

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

Monday, February 12, 2001

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 MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

**Call to Order**

Chairman Black called the meeting to order with the Pledge of Allegiance.

**Agenda Adjustments**

Commissioner Heron requested an agenda item be added concerning Sedimentation and Erosion Control.

County Manager Mike Ruffin said he wished to share with the Board the actions he took this morning regarding Governor Easley's expenditure reduction plan.

Chairman Black added the request as agenda item No. 15.

**Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the December 7, 2000 BOCC/Durham Public Schools Board of Education Minutes as submitted.

The motion carried unanimously.

**Farmland Preservation Grant Award for Agricultural Conservation Easement on Herndon Farm**

The County was awarded a \$250,000 grant by the North Carolina Farmland Preservation Program for agricultural conservation easements which are administered by the Conservation Trust for the North Carolina Department of Agriculture. The grant, as requested by the Board, purchases the development rights for 50 acres of Herndon Farm.

Resource Person(s): Wayne Cash, Chairman of the Farmland Preservation Board, and Lowell Siler, Deputy County Attorney

County Manager's Recommendation: The Manager's recommendation was that the Board accept the grant and instruct staff to implement the necessary administrative procedures for the transfer of funds from the Conservation Trust for North Carolina. Such procedures include, but are not limited to, recordation of the easements, invoices, receipts, and statements.

Mr. Cash presented the agenda item to the Board of County Commissioners.

Mr. Cash said the conservation easement process would be completed shortly.

Vice-Chairman Reckhow thanked Mr. Cash for his leadership on this issue. This is a wonderful opportunity to preserve a really special place in Durham County. I hope this is the beginning of the County getting other conservation easements on other farms in Durham County.

Commissioner Heron said the Herndon family is really pleased about the easement and happy they could participate in this.

Commissioner Bowser thanked Mr. Cash for his hard work on this project. This easement will benefit Durham County. Commissioner Bowser also took the opportunity to thank Deputy County Attorney Siler for his hard work on the project.

Chairman Black thanked the staff for their work on the conservation easement.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, that the Board accept the grant and instruct staff to implement the necessary administrative procedures for the transfer of funds from the Conservation Trust for North Carolina.

The motion carried unanimously.

**Consent Agenda**

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

- \* (a) Budget Ordinance Amendment No. 01BCC000041— Public Health (approve the budget ordinance amendment to recognize funds from the North Carolina Department of Health and Human Services for the Health Department to be allocated to the Healthy Carolinians Initiative);
- \* (b) Budget Ordinance Amendment No. 01BCC000042— Public Health (approve the budget ordinance amendment to recognize funds from the North Carolina Department of Health and Human Services for the Health Department Syphilis Elimination Project);
- \* (c) Budget Ordinance Amendment No. 01BCC000043 (approve the standard budget reconciliation amendment);
- \* (d) Budget Ordinance Amendment No. 01BCC000044 (approve budget ordinance amendment to accept \$508,040 in new DSS Crisis Intervention Program funds and IV-E Waiver revenues);
- \* (f) Budget Ordinance Amendment No. 01BCC000046— Request for Recognition of DSS FY 2000 Deferred Revenues (approve the budget ordinance amendment to recognize \$126,329 in FY 2000 deferred revenues for the Department of Social Services);
- (g) Advertising of Tax Liens (approve the Tax Administrator's request to begin advertising the 2000 tax liens in the month of March);
- (h) Sanitary Sewer Easement—Evergreens Apts.— Mt. Moriah Rd. (approve the offer of \$200.00 for the sanitary sewer easement by Mr. Richard Siegel and grant the easement to the City of Durham);
- (i) Approval of Construction Contract for the Durham County Main Library Building Roof Replacement (Project IFB# 01-012) (authorize execution of contract with CFE Inc. in the amount of \$252,721.00 and authorize the County Manager to execute change orders, if necessary, not to exceed \$25,272.00);

- (k) Crisis Housing Funds from the NC Department of Commerce (approve the request that the BOCC act as the Community Task Force as recommended by the North Carolina Department of Commerce); and
- \* (l) Board of County Commissioner Goals—At the January 16, 2001 BOCC/Senior Management Planning Retreat, the BOCC identified four goals to implement and support over the next two years (approve the goals and action steps).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 5(a). Budget Ordinance Amendment No. 01BCC000041—Public Health (approve the budget ordinance amendment to recognize funds from the North Carolina Department of Health and Human Services for the Health Department to be allocated to the Healthy Carolinians Initiative).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$239,650,449	\$10,000		\$239,660,449
<u>Revenues</u>				
Misc. Income	\$ 6,737,716	\$10,000		\$ 6,747,716

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 5(b). Budget Ordinance Amendment No. 01BCC000042—Public Health (approve the budget ordinance amendment to recognize funds from the North Carolina Department of Health and Human Services for the Health Department Syphilis Elimination Project).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000042

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Public Health Department.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Expenditures</u>				
Human Services	\$239,660,449	\$2,500		\$239,662,949
<u>Revenues</u>				
Intergovernmental	\$199,420,607	\$2,500		\$199,423,107

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 5(c). Budget Ordinance Amendment No. 01BCC000043 (approve the standard budget reconciliation amendment).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for Economic Development and Nondepartmental.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Economic Development	\$ 4,774,065	\$180,584		\$ 4,954,649
Nondepartmental	\$17,406,281	\$366,310		\$17,772,591
<u>Revenues</u>				
Other Financing Sources	\$17,850,356	\$546,894		\$18,397,250

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent agenda 5(d). Budget Ordinance Amendment No. 01BCC000044 (approve budget ordinance amendment to accept \$508,040 in new DSS Crisis Intervention Program funds and IV-E Waiver revenues).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 2000-01 Budget Ordinance  
 Amendment No. 01BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$239,662,949	\$508,040		\$240,170,989
<u>Revenues</u>				
Intergovernmental	\$199,423,107	\$508,040		\$199,931,147

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 5(f). Budget Ordinance Amendment No. 01BCC000046—Request for Recognition of DSS FY 2000 Deferred Revenues (approve the budget ordinance amendment to recognize \$126,329 in FY 2000 deferred revenues for the Department of Social Services).

The budget ordinance amendment follows.

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$240,320,989	\$126,329		\$240,447,310
<u>Revenues</u>				
Misc. Income	\$ 6,747,716	\$100,184		\$ 6,847,900
Intergovernmental	\$200,081,147	\$ 26,145		\$200,207,292

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 5(l). Board of County Commissioner Goals—At the January 16, 2001 BOCC/Senior Management Planning Retreat, the BOCC identified four goals to implement and support over the next two years (approve the goals and action steps).

BOARD OF COMMISSIONERS  
STRATEGIC GOALS FOR 2001

1. To invest in our community and our citizens by the successful implementation of the Capital Improvement Program.

Some possible actions:

- To ensure approval of Bond referendum
- To acquire alternate sources of revenue
- To make amendments

2. To enhance community livability.

Some possible actions:

- Promote economic development, especially downtown
- Preserve farmland, open space
- Promote alternative sources
- Adopt Public Facilities ordinance
- Adopt impact fees
- Lower crime rate
- Raise high school graduation rate
- Provide adequate job training
- Attract more CEOs
- Enhance communications between City and County governments

3. To help prepare our citizens for the jobs of the future by working with the school system, Durham Technical Community College, and other related agencies.

4. To provide more efficient and effective county services.

Some Possible Actions

- To study the feasibility of restructuring human services.
- To complete current study according to original scope of services
- To set performance indicators for measuring outcomes on people's lives
- To provide guidance for department heads to achieve high performance
- To submit plan to legislature in order to ensure delivery of services to Durham citizens
- To develop computerized systems that facilitate efficient, effective delivery of services
- To complete continuum of care for court-ordered youth.



**Public Hearing—2001-2002 HUD Consolidated Action Plan Needs**

The City of Durham Department of Housing and Community Development (DHCD) requested that the Board hold the FY 2001-2002 Consolidated Plan Needs Public Hearing on February 12, 2001. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that two public hearings be held prior to submission of the Consolidated Action Plan to the US Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive public comments and proposals pertaining to housing needs in Durham. It is anticipated that some of these needs can be addressed using HOME program funds. The City Council held its Needs Public Hearing February 5, 2001.

It was anticipated that Durham would receive approximately \$1 million in Federal HOME grant funds for FY 2001-2002. The major goal of the HOME program is to expand the supply of safe, decent, sanitary, and affordable housing opportunities. These funds would be used primarily to create low- and moderate-income rental and home ownership initiatives. These initiatives include activities reflected in the five-year Durham Consolidated Plan that was submitted to HUD in May 2000.

Charlene Montford, Director of DHCD, reviewed this request and recommended that the Board of County Commissioners hold its 2001-2002 Consolidated Action Plan Needs Public Hearing on February 12, 2001.

Resource Person(s): Charlene Montford, Director, Housing and Community Development, City of Durham; Ava Hinton, Federal Programs Administrator; and Michael Pullum, Senior Planner

County Manager's Recommendation: The Manager's recommendation was that the Board hold the public hearing and discuss with the City Housing staff the need for additional funding to bring closure to the funding issues associated with the Community Shelter for H.O.P.E. project.

Mr. Pullum presented the County Commissioners an overview of the 2001-2002 Consolidated Action Plan Needs. He explained the purpose the public hearing and made remarks about the program.

The Commissioners asked questions and made remarks about the plan to which staff responded.

Commissioner Reckhow commented that the County of Durham is very interested in obtaining more money for the Community Shelter for H.O.P.E. for expansion and renovations.

Mr. Pullum said that is the purpose of the public hearing tonight. If you want that to be a request, this is the meeting to receive proposals and comments.

Chairman Black said it is one of the requests from the Commissioners. She asked that the Board add the \$489,000 (the overrun on the shelter project). That money would come from the Federal Home grant funds. Deputy County Manager Wendell Davis would be working with the City on the request.

Chairman Black opened the public hearing that was properly advertised.

Shirley Strobel, 1119 Woodburn Road, 27705, representing NAMI—Durham (National Alliance for the Mentally Ill)—talked about the financial situation of those who are mentally ill. Mentally ill people exist on disability checks of \$512 a month. Section 8 allows for rent for a one-room efficiency apartment in Durham at a cost of \$530 per month. A person receiving a disability check is \$18.00 short of having enough money to pay rent. We ask that the Commissioners set aside some of the Home money for development of very low-income housing. Sixty percent of the poverty level will not do it. These people are far below 30 percent of the poverty level.

Nancye Bryan, 3408 Dover Road, 27707, representing NAMI, said this is a follow-up of Ms. Strobel's plea. She supported the remarks that Ms. Strobel made during her comments.

As no one else asked to speak at the public hearing, Chairman Black closed the public hearing and referred the matter back to the Commissioners for questions and comments.

Chairman Black made remarks about mental illness and the services for the mentally ill. She was concerned about the changing mental health system in North Carolina and what we must do for the chronically mentally ill. She told the County Manager that the Board must determine ways to address the issue of providing homes for the chronically mentally ill.

Chairman Black said the request is that the Board set aside money to subsidize some of the living expenses for the mentally ill.

Mr. Pullum responded to a question by Chairman Black. He recommended a Request for Proposal for special needs housing for persons at or below 30 percent poverty level. The funds should be for that category exclusively.

Chairman Black asked if the request could get into this year's plan.

Mr. Pullman responded that the proposal could be reviewed and perhaps accepted this year. The Request for Proposal (RFP) would be issued sometime during the upcoming year.

Chairman Black asked that staff begin working on the proposal to request funds. She asked the two speakers at the public hearing to leave their names and addresses with staff.

No official action was required on this agenda item.

**Public Hearing on Section 160A Financing for Homeless Shelter (H.O.P.E. House)**

A public hearing was required to approve the proposed installment financing contracts with the NC Housing Finance Agency and certain related documents for the purpose of financing renovations, additions, and improvements to the Community Shelter for H.O.P.E. located at 412 Liberty Street in Durham, North Carolina. The County would secure the repayment with monies made available pursuant to the installment financing agreements by granting a security interest in all or some portion of the Project.

A resolution calling for a public hearing to approve the proposed installment financing contracts and certain related documents to finance a portion of the Project was passed by the Board on January 22, 2001.

Following the public hearing, the Board may adopt the resolution which was drafted by the County Attorney's Office.

Resource Person(s): Chuck Kitchen, County Attorney; Angela Gadelmann, Assistant County Attorney; Susan Fox-Kirk, Interim Finance Officer; and Wendell Davis, Deputy County Manager

County Manager's Recommendation: Conduct the public hearing and adopt the suggested resolution if supported by the information received in the agenda action package and the information received at the public hearing.

Assistant County Attorney Gadelmann said this is a request for a public hearing to approve the installment financing contracts for the partial funding of the homeless shelter improvements. The two installment contracts are interest free. One of the contracts is forgetful. The contracts are for twenty years. The loan amounts are \$200,000 and \$199,193.

The Commissioners asked several questions and made remarks to which staff responded.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at the public hearing, Chairman Black closed the public hearing and referred the matter back to the Commissioners for resolution.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt the Resolution Approving Two Installment Financing Contracts and Supplemental Deeds of Trust and Approving and Authorizing Certain Actions In Connection Therewith.

The motion carried unanimously.

The resolution follows:

**RESOLUTION APPROVING TWO INSTALLMENT FINANCING CONTRACTS  
AND SUPPLEMENTAL DEEDS OF TRUST AND APPROVING AND  
AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH**

Whereas, the County of Durham, North Carolina, a political subdivision of the State of North Carolina (the "County"), has determined to proceed with the financing pursuant to G.S. § 160A-20, as amended, of a portion of the cost of renovating portions of and constructing additions and improvements to the County-owned homeless shelter known as the Community Shelter for H.O.P.E. (The "Project"), located at 412 Liberty Street in Durham, North Carolina and to approve two installment financing contracts and deeds of trust in connection with such financing; and

Whereas, there have been presented for consideration by the County copies of the following documents relating to such matter:

- (a) a draft of two Installment Financing Contracts, between the County and The North Carolina Housing Finance Agency (the "Financing Contracts"), under which The North Carolina Housing Finance Agency (the "Lender") would permit the County to use the funds advanced by the Lender to the County under the Installment Financing Contracts for the accomplishment of the Project; and
- (b) a draft of two Deeds of Trust (the "Deed of Trust") which the County would execute and deliver to a trustee for the benefit of the Lender and which would grant a security interest in all or some portion of the Project and certain related property, as additional security for the County's obligation to repay the funds advanced to it pursuant to the Contract; now therefore,

BE IT RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners for the County (the “Board of Commissioners”) hereby finds and determines that it is in the best interest of the County to enter into the Financing Contracts and the Deeds of Trust in order to effectuate the financing of the Project as described above.

Section 2. The terms and provisions of the Financing Contracts and the Deeds of Trust are hereby authorized and directed to execute and deliver the Financing Contracts and the Deeds of Trust, as may be applicable, in substantially the forms presented to the Board of Commissioners, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board of Commissioners and the County.

Section 3. The Board of Commissioners hereby approves, ratifies, and confirms the actions of the County Manager, the Interim Finance Director, and the Assistant County Attorney of the County in connection with this matter.

Section 4. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Financing Contracts and the Deeds of Trust.

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

**To Conduct a Public Hearing to Consider Amendments to the Zoning Ordinance Open Space Requirements in Planned Density Residential and Multifamily Districts**

The proposed text amendment was drafted at the request of the Joint City-County Planning Committee and revises the Planned Density Development (PDR) standards regarding the amount of open space provided within PDR developments. The amendment addresses two concerns—that the present PDR open space requirements are not sufficient at the lower density levels, and that there is no requirement that any of the open space be improved for use by future residents.

Presently, no open space requirement exists for projects between 0-2.9 units per acre; the proposed amendment would raise this to five percent. The amendment would also add a new requirement that some of the open space be improved with amenities for projects that are primarily smaller lot and more densely developed. The objective is to ensure that these areas have community-gathering areas and play spaces for future residents. Finally, the proposed amendments also modify the multifamily open space requirements to ensure consistency between the multifamily and PDR zoning categories.

The amendment was reviewed and recommended for approval by both the Zoning Committee and the Durham Open Space and Trails Commission. Each board recommended some minor changes, which were incorporated into the draft.

Resource Person(s): Jane Korest, Senior Planner  
Norm Standerfer, Planning Director

County Manager's Recommendation: The Manager's recommendation was that the Board hold the public hearing and approve the zoning amendments, if appropriate, based on public comment.

Ms. Korest presented the County Commissioners an overview of the proposed text amendment.

The Commissioners asked questions and made remarks about the agenda item to which Ms. Korest responded.

Chairman Black opened the public hearing which was properly advertised.

As no one signed to speak at the public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners for resolution.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve An Ordinance to Amend the Durham Zoning Ordinance to Revise Required Open Space Standards in Planned Density Residential Districts and Multifamily Residential Districts.

The motion carried unanimously.

The zoning ordinance text amendment follows:

TC 111-00

**AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO REVISE  
REQUIRED OPEN SPACE STANDARDS IN PLANNED DENSITY RESIDENTIAL  
DISTRICTS AND MULTIFAMILY RESIDENTIAL DISTRICTS**

**SECTION 1**

That Section 4B.1.9 PDR Open Space Requirements be rewritten to read as follows:

**4B.1 Planned Density Residential District (PDR)**

#### 4B.1.9 Open Space Requirements

Open space in PDR developments adds to the visual character and uniqueness of each development and allows for recreational and aesthetic enjoyment by the residents. In more densely developed PDR projects, improved open space provides centrally located natural areas, community gathering spots, and play spaces that are integral to the livability of the neighborhoods.

1. Required open space shall be as follows:

Residential Density in PDR Tract (dwelling units per acre)	Percent of Gross Site Area Required as Open Space
0 – 3	5
3.01 –6	10
6.01 to 10	12
10.01 -16.0	15
16.01 - 25.0	18

2. Required open space may consist of any of the following:
  - a. Property which is naturally vegetated or revegetated to appear naturally vegetated.
  - b. Properties which have severe development constraints or other conditions which affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, steep slopes, or properties which are actively farmed may be counted for up to 50% of the total required open space.
  - c. Property developed for active recreational purposes (swim clubs, etc.) may be counted for up to 50% of the total required open space.
3. PDR developments or subcomponents shall provide improved open space when the median lot size is 6000 square feet or less for detached single family projects, or when the net density is eight units per acre or greater for other residential uses. The improved open space(s) shall be located and placed so that 95% of the residential units covered by this provision are located within a 1300 feet walking distance from an improved open space area. Improved open space shall be on land that is generally dry, with mild topography, suitable for frequent use, and with a minimum of 8000 square feet in land area. The improved open space must include an all-weather walking path, perimeter plantings, and at least two of the following: benches, picnic tables, shelters, gazebos, one or more prepared play areas, play equipment, grassed and landscaped areas, and other similar community amenities. The improved open space(s) shall be accessible and conveniently located within common areas. Improved open space for single-family detached areas shall be located with at least one side

having street frontage. Active recreation uses that charge a fee for use may not count towards this provision.

4. Streets, driveways and yard spaces provided for the residences may not be counted toward the open space requirement.
5. Open space shall be established on the Development Plan with provisions for permanent maintenance either through dedication to a legally established homeowners association, or by dedication and acceptance by a governing jurisdiction for public use, if such dedication is desired by the governing jurisdiction.
6. Open space property shall be described and identified by location, size, use and improvements on the Development Plan prior to dedication to an entity identified for permanent maintenance.
7. Open space property shall not be disturbed, graded or cleared except in conformance with an approved plan.
8. Open space provided to meet the requirements of this section (4B.1.9) may also be used to meet other applicable zoning ordinance or subdivision requirements.

#### SECTION 2

That Section 4A.8.10 Open Space Requirements in RM Districts Residential Multi-family be rewritten to read as follows:

##### 4A.8.10 Open Space Requirements

Open space shall be provided in all RM districts in accordance with the open space provisions of Section 4B.1.9 Open Space Requirements (for PDR Districts)

#### SECTION 3

That the Zoning Ordinance be renumbered if necessary to accommodate this change.

#### SECTION 4

That this ordinance becomes effective upon adoption.

(Zoning Ordinance amendment recorded in Ordinance Book \_\_\_\_, Page \_\_\_\_.)

#### **Public Hearing on Order Authorizing \$105,000,000 Refunding Bonds**

The Board of Commissioners was requested to hold a public hearing on the possible refunding of existing debt of the County. The amount proposed for refunding was \$93,945,000. However, the Board was requested to authorize up to \$105,000,000 to be refunded to take advantage of any market changes on the day of sale.

Resource Person(s): Chuck Kitchen, County Attorney, and Susan Fox-Kirk, Interim Finance Director



County Manager's Recommendation: Hold the public hearing which was properly advertised, and if appropriate, approve both the Order and the Resolution.

County Attorney Chuck Kitchen presented the Commissioners an overview of the agenda item.

Chairman Black opened the public hearing that was properly advertised.

Jack Steer, 2416 Dawn Trail, representing Friends of Durham, wanted to know why the County was increasing the bond debt.

Chairman Black asked County Attorney Kitchen to respond to the question.

Mr. Kitchen commented that the County is not increasing the bond debt. The bond debt stays exactly the same. The interest rate on the debt is what changes. The payments on the debt will decrease.

The Commissioners asked questions and made comments about the agenda item to which Attorney Kitchen responded.

As no one else asked to speak at the public hearing, Chairman Black closed the public hearing and referred the matter back to the Commissioners for resolution.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the Order Authorizing \$105,000,000 Refunding Bonds and the Resolution Providing for the Issuance of \$93,945,000 Refunding Bonds, Series 2001.

The motion carried unanimously.

RESOLUTION PROVIDING FOR THE ISSUANCE OF  
\$93,945,000 REFUNDING BONDS, SERIES 2001

BE IT RESOLVED by the Board of Commissioners for the County of Durham,  
North Carolina:

Section 1. Said Board of Commissioners (the "Board of Commissioners") has determined and does hereby find and declare:

(a) That an order authorizing not exceeding \$105,000,000 Refunding Bonds was adopted by the Board of Commissioners on January 22, 2001, which order has taken effect.

(b) That none of said Refunding Bonds has been issued; that no notes have been issued in anticipation of the receipt of the proceeds of the sale of said Refunding Bonds; and that it is necessary to issue at this time \$93,945,000 of said Refunding Bonds in accordance with the provisions of Section 2 of this resolution and subject to adjustment as set forth therein.

(c) That the shortest period of time in which the debt of said County to be refunded by the issuance of said Refunding Bonds can be finally paid without making it unduly burdensome on the taxpayers of said County, as determined by the Local Government Commission of North Carolina, is a period which expires on April 1, 2013.

Section 2. Pursuant to said order, there shall be issued bonds of the County of Durham, North Carolina (the "Issuer") in the aggregate principal amount of \$93,945,000, designated "Refunding Bonds, Series 2001" and dated February 15, 2001 (the "Bonds"). The Bonds shall be stated to mature (subject to adjustment as hereinafter set forth) annually, April 1, \$3,500,000 2002, \$5,545,000 2003, \$5,480,000 2004, \$8,915,000 2005, \$8,805,000 2006, \$8,690,000 2007, \$8,585,000 2008, \$9,325,000 2009, \$12,640,000 2010, \$12,355,000 2011, \$7,540,000 2012 and \$2,565,000 2013 and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on October 1, 2001 and semiannually thereafter on April 1 and

October 1 of each year until payment of such principal sum. Notwithstanding the foregoing, the Issuer reserves the right to increase or decrease the aggregate principal amount of the Bonds by an amount not to exceed \$10,000,000 following the opening of bids for the purchase of the Bonds and, in the event of such increase or decrease, the principal amount of any maturity of the Bonds will be increased or decreased by an amount to be determined by the Finance Director of the Issuer, with the advice of the Issuer's financial advisor employed in connection with the issuance of the Bonds, provided that debt service savings will be realized by the Issuer in each 12-month period, commencing with the 12-month period ending April 1, 2002, during which the Bonds will be outstanding as a consequence of issuing the Bonds. The Finance Director of the Issuer is hereby authorized and directed to make any such adjustment, if appropriate, on behalf of the Issuer.

The Finance Director of the Issuer is hereby also authorized and directed to determine on behalf of the Issuer, with the advice of said financial advisor, which of the outstanding bonds of the Issuer are to be refunded pursuant to the order of the Board of Commissioners mentioned in Section 1(a) hereof in connection with the issuance of the Bonds.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear

interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One fully-registered Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York ("DTC"), will be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at such office of the Bond Registrar mentioned hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds

evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the Issuer determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry system with DTC. If the Issuer identifies another qualified securities depository to replace DTC, the Issuer will make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will deliver replacement Bonds in the form of fully registered certificates in the denomination of \$5,000 or any multiple thereof

("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the Issuer may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to said Board and the corporate seal or a facsimile of the corporate seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. and the endorsements thereon shall be in substantially the following forms:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”) to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R- ..... \$.....

United States of America  
State of North Carolina

COUNTY OF DURHAM

REFUNDING BOND, SERIES 2001

<u>Maturity</u>	<u>Interest Rate</u>	<u>Cusip</u>
.....	.....	.....

The County of Durham, in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of said County (the “Bond Registrar”), the principal sum of

..... DOLLARS

and to pay interest on such principal sum from the date hereof or from the April 1 or October 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an April 1 or October 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on October 1, 2001 and semiannually thereafter on April 1 and October 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said County. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said County of Durham are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "Refunding Bonds, Series 2001" (the "Bonds") and issued by said County for the purpose of providing funds, with any other available funds, for refunding certain outstanding bonds of said County, including paying expenses related thereto, as provided in a resolution duly passed by the Board of Commissioners for said County on February 12, 2001 (the "Resolution"), and this bond is



issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by said Board of Commissioners, which has taken effect, and the Resolution.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One fully-registered Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said County will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his or her office the books of said County for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said County sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said County, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said County of Durham, by resolution duly passed by its Board of Commissioners, has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of said Board and the Clerk to said Board and [a facsimile of] its corporate seal to be [printed] [impressed] hereon, all as of the 15th day of February 2001.

/s/ MaryAnn E. Black  
Chairman of the Board of Commissioners

/s/ Garry E. Umstead  
Clerk to the Board of Commissioners

#### CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

\_\_\_\_\_  
Secretary, Local Government Commission

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director of the County of Durham,  
North Carolina, as Bond Registrar

By: \_\_\_\_\_  
Authorized Signatory

Date of authentication: \_\_\_\_\_

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

\_\_\_\_\_  
\_\_\_\_\_

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

\_\_\_\_\_

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds will not be subject to redemption prior to maturity.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds

sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositories or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bonds. The Finance Director of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his or her office the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution. Pending the appointment of a Finance Director of the Issuer, the Interim Finance Director of the Issuer shall be considered to be the Finance Director of the Issuer for the purposes of this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in the gross income of the owners of the Bonds for purposes of federal income taxation.

Section 7. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository (“NRMSIR”) and to the state information depository for the State of North Carolina (“SID”), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the

Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board (“MSRB”), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) call of any of the Bonds for redemption;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of property securing repayment of the Bonds; and



(11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(e) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(f) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(g) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by approving vote of the registered owners of a majority in principal amount of the Bonds then outstanding pursuant to the terms of this resolution, as it may be amended from time to time, at the time of the amendment.

The Issuer agrees that the annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 8. The actions of the County Manager, the Finance Director and the County Attorney of the Issuer in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds and the actions of the Chairman of the Board of Commissioners and the County Manager and the Finance Director of the Issuer in approving an Official Statement relating to the sale of the Bonds, dated February 9, 2001, are hereby approved, ratified and confirmed. Such Official Statement is hereby approved, and the Chairman of the Board of Commissioners and the County Manager and the Finance Director of the Issuer are each hereby authorized to approve a Supplement to such Official Statement relating to the sale of the Bonds and to execute such Official Statement and such Supplement for and on behalf of the Issuer.

Section 9. The Letter of Representations, as requested by DTC in connection with the issuance of the Bonds and in the form presented at this meeting, is hereby approved, and the Finance Director of the Issuer is hereby authorized to complete and execute such Letter of Representations and to deliver the same to DTC for and on behalf of the Issuer.

Section 10. First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, is hereby appointed as escrow agent in connection with the refunding of the bonds to be refunded by the issuance of the Bonds (the "Escrow Agent"), subject to the right of the Board of Commissioners to appoint another Escrow Agent as provided in the Escrow Deposit Agreement hereinafter mentioned, and as such shall perform its responsibilities as provided in such Escrow Deposit Agreement. Such Escrow Deposit Agreement, substantially in the form of the draft thereof presented to the Board of Commissioners, and the creation of the Escrow Fund and the other arrangements described therein to accomplish such refunding are hereby approved, and the Chairman of the Board of Commissioners and the Clerk to said Board are each hereby authorized to approve such changes in such Escrow Deposit Agreement as are necessary and to execute such Escrow Deposit Agreement for and on behalf of the Issuer.

Section 11. The Arbitrage Group, Inc. in the City of Tuscaloosa, Alabama, is hereby appointed to verify the accuracy of certain mathematical computations in connection with the issuance of the Bonds, as described under the caption "Verification of Mathematical Computations" in the Official Statement mentioned above.

Section 12. The County Manager, the Finance Director and the County Attorney of the Issuer and their respective designees are hereby authorized and directed to take such other actions as may be necessary or appropriate to effectuate the refunding of the bonds to be refunded in connection with the issuance of the Bonds. Such actions include determining on behalf of the Issuer whether or not to proceed with such refunding depending upon the cost savings available on the sale date of the Bonds and, if a determination is made to proceed with such refunding, giving or causing to be given notices of redemption of such bonds to be refunded as required by the respective resolutions providing for their issuance heretofore passed by the Board of Commissioners and such related documents as may be applicable.

Section 13. This resolution shall take effect upon its passage.

**Public Hearing on Section 160A Financing for First Union Building**

A public hearing was required to approve the proposed amendment to an existing installment financing contract and certain related documents for the purpose of financing a portion of the cost of acquiring the First Union Building located at 201 North Roxboro Street in Durham, North Carolina, and related property, including a 30-space parking lot, and renovating said building to provide space for a juvenile courtroom, offices for the Guardian Ad Litem and the Public Defender, and other court-related facilities (the "Project"). The County would secure the repayment with monies made available pursuant to the contract amendment by granting a security interest in all or some portion of the Project and certain related property.

A resolution calling for a public hearing to approve the proposed amendment to an existing installment financing contract and certain related documents to finance a portion of the Project was passed by the Board on January 22, 2001.

Resource Person(s): Chuck Kitchen, County Attorney; Angela Geadelmann, Assistant County Attorney; Susan Fox-Kirk, Interim Finance Officer; and Wendell Davis, Deputy County Manager

County Manager's Recommendation: Conduct the public hearing and adopt the suggested resolution if supported by the information received in the agenda action package and the information received at the public hearing.

County Attorney Chuck Kitchen presented an overview to the Commissioners of this agenda item.

Chairman Black opened the public hearing, that was properly advertised.

As no one sign to speak at the public hearing, Chairman Black closed the public hearing and referred the matter back to the Commissioners for resolution.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt the Resolution Approving an Amendment to an Existing Installment Financing Contract and a Supplemental Deed of Trust and Approving and Authorizing Certain Actions In Connection Therewith.

The motion carried unanimously.

The resolution follows:

**RESOLUTION APPROVING AN AMENDMENT TO AN EXISTING  
INSTALLMENT FINANCING CONTRACT AND A SUPPLEMENTAL DEED OF  
TRUST AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN  
CONNECTION THEREWITH**

WHEREAS, the County of Durham, North Carolina, a political subdivision of the State of North Carolina (the "County"), has determined to proceed with the financing pursuant to G.S. § 160A-20, as amended, of a portion of the cost of acquiring an existing building known as the First Union Building or the Commerce Building and located at 201 North Roxboro Street in Durham, North Carolina, and related property, including a 30-space parking lot, and renovating said building to provide space for a Juvenile Courtroom, offices for the Guardian Ad Litem and the Public Defender and other court-related facilities (the "Project") and to approve an amendment to an existing installment financing contract and a deed of trust in connection with such financing; and

WHEREAS, there have been presented for consideration by the County copies of the following documents relating to such matter:

(a) a draft of an Installment Financing Contract Amendment, between the County and First Union National Bank (the "Contract Amendment"), under which First Union National Bank (the "Lender") would permit the County to use a portion of the funds previously advanced by the Lender to the County under an Installment Financing Contract, dated May 14, 1996, between the County and the Lender (the "Contract"), for the accomplishment of the Project; and

(b) a draft of a Deed of Trust and Security Agreement (the "Supplemental Deed of Trust") which the County would execute and deliver to a trustee for the benefit of the Lender and which would grant a security interest in all or some portion of the Project and certain related property in addition to the security interest granted by the County in accordance with the Contract in the property financed under the Contract and certain related property, as additional security for the County's obligation to repay the funds advanced to it pursuant to the Contract; now, therefore,

BE IT RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners for the County (the "Board of Commissioners") hereby finds and determines that it is in the best interest of the County to enter into the Contract Amendment and the Supplemental Deed of Trust in order to effectuate the financing of the Project as described above.

Section 2. The terms and provisions of the Contract Amendment and the Supplemental Deed of Trust are hereby approved in all respects and the Chairman of the Board of Commissioners, the Interim Finance Director of the County, the Assistant County Attorney of the County and the Clerk to the Board of Commissioners are hereby authorized and directed to execute and deliver the Contract Amendment and the

Supplemental Deed of Trust, as may be applicable, in substantially the forms presented to the Board of Commissioners, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board of Commissioners and the County.

Section 3. The Board of Commissioners hereby approves, ratifies and confirms the actions of the County Manager, the Interim Finance Director and the Assistant County Attorney of the County in connection with this matter.

Section 4. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Contract Amendment and the Supplemental Deed of Trust.

Section 5. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), as applicable to the Contract Amendment except to the extent that the County obtains an opinion of nationally-recognized bond counsel to the effect that noncompliance would not result in the interest components of the Installment Payments (as defined in the Contract) being includable in the gross income of the recipient thereof under Section 103 of the Code, as more specifically provided in the Contract.

Section 6. This resolution shall take effect immediately upon its passage.

**Budget Ordinance Amendment No. 01BCC000047—Request for Additional Funding for Operations at the Board of Elections**

The Board of Elections requested approval of a budget amendment to increase election's FY 2001 allocation by \$160,000. These funds are essential to ensure that the department remains operational, legal, and professional for the remainder of the fiscal year. The primary reason for this request was the cost of the 2000 general election, which is characterized as being one of the largest voter turnouts in the County's history. In addition, an extensive backlog of list maintenance and mapping work remains to get the agency on sound footing and prepared for the re-sizing of City Council from 13 to seven members. Furthermore, the 2000 Census has created the need to redraw lines as a result of new demographic data.

The request was further justified by the following facts:

1. The Board of Elections was appropriated \$518,000 in the current fiscal year. As of January 20, 2001, \$66,359 remains for this fiscal year. Therefore, the Board of Elections requested \$160,000 to sustain operations for the remainder of the fiscal year.
2. Due to under-staffing during the 2000 general election, the Board of Elections, for a successful election, hired large numbers of temporary staff to manage the workload and perform other critical functions. For the first time, the Elections Department conducted one-stop, no excuse absentee balloting. This activity was essentially an unfunded state mandate, which necessitated the hiring of 16 additional workers for 17 days at satellite locations and an additional five workers at the BOE for 12 days.
3. The profound interest and activity in the November 2000 Presidential Election, the advent of one-stop voting, and the changing of four polling locations caused the Elections Department to spend more for postage, consumables, and advertising than was appropriated for the Board of Elections in the current year.
4. In addition, the Board of Elections conducted a 100-percent recount of all ballots, which was also an unfunded state mandate. This activity necessitated the hiring of 15 additional temporary workers for three days.
5. The National Voter Registration Act of 1993 changed the procedures for list (database) maintenance. It is significantly easier to get on the list than to be removed. To properly update/maintain our database requires a minimum of two separate mailings. This mandated procedure has never been conducted. To be prepared for the upcoming election, the Board of Elections must correct the list maintenance file. Given the recent developments with the state budget, the Board of Elections will address this item in next fiscal year's budget.
6. Last, it is important to point out that the Elections Department is not appropriately staffed to execute its primary duties. The two additional personnel will facilitate



compliance with state and federal laws. The addition of these positions will save money and reduce errors caused by more expensive, temporary, and untrained personnel. The BOE requires one additional Staff Assistant III and one Geographer. This item will be addressed during the budget deliberations for next fiscal year.

7. Approval of this request will allow the Elections Department to do what is expected in respect to preserving the foundation of democracy. These funds are essential for the proper accomplishment of the agency's critical mission. The election activity is not just one day or one month, but an everyday process. The execution of each election requires a complete and trained full-time staff and the appropriate physical plant, equipment, and supplies.

Resource Person(s): Ronald Gregory, Board of Elections Chairman; Terry McCabe, Board of Elections Secretary; Carol Anderson, Board of Elections member; Michael Ashe, Director of Elections; and Pamela Meyer, Budget Director

County Manager's Recommendation: The Manager recommended that the Board appropriate additional funding to the Board of Elections in the amount of \$160,000. This recommended reduction from \$236,000 to \$160,000 is due to the \$3.2 million revenue shortfall in State funding. Funds would be appropriated from county contingency located in the non-departmental function of the General Fund. The Manager further recommended that the Board revisit the need for the two additional positions in the ensuing FY 2001-2002 budget.

Chairman Black called on County Manager Ruffin to make opening remarks on this agenda item.

County Manager Ruffin said that Mike Ashe, Director of Elections, is present to make his request on behalf of the Board of Elections.

County Manager Ruffin stated he would like to make remarks after the Director's presentation.

Mr. Ashe made his mid-year budget request to the County Commissioners. He commented that the budget request was reduced by \$76,000 from \$236,000 to \$160,000. The \$160,000 request will merely keep the doors open for the remainder of the fiscal year. The Board of Elections will work hard and move forward with its resources. However, we are not in compliance with state and federal laws. We will be able to comply with state and federal laws after the November 2001 election.

County Manager Mike Ruffin stated that he does not want the viewers or audience to believe that the Board's action will mean that the Board of Elections will be unable to comply with the law. The truth is that since 1993, we have not been in compliance with

the law relative to list maintenance. I doubt very seriously, even if the request had been approved tonight in the full amount of \$236,000, that we would be in compliance with the law by July 1, 2001. I still believe that next fiscal year we will move forward with the plan to bring the matter under compliance.

The Commissioners asked questions and made comments about the agenda item to which Mr. Ashe and County Manager Ruffin responded.

Chairman Black said she wanted Mr. Ashe and County Manager Ruffin to discuss the timeliness of hiring someone who can input data into the computer so we will have no problems with the November election.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the appropriation of additional funding to the Board of Elections in the amount of \$160,000.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Election Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$19,775,764	\$160,000		\$19,935,764
Nondepartmental	\$17,406,201		\$160,000	\$17,246,201

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**NCDOT Community Transportation Grant Approval Request**

Durham County Cooperative Extension requested that the Board of Commissioners authorize the submission of the FY 2001-2002 Community Transportation Program Grant to the North Carolina Department of Transportation (NCDOT). Durham County's Community Transportation Program provides transportation services for elderly and disabled citizens and for transitional Work First and general public employment transportation needs for Durham County.

The revenue from this grant and expenditures required of the county would be budgeted in the FY 2001-2002 budget. The County applies to NCDOT for these grant funds on an annual basis. The purpose of the funds is to purchase vehicles and to subsidize the administrative costs associated with the Community Transportation Program. This grant was presented to and accepted by the County Transportation Advisory Board.

The Community Transportation Program Grant application requests \$201,832 from NCDOT. The Department of Transportation requires a local match of 15 percent which totals \$30,275 to be appropriated in FY 2001-2002 by budget. This match is \$344 less than the current match budgeted for FY 2000-2001.

Requested Budget

- Administrative \$ 85,032  
Transportation Coordinator, Administrative Assistant, and administrative supplies and support
  - Capital Expenditures 115,800  
3 vehicles and 2 computers
  - Employee Development 1,000
- Total \$201,832

Resource Person(s): Cheryl Lloyd, Cooperative Extension Service Director, and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: The Manager recommended that the Board approve the resolution authorizing Durham County Cooperative Extension to submit the FY2001-2002 Community Transportation Program Grant to the North Carolina Department of Transportation. The required local match of \$30,275 (which is \$344 less than the current budgeted match) would be requested during the upcoming FY 2001-2002 budget process.

Ms. Lloyd presented the Commissioners an overview of the grant. She was in support of the County Manager's recommendation.

The Commissioners asked questions and made remarks about the transportation grant to which Ms. Lloyd and Mr. Ford responded.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the resolution authorizing Durham County Extension Service to submit the FY 2001-2002 Community Transportation Program Grant to the North Carolina Department of transportation.

The motion carried unanimously.

The resolution follows:

#### COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Applicant Seeking Permission to Apply for CTP Funding,  
Enter Into Agreement with the North Carolina Department of Transportation,  
and to Provide the Necessary Assurances

A motion was made by Commissioner Heron and seconded by Commissioner Bowser for the adoption of the following resolution, and upon being put to a vote was duly adopted.

Whereas, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

Whereas, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

Whereas, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

Whereas, Durham County Government hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, BE IT RESOLVED that Chairman MaryAnn E. Black of the Durham County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I, Garry E. Umstead, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Durham County Board of Commissioners duly held on the 12th day of February, 2001.

/s/ Garry E. Umstead  
Signature of Certifying Official

Durham County Board of Commissioners  
Name of Local Governing Board

### **Site Evaluation for Construction of Justice Building**

The properties under consideration for the site of the new Justice Center Building include the U-Haul facility at 247 S. Mangum Street. This property is also identified as Tax Map parcel #040-07-003 and PIN #0821-12-96-1038. The owner of record is U-Haul Real Estate Company. At present, neither the on-site management nor the company representatives of U-Haul in Arizona will grant permission for staff or contractors to enter the site to conduct preliminary surveys and environmental investigations to properly evaluate the site's suitability.

N.C.G.S. § 40A-11 authorizes the County, as a local public condemnor, to enter onto the property for these and other purposes subsequent to giving 30-days advance notice to the property's owner and the party in possession of the property.

The Order directs the County Manager to give such notice and conduct the necessary investigations and other actions authorized under N.C.G.S. § 40A-11, which may become necessary to evaluate the suitability of the property.

Resource Person(s): Wendell Davis, Deputy County Manager  
Curtis Massey, Assistant County Attorney  
Bill Martin, Real Property Manager

County Manager's Recommendation: The Manager's recommendation was that the Board review the proposed resolution and approve it. Staff, over the past month, has been working with both U-Haul, as well as its representative, to obtain permission to go on-site and conduct preliminary environmental assessments. To date, permission from U-Haul has not been granted.

Deputy County Manager Wendell Davis said the purpose of this item is to obtain Board approval to proceed with the condemnation process for the U-haul site. Mr. Davis presented the Commissioners an overview of the site evaluation procedure and the status of the project.

The Commissioners asked questions and made comments about the agenda item to which Mr. Davis and Mr. Massey responded.

After a lengthy discussion, the Commissioners decided to delay action on this site evaluation process. The Commissioners wanted to have a worksession to discuss the Capital Improvement Program (CIP) and to review the Justice building project relating to funding, square footage, and site evaluation.

Chairman Black asked for any additional comments. I don't think we should take action on this item. Therefore, I will not ask for a motion.

#### **Discussion of Proposed Items for the 2001 Durham County Legislative Agenda**

Following two rounds of discussion regarding the 2001 Durham County Legislative Agenda at the January and February Worksessions, staff was asked to bring the item forward for adoption. Staff has worked on retooling several items based on feedback from Board members. The Board has requested that several items that did not receive unanimous support in the past be listed separately for individual vote.

Resource Person(s): Deborah Craig-Ray and Chuck Kitchen

County Manager's Recommendation: Adopt a final version of the 2001 Legislative agenda and set up a meeting with the Durham Delegation to deliver the items.

Chairman Black said the legislative items that the Commissioners have consensus on will be voted on collectively.

The proposed legislative items for 2001 follow:

#### Priority Items:

1. Legislation seeking four-year terms of office for Durham Board of County Commissioners.
2. Seek legislation to allow counties to enact several revenue options, subject to local referendum, of those revenue sources that have already been authorized for counties in other parts of the state, to include land transfer taxes, impact taxes for school

facilities and other infrastructure, prepared meals taxes, and occupancy taxes.  
(NCACC adopted goal)

3. Legislation enacting an Impact Tax or Impact Fee in Durham County.

Seek Items:

4. Legislation to make the reckless discharge of a firearm into occupied property a crime.
5. Legislation clarifying that the Office of Juvenile Justice, and not the Director of Social Services, shall investigate allegations of abuse, neglect, and dependency alleged by juveniles while incarcerated in the Youth Home.
6. Legislation authorizing the Legislative Research Commission to create a study committee to study privatization of liquor sales in North Carolina.
7. Legislation to make miscellaneous changes in Durham County's Zoning Authority.
8. Legislation to decriminalize needle exchange programs to reduce the incidence of HIV transmission caused by the sharing of contaminated needles.

Support Items:

9. Legislation amending GS 7AA-311(a)(1) to increase the fees for service of process to \$25. (NCACC adopted goal)
10. Legislation to decriminalize the placement of an infant less than 15 days old with a law enforcement officer, a Department of Social Services worker, a Health Care provider at a hospital, or a Public Health Department. (Expected to be introduced in the Senate, DSS)
11. Legislation to change NC Juvenile Code to require the state, not the county, to pay for unreimbursed court-ordered mental health, developmental disabilities, and/or substance abuse care for children.

Support Budget Items:

12. Legislation to appropriate state funds to add school health personnel in all counties so that over a 3-year period the state reaches a nurse/student ratio of 1:750. (NCACC adopted goal, Public Health Department)

13. Legislation to provide additional funding to support state-funded Intensive Home Visiting Projects.
14. Legislation to have the Division of Medical Assistance reimburse 80% of UCR amounts to dentists statewide who are treating Medicaid eligible children.
15. Legislation to provide state appropriation to finance health care delivery for immigrant residents who are not sponsored, and/or who are not insured regardless of nationality and citizenship.
16. Legislation providing additional income for low-income working parents as an incentive to work and to reduce the number of families who are working and are still living below the poverty level.
17. Legislation providing funding adequate to assure that all children in North Carolina who apply and are eligible for NC Health Choice will be served. Adequate federal and/or state funds should be sought to provide full funding for all eligible children.
18. Legislation establishing full special assistance benefits eligibility to disabled adults living at home or independently, equal to the benefits eligibility for disabled adults living in a licensed facility.

Vice Chairman Reckhow moved, seconded by Commissioner Bowser, to adopt the final version of the 2001 Legislative Agenda with the exception of the following four issues which were voted on separately.

The motion carried unanimously.

Discussion was held on each item below that was voted on separately.

1. Legislation to provide for an additional local option sales tax, subject to a local referendum. The new local option sales tax would not be on food and the existing local 2-cent sales tax on food would be repealed. County proceeds will be used for school construction or retirement of school construction debt. If it is determined that school construction debt service needs have been met, proceeds could be used to meet other capital infrastructure needs. (NCACC adopted goal)

Vice-Chairman Reckhow moved, seconded by Commissioner Cousin, to approve item No. 1.



The motion carried with the following vote:

Ayes: Black, Cousin, Heron, and Reckhow  
Noes: Bowser

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2. Authorization for Inclusionary Housing Program in Durham County—to be completed.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve item No. 2.

The motion carried unanimously.

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3. Establish a human relations commission for the county to investigate discrimination.

Commissioner Cousin moved, seconded by Commissioner Bowser, to approve item No. 3.

The motion failed with the following vote:

Ayes: Bowser and Cousin  
Noes: Black, Heron, and Reckhow

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4. Legislation to prohibit the taking of deer with dogs in Durham County.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve item No. 4.

The motion carried with the following vote:

Ayes: Black, Cousin, Heron, and Reckhow  
Noes: Bowser

**Set Meeting Date with the Durham Legislative Delegation**

Ms. Craig-Ray asked the Commissioners to decide on dates that they prefer meeting with the Durham Legislative Delegation to discuss the 2001 Durham County Legislative Agenda.

Chairman Black asked Ms. Craig-Ray to poll the delegation to find out which Mondays that they could meet with the County Commissioners.

**North Carolina Office of Emergency Medical Services**

County Attorney Chuck Kitchen explained to the Commissioners the proposed legislation to expand the definition of Emergency Medical Services.

After discussion, the following vote was taken:

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to oppose the proposed legislation by the North Carolina Emergency Medical Services to expand the definition of EMS. The County Attorney would write a letter to OEMS expressing the opposition.

The motion carried unanimously.

**Consent Agenda Items Removed for Discussion**

Consent Agenda 5(e). Budget Ordinance Amendment No. 01BCC000045—Department of Social Services Request to Accept New Revenues to Provide Medicaid Reinstatements (approve the budget ordinance amendment to accept \$150,000 in additional Federal revenues necessary to reinstate working families' Medicaid eligibility).

After several questions and answers, the following motion was made:

Commissioners Heron moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item No. 5(e).

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$240,170,989	\$150,000		\$240,320,989
<u>Revenues</u>				
Intergovernmental	\$199,931,147	\$150,000		\$200,081,147

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

This the 12<sup>th</sup> day of February, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 5(j). Lease Agreement for Welcome Baby at the Shoppes at Lakewood (authorize the execution of this lease in accordance with the agreement).

After a brief discussion, the following motion was made:

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item No. 5(j).

The motion carried unanimously.

**Sedimentation and Erosion Control**

Commissioner Heron brought up the fact that the Joint City-County Planning Committee had asked Sedimentation and Erosion Control officers to investigate alleged violations of two sites. The sites were checked and inspectors found two violations at each site. The City-County Planning Committee was told that only two inspectors are on staff to perform S&E inspections. Commissioner Heron said this troubles me greatly.

County Engineer Glen Whisler responded to Commissioner Heron's remarks.

The Commissioners had a lengthy discussion about the S&E violations and what should be done immediately relative to violation fines.

Commissioner Heron said we will address enforcement procedures with Planning Department staff. The staff will be looking at the Natural Resource Protection Ordinance as it relates to trees. We hope to strengthen the ordinance within the next few months.

**Fiscal Year 2000-2001 Budget—Expenditure Reduction Plan**

County Manager Michael Ruffin discussed plans to reduce the County's expenditures due to Governor Mike Easley's decision to escrow the April 30 installment of \$95 million in inventory tax reimbursement payments to city and county governments. Durham County's \$3,274,891 share of that payment was revenue on which the County was depending to assist in meeting its expenses for the rest of the fiscal year.

The County Manager held a Department Manager's meeting earlier in the day and gave direction to implement several actions for the balance of the fiscal year.

After a lengthy discussion about the expenditure reduction plan, the following authorization was granted County Manager Ruffin:

County Manager Ruffin was authorized by the BOCC to send a letter to Governor Michael F. Easley detailing the impact of the \$3.2 million reduction in Durham County's budget for the remainder of this fiscal year. Governor Easley would be urged to consider the impact of the reductions on cities and counties across the state.

Copies of the letter would be sent to President Pro Tem Mac Basnight, Speaker of the House Jim Black, and the Durham Delegation.

**Adjournment**

Chairman Black adjourned the meeting.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board