

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

Monday, June 25, 2001

5:00 P.M.

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

Closed Session

A motion was made and seconded to adjourn into Closed Session.

The motion carried unanimously.

The Board of Commissioners adjourned to closed session pursuant to:

1. N.C.G.S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses including agreement on a tentative list of economic development incentives that may be offered; and
2. N.C.G.S. § 143-318.11(a)(6) to discuss the performance of the following individual public officials:
 - 5:00 p.m.-5:20 p.m. – Sheriff
 - 5:20 p.m.-5:40 p.m. – Register of Deeds
 - 5:40 p.m.-6:00 p.m. – Tax Administrator
 - 6:00 p.m.-6:20 p.m. – County Attorney
 - 6:20 p.m.-6:40 p.m. – County Manager

7:25 P.M.

Regular Session

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

The County Attorney added an item, "Renewal of Excess Liability Insurance" to become Consent Agenda item 5(p).

Consent Agenda item 5(c), "Office of the Sheriff—Lease for Parkwood Volunteer Fire Department," was pulled for a later meeting (July 2, 2001).

Item 8, "Unified Development Ordinance—Consultant Service Contract With Duncan and Associates for \$189,500, Dependent on Participation by the City of Durham," was pulled and moved to the meeting of July 2, 2001.

Commissioner Heron added an item to address the recent bear-shooting incident in a residential neighborhood.

Commissioner Cousin moved, seconded by Commissioner Heron, to excuse Vice-Chairman Reckhow from the July 2, 2001 meeting. (She has been chosen to accompany a group studying transportation in several European cities.)

The motion carried unanimously.

Minutes

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the minutes of the April 30, 2001 Joint BOCC/City Council/DPS Board of Education Meeting, the May 14, 2001 Regular Session, the May 31, 2001 Regular Session, and the June 4, 2001 ABC Board Hearing, as submitted.

The motion carried unanimously.

Recognition of 22 Years of Service by Gussie Stubbs

The Board of County Commissioners recognized Mrs. Gussie M. Stubbs who retired June 1, 2001 after 22 years of dedicated service to lower income families with children in Durham County. Mrs. Stubbs was employed through Cooperative Extension in a federally funded program as an Expanded Food and Nutrition Program Assistant. She visited the homes of thousands of Durham County families over the past years teaching women and men to prepare healthy meals for their children, to maintain good eating habits, and to get the most from their food stamps, WIC vouchers, and money. While conducting classes in homes, community centers, and shelters, families have also learned to work with others to reach their goals. The program serves low-income families in 30 counties in North Carolina focusing on improving the diets of pregnant women and families with young children.

Resource Person: Cheryl Lloyd, Cooperative Extension Service Director

County Manager's Recommendation: The Manager recommends that the Board recognize Mrs. Gussie Stubbs for 22 years of service to Durham County families with young children and her dedication to improving their health through diet.

Cooperative Extension provided a plaque for presentation to Mrs. Gussie Stubbs by the Board.

The Commissioners recognized Mrs. Stubbs for her service to Durham County families over 22 years through the County's Cooperative Extension Department.

Consent Agenda

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

- (a) Additional Triangle Transit Authority Registration Tax (support \$4 increase in vehicle registration tax in 2004 to support expansion of regional bus service);
- (b) Acceptance of \$2,066,527 Grant Offer from FAA for Surface Movement Guidance and Control System and Installation of Lights for one of the runways at Raleigh-Durham Airport (approve the grant so that the funds may be received from the FAA for this Raleigh-Durham Airport project);
- (c) Pulled and rescheduled for July 2, 2001 Worksession;
- *(d) Budget Ordinance Amendment No. 01BCC000071—Soil And Water Conservation Department (accept the North Carolina Agricultural Cost Share reimbursement for technical assistance in the amount of \$4,310 on behalf of the Soil and Water Department);
- (e) (Left Out Intentionally);
- *(f) Budget Ordinance Amendment No. 01BCC000073—Debt Service for Transferred Debt From the Enterprise Fund to the General Fund Due to Change in Accounting Policy (reduce the budget by \$2,084,672 for this portion of Durham County's debt in the Enterprise Fund and increase it by \$2,084,672 in the Debt Service Fund where the debt is being expended appropriately);
- *(g) Budget Ordinance Amendment No. 01BCC000074—2001 Refunding Bond Issue (approve the budget amendment in the amount of \$93,766,306 and use refunding bond proceeds to refund the Refunded Bonds, pay interest accrued, and pay certain legal, accounting, and financing costs incurred in connection with issuance of the bonds);
- *(h) Budget Ordinance Amendment No. 01BCC000075—Debt Service for School Debt Sale Issuance Costs and Unforeseen Interest Expense (approve budget ordinance amendment in the amount of \$14,000 for debt issuance costs incurred for Durham Public Schools);
- (i) Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System—Parkgate Office (748 linear feet) (authorize County Manager to execute the utility contract for this addition to the County sanitary sewer system);

- (j) Parkwood Area Sewer System—Authorization to Transfer Ownership to City (authorize the Chairman to sign a non-warranty deed to transfer ownership of certain Northeast Creek Basin sewer facilities pursuant to the 1972 agreement between the County and the City);
- (k) Lease Agreement Between Durham County and Urban Ministries for the Homeless Shelter (H.O.P.E. House) (approve the lease between Durham County and Urban Ministries effective July 1, 2001 through June 30, 2010);
- (l) Lease Amendment (508 Gordon Street) between Durham County and Mr. Louis Niemeyer for the Mental Health Substance Abuse Halfway House (authorize the lease amendment in accordance with the attached agreement);
- * (n) Capital Project Amendment No. 01CPA000012—EMS—Lebanon Volunteer Fire Department Building Capital Project Allocation (approve capital budget amendment 01CPA000012 of \$62,500 funding the initial purchase payment for the Lebanon Volunteer Fire Department building and property);
- * (o) Property Tax Releases and Refunds for Fiscal Year 00-01 (May 2001) (accept the property tax release and refund report as presented and authorize the Tax Assessor adjust the tax records as outlined by the report); and
- (p) Renewal of Excess Liability Insurance (approve changing the insurance carrier to C. V. Starr for excess coverage with the associated savings of over \$75,000 from the original quote).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(d). Budget Ordinance Amendment No. 01BCC000071—Soil And Water Conservation Department (accept the North Carolina Agricultural Cost Share reimbursement for technical assistance in the amount of \$4,310 on behalf of the Soil and Water Department).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000071

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 Soil and Water Conservation Department.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Expenditures</u>				
Economic & Physical Development	\$5,222,065	\$4,310		\$5,226,375

Revenues

Intergovernmental	\$211,849,674	\$4,310	\$211,853,974
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 25th day of June, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(f). Budget Ordinance Amendment No. 01BCC000073—Debt Service for Transferred Debt From the Enterprise Fund to the General Fund Due to Change in Accounting Policy (reduce the budget by \$2,084,672 for this portion of Durham County’s debt in the Enterprise Fund and increase it by \$2,084,672 in the Debt Service Fund where the debt is being expended appropriately).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2000-01 Budget Ordinance
 Amendment No. 01BCC000073

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

CAPITAL FINANCING PLAN FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease Budget</u>	<u>Revised</u>
<u>Revenues</u>				
Fund Balance Appropriated	\$23,695,538	\$2,084,672		\$25,780,210
<u>Expenditures</u>				
Transfer to Debt Service	\$23,695,538	\$2,084,672		\$25,780,210

DEBT SERVICE FUND

<u>Revenues</u>				
Transfer from Capital Financing Plan Fund	\$27,393,823	\$2,084,672		\$29,478,495
<u>Expenditures</u>				
Bond Principal	\$27,393,823	\$1,455,000		\$28,848,823
Bond Interest	\$28,848,823	\$ 629,672		\$29,478,495

SEWER UTILITIES

Revenues

Fund Balance	\$8,220,592	\$2,084,672	\$6,135,920
Appropriated			

Expenditures

Debt Service	\$8,220,592	\$2,084,672	\$6,135,920
Enterprise Fund			

DEBT SERVICE ENTERPRISE

Revenues

Transfer from	\$3,055,706	\$2,084,672	\$ 971,034
Enterprise Fund			

Expenditures

Bond Principal	\$3,055,706	\$1,331,834	\$1,723,872
Bond Interest	\$1,723,872	\$ 745,562	\$ 978,310
Bond Agency Fees	\$ 978,310	\$ 7,276	\$ 971,034

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

This the 25th day of June, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(g). Budget Ordinance Amendment No. 01BCC000074—2001 Refunding Bond Issue (approve the budget amendment in the amount of \$93,766,306 and use refunding bond proceeds to refund the Refunded Bonds, pay interest accrued, and pay certain legal, accounting, and financing costs incurred in connection with issuance of the bonds).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000074

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for Refunding Bonds 2001.

REFUNDING BOND PROCEEDS

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Debt Service	- 0 -	\$93,766,306		\$ 93,766,306
<u>Expenditures</u>				
Debt Service	\$23,695,538	\$93,766,306		\$117,461,844

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

This the 25th day of June, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(h). Budget Ordinance Amendment No. 01BCC000075—Debt Service for School Debt Sale Issuance Costs and Unforeseen Interest Expense (approve budget ordinance amendment in the amount of \$14,000 for debt issuance costs incurred for Durham Public Schools).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-01 Budget Ordinance
Amendment No. 01BCC000075

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for Debt Service for School Debt and Interest Expense.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Debt Service	\$ 2,216,597	\$14,000		\$ 2,230,597
<u>Expenditures</u>				
Debt Service	\$25,162,378	\$14,000		\$25,176,378

Revenues

Capital Financing	\$25,162,378	\$14,000	\$25,176,378
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Expenditures

Capital Financing	\$ 8,164,658	\$14,000	\$ 8,178,658
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 25th day of June, 2001.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(n). Capital Project Amendment No. 01CPA000012—EMS—Lebanon Volunteer Fire Department Building Capital Project Allocation (approve capital budget amendment 01CPA000012 of \$62,500 funding the initial purchase payment for the Lebanon Volunteer Fire Department building and property).

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2000-2001 Capital Projects Budget Ordinance
Amendment No. 01CPA000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Lebanon Building Pay-As-You-Go project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Lebanon Building	\$15,000	\$62,500		\$77,500

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

This the 25th day of June, 2001.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 5(o). Property Tax Releases and Refunds for Fiscal Year 00-01 (May 2001) (accept the property tax release and refund report as presented and authorize the Tax Assessor adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings and clerical errors, etc., the report details release and refunds for the month of May 2001.

Releases & Refunds for 2000 & 2001 Taxes:

Personal	\$ 35,047.88
Registered Vehicles	\$ 64,366.97
Vehicle Fees	<u>\$ 835.00</u>
Total for 2000 & 2001 Taxes and Fees	\$100,249.85

Prior Years (1997-1999) releases and refunds, for May 2001 are in the amount of \$7,579.31.

Total Current Year and Prior Year Releases and Refunds \$107,829.16

(Recorded in Appendix A in the Permanent Supplement of the June 25, 2001 Minutes of the Board.)

Consent Agenda Items Removed for Discussion

Consent Agenda 5(m). Approval of Proposal for Sales Tax Refund Audit (approve the proposal of Ty Cox & Company with the modified fee schedule and authorize the execution of the contract in accordance with the terms and conditions of the RFP #01-022).

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to reconsider consent agenda item 5(m) for discussion.

The motion carried with the following vote:
Ayes: Black, Cousin, Heron, and Reckhow
Noes: Bowser

The Commissioners discussed the proposal with the County Manager and Mr. Ty Cox and made the following motion:

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve consent agenda item 5(m) with the addition of an audit completion date of May 1, 2002.

The motion carried unanimously.

Public Hearing to Receive Comments on the NC 54/I-40 Corridor Study

Development proposals in the NC 54/I-40 Corridor have driven the review of adopted land use plans for the area. The study area covers portions of three Small Area plans (South Durham, Southwest Durham, and Triangle Township). The Study is divided into three subareas. City Council and the County Commissioners adopted the interim plan for Subarea A last year.

The Corridor Study [Consisting of Subareas A, B and C] concentrates non-residential land uses along NC 54 and I-40. It also tapers residential density to one unit per acre at the Urban Growth Boundary. Closing Fayetteville Road at its intersection with Scott King Road and other transportation improvements are proposed. The plan provides for development in the area while protecting existing neighborhoods and the environment.

The Planning Committee reviewed the Plan at three meetings. The Committee recommended approval of the Study with a change in land use on one parcel. An additional community meeting was held to discuss additions to the Study.

Resource Person: T.E. Austin, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board accept public comments and adopt the corridor study.

Chairman Black referenced the receipt of a letter from Mr. William Anderson stating he could not be in attendance at this meeting, but wanted to provide the Board with a letter.

The Chairman also referenced letters received from members of the Kentington Heights Property Owners Association.

At the Chairman's request, Deputy County Manager Wendell Davis spoke to the NC 54/I-40 corridor study and the land use plans and addressed issues they had talked about earlier in the day.

T.E. Austin, Planning Supervisor, explained the corridor study. At the Chairman's request, he also advised that area residents were notified through postcards, letters, display ads in the Herald-Sun, and had their questions answered by telephone.

Chairman Black opened the public hearing, which was advertised.

Speakers at the public hearing and their groups represented were:

Pamela Cook, 5511 Crescent Drive, Chapel Hill, 27514 for CARD (Citizens Alliance for Responsible Development)—Ms. Cook supported adoption of the corridor study.

Robert A. Blackwood, 5655 Bigwood Road, Chapel Hill (property owners on George King Road)—supported development to provide more housing to serve the available area jobs.

Larry Thomas, 9 Preakness Drive, Durham, 27713 (developer)—not adequate notice for comments, and building requirement for larger (one-acre) lots will make housing nonaffordable to most persons in the area.

Bruce Plumer, 1106 Queensbury Circle, Durham, 27713—supported the plan as presented and urged residents to support it and strive for adherence to the zoning when development is proposed.

John C. Herrman, 1103 Queensbury Circle, Durham, 27713—supported the plan with the condition that the lowest applicable residential density be adopted for all land parcels

in the corridor study. Existing roads in the area are two lane and cannot support high-density travel.

Mrs. Herbert L. Butler, 829 Scott King Road, Durham, 27713 (property owner, speaking for the Lyons family)—objected to the one-acre minimum residential density which prevents affordable housing being built and felt there was not adequate notice posted for meetings.

John Schlichenmeir, 115 Fox Briar Lane, Cary 27511 (builder)—stated he was disappointed that affordable housing builders as himself were not approached for the community. Housing closest to the largest employers in the area is in the \$300-\$400 range which makes the area's zoning exclusionary and packs its roadways with workers driving from cheaper outlying areas.

Ed Harrison, 58 Newton Drive, Durham, 27707—supported adoption of the plan and moving forward with the process. He suggested that resolution of the Scott King Road area debate could possibly be done by having the same kind of zoning process.

Dr. Anita Keith-Foust, 323 W. Trinity Avenue, Durham, 27701 (Kentington Heights Property Owners' Association)—requested the letters received from the Kentington Heights Property Owners' Association and Kentington Heights residents be entered into the public record. She asked that a vote on the corridor study be postponed due to inadequate notification of the meetings. She requested that notification be sent to the individuals' home addresses so they would have the opportunity to address the Board.

Chairman Black declared the public hearing closed. Commissioner discussion and comments followed.

Chairman Black asked Mr. Austin to address the issues raised this evening at the public hearing—especially about people not knowing about the study and the number of sessions held throughout the last year which gave people the opportunity to speak.

Mr. Austin verbally listed all public meetings held, all community meetings, the number of advertisements placed, letters sent to neighborhood groups identified from the neighborhood association directory, contacts made to additional neighborhoods, all meetings with Area A, B, and C residents, meetings with nonresidential developers and residential developers, meetings with individuals and developers of area property, contacts with Scott King Road and Fearington Road residents, and a meeting to discuss development of the Lyons family property. He advised what the plan says and implies. Residential densities have always been a part of the discussion.

Chairman Black directed Mr. Austin to meet with the Lyons family and any other residents who may need assistance to understand the plan presented.

No action was taken. The item would be placed on the meeting agenda for July 2, 2001.

Public Hearing—Proposed Secondary Road Construction Program for Durham County (2001 – 2002) (Resolution)

Mr. Ty Cox, Division Five representative on the State Board of Transportation introduced Mr. Rodney H. Cooper, P.E., District Engineer for the North Carolina

Department of Transportation. Mr. Cooper presented the Board with the Annual Secondary Road Construction Program for Durham County (2000—2001). Division Engineer Jon Nance P.E., Assistant District Engineer Mike Harris P.E., Division Maintenance Engineer Ricky E. Greene Jr. P.E., and County Maintenance Engineer M. Shane Parker, P.E accompanied Mr. Cooper.

Resource Person(s): Rodney H. Cooper P.E., North Carolina Department of Transportation, Division of Highways, Division Five.

County Manager's Recommendation: The Manager recommended that the Board review the Proposed Secondary Road Program and hold the public hearing. For the Board's convenience, a copy of the statutes was attached outlining the Board's responsibility and authority for the Secondary Road Program. Any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, the Board should approve the Proposed Secondary Road Program.

The Commissioners asked questions regarding the status of various roads and expressed their concern for resurfacing of certain roads in the county. Representatives from the North Carolina Department of Transportation responded to the questions and concerns.

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

The single speaker at the public hearing was Randy Roberts, 5617 Brickhouse Road, Bahama, 27503. Mr. Roberts spoke in support of the proposed program. for himself and his neighbors who were present.

There being no other persons signed to speak, Chairman Black closed the public hearing.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the Proposed Secondary Road Construction Program for Durham County (2001-2002) as presented.

The motion carried unanimously.

The resolution follows:

RESOLUTION
DURHAM COUNTY BOARD OF COMMISSIONERS
DURHAM COUNTY, NORTH CAROLINA

THE 2001-2002 SECONDARY ROAD CONSTRUCTION PROGRAM
FOR DURHAM COUNTY

WHEREAS, the North Carolina Department of Transportation has submitted a proposed Secondary Road Construction Program for Durham County for the 2001-2002 Fiscal Year; and

WHEREAS, the Durham County Board of Commissioners, in accordance with North Carolina General Statute 136-44.8, held a public hearing during its June 25, 2001 Regular Session to consider public comment about the proposed Secondary Road Construction Program; and

WHEREAS, North Carolina General Statute 136-44.8 provides that the Board of County Commissioners, after the presentation and discussion of the annual Secondary Road Construction Program, may concur with the program as proposed:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that said Board does concur with the 2001-2002 Secondary Road Construction Program as presented by the North Carolina Department of Transportation and recommends that the Board of Transportation adopt the proposed program for Durham County.

This the 25th day of June, 2001.

/s/ Mike M. Ruffin
County Manager

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

Transportation Meeting—Triangle Transit Authority, Environmental Impact Statement

Relating to transportation, Vice-Chairman Reckhow advised there would be a public workshop and meeting on the EIS (Environmental Impact Statement) for Triangle Transit Authority Phase One Regional Rail at City Hall, Thursday, July 28 at 5:00 p.m. She encouraged attendance for those interested in the project.

FY 2001-02 Budget Adoption

The Durham County Manager formally presented the adopted budget for FY 2001-02 to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act which requires adoption of the budget no later than July 1.

The County Manager thanked the Commissioners for their time reviewing this year's proposed budget. The Manager's recommendations and the Commissioners' changes had been translated and set forth in the proposed budget ordinance. The County Manager advised the recommended budget set the tax rate at 72.9 cents. There were no changes in the tax rates for the fire districts.

The commissioners made comments about the proposed budget and their concerns for future years.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to adopt the County Manager's recommended budget for FY 2001-2002.

The motion carried unanimously.

The Budget Ordinance for FY 2001-2002 follows:

ANNUAL BUDGET ORDINANCE

Durham County
North Carolina
FY 2001-02

WHEREAS, the proposed budget for FY 2001-02 was submitted to the Board of Commissioners on May 31, 2001 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on June 11, 2001, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 25, 2001, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2001 and ending June 30, 2002, there are hereby appropriated from taxes and other revenues the following by function and fund:

*** (Reserved for Section 1—Summary of Appropriations by Fund and Function—FY 2001-2001) (to appear in final of Minutes)

*** (Reserved for Section 2—Summary of Revenues by Fund and Revenue Category—FY 2001-2002) (to appear in final of Minutes)

Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2001 at an anticipated collection rate of 97 percent. Rates are per \$100.00 of assessed valuation of taxable property.

<u>District</u>	<u>Rate</u>	<u>District</u>	<u>Rate</u>
Durham County-countywide	\$.7290	Lebanon Fire District	\$.0590
Bahama Fire District	\$.0600	New Hope District	\$.0500
Bethesda Fire District	\$.0550	Parkwood Fire District	\$.0900
Eno Fire District	\$.0440	Redwood Fire District	\$.0750
		Special Park District	\$.0191

Section 4. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules. (See Attachment)

Section 5. The following authorities shall apply to transfers and adjustments within the budget:

- a. The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b. The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c. The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d. The County Manager may enter into the following agreements within funds:
 - form and execute grant agreements within budgeted appropriations;
 - execute leases of up to \$30,000 for normal and routine business within budgeted appropriations;
 - enter consultant, professional, maintenance or other service agreements of up to \$20,000 within budgeted appropriations;
 - approve annual renewals for service and maintenance contacts;
 - purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;
 - reject any and all bids and re-advertise to receive bids;
 - waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e. County Manager can transfer between functions, and/or funds for merit, cost of living and reclassification of funds.
- f. Transfers between funds and transfers from the contingency account may be executed **only** by the Board of Commissioners.

Section 6. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated

and unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

<u>Current Expense Fund</u>	\$2,884,006
<u>Capital Outlay Fund</u>	\$ 400,000
Total Appropriation	\$3,284,006

Section 7. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance.

The total local appropriation for Durham Public Schools for FY 2001-02 is as below:

Current Expense	\$ 70,790,956
Capital Outlay	<u>1,500,000</u>
Total Appropriation	\$ 72,290,956

- a. In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b. The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c. Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.
- d. Durham Public Schools is authorized to use Public School Building Capital Funds and Public School Building Bond Funds for capital outlay requests, with the approval of the Board of Commissioners.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 8. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocate sufficient funds to continue the teacher supplement at a rate of 12 percent for teachers with less than 10 years experience; and 12.5 percent for teachers with 10 years or more experience.

Section 9. In accordance with G.S. 159-13.1, the following financial plans for intragovernmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue	\$1,824,222
Estimated Expense	\$1,824,222

EQUIPMENT LEASING FUND

Estimated Revenue \$ 2,467,000
Estimated Expense \$ 2,467,000

CAFETERIA PLAN FUND

Estimated Revenue \$7,208,460
Estimated Expense \$7,208,460

Section 10. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund	\$71,600
George Linder Memorial Fund	\$250
Community Health Trust Fund	\$1,140,000

Section 11. This ordinance incorporates an amendment in the capital financing policy to designate 8.3% of dedicated revenues to County Contribution, pay-as-you-go projects instead of 20%.

Section 12. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Adopted this the 25th day of June, 2001.

***(Reserved for FY 2001-2002 Fee Schedule (to appear in final of Minutes))

Durham Open Space Commission Matching Grants Recommendation

The Durham Open Space and Trails Commission (DOST) received four applications for Matching Grants Program funds to assist nonprofit community organizations with recreational and open space projects. After careful consideration of each proposal, the Commission recommended to the Board of County Commissioners that the Triangle Rails to Trails Conservancy's American Tobacco Trail project be funded at a total of \$16,865.00. This allocation is provided from the contractual funds requested and recommended under the General Fund, "Open Space Matching Grants" organization of the County's FY 2001-02 Budget.

The Commission also recommended that a second cycle of matching grants be announced August 1, 2001 with a deadline for receiving applications of October 15, 2001. The Committee would prepare recommendations for funding in December 2001. The Commission is aware of several organizations that may be able to increase services to the community with additional funding support in the form of project grants. A fall grant cycle better accommodates the County's Fiscal Year and staff work assignments.

Resource Person(s): Bill Renfrow, County Budget and Management Department

County Manager's Recommendation: Members of the Durham Open Space and Trails Commission evaluated and revised this year's applications for matching funds to assist nonprofits with providing recreational opportunities and preserving open space for the citizens of Durham County. This recommendation to allocate \$16,865.00 of grant funds represents a gain to the County of \$20,865.00 in matching funds as more than half the project value of \$37,730.00.

The County Manager recommends your approval for funding this project and the allocation of the \$16,865.00 of the budgeted Matching Grants Funds. The County Manager also recommends that you approve the Commission's request to conduct a second cycle of request for grants this year and to schedule grants applications in October of future years.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve funding for this project and the allocation of the \$16,865 of the budgeted Matching Grants funds. Further, the request was approved to conduct a second cycle of request for grants this year and to schedule grants applications deadlines in October of future years.

The motion carried unanimously.

Approve Interlocal Agreement Between Durham County and the City of Durham for Funding a Portion of the Costs of the Expansion and Renovation of the Homeless Shelter (H.O.P.E. House)

The County and the City have previously entered into an Agreement for the acquisition, rehabilitation, and ownership of the building located at 412 Liberty Street, Durham, North Carolina and known as “the Homeless Shelter.” This building (hereinafter collectively referred to as the “Project”) continues to enhance the ability of the Durham Presbyterian Council (DPC), or another appropriate nonprofit organization, to provide a variety of programs open to and for the benefit of the general public. The City and County have determined that the expansion, rehabilitation, and renovation of the Project for continued use as a shelter for the homeless is needed. The County has secured commitments from several sources, including the City and the North Carolina Housing Finance Agency to pay a portion of the cost of the Project.

The purpose of this Interlocal Agreement is to formalize the undertakings of the County and City with respect to the Project. It is the intention of the County and City to share in the costs of the Project in the manner prescribed by this Agreement. All contracts relating to the Project will be awarded and approved by the County. The County is responsible for administering or providing for administration of the Project.

Pursuant to this Interlocal Agreement the City agrees to appropriate \$300,000 in City-generated housing bond funds and shall also make a grant of an additional \$558,000 from Durham City/County HOME Consortium funds to the Durham Community Shelter for HOPE, Inc. toward the cost of the Project. In addition, the City agrees to make a CDBG grant of \$10,000 for consulting services previously rendered to the Project. In addition, the City has agreed to amend the 2001-2002 Consolidated Action Plan to allocate an additional \$168,000 in HOME funds to the Community Shelter project for transitional housing activities; the County has agreed to provide a 25% match to these funds. The housing bond and HOME sums shall be paid to the County up front, in one lump-sum payment for use in the Project with no accrual of interest, to be used solely for construction costs.

The County and the City agree that space in the building will be made available as a shelter to the homeless for a minimum of 20 years after the Project construction is complete, which period will begin one year from the date of this Interlocal Agreement.

Resource Person(s): Chuck Kitchen, County Attorney; Angela Gadelmann, Assistant County Attorney; Wendell Davis, Deputy County Manager.

County Manager’s Recommendation: The Manager recommended that the Board approve the Interlocal Agreement between Durham County and the City of Durham.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the Interlocal Agreement between

John G. Horton as members of the Durham County Alcohol Beverage Control Board. James Randall, Mary Ellen Williams, and John G. Horton appeared *pro se*.

Based on the evidence presented at the hearing and the testimony of the witnesses at the hearing, the Board of Commissioners makes the following FINDINGS OF FACT:

1. On or about August 24, 2000, James Randall filed a complaint with the Clerk to the Board of Commissioners and addressed to the Board of Commissioners complaining about the actions of the Alcohol Beverage Control (hereinafter "ABC") Board including alleged violations of the State's Open Meetings Law, improper posting of a job opening in violation of a prior court order, travel documentation for fellow ABC Board member John Horton, pay raises for employees, disability insurance claim by an ABC employee, and payments made to an architect regarding a future ABC store.
2. At the Board of Commissioners meeting on September 11, 2000, the Board of Commissioners directed the Interim County Manager to draft a letter to the ABC Board requesting that they receive training from the Institute of Government.
3. Staff morale at the ABC system had been very tense for the last few months of calendar year 2000. The ABC Board had approved counseling, but the counseling was not effective.
4. James Randall on or about December 17, 2000, filed a complaint against the ABC System Manager, Randolph Mills. Randolph Mills subsequently filed an EEOC charge against James Randall and the ABC Board.
5. Mary Ellen Williams and John Horton supported keeping Randolph Mills as ABC System Manager, while James Randall did not. This dispute concerning the ABC System Manager contributed directly to the discord among the ABC Board Members.
6. At the January 2, 2001 meeting of the Durham County Board of Commissioners, Mary Ellen Williams and John Horton agreed they would support and attend mediation sessions for the ABC Board.
7. The Durham County Manager, Michael Ruffin, contacted the Institute of Government who recommended Mike Wendt as a mediator. The County Manager sent a letter on January 18, 2001 to Mary Ellen Williams, the ABC Board Chairman, informing her of the recommendation of Mike Wendt.
8. By letter dated May 8, 2001, Mike Wendt notified the County Manager that mediation had not taken place, and that all three ABC Board members felt that a mediated session would not be productive, and the ABC Board Members did not wish to proceed with the mediation.

9. On or about April 10, 2001, the Chairman of the Board of Commissioners wrote a letter to the Durham County ABC Board requesting a response to allegations of potential criminal conduct taking place in the ABC System.

10. At the ABC Board meeting on May 3, 2001, the ABC Board Members could not agree on the minutes of their previous ABC Board Meeting or on the appropriate response to the request from the Chairman of the Board of Commissioners. As a result, the ABC Board Members elected to have a transcript of the ABC Board Meeting prepared by a court reporter at the expense of the ABC System.

11. Mary Ellen Williams, John Horton, and Randolph Mills attended an ABC conference on or about August 15, 2000. The ABC System made payments for their spouses to attend certain functions held in conjunction with this conference. Mary Ellen Williams, John Horton, and Randolph Mills did not reimburse the ABC System for these personal charges until after this issue was raised at the hearing on this matter.

12. The discord and rancor among the ABC Board Members has eroded the public's confidence in the administration of the ABC System.

13. The ABC Board Members have used poor judgment in the handling of personnel matters which have been presented to the ABC Board.

14. Mary Ellen Williams and John Horton used poor judgment in failing to timely pay debts owed to the ABC System.

15. James Randall admitted at the hearing on this matter that the ABC Board should be "dissolved".

16. Mary Ellen Williams, James Randall, and John Horton were properly served with the Resolution and Notice of Hearing on Alcohol Beverage Control Board.

Based on the foregoing findings of fact, the Board of Commissioners makes the following CONCLUSIONS OF LAW:

1. The ABC Board Members, James Randall, John Horton, and Mary Ellen Williams were properly notified of the hearing on this matter, and this matter is properly before the Board of Commissioners.

2. There exists good cause, as required by G.S. § 18B-700(f), for the removal of Mary Ellen Williams, John Horton, and James Randall from the Durham County Alcohol Beverage Control Board.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOTH ORDER:

1. Mary Ellen Williams, John Horton, and James Randall be and are hereby removed from their positions as members of the Durham County Alcohol Beverage Control Board.

2. This Order shall take effect on its adoption.

3. The Clerk to the Board of Commissioners shall mail this Order to Mary Ellen Williams, John Horton, and James Randall by certified mail, return receipt requested, and first class mail.

Entered this 25th day of June, 2001.

/s/MaryAnn E. Black
Chairman

Teste: A true copy:

/s/Garry Umstead
Clerk to the Board

Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the advertised boards and commissions. The Commissioners held discussion, then voted on the applicants. (Asterisks indicate appointments.)

Alcoholic Beverage Control Board

One expired term and two unexpired terms. Three-year staggered terms.

- William J. Berutti—No Votes
- George W. Birmingham Jr.—No Votes
- * Julia Borbely-Brown—Black, Cousin, Heron, and Reckhow
- Murray D. Brandt—No Votes
- Shauna L. Dozier—No Votes
- Bill Russell Dunn—No Votes
- Patricia B. Farlow—No Votes
- Jimmy L. Gibbs—Bowser
- Kennedy Godette—No Votes
- Clarrisa L. Grady—No Votes
- Ricky L. Hart—Bowser
- Irving A. Herman—No Votes
- William A. Marsh III—Cousin
- * Eric Coates Michaux—Black, Heron, and Reckhow
- James Randall—No Votes
- Theodore S. Royall—No Votes
- Winston M. Sanford—No Votes
- Marshall J. Thaxton—No Votes

- Joseph E. Thomas Jr.—No Votes
James C. Thompson Jr.—No Votes
Sherwood T. Van Campen—No Votes
Wanda Wagstaff—Bowser
* Charles D. Watts Jr.—Black, Cousin, Heron, and Reckhow
Charles T. Wilson Jr.

Adult Care Home Community Advisory Committee

Two unexpired terms (expire September 2002).

- * Anita I. Neal—Black, Bowser, Cousin, Heron, and Reckhow

Area Mental Health Board

Four at-large positions (expire July 4, 2004).

- * Phillip Golden—Black, Bowser, Cousin, Heron, and Reckhow

Board of Adjustment

One expired alternate position and one expired regular position. (Terms expire June 30, 2004) (Three members must live outside City limits.)

- * Lavonia I. Allison—Black, Bowser, Cousin, Heron, and Reckhow
* Furney E. Brown Jr.—Black, Heron, Reckhow
Shauna L. Dozier—Bowser
Brenda Howerton—No Votes
Kenneth N. Ivory—No Votes
Scott Kaestner—No Votes
Kathy Wright Moore—Cousin
William Merle White—No Votes

Durham Bicycle and Pedestrian Advisory Committee

Six positions. (Staggered three-year terms.)

- * Judy Martell (education)—Black, Bowser, Cousin, Heron, and Reckhow
* Joseph D. Marker (business)—Bowser, Cousin, Heron, and Reckhow
* Brian J. Morton (health)—Black, Bowser, Cousin, Heron, and Reckhow

Durham Technical Community College Board of Trustees

Two positions. (Expire June 2005)

- Willie F. Boyd—No Votes
* William T. Coman—Black, Cousin, Heron, and Reckhow
Shauna L. Dozier—No Votes
Brenda Howerton—Bowser and Cousin
* Louise W. McCutcheon—Black, Bowser, Heron, and Reckhow
Manuel L. Rojas—No Votes

Emergency Medical Services Council

One expired term to represent the Durham County ambulance division and one expired term to represent the Fire Marshal's office. Four expired consumer positions. (Terms expire June 2004)

- * Jeffrey L. Batten (Fire Marshal)—Black, Bowser, Cousin, Heron, and Reckhow
- * Dewey A. Davis (Consumer)—Black, Bowser, Cousin, Heron, and Reckhow
- * Brenda Dorsey (Consumer)—Black, Bowser, Cousin, Heron, and Reckhow

Environmental Affairs Board

One expired term for air resources position and one expired term for engineering position. (Expire June 2004)

- * Jerad Bales—Black, Bowser, Cousin, Heron, and Reckhow

Memorial Stadium Authority

One expired term. (Expires May 2006)

- * John T. Hunt—Black, Bowser, Cousin, Heron, and Reckhow

Nursing Home Community Advisory Committee

One expired term. (Expires February 2002)

Norma Harris—Heron and Reckhow

- * Bonnie I. Simons—Black, Bowser, and Cousin

Operation Breakthrough Inc.

One vacant position to represent the County Commissioners

(No Appointment)

Shauna L. Dozier—Bowser and Cousin

Transportation Advisory Board

One expired term. (Expires October 2003)

(No Appointment)

Shauna L. Dozier—No Votes

Women's Commission

Four terms. (Expire June 2004)

- * Shauna L. Dozier—Black, Bowser, Cousin, Heron, and Reckhow

Workforce Development Board

Five expired terms.

- * Nancy Bernstein—Black, Bowser, Cousin, Heron, and Reckhow
- * Daniel C. Hudgins—Black, Bowser, Cousin, Heron, and Reckhow
- * Frank Johnson—Black, Bowser, Cousin, Heron, and Reckhow
- * Jessie Pickett-Williams—Black, Bowser, Cousin, Heron, and Reckhow

Chairman Black advised that the new ABC Board members would be given training regarding policies and procedures. This would be arranged shortly. The County Manager advised that the new ABC members would be hosted by the State ABC members to meet key staff and review state policies and law. The County Attorney will give additional training regarding the open meetings law and the County's ethics policy.

The County Manager advised the ABC system audit requested by the District Attorney should be arranged shortly to accommodate the new ABC Board.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, that Eric Coates Michaux serve as the Chairman of the ABC Board.

The motion carried unanimously.

The Clerk to the Board will notify the appointees of their selection. Appointees of the ABC Board will be contacted to coordinate their training in July.

Shooting of Bear in Residential Neighborhood

Commissioner Heron addressed the matter of the shooting of the black bear in a residential Durham neighborhood. She asked that a letter be prepared for the Chairman's signature asking for better coordination between law enforcement agencies, Animal Control department, and the NC Wildlife Commission. The letter would be addressed to the City Manager and Chief of Police.

Vice-Chairman Reckhow suggested that an opportunity be sought for cross training to be better prepared in the future to deal with wild animals in the community.

The County Attorney advised that jurisdiction of Animal Control or the Wildlife Commission is confusing and is dependent on several factors including whether a native wild animal is creating a threat or whether it is not native to the area as the cervel which was sighted recently in another neighborhood.

Closed Session (continued)

The Commissioners adjourned into Closed Session pursuant to N.C.G.S. § 143-318.11(a)(4) to complete their discussion of matters relating to the location or expansion of industries or other businesses and pursuant to N.C.G.S. § 143-318.11(a)(6) to

consider the performances of the Sheriff, Register of Deeds, Tax Administrator, and County Attorney as individual public officials.

Reconvene Into Open Session

The Commissioners reconvened into open session.

Chairman Black advised that the County Manager was given direction on one item from the Closed Session. Four of the five evaluations were performed. The County Manager will be evaluated in August 2001.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to set salaries for the following County officers as a result of their evaluations: Sheriff-\$84,507; Register of Deeds-\$79,500; Tax Administrator-\$79,145; and County Attorney-\$118,800. The County Manager will be evaluated in August 2001.

The motion carried unanimously.

Adjournment

There being no further business, the meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:SBP