

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

Monday, March 14, 2005

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the March 14, 2005 Regular Session. Following the Pledge of Allegiance, she extended a welcome to Durham's Boy Scout Troop No. 425.

Commissioner Page acknowledged an NCCU class present at the meeting.

Agenda Adjustments

Consent Agenda Item No. 4d, "Transfer of Deed In Lieu of Taxes—1116 North Guthrie Avenue (accept the deed from Stout Land Investments, LLC in lieu of the payment of taxes)" was removed due to additional review requested by the Board.

Chairman Reckhow added to the agenda, "Scheduling a Special Session".

Minutes

Chairman Reckhow directed staff to forward a copy of the February 4, 2005 Meeting Minutes to the Durham Delegation.

Commissioner Cheek moved, seconded by Commissioner Page, to approve as submitted the February 4, 2005 BOCC/Legislative Delegation Minutes, February 14, 2005 Annual Retreat Minutes, and February 28, 2005 Regular Session Minutes.

The motion carried unanimously.

Consent Agenda

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve the following consent agenda items:

- *a. Social Services Budget Ordinance Amendment No. 05BCC000045 Recognizing Additional Revenue (approve a \$138,819 increase);
- *c. Budget Ordinance Amendment No. 05BCC000047—The Durham Center—Acceptance and Allocation of Funds from One \$5,000 Grant);
- *f. Request to Approve Sole Source Purchase of SEARCHCAM System for Rescue Teams Using 2004 Department of Homeland Security Grant Program Funds (authorize the County Manager to enter into a purchase of goods contract with Search Systems Inc. not to exceed \$18,500.00); and
- g. Approval of Appointment of Permanent Area Director for The Durham Center (appointment of Ellen Holliman as Area Director for The Durham Center).

The motion carried unanimously.

Vice-Chairman Heron congratulated Ellen Holliman, newly appointed Area Director, expressing appreciation for her commitment to Durham County.

Chairman Reckhow repeated Vice-Chairman Heron's sentiments, thanking Ms. Holliman for her service to the community. She invited Ms. Holliman to remark.

Ms. Holliman briefly thanked the Commissioners for their support.

*Documents related to these items follow:

Consent Agenda Item No. a. Social Services Budget Ordinance Amendment No. 05BCC000045 Recognizing Additional Revenue (approve a \$138,819 increase).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$262,849,212	\$138,819	\$262,988,031

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$321,789,392	\$138,819	\$321,928,211

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

This the 14th day of March, 2005.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 05BCC0000047—The Durham Center—Acceptance and Allocation of Funds From One \$5,000 Grant).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental Revenues	\$262,988,031	\$5,000	\$262,993,031

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$321,928,211	\$5,000	\$321,933,211

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

This the 14th day of March, 2005.

Consent Agenda Item No. f. Request to Approve Sole Source Purchase of SEARCHCAM System for Rescue Teams Using 2004 Department of Homeland Security

Grant Program Funds (authorize the County Manager to enter into a purchase of goods contract with Search Systems Inc. not to exceed \$18,500.00).

SEARCHCAM SYSTEM

Search Systems Incorporated of Bakersfield California “designs and manufactures technical search, surveillance, and inspection systems.” Its video/audio systems are used worldwide “by search and rescue teams, law enforcement/military tactical teams, customs inspection teams, and industrial inspection personnel.”

SearchCam is sold only by the manufacturer, Search Systems Incorporated, and not through distributors.

The following items were specified by the Durham Fire Department as qualifications for the product:

- Ability to be remotely controlled
- Rated to be left in a hazardous environment
- Ability to be decontaminated and reused

The SearchCam system consists of a hand-held camera unit with color camera, microphone, illumination, laser pointer, temperature sensor, and microwave; an antenna/receiver system; and an antenna extension cable/reel.

This camera system will be extremely valuable in searching for victims in unstable/hazardous conditions.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. b. Budget Ordinance Amendment No. 05BCC000046 Transfer of Funds for Cleanup of Gas Leak in Northern Durham County (not to exceed \$100,000 over a two-year period).

Vice-Chairman Heron asked Wes Crabtree, Chief Deputy, Sheriff’s Department, about planned measures to prevent potential gas spills.

Deputy Crabtree explained that corroded pumps caused the two previous spills. Advanced technology would help prevent future spills.

Vice-Chairman Heron inquired about regular tank maintenance. She also expressed concern about possible gas leakage into water wells.

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

The motion carried unanimously.

FY 2004-05 Budget Ordinance
Amendment No. 05BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Service Charges	\$30,824,803	\$100,000	\$30,924,803
<u>SELF INSURANCE FUND</u>			
Other Financing Sources	\$-0-	\$100,000	\$ 100,000

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$3,721,662	\$100,000	\$3,821,662
<u>SELF INSURANCE FUND</u>			
General Government	\$1,872,053	\$100,000	\$1,972,053

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

This the 14th day of March, 2005.

Consent Agenda Item No. e. Request to Approve Modification to Contract for Purchase of TCV (Total Containment Vessel) From DHS Part II Grant Program Funds (not to exceed \$90,000).

Chairman Reckhow asked for follow-up on a request she made six to eight months ago, relating to an expenditure plan for future Homeland Security monies.

Mark W. Schell, Emergency Management Coordinator, explained that Homeland Security funding is allocated for interoperable communications and the state-wide viper radio system. He clarified the usage of funds for consent agenda item Nos. e and f.

Wesley Crabtree, Chief Deputy, Office of the Sheriff, informed Chairman Reckhow that the ways in which the funding can be spent has been changed.

County Attorney Chuck Kitchen added that per discussion with the National Association of Counties (NACo), funding that counties, including Durham County, once received are being slashed in the Bush Administration's proposed budget. Those funds are being proposed for distribution to cities rather than counties that have been specifically designated to receive funding under the City Grant Program.

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

The motion carried unanimously.

Public Hearing to Approve the Proposed Amendments to the FY 2004-2005 Consolidated Annual Action Plan

Mike Barros, Director of Housing & Community Development, City of Durham, requested that the Board of County Commissioners hold a public hearing to receive citizen comments regarding an amendment to the 2004-2005 Consolidated Action Plan. The purpose of the public hearing was to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

Chairman Reckhow opened the public hearing which had been properly advertised and invited signed speaker Victoria Peterson, P.O. Box 101, Durham, NC 27702, to comment.

Ms. Peterson requested that the County allocate funds for transitional housing for men and women released from the Durham County Detention Center.

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

In response to Commissioner Cheek's question, Mr. Barros replied that group homes, special-needs homes, and transitional housing could be eligible for City-County HOME Consortium funding; however, the Department of Housing is requesting fund appropriation for specific programs. TROSA offers transitional housing and is currently negotiating homeownership. No additional transitional housing programs exist.

Commissioner Cheek suggested that an official request for transitional housing for ex-offenders be submitted for funding consideration.

Mr. Barros explicated TROSA's role in transitional housing for Commissioner Page.

Commissioner Page stated that most ex-offenders are not TROSA candidates and are ineligible for housing; therefore, many reside at homeless shelters. He inquired about current programs to assist this specific population.

Mr. Barros communicated to Commissioner Page that the Weed and Seed program, which teaches a housing trade to released inmates, is the only program that offers such assistance in Durham County.

In reference to Attachment A of the Amendments to FY04-05 CDBG and HOME, Commissioner Page inquired about future construction on Barnes Avenue.

Mr. Barros responded that the infrastructure has begun on Barnes Avenue.

Chairman Reckhow asked Commissioner Page for clarification regarding his suggestion for transitional housing. She recommended that appropriate language be incorporated in the FY05-06 Consolidated Annual Action Plan to reflect the suggestion.

Mr. Barros stated that the next five-year plan is being drafted, which would allow the Commissioners' concerns to be addressed.

Commissioner Cousin recommended clarifying the procedure for organizations to apply for specific funds.

Vice-Chairman Heron asked Mr. Barros about the process of submitting a proposal for housing assistance.

Mr. Barros restated that such proposals have not been submitted to the Department of Housing.

Chairman Reckhow reiterated that concerns about transitional housing could be considered in the next five-year plan draft.

Commissioner Page emphasized that a transitional housing program must be implemented.

To address a question by Commissioner Cousin, Mr. Barros replied that the upcoming funding allocation would begin in the fall. He expanded on housing plans for the next five years.

Chairman Reckhow reminded Mr. Barros about assisting the special-needs population.

Due to his unfamiliarity with Durham, Mr. Barros was unable to answer Vice-Chairman Heron's question about the location of Meriweather Springs and Woodland Associates, referenced in Attachment B for Reprogramming of CDBG and HOME Monies.

Vice-Chairman Heron inquired about the amount of funding used for Barnes Avenue.

Mr. Barros responded that \$1.2 million of HOME monies has been used primarily for acquisition and preparing land; \$250,000 of CDBG monies for infrastructure.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Proposed Amendments to the FY04-05 Consolidated Annual Action Plan.

The motion carried unanimously.

ATTACHMENT A

AMENDMENTS TO FY 2004-2005 CDBG AND HOME
 (Change the Sub-recipient and/or Amount of Monies)

CDBG

<u>Activity</u>	<u>Proposed Amendment</u>
Barnes Avenue - Year 2 Infrastructure	\$378,000
Substantial Home Rehabilitation	<u>\$40,000</u>
Total CDBG Amendment	\$418,000

HOME

<u>Activity</u>	<u>Proposed Amendment</u>
Barnes Avenue - Down Payment Assistance	\$52,000
Triangle Residential Options for Substance Abusers, Inc.	<u>\$148,000</u>
Total HOME Amendment	\$200,000

ATTACHMENT B
 REPROGRAMMING OF CDBG AND HOME MONIES
 (De-obligating or Removing)

<u>Activity</u>	<u>CDBG</u>	<u>HOME</u>
Triangle Residential Options for Substance Abusers, Inc.	\$148,000	
Woodland Associates	\$270,000	
Meriweather Springs		<u>\$200,000</u>
Totals	<u>\$418,000</u>	\$200,000

Conduct a Public Hearing to Consider the Transportation Improvement Program (TIP) for FY 2007-2013

Andy Henry, Transportation Planner, City of Durham, introduced this item. The Transportation Improvement Program (TIP) determines how state and federal transportation funds will be spent throughout Durham County and the State of North Carolina in upcoming years. The bi-annual TIP preparation begins with a process of setting of priorities by local jurisdictions. Each jurisdiction gives a priority recommendation for transportation projects which have not been funded or which are partially funded. In the past, the Board of County Commissioners has elected to hold a public hearing for public comment on the TIP. The proposed priority list was advertised prior to the hearing.

Attachments:

- A. FY 2006-2012 TIP Priority Project List adopted by the Board of County Commissioners.
- B. Proposed FY 2007-2013 TIP Project List
- C. A Map of FY 2007-2013 Projects
- D. A Resolution Endorsing Durham County Project Priority List for the FY 2007-2013 TIP

Chairman Reckhow opened the public hearing, which had been properly advertised. As no one signed to speak, she closed the public hearing and referred the matter back to the

Board.

In reference to FY 2007-2013 Proposed TIP Project List, Vice-Chairman Heron inquired about changes from last year's Priority List.

Mr. Henry responded that the following projects have been added to the FY 2007-2013 list: Fayetteville Road, American Tobacco Trail, and several bicycle and pedestrian improvements. He further explained that last year's Priority List consisted of 25 projects; this year's has 31.

Chairman Reckhow addressed Vice-Chairman Heron's concern, stating that since the State has not yet adopted FY06-12, priorities to be included from the previous year are unknown.

Mr. Henry briefed the timeline of submitting the Project Priority List to the Department of Transportation.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the Resolution Endorsing Durham County Project Priority List for the FY 2007-2013 TIP.

The motion carried unanimously.

RESOLUTION ENDORSING DURHAM COUNTY PROJECT PRIORITY LIST
FOR THE FY 2007-2013
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

WHEREAS, The Board of County Commissioners recognizes the importance of transportation to the economic and social well-being of the community; and

WHEREAS, A Transportation Improvement Program (TIP) which identifies transportation projects scheduled for State and federal funding over the next seven years is prepared biannually by the N.C. Board of Transportation and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, The North Carolina Board of Transportation and the Transportation Advisory Committee solicit input for identifying transportation projects of local and regional importance to be included in the TIP; and

WHEREAS, The identification of locally important transportation projects includes projects in the current TIP and additional priority projects to be considered for inclusion in the development of the 2007-2013 TIP; and

WHEREAS, The Board of County Commissioners strongly encourages extensive and meaningful public participation in the design and construction of all

programmed transportation projects to ensure consistency with goals and objectives of the local community; and

WHEREAS, The Board of County Commissioners strongly encourages the provision of bicycle and pedestrian facilities and protection of residential neighborhoods as transportation improvements are designed and implemented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, OF DURHAM, NORTH CAROLINA THAT:

The Board of County Commissioners endorses the attached project priority list of transportation projects to be considered for inclusion in the FY 2007-2013 Transportation Improvement Program.

Proposed TIP Project Priority List
FY 2007-2013
County of Durham

<i>Priority</i>	<i>Project Description</i>
1.	East End Connector. (A) US 70 (Southern Railway to NC 98 including railway structure). (B) US 70 (Miami Boulevard to Southern Railway) (C) Freeway connector between NC 147 and US 70.
2.	NC 54 (I-40 east to NC 55). Widen existing 2-lane facility to multiple lanes with a divided median with consideration for a bus rapid transit. Include bicycle and pedestrian features.
3.	NC 54 (Page Road south to Wake County line). Widen 2-lane roadway to multiple lanes. Include bicycle and pedestrian features.
4.	Old Durham/Chapel Hill Road bicycle and pedestrian improvements (Garrett Road to Pope Road). Study to emphasize bicycle and pedestrian connectivity between residential area, Githens Middle School, and the existing greenway and trail systems.
5.	US 70 (Lynn Road to Wake County line). Convert existing 4-lane facility to 6-lane freeway consistent with the recommendations of the 2025 Long-range Transportation Plan (LRTP) and the Highway Trust Fund (HTF) legislation.
6.	I-85 (US 70 to Red Mill Road). Widen from existing 4-lane freeway to 6-lane freeway.
7.	Northern Durham Parkway. (A) I-85 to Old Oxford Road/Snow Hill Road, 4-lane divided; (C) US 70 to I-85, 4-lane divided; and (B) Old Oxford Road/Snow Hill Road to Roxboro Road, construct 2-lane on a 4-lane right-of-way consistent with the recommendations of the 2025 Long-Range Transportation Plan (LRTP) and the Highway Trust Fund (HTF) legislation. Include bicycle and pedestrian features.
8.	I-40 High Occupancy Vehicle (HOV) Lanes (US 15-501 to I-540). Construct HOV lanes consistent with the 2025 LRTP and the Regional HOV study recommendation.
9.	American Tobacco Trail. Phase IV. Complete project southern section.
10.	Erwin Road [SR 1306]. Bicycle improvements from Cameron Boulevard to Orange County line.
11.	Fayetteville Road. Widen to 4-lane, from Woodcroft Parkway to Riddle Road.
12.	Carpenter Fletcher Road. Bicycle improvements (Woodcroft Parkway to Alston Avenue).

13. Durham Freeway [NC 147] Extension (I-40 to I-540). Construct new multi-lane freeway facility.
14. Bicycle and pedestrian connectivity to the Regional Rail. Bicycle and pedestrian connectivity (within 1 mile radius) to future Phase I rail stations in Durham County (9th Street, Downtown, Alston Avenue, North RTP and Metro Center stations)
15. Roxboro Road [US 501] (Duke Street to Goodwin Road). Widen existing facility to a 6-lane divided, including Latta Road/Infinity Road intersection improvements with bicycle and pedestrian features.
16. US 15-501 regional rail (Duke University to Chapel Hill) consistent with the MPO long-range transportation plan and the US 15-50 Major Investment Study (MIS).
17. Alexander Drive (Cornwallis Road to NC 55). Widen from existing 2-lane to a 4-lane divided facility with bike and pedestrian features.
18. Hillandale Road (Carver Street to Horton Road). Widen from existing 2-lane to a 4-lane divided facility with bike and pedestrian features.
19. Garrett Road (NC 751 to Chapel Hill Boulevard). Widen from existing 2-lane to a 3-lane with bike and pedestrian features.
20. Old Oxford Highway. Expand capacity from North Roxboro to Hamlin Road.
21. Latta Road (Guess Road to Roxboro Road). Widen from existing 2-lane to a 3-lane with bike and pedestrian features.
22. Barbee Chapel Road (SR 1110). Construct bicycle lanes between Farrington Road and NC 54.
23. NC 751. Widen to 4-lane, from South Roxboro to NC 54.
24. Alston Avenue Extension. New alignment from current terminus to Old Oxford Road.
25. NC 751. Widen to 4-lane, from NC 54 to I-40.
26. LaSalle Street. Pedestrian facilities; from Erwin Road to Hillsborough Street.
27. Chapel Hill Road. Bicycle and pedestrian facilities from University Drive to Duke University Drive.
28. Dearborn Drive. Bicycle and pedestrian facilities from East Club Boulevard to Old Oxford Road.
29. Morreene Road. Bicycle and pedestrian facilities from American Drive to Neal Road.
30. Cole Mill Road. Bicycle facilities; from Rose of Sharon Road to Durham/Orange County line.
31. Durham/Treyburn/501 North Rail Corridor. Purchase rail right-of-way to protect corridor for future transportation use.

Principles for Establishing Adequate and Reliable Funding of Transportation in the Triangle and throughout the Region

Chairman Reckhow stated that the County Commission Chairmen from Durham, Orange, and Wake Counties recently met to focus on transportation issues in the region, particularly how to fund transportation needs in the Triangle region. After considerable discussion, the three Chairmen endorsed a set of principles that should be considered by Triangle area boards of county commissioners when considering possible solutions to regional transportation issues.

Vice-Chairman Heron expressed concern about passing a law to generate revenues for road construction when funds are available from taxes and a highway trust fund. She stressed an additional concern: how the funds will be administered and distributed.

Chairman Reckhow referred to the supplemental page “Legislation (Draft Concept Developed by Regional Transportation Alliance)” to relieve Vice-Chairman Heron’s concerns.

Commissioner Cousin asked two questions: 1) when the funds are reallocated, would it be commensurate with what goes in; and 2) what if the States decides to keep the revenue.

In response to Commissioner Cousin’s second question, County Attorney Chuck Kitchen responded that legally the State may not acquire a tax that the County levies, which is backed by a constitutional provision.

Commissioner Cheek related concerns about unequal allocation of monies collected for roadways. If Durham County (being a larger county) collects more money, then it should reap larger benefits.

To concur with Commissioner Cheek, Chairman Reckhow addressed the concern to Section 2 of the Legislation Draft Concept. She also discussed the State’s future non-involvement in assisting counties with secondary road system funding.

Vice-Chairman Heron inquired about counties in the same predicament.

Chairman Reckhow explained that approximately one-third of the counties are losing funding due to over-funding within the past six years. Over the next 25 years, all counties would be affected.

Mr. Henry stated that the FY06-12 TIP has been delayed for two reasons: 1) no federal legislation; and 2) the need to determine which properties would balance the equity formula.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to endorse the principles and authorize the Chairman to execute the document on its behalf.

The motion carried unanimously.

Joint Public Hearing with Durham County Sheriff’s Office and the City of Durham Police Department on the 2005 Edward Byrne Memorial Justice Grant (JAG)

Wes Crabtree, Chief Deputy, presented the Sheriff’s Office portion of this item. Durham County and Durham City have jointly been given approval by their respective managers to submit a joint on-line application for funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

An Interlocal Agreement is presented for consideration, which appoints the Sheriff's Office to serve as the applicant/fiscal agent for the joint funds and agrees to a fifty-fifty split of the funds with the City.

The Sheriff's Office funds will be used to train and equip first responder specialty units such as Hazardous Devices, Search and Recovery, and K-9. This equipment and training will enable the Sheriff's Office to remain in the forefront of our ability to protect and serve the community. Funds will also be used to address various law enforcement initiatives such as an upgrade to the training range necessary to maintain compliance with state certification requirements, purchase of surveillance equipment, and purchase of crime analysis tools that will enhance our abilities to address areas of concern within the community.

Lt. John Mozart, Durham Police Department, stated that the Police Department funds will be used to support the five (5) district Partners Against Crime community groups; District Attorney's Gang Prosecution Program supporting the salary and fringe benefits of one assistant district attorney to work with local, state, and federal law enforcement agencies to identify members of gang organizations and to work to eliminate these organizations and accordingly, direct participants to the appropriate community resource or prosecution venue; and police overtime to support supplemental patrol in high crime areas in Durham.

One of the conditions of this grant award is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing was advertised in the Herald-Sun newspaper on March 6, 2005 and March 13, 2005 to give proper notification.

No additional funding is required and no subsequent year budget impact is anticipated. The total award is \$258,476; the Sheriff's Office and Police Department will each receive \$129,238 from the grant award.

Lt. Mozart explained the grant terms for Chairman Reckhow.

County Manager Mike Ruffin added that the local government appropriation has decreased over the years.

Commissioner Cheek expressed concern about using over \$91,000 for overtime. He attributed the problem to lack of staffing and deemed budgeting money that is not available as a "bad idea". Commissioner Cheek urged that his concern be relayed to City Hall.

Lt. Mozart clarified that the \$91,000 would be spent over four years. He addressed Commissioner Cheek's concern by explaining the Police Department's budget.

Commissioner Page praised the allocating of funds for five Partners Against Crime (PAC) community groups. He inquired about the District Attorney's Gang Prosecution Program.

Chairman Reckhow spoke in favor of the County and City finding additional monies to continue funding the three District Attorney positions.

Chairman Reckhow opened the public hearing which had been properly advertised and recognized the following signed speakers for comments:

Victoria Peterson, P.O. Box 101, Durham, NC 27702, beseeched the Board to reject the Interlocal Agreement and have staff redirect the funds to use towards crime prevention.

Reverend Phillip Jackson, representing New Beginnings Outreach Inc., 206 Hood Street, Durham, NC 27701, requested that funds be allocated for restorative justice.

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

After County Manager Mike Ruffin informed the Board of the March 31, 2005 contract deadline, Chairman Reckhow asked if approval could be delayed for two weeks.

To respond to Commissioner Cheek's question about spending urgency, Deputy Crabtree stated that approval must be made tonight or the funds would be lost. He explained that a two-week timeframe must exist between public comment and the closing date.

County Attorney Chuck Kitchen elaborated on time limits and extensions for the grant.

Chairman Reckhow asked for clarification on the process of making changes to the grant subsequent to public comment.

County Attorney explained that once public comment has been heard, changes may be made to the grant within the two-week period. Another public hearing is not required.

Commissioner Cheek adverted to the urgency of approving the grant. He reiterated a previous concern about using one-time grant monies to fund potentially continuous programs. Commissioner Cheek proposed approving the Interlocal Agreement tonight and considering other programs during the upcoming budget year. He invited Ms. Peterson and Rev. Jackson to an office meeting to discuss their concerns and review their research on Federal and State monies.

Commissioner Page asked several questions of Ms. Peterson and Rev. Jackson about applying for nonprofit funding. He expressed desire for more community collaboration.

Vice-Chairman Heron identified ambiguities in the Request for Board Action on the agenda action form, relating to specific uses of the funds.

County Attorney Kitchen explained the following changes made this year to the program:
1) Monies are being allocated to local government as opposed to direct agencies; and

2) A performance-based grant process is being considered to receive usage results of the funds once the grant has been issued.

Chairman Reckhow continued to support delaying approval for two weeks to allow additional discussion.

Commissioner Page asked for further clarification of losing the grant due to a two-week delay.

Lt. Mozart explained the short turnaround time when submitting the grant.

Vice-Chairman Heron asked for an interpretation of "...purchase of surveillance equipment and purchase of crime analysis tools that will enhance our abilities to address areas of concern within the community." She wanted to know specific "tools" to be funded.

Deputy Crabtree responded that monies would be spent on crime analysis software. He explained that the broad wording would allow for changes since the funds are expendable over a four-year period.

Commissioner Cousin concurred with Chairman Reckhow to delay the item for two weeks.

In response to County Manager Ruffin's question, Lt. Mozart replied that the County may review its portion of the grant, providing it is submitted by the March 31 deadline.

County Manager Ruffin summarized that the Board has two weeks to review its portion of the grant and does not need to present the changes to the City Council. However, if the Board has questions about the Interlocal Agreement, then it has to be rendered to the City Council before March 31.

Commissioner Cheek supported approving the grant tonight.

Commissioner Cousin moved to delay the item until the
March 28 Regular Session.

Commissioner Page expressed concern about exerting the staff by delaying approval.

Marcia Margotta, Sheriff's Comptroller, stated that receiving signatures from all parties would require the most time.

The Commissioners discussed approving versus postponing the item.

County Attorney Kitchen commented that in the Budget Ordinance, the Board delegated the County Manager to sign off on grant applications.

County Manager Ruffin clarified that he is allowed to sign off on grants with approved appropriations.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve the Interlocal agreement and direct the Manager to consult with staff to finalize the grant.

Commissioner Page stressed to Deputy Crabtree and Lt. Mozart that efforts must be made to include the community in future proposals.

The motion carried unanimously.

Scheduling a Special Session

The Board scheduled a special session for the Capital Improvement Plan for Monday, April 4, 2005, following the Worksession.

Closed Session

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to adjourn to Closed Session to instruct staff concerning the position to be taken on the terms of possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186, owned by Duke University and to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(5) & (6).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow announced that direction was given to staff in the Closed Session; no action was taken.

Adjournment

There being no further business, the meeting ended at 10:28 p.m.

Respectfully submitted,

Vonda C. Sessoms
Deputy Clerk to the Board