

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

Monday, April 25, 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**—Pledge of Allegiance

**Agenda Adjustments**

Chairman Reckhow announced that an amended agenda had been placed at each Commissioner's station to reflect the removal of item No. 5a, "Resolution of Support for Legislation to Reestablish a Mediation Center in Durham". The item would be heard at the Board's May 2, 2005 Worksession.

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as submitted the April 4, 2005 Worksession and the April 11, 2005 Regular Session Minutes of the Board.

The motion carried unanimously.

**Report on Ten-Year Impact Study of Smart Start**

Chairman Reckhow recognized Executive Director Marsha R. Basloe and Board Chairman Sue McLaurin, both representing Durham's Partnership for Children, a Smart Start Initiative.

Ms. Basloe thanked the Commissioners for allowing her time on the agenda to report on the impact of Smart Start in Durham County over the last ten years. She called attention to the program that she distributed to the Commissioners, "*Steps to the Future—Celebrating Ten Years of Working with Young Children and Families in Durham County*". Ms. Basloe stated that at Smart Start's Tenth Anniversary Celebration, Commission Chairman Ellen W.

Reckhow received a “Champions for Children—Public Office” award for her commitment to the Partnership and to young children in Durham County.

Ms. Basloe expressed gratitude to the entire Board of Commissioners for its support of Smart Start over the last ten years. She spoke to the Commissioners about the impact study, referencing the *Community Summary* as well as the full, 50-page *Ten-Year Study*.

Ms. Basloe informed the Board that prior to the inception of Smart Start in 1995, many young children faced poor childcare conditions. After a decade of focused efforts and resources, Durham and its Partnership for Children can point to significant changes in the programs and services that touch the lives of its young children and their families. The report provides information about the past, accomplishments during the past ten years, and future challenges and recommendations. One of the successes documented by the impact study is that more collaboration exists among partner organizations. A few examples of this collaboration follow:

- progress towards consolidation of all child care subsidy services through a collaborative entity called Durham’s Alliance for Child Care Access (DACCA);
- improved relationships and more linkages among local agencies within the county;
- dramatic improvements in childcare quality;
- increased access to information and resources for families; and
- sustained commitment to family support programs.

Ms. Basloe asked for Commissioner support as Smart Start embarks on its future goals (having ready children, ready schools, and a ready community). Smart Start and Durham County must begin the next decade with a renewed dedication to the question: “What does Durham want for its children and how can we work together to achieve it?”

Ms. Basloe expressed a desire to share information with the Board intermittently about future successes and recommendations.

Chairman Reckhow thanked Ms. Basloe for the excellent overview of the ten-year impact study and for her leadership of the Results Based Accountability Committee.

Vice-Chairman Heron inquired about future funding sources for Smart Start.

Ms. McLaurin shared that the ten-year study has provided the Board members of Durham’s Partnership for Children with recommendations to be weaved into a blueprint for the future. She challenged the County Commissioners to work with Durham’s Partnership to enhance the lives of Durham County’s children and families.

### **Mel Wheeler—Durham County Employee of the Year Award Winner**

Chairman Reckhow declared that during County Government Week 2005 entitled, “Honoring County Heroes”, Ms. Mel Wheeler was chosen as Durham County’s first Employee of the Year. Ms. Wheeler was nominated by two employees. Chairman Reckhow

recognized Chuck Harris, Interim Social Services Director, and Arlene Chavis, Supervisor to Ms. Wheeler, to make comments.

Mr. Harris stated that Ms. Wheeler was a great selection as Employee of the Year and a “real Durham County hero”. Ms. Wheeler, a very passionate County employee, is always advocating for her clients and looking for resources to benefit those who are less fortunate. She works with two programs. Adult Care Home Case Management involves a caseload of approximately 30 elderly/disabled adults who live in various assisted-living facilities across Durham County. SA-In Home Program involves a caseload of approximately seven elderly/disabled adults who live in the Durham community. Ms. Wheeler visits each of the 37 individuals once per month; nevertheless, the “data” of this caseload is not what makes it special—“Mel makes it special!”

Ms. Chavis addressed the passion by which Ms. Wheeler approaches her work and the people she serves. Not only does she make sure that her clients get needed health care, she also arranges for equipment such as wheelchairs, hospital beds, diabetic shoes, glasses, and dentures. Ms. Wheeler is not only a client advocate, but also a support system for her co-workers. She often volunteers to help in whatever ways are necessary. She is the consummate hero and a model Durham County employee!

Chairman Reckhow presented the \$300 check, stating that it was a small token of appreciation for Ms. Wheeler’s hard work.

Ms. Wheeler expressed that she was overwhelmed by the honor and humbled by being selected among the many dedicated, passionate workers throughout the Department of Social Services and the entire County. She voiced appreciation to the many employees for the congratulatory remarks they sent to her regarding the recognition. Ms. Wheeler thanked County Manager Mike Ruffin and Public Information Specialist Wil Glenn. She encouraged all citizens to visit elderly and disabled adults.

Chairman Reckhow stated that Ms. Wheeler represents the work of many outstanding Durham County employees.

### **Consent Agenda**

Chairman Reckhow read the consent agenda items.

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for March 2005 and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. Second Reading for Renewal of Ambulance Franchises for Five Durham County Ambulance

Providers for a Three-Year Period (approve for Bahama Volunteer Fire Department, Bethesda Volunteer Fire Department, Redwood Volunteer Fire Department, Parkwood Volunteer Fire Department, and Duke Life Flight);

- d. Line Cleaning and Television Inspection of the Collection System Tributary to the Triangle Wastewater Treatment Plant—RFP#: 05-022 (authorize the Manager to enter into a contract with ABE Utilities not to exceed \$40,354.35 and approve annual renewals for up to five years subject to availability of funds);
- \*f. Budget Ordinance Amendment No. 05BCC0000054—The Durham Center—Acceptance and Allocation of Grant Funds (approve the appropriation of \$246,779);

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for March 2005 and authorize the Tax Assessor to 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 releases and refunds for the month of March 2005.

Releases & Refunds for 2004 and 2005 Taxes:

Real Estate	\$	15,406.78
Personal	\$	1,400.32
Registered Vehicles	\$	27,235.14
Vehicle Fees	\$	610.00
Solid Waste Fees	\$	<u>75.00</u>
Total for 2004 and 2005 Taxes and Fees	\$	44,727.24

Prior years' (2002-2003) releases and refunds for March 2005 are for \$24,349.99.

The total current year and prior years' releases and refunds amount to \$69,077.23.

(Recorded in Appendix A in the Permanent Supplement of the April 25, 2005 Regular Session Minutes of the Board.)

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Consent Agenda Item No. f. Budget Ordinance Amendment No. 05BCC0000054—The Durham Center—Acceptance and Allocation of Grant Funds (approve the appropriation of \$246,779).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000054

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	\$263,454,235	\$246, 779	\$263,701,014

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$324,862,503	\$246,779	\$325,109,282

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

This the 25<sup>h</sup> day of April, 2005.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. b. Request to Amend Contract to Purchase Additional Safety Supplies and Equipment from Department of Homeland Security Part I Grant Program Funds (amend the contract with Safeco Inc. for an additional \$52,197.42 for a total amount not to exceed \$118,677.81).

Vice-Chairman Heron mentioned that an article in today's Herald-Sun stated that Orange County plans to purchase approximately \$1 million worth of new equipment for its 911 Communications Center with funds from US Department of Homeland Security grants. She inquired as to why she was told that Homeland Security funds could not be allocated for 911 Center equipment.

Mark Schell, Emergency Management Coordinator, replied that he could not provide an answer to Vice-Chairman Heron's question.

Vice-Chairman Heron directed that staff consider how to obtain funding for equipment for Durham's 911 Communications Center, which is in need of approximately \$2 to \$3 million of equipment. She requested that the Commissioners be provided a report of the findings.

County Manager Ruffin stated that tomorrow he would speak with Mr. Schell and Emergency Management Director Jeffrey Batten concerning the matter.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve consent agenda item No. b.

The motion carried unanimously.

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Consent Agenda Item No. e. Budget Ordinance Amendment No. 05BCC0000053—The Durham Center (approve the budget increase in Medicaid funds for \$2,500,000).

Commissioner Cheek questioned how a \$2,500,000 increase in the Medicaid budget does not require a County allocation.

Deputy County Manager Carolyn Titus recommended that the item be deferred until a later date, as staff from The Durham Center was not present at the meeting to answer the question.

Chairman Reckhow shared Commissioner Cheek's concern. She stated that no operating costs would be involved since the services at the Center are contracted. This is pass-through money that is disseminated to the service providers. More money is being drawn by the Center because more people are being served (children and adults). Since the County must allocate 5.6% of each Medicaid dollar, a reasonable deduction would be an impact on County allocations.

County Manager Ruffin explained that Social Services monitors and manages the Medicaid expenditure for the County (local share) which varies monthly. About \$1.2 to \$1.3 million over the budgeted amount is anticipated. The last quarter of the year is particularly critical. The deficit will be managed within the human services functional appropriation before the end of the year. The budget ordinance is by functional categories so the bottom line appropriation approved by the Commissioners will not be violated. The County will spend more for local share of Medicaid this year because this and other Medicaid expenses have been incurred during the year.

Commissioner Cheek informed the Manager that he had answered his question.

Deputy County Manager Titus responded to Vice-Chairman Heron's question about whether the Medicaid increase was due to a new request or whether the funds had been expected and were just now being received. Ms. Titus explained that as Mental Health's service demand increases, bills are submitted so that necessary Medicaid dollars can be received and appropriated to the service providers.

Ms. Titus suggested that this issue be placed on a BOCC Worksession agenda to provide information on billing and funding, how it is associated with client demand, and how the County increases its share on the match.

Commissioner Cheek conveyed that he was not suggesting that the County reject the \$2.5 million increase; he simply asked for an explanation about why the agenda item

contained the statement “no impact on County allocations”. Commissioner Cheek endorsed Ms. Titus’ proposal that the item be placed on a future worksession agenda for a more thorough briefing about Medicaid funding for this fiscal year and the next.

Commissioner Cousin explained that as the Medicaid draw increases, the County’s match increases. By law, the County must provide applicable services to Medicaid eligible citizens.

Chairman Reckhow noted that a positive part of the issue is that more people are being provided needed services.

County Manager Ruffin stated that further discussion would take place at the June Worksession or at a budget worksession.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve consent agenda item No. e.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000053

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>			
Services Charges	\$30,924,803	\$2,500,000	\$33,424,803

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$322,362,503	\$2,500,000	\$324,862,503

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

This the 25<sup>h</sup> day of April, 2005.

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Consent Agenda Item No. g. Duke University Health System Request for EMS Rate Adjustment (approve a temporary rate adjustment to \$200 per trip until the construction interruption in the helipad area is completed).

Commissioner Page asked J. M. Tezai, EMS Director, to (1) explain how this item was related to the email the Commissioners received this week; and (2) provide the average number of transports.

Mr. Tezai responded that the email was concerning Durham Regional Hospital. While the Hospital is a part of Duke University Health System, this is a totally separate issue—a special request on a temporary basis by Duke Hospital. During the current fiscal year, Durham County EMS is averaging four to five “back-up” trips per month.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve consent agenda item No. g.

The motion carried unanimously.

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Consent Agenda Item No. h. Contract Award for County Building Security Services to Wackenhut Corporation (RFP# 05-010) (authorize the Manager to enter into the contract at the hourly rate of \$17.14 for Company Police Officers (CPOs) and \$25.01 for Special Police Officers (SPOs) for \$511,684.93 for FY 2005-06).

Commissioner Cheek asked what portion of the hourly rate the CPOs and SPOs actually receive, how much is used for administrative fees, operating costs, etc., and whether pertinent information is provided to the County during the bidding process.

Mike Turner, General Services Director, responded that there is an estimated \$4 to \$5 difference for the overhead and operating costs. An itemized cost list was neither provided nor requested.

Commissioner Cheek directed Mr. Turner to obtain the requested information for the Commissioners. In the future, an itemized list included in the bid tabulation would be advantageous in determining whether companies’ profit margins are reasonable.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve consent agenda item No. h.

The motion carried unanimously.

**Public Hearing for the Draft 5-Year Consolidated Action Plan and FY 2005-2006 Annual Action Plan for Use of HOME/ADDI (American Dream Downpayment Initiative) Funds**

Chairman Reckhow introduced and welcomed Mike Barros, Director of the City of Durham Department of Housing and Community Development.

Mr. Barros stated that the City of Durham Department of Housing and Community Development had requested that the Board of County Commissioners hold a public hearing



to receive citizen comments on the Draft 5-Year (FY 2005-2010) Consolidated Action Plan and FY 2005-2006 Annual Action Plan. The purpose of the public hearing is to receive citizen comments on the proposed priorities for use of HOME Investment Partnership/American Dream Downpayment Initiative (HOME/ADDI) funds by Durham Consortium over the next five years to address housing and community development needs in Durham, as required by the U.S. Department of Housing and Urban Development (HUD).

Katherine Simmons, Associate Director of Planning Administration, presented the FY 2005-2006 Annual Action Plan, which sets forth the specific sub-recipients and activities that are recommended for funding with HOME/ADDI, CDBG, and ESG allocations during the first fiscal year of the new 5-Year Plan. City staff is gathering data, writing sections on additional initiatives (such as programs for ex-offenders), and refining the draft Consolidated Plan each day. The draft Consolidated Plan is currently available electronically on the City of Durham website, [www.durhamnc.gov](http://www.durhamnc.gov), and will be updated approximately weekly.

Chairman Reckhow commented that the County has direct oversight of the FY 2005-2006 Durham City-County HOME Consortium budget. Emergency Shelter Grant (ESG) Program and Community Development Block Grant (CDBG) Program budgets were provided for information only and do not require Commissioner action.

In response to a question posed by Chairman Reckhow, Ms. Simmons noted that special needs housing and home ownership for adults living with persistent and serious mental illness were major priority needs for which HOME funds would be utilized.

Vice-Chairman Heron wished to know when a detailed report would be generated to show fund expenditure. She expressed that in previous years too much money has been spent for too few projects and not all the funding has been expended.

Ms. Simmons offered to provide a three-quarter of the year status report by the next meeting.

In response to Commissioner Cheek's inquiry, Mr. Barros stated that JRUTH Inc. is a small organization that locates shelter and ultimately rental housing for the chronically homeless. World Changers is an organization sponsored by Southern Baptist that is composed of volunteers from three levels (elementary age, high school age, and seniors) who travel from across Southern Baptist congregations to refurbish houses (usually for elderly homeowners).

Commissioner Cheek asked questions of Mr. Barros about code enforcement activities and expenditures. He expressed concern about the practice of employing people on a full-time basis, which has been done for a period of about five years, without guaranteed funding. He wished to see a modification; the money should be used for purposes other than for salaries.

Mr. Barros stated that he would relay Commissioner Cheek's concerns to the City Manager.

Mr. Duke responded to Vice-Chairman Heron's question about whether the funds could be used for zoning enforcement, stating that the problem is that the money must be spent in CDBG-eligible neighborhoods. The limited number of City and County zoning enforcement

must overlap multiple neighborhoods and cannot be limited to these neighborhoods; therefore, the funding must be allocated from the General Fund.

Chairman Reckhow asked whether the groups receiving funds in previous years have been monitored to determine if expectations had been met.

Mr. Barros replied that applicants who will receive future funding have met their expectations in previous years. In addition, the department has implemented new capacity building and evaluation techniques.

Chairman Reckhow opened the public hearing that was properly advertised, stating that each speaker would be allowed three minutes for comments.

Rich Lee, 1302 Green Street, Durham 27705, representing Durham Affordable Housing Coalition (DAHC), appealed to the Commissioners to consider inclusion of short-term rental assistance in HOME funds expenditure.

Alvis Aikens, 3319 Woodland Park Road, Durham 27703, representing PAC 1, District 1, was opposed to CDBG funds being used for code enforcement. A larger percentage of funds should address rental assistance and homeownership.

Nancye Bryan, 3408 Dover Road, Durham 27707, represented Next Step Housing and the Durham Chapter of the National Alliance for the Mentally Ill. She repeated Mr. Lee's plea for rental assistance.

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

Chairman Reckhow reopened the public hearing, as two citizens arrived at the meeting and requested to address the Board.

Rena Abayhan, 531 Marshall Way, Durham 27705, Vice Chairman of the Citizens Advisory Committee, made the following requests:

1. Funds used for code enforcement should be diverted to programs that will benefit low-income individuals;
2. Allocations to community and social programs such as job training;
3. A focus on repairs in target areas spread over several years so that rehabilitation is more comprehensive, visible, and tangible;
4. Increased funding for mortgage assistance to make homeownership possible, starting with low-income individuals;
5. Pro-active promotion of available programs for low-income individuals (in addition to the required newspaper announcements); and
6. Increased funding allocations to low-income seniors.

Ms. Abayhan, at the request of Chairman Reckhow, explained that the Citizens Advisory Committee comprises 15 members—three County appointees and 12 City appointees. The

committee's role is to advise City Council on the Department of Housing's annual and five-year funding plan.

Lanya Shapiro, 1217 Clarendon Street, Durham 27705, Chairman of the Citizens Advisory Committee, shared Ms. Abayhan's remarks. She commented that the committee focuses primarily on CDBG funds; therefore, several of the advisory committee's recommendations may not be applicable to the County Commissioners.

Chairman Reckhow closed the public hearing. She asked Housing staff to coordinate the timing of completion of the annual and five-year plans to allow the Citizens Advisory Board time to review the plans and make its suggestions to both governing bodies.

At the request of Chairman Reckhow, Mr. Barros addressed the issues raised during the citizen comment period pertaining to short-term rental assistance, code enforcement, increased advertising, and targeting specific neighborhoods. He mentioned that the draft Consolidated Plan includes programs targeted towards ex-offenders because of Victoria Peterson's comments at a prior Commission public hearing.

Chairman Reckhow inquired about carry-over funds from previous years.

Mr. Barros stated that HOME funds are seldom left over and all monies in the home ownership area are expended.

Chairman Reckhow suggested that Housing and Community Development collaborate with the Workforce Development Board to interconnect social programs and economic development initiatives.

Chairman Reckhow encouraged interested citizens to consider applying for openings on the Citizens Advisory Committee. She directed the Clerk to advertise for the County vacancy and asked Mr. Barros to remind the City Clerk to advertise for City vacancies.

Vice-Chairman Heron reiterated that a portion of the \$450,000 delegated to code enforcement should be used for other programs (i.e., rental assistance).

Mr. Barros offered to convey Vice-Chairman Heron's recommendation to City Council.

Commissioner Cheek restated his opposition to using CDBG funds for code enforcement.

The Commissioners discussed proposing that HOME funds be re-allocated to include rental assistance.

Chairman Reckhow desired a commitment to incorporate affordable housing into market rate housing.

Commissioner Page expressed that the plan should address challenged communities in which its needs are continuously overlooked, particularly the Waltown community in Northeast Central Durham.

Ms. Simmons stated that the next step would be to consider comments from this and various meetings. Staff will speak to as many comments as possible in its recommendations. All questions will be addressed and posted on-line by Wednesday or Thursday of next week. Staff will request adoption of the plan at the May 9, 2005 Regular Session of the Board.

Mr. Barros pledged that as a result of tonight's meeting, he would address the following concerns in his cover letter requesting adoption of the plan: the utilization of entitlement monies to pay for code enforcement in CDGB neighborhoods (General Funds are used in other neighborhoods); the need for rental subsidies on a short-term basis; and the targeting criteria may eliminate neighborhoods which may have greater needs.

Chairman Reckhow asked that the letter also address some percentage of affordable housing associated with development incentives.

Chairman Reckhow thanked Mr. Barros and Ms. Simmons for the presentation.

#### **Public Hearing—Zoning Map Change—Page Road Townhomes (P04-69)**

Mr. Frank Duke, AICP, Planning Director, requested that the Board approve a zoning map change for a 34.47-acre site located on the west side of Page Road between I-40 and Comstock Road, PIN 0747-02-97-5123; -01-07-2579. Request: RD to PDR 7.9 A development plan was submitted as part of the rezoning request. Staff recommended approval. The Durham Planning Commission conducted a public hearing on March 8, 2005 and recommended denial with a vote of 7-4. The public hearing for this request was advertised on April 8 and 15, 2005 in The Herald-Sun.

Mr. Duke stated the following committed elements:

1. A maximum number of units: 272 townhomes.
2. Provide three neighborhood pocket parks within the interior of the neighborhood and shall be maintained by the homeowners association.
3. Align the main entrance into the site on Page Road with Arrington Park Drive. This entrance shall be a full access entrance.
4. Dedicate of right-of-way along Page Road so that the proposed right-of-way line is 55' from centerline of Page Road.
5. Construct the northern most drive as a right-in/right-out.
6. Construct ½ of a 4-lane divided cross section on Page Road from the southern most drive through the northern driveway, providing left-turn lanes at the south and middle entrances.

Commissioner Cheek asked about the completion of the committed element concerning construction on Page Road.

Chairman Reckhow opened the public hearing that was properly advertised.

Patrick Byker, 2614 Stuart Drive, Durham 27707, attorney representing McCale Development, requested project approval for the following primary reasons:

- the creation of an upscale townhouse community with good amenities;
- low residential vacancy rates in this part of Durham County; therefore, the townhouses should sell swiftly; and
- to provide new Durham residents easy access to nearby employment areas and retail services.

Jonathan Skinner, also representing McCale Development, requested approval of the zoning map change.

Chairman Reckhow closed the public hearing, as no one else requested to make comments to the Commissioners about the project.

Chairman Reckhow voiced concern that construction of the 25 back units would require the removal of many large oak trees. She stressed the importance of tree preservation.

Mr. Byker and Mr. Skinner assured the Commissioners that the developer would remove as few trees as possible. No trees would be removed by mistake.

Vice-Chairman Heron and Chairman Reckhow inquired about the buffer and tree save areas, requesting a commitment that the area north of the creek remain undisturbed and retained for tree preservation, not tree replacement.

Mr. Byker and Mr. Skinner consented to the commitment.

Commissioner Cheek asked about the schedule for roadway improvements. He emphasized that the improvements should not be neglected.

Mr. Skinner assured Commissioner Cheek that Page Road improvements would be completed prior to the issuance of any certificates of occupancy for the first phase of development.

Vice-Chairman Heron requested clarification from Mr. Duke about the transitional use area (TUA) in the staff analysis and conclusion.

Mr. Skinner also agreed to seek no buffer reductions for the site.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve the zoning map change for Page Road

Townhomes subject to additional commitment by the developer.

The motion carried unanimously.

### **Legislation of Interest**

County Attorney Chuck Kitchen briefly conveyed that the Association of County Commissioners sent a memorandum regarding six bills that have been introduced in the State Senate and are expected to be considered in committee in the next week or two. One of the bills, S932, has already received support of the Board of Commissioners. It is requested that the Board support S856, S933, and S1143, and further that the Board go on record opposing S1048. No request is made as to S792.

S856 is a bill which would clarify that government attorneys' work-product (documents created in the scope of preparing for trial) are not public records until after the trial is over. This issue became confused last year after the Court of Appeals attempted to overrule a prior decision of the Court.

S933 is a bill which has been introduced as the result of a lawsuit in which a county worker reported to the Sheriff what appeared to be criminal activity. The worker was subsequently sued for defamation. This bill would help prevent such suits.

S1143 reinstates the "public duty doctrine" which protected county workers, such as building inspectors, from suit in performing their duties. The Supreme Court suddenly changed the law a few years ago and held that the "public duty doctrine" only applied to law enforcement officers and State workers.

S1048 is a bill which would outlaw the use of Social Security numbers by local governments unless specifically allowed by a law. This would have the effect of making identification more difficult, and would be especially difficult for the Tax Office to use Social Security numbers to identify individuals in collection cases.

After a brief discussion by the Board, the following motion was made:

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to direct that a letter be sent to the Legislative Delegation supporting S856, S933, and S1143, and opposing S1048.

The motion carried unanimously.

Vice-Chairman Heron recommended that the Board approve HB1292, "An Act to Authorize the Legislative Research Commission to Study Issues Related to the Privatization of Alcoholic Beverage Control Stores and to Appropriate Funds". Following another brief discussion by the Commissioners:

Commissioner Page moved, seconded by Commissioner Cheek, to support HB1292.

The motion carried unanimously.

Vice-Chairman Heron asked for support of HB1085 about the requirement that owners of fighting dogs pay for their care during impoundment.

Chairman Reckhow directed County Attorney Kitchen to get more information regarding this bill and forward it to the Commissioners.

### **Closed Session**

Commissioner Cheek moved, seconded by Commissioner Page, to adjourn to Closed Session to consider the initial appointment of a public officer or employee and to consult with an attorney regarding a claim and to preserve the attorney-client privilege pursuant to G.S. § 143-318(a) (3) & (6).

The motion carried unanimously.

### **Reconvene to Open Session**

Chairman Reckhow announced that during the closed session, direction was given to staff regarding one matter. Chairman Reckhow then entertained a motion to appoint Vonda Sessoms as Clerk to the Board of County Commissioners at an annual salary of \$55,000.

Vice-Chairman Heron moved the motion, which was seconded by Commissioner Cousin.

The motion carried unanimously.

Chairman Reckhow congratulated Ms. Sessoms on her appointment.

### **Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 10:37 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Clerk to the Board