$364,037,034	\$10,000	\$364,047,034
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of February, 2006.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 06BCC000040—Public Health—Recognize \$500 in Grant Revenue from the N.C. Health and Wellness Trust Fund for the Health Education Division for Tobacco Use Prevention.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000040

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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	\$297,059,763	\$500	\$297,060,263

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$364,047,034	\$500	\$364,047,534

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

This the 13th day of February, 2006.

Consent Agenda Item Removed for Discussion

Consent Agenda Item No. a. Sheriff's Office—Replacement of Undercover Vehicles (authorize the Sheriff's Office to purchase three used undercover replacement vehicles for undercover drug operations and investigations).

Victoria Peterson, P.O. Box 101, Durham, NC 27702, expressed concern about the purchase cost of \$38,585 for three used vehicles; she requested that the monies be used for an alternative method to fight crime. Ms. Peterson asked about the number of people arrested for drugs. She also reminded the Board of her request in writing to audit funds awarded to the Sheriff's Office.

To address Ms. Peterson's concerns and questions, Chief Deputy C. W. Crabtree replied that he is unable to answer the question pertaining to the number arrested for drugs. In

reference to the vehicles, Chief Deputy Crabtree explained that bids were received at approximately \$13,000 each (one for \$12,595 and two for \$12,995) with mileage of more than 140,000 miles. The vehicles are expected to last seven to eight years.

Commissioner Cheek commented that undercover vehicles are needed for surveillance of drug trafficking and dealing.

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

The motion carried with the following vote:

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

Advance Public Hearing on the FY 2006-2007 Budget

County Manager Ruffin reported that as County staff begins preparation of the Fiscal Year 2006-2007 budget, public comment is being solicited on issues that may need to be addressed during the budget process. He stated that the County Manager's Recommended FY 2007 Budget would be presented to the Board of County Commissioners on Monday, May 22, 2006, with individual budget worksessions with the Board to be scheduled for the period May 30 – June 16, 2006. Final adoption of the FY 2006-07 Budget Ordinance is scheduled for Monday, June 26, 2006.

Chairman Reckhow opened the public hearing that was properly advertised. Although no one had signed to speak, she invited anyone interested in speaking on the FY 2006-2007 Budget to come forward.

Victoria Peterson, P.O. Box 101, Durham, NC 27702, asked the Board to allocate \$2 to \$4 million for nonprofits and faith-based organizations in Durham County to use to fight crime in the community.

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

Commissioner Cheek asked the County Manager if prohibitions exist for faith-based nonprofits to participate in the application process.

County Manager Ruffin responded that all nonprofits may apply for funding.

Commissioner Cheek recommended that faith-based and other nonprofit organizations apply for funding through the nonprofit application process.

Chairman Reckhow announced that a second budget hearing would be held in June.

Vice-Chairman Heron asked the County Manager about scheduling budget worksessions prior to May 30, 2006.

Chairman Reckhow informed Vice-Chairman Heron that the Board would be surveyed on available dates in May and June.

Public Hearing—Zoning Map Change—Triangle Metro Center South (Z05-25)

Planning Director Frank Duke introduced this item. He stated that the Board was requested to approve a zoning map change for a 107.2-acre site located at the northeast quadrant of the intersection of Davis Drive and Hopson Road.

PIN 0747-03-14-2716; --15-6012; --24-7670; --25-0657

Request: OI(D) to OI(D) Change to Development Plan

Mr. Duke further stated that the Board was requested to approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the staff report. Staff recommended approval based on the consistency with the Comprehensive Plan and the information contained within the staff report. The Durham Planning Commission conducted a public hearing on January 10, 2006 and recommended approval with a vote of 12-1 based on the consistency with the Comprehensive Plan, information contained within the staff report, and testimony provided at the public hearing.

Vice-Chairman Heron suggested delaying the item to allow the Board to review thoroughly the zoning map change.

Chairman Reckhow concurred with Vice-Chairman Heron's suggestion.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speaker Patrick Byker, attorney representing Craig Davis Properties, 2614 Stuart Drive, Durham, NC 27707, forward for comments.

Commissioner Page asked if the effect of the zoning map change on the prospective rail system could be adequately addressed in two weeks.

Mr. Byker answered in the affirmative, opining that the proposed project must be built to show the community's commitment to this type of development/planning to make the rail system viable.

In response to a question posed by Vice-Chairman Heron, Mr. Duke stated that Planning staff would not have an opportunity to evaluate or amend the plan by February 27, 2006. He suggested that the Board continue this item to the March 13 Regular Session to allow adequate time for staff to prepare.

Mr. Byker requested that this item be recommended for approval at the February 27 meeting.

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

Chairman Reckhow suggested that the Board continue the public hearing until February 27; if staff is not prepared, continue the public hearing until March 13.

County Attorney Chuck Kitchen replied to County Manager Ruffin's question, stating that the Board could continue the public hearing by motion or by consensus.

Commissioner Cheek proposed placing the item on the March 6 Worksession to allow for additional discussion.

Commissioner Page inquired about construction of a park near the development.

Mr. Byker noted that Craig Davis Properties and Triangle Transit Authority (TTA) are holding ongoing discussions about locations of the regional bus hub and administration of TTA as a part of the Triangle Metro Center South.

Commissioner Cheek moved, seconded by Commissioner Page, to continue the public hearing until the February 27, 2006 Regular Session.

The motion carried unanimously.

Vice-Chairman Heron asked Mr. Byker to address commitments from the Department of Transportation (DOT) on road improvements.

Mr. Byker responded that the DOT committed elements are connected to specific phases of the project. If an element were not met, then its respective phase would not be completed.

Public Hearing—Zoning Map Change—Chin Page Road Property (Z06-02)

Planning Director Frank M. Duke stated that the Board is requested to approve a zoning map change for a 6.48-acre site located on the north side of Chin Page Road, west of Page Road, and east of Silicon Drive.
PIN 0748-04-81-2831 Request: RR to IL

Mr. Duke explained that the Board is requested to approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the staff report. He stated that staff recommended approval based on the consistency with the Comprehensive Plan and the

information contained within the staff report. The Durham Planning Commission conducted a public hearing on January 10, 2006 and recommended approval with a vote of 7-6 based on the consistency with the Comprehensive Plan, information contained within the staff report, and testimony provided at the public hearing.

Mr. Duke clarified for Chairman Reckhow that the Site Characteristics Staff Analysis and Conclusion is correct as stated – “There are no environmental constraints on the site that would preclude its development under the proposed zoning”. The floodplains that were sited by members of the Planning Commission are not located on this site; they are located on an adjoining parcel owned by Wake County.

Chairman Reckhow opened the public hearing that was properly advertised. As no one signed to speak, she closed the public hearing and referred the matter back to the Board.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve Zoning Map Change—Chin Page Road Property (Z06-02).

The motion carried unanimously.

Major Site Plan—St. Barbara Greek Orthodox Church (D05-335)

Planning Director Frank Duke reported that Philip Post and Associates, on behalf of Greek Orthodox Community of Durham, submitted a major site plan for a 19,395-square-foot place of worship on a 5.808-acre site zoned RR and F/J-B. This site plan was reviewed under Zoning Ordinance provisions as the application was submitted prior to January 1, 2006. (The property is located at 8306 NC 751, west of the intersection of NC 751 and Massey Chapel Road. PIN 0717-01-29-1779)

Commissioner Cousin moved, seconded by Commissioner Page, to approve Major Site Plan—St. Barbara Greek Orthodox Church (D05-335)

The motion carried unanimously.

Request for Refund of Excise Taxes

County Attorney Chuck Kitchen introduced a request by Jay H. Ferguson, Esquire, on behalf of his client, Amerco Real Estate Company, for a refund for deed stamps paid on a deed transferring the U-Haul property from Amerco Real Estate Company to AREC III, LLC on June 7, 2005.

Mr. Ferguson informed the Board that the request was based on no consideration being paid for the transfer. Both the grantor and grantee are owned by the same person.

Commissioner Cheek asked Mr. Ferguson why deed stamps were issued if money was not exchanged.

Mr. Ferguson responded that Amerco Real Estate Company, based in Arizona, did not have local counsel to prepare the deed and was unacquainted with North Carolina law.

County Attorney commented that since no payment of money or other consideration for the transfer of the property was made, then the Board is obliged to order the County's portion (one-half—\$1,325) of the excise tax; the other half would be refunded by the State. A proposed order had been prepared for the repayment.

Commissioner Cheek moved, seconded by Commissioner Cousin, to adopt the order and direct that a copy be sent to the Department of Revenue.

The motion carried unanimously.

Introduction of Bond Orders; Setting Public Hearing on the Bond Orders; Adopting a Reimbursement Resolution; and Budget Ordinance Amendment No. 06BCC000041 and Capital Project Amendment No. 06CPA000009—Advancement of \$365,605 in County Funds (Fund Balance) for One New and Two Existing Projects to be Reimbursed by Two-Thirds General Obligation Bond Funds Issued in Spring 2006

County Attorney Chuck Kitchen introduced the four bond orders for the issuance of two-thirds bonds, proposed to be issued in April 2006. A public hearing is suggested for February 27, 2006 on the issuance of the bonds. As part of the suggested minutes, a reimbursement resolution had been drafted to allow for the advancement of funds.

The County Manager requested that the County advance \$365,605 of General Fund fund balance in anticipation of the April 2006 Two-Thirds General Obligation Bonds sale in the amount of \$12,230,000.

County Attorney Kitchen gave an overview of the use of the funds for the following projects:

Stanford L. Warren Library (SLW) Renovations: Funds are required to complete the renovation and addition to the SLW Building. This funding will be used for unanticipated structural modifications to the building and other concealed conditions and furnishings, including a folding partition.

Durham Center for Senior Life: This request will allow for the completion of the construction of the Durham Center for Senior Life, currently in the finishing stages. The funding will be used for building modifications required by the occupants, adult daycare licensing requirements, code required furnishings, and the unanticipated extent of poor soils.

Board of County Commissioners' Chambers Audio Visual System Replacement:

Funding is requested for preliminary activities, such as the selection of a consultant, system study/requirements, and other associated services. The funding will be used for replacing the audiovisual system, including selective interior modifications, furnishings, equipment, IT and telephone costs in the Commissioners' Chambers and adjacent offices of the Clerk to the Board of County Commissioners.

Stanford L. Warren Library Renovations	\$152,105
Durham Center for Senior Life	\$ 93,500
BOCC Meeting Room Upgrades	\$120,000
Total Obligation	\$365,605

This request would pose no problems insofar as the County meeting its debt obligations. Repayment to the General Fund would occur once the Two-Thirds General Obligation Bonds are sold (prior to FY 2006 year-end).

Commissioner Page inquired about the public hearing for Holton Middle School.

Chairman Reckhow replied that the public hearing would be held on February 27, 2006.

County Manager Ruffin added that the Holton Middle School report would be released to the Board on Friday, February 17.

Per a request by Commissioner Page, County Manager Ruffin elaborated on the BOCC Meeting Room upgrades, explaining that the upgrades are anticipated to be completed during the summer months when less BOCC meetings are held. The total project amount may exceed \$120,000.

County Engineer Glen Whisler explicated that the total estimate for BOCC Meeting Room Upgrades is unknown.

Chairman Reckhow noted that if the costs exceed \$120,000, additional funds must be sought from another source.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the reimbursement resolution.

The motion carried unanimously.

The reimbursement resolution follows:

RESOLUTION OF THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF DURHAM, NORTH
CAROLINA, DECLARING ITS INTENTION TO
REIMBURSE SAID COUNTY FROM THE PROCEEDS

OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR
CERTAIN EXPENDITURES IN CONNECTION WITH
CERTAIN CAPITAL FACILITIES

WHEREAS, the County of Durham, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County has paid, beginning no earlier than December 15, 2005, and will pay, on and after the date hereof, certain expenditures in connection with renovating and furnishing the Stanford L. Warren Library, acquiring land associated with the construction of the Human Services Complex, reconstructing other County governmental facilities and acquiring necessary furnishings and equipment therefor and constructing and furnishing the Durham Center for Senior Life and the Emergency Medical Services Station No. 2 (collectively the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that certain moneys of the County previously advanced no earlier than December 15, 2005 and to be advanced on and after the date hereof by the County to pay such expenditures (the "Expenditures") are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings in the form of one or more issues of general obligation Library Facilities Bonds and Public Building Bonds of the County that are expected to be authorized in the amounts of \$2,933,000 and \$2,158,000, respectively, pursuant to bond orders introduced by the Board on February 9, 2006 (collectively the "Tax-exempt Financings");

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County's intent to reimburse the County with the proceeds of the Tax-exempt Financings for the Expenditures made on and after December 15, 2005, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Tax-exempt Financings expected to be entered into is \$153,000 with respect to renovating and furnishing the Stanford L. Warren Library with the proceeds of said Library Facilities Bonds and \$1,522,000 with respect to the balance of the Project with the proceeds of said Public Building Bonds.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure

is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Budget Ordinance Amendment No. 06BCC000041 and Capital Project Amendment No. 06CPA000009.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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	\$23,844,623	\$365,605	\$24,210,228

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$7,110,724	\$365,605	\$7,476,329

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

This the 13th day of February, 2006.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Capital Project Ordinance
Amendment No. 06CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Stanford L. Warren Library Renovations	\$1,753,745	\$152,105	\$1,905,850
Durham Center for Senior Life	\$5,567,061	\$93,500	\$5,660,561
BOCC Meeting Room Upgrades	\$0	\$120,000	\$120,000

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

This the 13th day of February, 2006.

Durham Open Space and Trails (DOST) Commission Matching Grants Funding Recommendation

Kevin Etheridge, Budget Analyst/Matching Grants Administrator, introduced this item. He reported that the Durham Open Space and Trails Commission (DOST) received three applications for the Matching Grants Program to assist nonprofit community organizations with recreational and open space projects. The Matching Grants committee of DOST, along with City and County staff, examined the three proposed projects to ensure compliance with the program's goals and guidelines.

Guillermo Rodriguez, Matching Grants Committee Member, provided a brief overview of the following project and funding recommendation, which was approved at the DOST January 18, 2006 meeting:

Organization	Project*	Grant Request	Match	Project Total
Eno River Association	Land Acquisition	\$50,000	\$57,800	\$107,800
Trinity Park Foundation	Park Improvements	\$8,600	\$8,600	\$17,200
Duke Forest	Trailhead Kiosks	\$1,091	\$1,092	\$2,183
TOTAL		\$59,691	\$67,492	\$127,183

Mr. Rodriguez stated that the recommendation to allocate \$59,691 of County funds represents a gain to the County of \$67,492 in matching funds as more than half of the projects' proposed value of \$127,183. The Matching Grants program budget of \$85,000 was approved in the FY 2005-2006 Budget.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Eno River Association, Trinity Park Foundation, and Duke Forest funding requests and the

allocation of \$59,691 of the budgeted Matching Grants funds to these projects.

The motion carried unanimously.

Vice-Chairman Heron commended the projects.

Chairman Reckhow thanked Mr. Etheridge and Rodriguez for their diligent work.

Service Contract with Reliant Management Group Inc. for Electronic Monitoring Services

County Manager Ruffin commented that this item was placed as a regular agenda item to allow Gudrun Parmer, Director of Criminal Justice Resource Center, the opportunity to discuss the contract in detail for the benefit of the viewing public.

Ms. Parmer stated that the item is a request for the Board to authorize the County Manager to enter into a contract with Reliant Management Group Inc. for Electronic Monitoring Services as described in RFP #06-005. The contract is scheduled to begin February 1, 2006, or shortly thereafter. The amount of this contract is \$51,712.50 in Fiscal Year 2005-2006 (based on \$13.79 per unit, per day) and can be renewed annually.

Ms. Parmer reported that in August 2005, Durham County posted RFP No. 06-005 for Electronic Monitoring Services. Four responses were received by the due date of October 13, 2005. The responses were reviewed by staff from CJRC, Purchasing, and the Office of the Sheriff. One responsive bidder was identified during the review and invited for an interview. The interview occurred on December 1, 2005 with representatives from the Office of the Sheriff, the District Attorney, CJRC, and Purchasing attending. All parties present considered the vendor knowledgeable, experienced, and responsive. The proposed contract was reviewed by the County's Finance and Legal departments.

The Contractor provides comprehensive monitoring and house arrest services to Wake and New Hanover Counties. The County's Living Wage requirements are included in the contract. Reliant Management Group responded that the requirements are recognized and will be met during the duration of the contract. The source of funding for the contract is the General Fund. The contract amount is well within the requested budget amount that was projected and submitted for the FY 2005-2006 budget.

Chairman Reckhow requested research on provisions for employed persons on house arrest to reimburse the County for the \$13.79 per unit, per day. The report will be brought back to the Board for review.

Chairman Reckhow called signed speaker Victoria Peterson, P.O. Box 101, Durham, NC 27702, forward for comments.

During Ms. Peterson's comments, Commissioner Cheek called for a point of order.

Ms. Peterson continued her comments, inquiring about the number of persons to be covered by the \$51,712.50 contract. She asked if the contract and program for electronic monitoring were marketed in the minority community.

County Manager Ruffin explained the open bidding process by the Purchasing Department; anyone is allowed to bid as long as the living wage requirement is met.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to enter into a contract with Reliant Management Group Inc. for electronic monitoring services in the amount of \$51,712.50 for FY 2006.

The motion carried unanimously.

Federal Legislative Agenda

Assistant County Manager Deborah Craig-Ray introduced the Federal Legislative Agenda. She stated that at the Board's January 4 Worksession, staff presented a list of projects to be considered for federal earmarks in the 2007 budget cycle. Following a discussion and direction to staff, final projects are being brought forward for approval by the Board so that staff will be able to meet the March 1 project deadline for submission to Congressman David Price's office.

Commissioner Page expressed concern about issues such as indigent care and uninsured citizens for Lincoln Health Center, one of the four programs that will possibly be included in the Labor Health and Human Services (LHHS) Appropriations process.

Chairman Reckhow agreed with Commissioner Page's concerns.

County Attorney Kitchen referenced a handout concerning President Bush's budget shortage on funds for county programs.

Chairman Reckhow directed Ms. Craig-Ray to obtain additional information on the President's position on health issues and community health centers.

County Attorney Kitchen noted the President's proposed plan to eliminate several state and local justice programs such as the Edward Byrne Justice Assistance Grant, which Durham County currently receives.

Chairman Reckhow and Ms. Craig-Ray reviewed the legislative agenda.

Ms. Craig-Ray reminded the Board that she would draft support letters for indigent care and health centers and the Child Care Resources Center on Briggs Avenue and forward them to Congressman Price.

Chairman Reckhow called signed speaker Victoria Peterson, P.O. Box 101, Durham, NC 27702, forward for comments.

To address Ms. Peterson's comments, Chairman Reckhow indicated that the County is currently applying for the Career Launch program. Career Launch teaches skills to ex-offenders to find, obtain, and keep jobs.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve the proposed agenda and forward to appropriate legislative staff in the office of Congressman David Price.

The motion carried unanimously.

Commissioner Page inquired about how nonprofits are informed of community programs and initiatives and how the County may enhance its relationship with nonprofits.

Chairman Reckhow responded that community members interested in obtaining County funding for such initiatives may apply for funding through the nonprofit budget process. Additional information is available in the County Manager's Office. However, the Legislative Agenda has not been open to the public due to the earmarks being capital or pilot (one-time, start-up programs). She further stated that nonprofits may seek funding from outside sources or request earmarks directly from the congressional representatives.

Vice-Chairman Heron offered examples of current programs (i.e. substance abuse program) that service the entire community. She encouraged nonprofits to research grant opportunities for additional funding.

Mental Health Litigation

Mental Health Director Ellen Holliman briefed the Board on Mental Health litigation. On Thursday, February 9, 2006, The Durham Center's Board took action to authorize the County Attorney to file suit on its behalf against the North Carolina Department of Health and Human Services. The basis for the suit is breach of contract and failure of the Department to follow State statutes in the proposed reorganization of mental health services. This proposed reorganization will have an adverse effect on the citizens receiving services from The Durham Center.

Beth Melcher, Ph.D., Durham Center Clinical Director, briefly discussed potential clinical implications in using a statewide vendor for utilization management.

Chairman Reckhow reiterated Dr. Melcher's remarks, stating that without the utilization review, some of the County's work may be jeopardized.

County Attorney Chuck Kitchen gave a brief overview of the status of the two lawsuits.

Closed Session

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to adjourn to closed session to consult with an attorney and to preserve the attorney-client privilege pursuant to N.C.G.S. § 143-318.11(a)(3).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow announced that the Board received direction from counsel during Closed Session.

County Attorney Kitchen suggested a motion for the Board to join The Durham Center in authorizing the County Attorney to file an action on behalf of the County of Durham against the North Carolina Department of Health and Human Services for the actions taken regarding the Mental Health reorganization.

Commissioner Cheek moved the suggested motion,
seconded by Vice-Chairman Heron.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Yvonne R. Gordon
Deputy Clerk to the Board