

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

Monday, February 24, 2014

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chair Brenda A. Howerton, and Commissioners, Fred Foster, Jr., Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Chairman Page asked everyone to join in the Pledge of Allegiance.

Agenda Adjustments

There were no adjustments to the agenda.

Announcements

Chairman Page made the following announcements:

- "In Touch with Durham County," the Durham County Television show, airs daily on Cable TV Channel 8 or 97-5 at 10 a.m., 3:30 p.m. and 6:30 p.m. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk's Office at 919-560-0025, visit the County's website, or email Clerk@dconc.gov for more information. Please note that all City and County taxes must be current at the time of application.
- "Living Healthy," the Durham Diabetes Coalition Television show, airs daily on Cable TV Channel 8 or 97-5 at 7 p.m. Each episode features Durham County resources and residents successfully living with diabetes. This is also an initiative that supports Durham County's strategic goal Health and Well-being for All.
- As Chair of the Board of County Commissioners, I will hold office hours for citizens on Wednesdays from 2:00 pm to 5:00 pm. Appointments can be made by calling me at 919-949-4022.

Vice-Chair Howerton announced that the North Carolina Central University (NCCU) Graduate Association of Public Administration would host “Celebrating Public Administration: In Practice and in Action.” She stated that the event would be held on Thursday, March 13, 2014 from 7:00 p.m. to 9:00 p.m. on the campus of the university in the W.G. Pearson Banquet Hall located at 606 East Lawson Street, Durham, North Carolina. Vice-Chair Howerton added that the event would honor NCCU Public Administrator, Mr. Tyrone Baines and Durham Civic Leader, former City Councilman Mr. Howard Clement. Persons interested were asked to contact Ms. Rosa Anderson at (919) 530-5303 or email vcollin8@eagles.nccu.edu.

Minutes

Commissioner Jacobs moved, seconded by Commissioner Reckhow, to approve as submitted the January 27, 2014 Regular Session Minutes, February 3, 2104 Worksession Minutes, February 10, 2014 Special Session Minutes and February 10, 2014 Regular Session Minutes of the Board.

The motion carried unanimously.

Resolution Honoring the Life and Legacy of Commissioner Becky M. Heron

Commissioner Reckhow read the following proclamation into record:

COMMISSIONER BECKY M. HERON

WHEREAS, Becky M. Heron was elected to the Durham Board of County Commissioners in 1982 and served with distinction until her retirement in August 2011; and

WHEREAS, she was a public servant who freely made herself available to her constituents, whether taking late night calls or attending a myriad of community events across the County, Commissioner Heron provided a listening ear and helping hand with any issues that needed to be addressed; and

WHEREAS, while her interests and accomplishments were numerous, Commissioner Heron reflected in her 2011 retirement statement that she was “most devoted to environmental issues, planning, transportation, animal control, mental health, education and looking out for our senior citizens,” and indeed the impact of her work remains evident throughout this community; and

WHEREAS, in 1994, Commissioner Heron broke the proverbial “glass ceiling” becoming the first woman to chair the Durham Board of County Commissioners, serving until 1996; and

WHEREAS, While Commissioner Heron was lauded for her leadership at the national, local and state levels, and received many honors, she fondly noted that her proudest award was being named the 1995 Outstanding County Commissioner by the North Carolina Association of County Commissioners; and

WHEREAS, she will forever be celebrated as a passionate and dedicated public servant, who touched us all, and made Durham a better place to live and work.

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

COMMISSIONER BECKY M. HERON

a phenomenal woman, mentor and elected official of the highest order who dedicated a lifetime to helping others.

BE IT FURTHER RESOLVED that we call upon all citizens of Durham County to remember this dynamic and talented woman, and the tremendous legacy that remains as a testament to her numerous accomplishments.

This the 24th day of February 2014.

/s/ All Commissioners

Commissioner Jacobs thanked former Commissioner Heron's family for their attendance. She stated that Ms. Heron was a mentor to herself and other women in the Durham community. Commissioner Jacobs remarked that Commissioner Heron was a role model as a public servant and hoped that she was able to live up to her expectations.

Vice-Chair Howerton stated that she appreciated that although she and Commissioner Heron had not always seen things "eye-to-eye," that they were able to collaborate for the good of Durham County. She said that Commissioner Heron's honesty and integrity was needed in government.

Chairman Page commented that Commissioner Heron would be greatly missed. He said that he was given a great opportunity to observe Ms. Heron's leadership skills and how she was able to guide the Board through a number of difficult issues. Chairman Page commended Commissioner Heron's husband, Mr. Duncan Heron, for supporting her through the years as she worked in public service.

Commissioner Reckhow commented that the Commissioner Heron's Memorial Service was a wonderful tribute to her life and that the speakers' remarks captured the essence of what she meant to the Durham community. She stated that Ms. Heron was the consummate public servant and remained dedicated to listening to the concerns of citizens.

Commissioner Foster thanked Commissioner Heron's family for attending tonight's meeting. He said that Ms. Heron was not only an accomplished public servant, but also a very kind person. Commissioner Foster said that Commissioner Heron maintained a wealth of knowledge and would be greatly missed.

Mr. Steve Heron [Commissioner Heron's son] thanked the Board on behalf of the family for recognizing her life and public service to Durham County.

Resolution Honoring Budget and Management Services Director, Pam Meyer

Chairman Page read the following proclamation into record:

PAM MEYER

WHEREAS, Pam Meyer began her tenure in January 2001 when she was hired as Budget Director for Durham County Government; and

WHEREAS, in executing her official duties, Ms. Meyer always exhibited a wealth of financial skills and abilities, strong critical thinking in major deliberations, and a level of objectivity that led Durham County Government to be highly regarded as one of our nation's most fiscally well-managed counties;

and

WHEREAS, during her remarkable career with Durham County, Ms. Meyer successfully managed and directed the development and support of 13 annual multimillion dollar budgets, along with 6 comprehensive 10-year Capital Improvement Plans; and

WHEREAS, with her leadership, Durham County received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the 10 years in which it was sought; and

WHEREAS, Ms. Meyer strategically led the Budget and Management Services Department, utilizing her exemplary standards of excellence in all of her effective interactions with department heads, senior management and the Board of County Commissioners; and

WHEREAS, Pam Meyer will be sorely missed for her dedication, strength of character and unwavering commitment to excellence in public service.

NOW THEREFORE BE IT RESOLVED that we, the members of the Board of County Commissioners do hereby extend our best wishes and most sincere appreciation to

PAM MEYER

for her outstanding and professional stewardship of public funds, and for the unparalleled manner in which she served the citizens of Durham County during her tenure.

BE IT FURTHER RESOLVED that we hereby wish for her endless joy and happiness as she leaves Durham County Government and enters the world of retirement.

This the 24th day of February 2014.

/s/ All Commissioners

Commissioner Reckhow stated that Ms. Meyer was the consummate professional and always approached her job in a thoughtful and professional manner. She continued saying that Durham County's strong fiscal standing was due to Ms. Meyer's conservative and deliberate methodology with regard to budget planning and analysis.

Commissioner Jacobs thanked Ms. Meyer for work with Durham County Government. She commented that as a new county commissioner, that Ms. Meyer's professionalism made her feel very secure. Commissioner Jacobs said that she guided the Board through a seamless budget process and wished her well as she entered retirement.

Vice-Chair Howerton thanked Ms. Meyer for the work that she has performed for Durham County. She said that Ms. Meyer had been extraordinary in providing the Board with vital information that was necessary to make decisions that would affect citizens across Durham County. Vice-Chair Howerton wished Ms. Meyer all the best during her retirement.

Mr. Lee Worsley, Interim County Manager, stated that he wanted to publicly express the gratitude for Ms. Meyer's years of service to the organization and the Durham community. Mr. Worsley reiterated the importance of having a Budget and Management Services Director who was not only analytical, but also possessed relationship-building and communication skills. Interim Manager Worsley stated that he was amazed at Ms. Meyer's ability to work with diverse

groups during the budget process. He closed by stating that Ms. Meyer's work was demonstrative of her care for the citizens of Durham County.

Chairman Page expressed appreciation for Ms. Meyer's work as Budget and Management Services Director and stated that it was good to work with her over the last several years. Chairman Page spoke to her professionalism and commented that she always maintained a pleasant disposition despite the situation. He wished Ms. Meyer well as she retired from Durham County Government.

Ms. Meyer briefly addressed the Board thanking them for the recognition. She stated that Durham County Government was where she held her longest tenure and that she was proud to retire in a community that she was able to serve the last 13 years. Ms. Meyer provided assurance that the current Budget and Management Services staff was very capable at providing the level of service that the Board expected.

Resolution Honoring Durham County Engineering and Environmental Services Director Glen Whisler

Chairman Page read the following proclamation into record:

GLEN WHISLER

WHEREAS, Glen Whisler joined Durham County in 1997 as a project manager in the General Services Department; and

WHEREAS, in 1998, a new department, Durham County Engineering, was established with Whisler being named County Engineer and charged directing the operations which initially included Project Management, Erosion Control and Utilities with four other divisions later added to the portfolio; and

WHEREAS, Whisler is credited with managing nearly a billion dollars of capital projects including multiple building and renovation projects during his tenure, most notably the construction of the county's most ambitious projects, the new Courthouse and Human Services Building; and

WHEREAS, in March 2012, the Durham County Board of Commissioners recognized Whisler with the "Anchor Award" for his stellar performance in the implementation of the County's Capital Improvement Plan, in recognition of his excellent project management skills and for saving the County hundreds of thousands of dollars in unnecessary costs through his personal attention to project details; and

WHEREAS, during Whisler's leadership Durham County constructed nine LEED Certified Buildings including 3 Gold, 4 Silver and 2 Certified, in keeping with the County's High Performance Building Policy; and

WHEREAS, Glen Whisler will be missed for his preeminent and steadfast dedication to preserving and improving the county's physical environments that serve to enhance the quality of life in Durham.

NOW THEREFORE BE IT RESOLVED that we, the members of the Board of County Commissioners do hereby extend sincere and deep appreciation to

GLEN WHISLER

for his generous and unmatched commitment to professionally managing public building projects, utilities, preserving open space and for changing the landscape of the Durham Community for generations to come.

BE IT FURTHER RESOLVED that we hereby wish for him a wealth of joy and success as he leaves Durham County Government to enjoy retirement.

This the 24th day of February 2014.

/s/ All Commissioners

Chairman Page commented on Mr. Whisler's professional demeanor and willingness to share his expertise with the Board and citizens of Durham County.

Commissioner Reckhow commented on Mr. Whisler's ability to manage multiple projects, while still giving each a personal and professional touch. She spoke to his diligence and dedication, which contributed to the success of the construction of the Durham County Courthouse and Human Services Complex. Commissioner Reckhow thanked Mr. Whisler for his hard work and commented that he was leaving very big shoes to fill.

Vice-Chair Howerton thanked Mr. Whisler for the work that he had done during his tenure. She remarked that the Human Services Complex was an extraordinary building that would continue to serve the citizens of Durham for long time.

Commissioner Jacobs also thanked Mr. Whisler for his services and for overseeing the construction of County projects in a fiscally responsible manner. She continued saying that Mr. Whisler treated staff and citizens equally with respect, which did not go unnoticed.

Interim County Manager Worsley recalled Mr. Whisler's willingness to share his time and knowledge with him as an Inter with Durham County Government. He continued saying that Mr. Whisler and staff did an amazing job managing capital projects and engaging stakeholders. Interim County Manager Worsley thanked him for his service to the Durham community and the lasting legacy that he left for Durham County.

Mr. Lowell Siler, County Attorney, stated that both Ms. Meyer and Mr. Whisler represented the "best of the best" amongst Durham County Government staff. Attorney Siler expressed his appreciation for the opportunity to have worked with both individuals.

Mr. Whisler briefly addressed the Board thanking them for the recognition and support during his tenure. He thanked departmental staff for their expertise, experience, and commitment to Durham County. Mr. Whisler closed by thanking his family for their support and understanding as he pursued his career.

Consent Agenda

Chairman Page stated that consent agenda item "h" was moved to the regular agenda. He asked the Commissioners if they desired to pull any items from the Consent agenda.

Commissioner Foster started that he would like to pull item "k."

With regard to item "n," Commissioner Reckhow questioned if the Chairman and Vice-Chairman had been designated. Ms. Kim Simpson, Tax Administrator, clarified that the Board and Vice Chair designations were a part of the item.

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to approve the following consent agenda items (8a, b, c, d, e, f, g, h, i, j, l, m and n):

- a. Approve the Tax Administrator's request to begin advertising the 2013 tax liens in the month of March;
- b. *Approve Budget Ordinance Amendment No. 14BCC000042 to amend the AnimalKind budget, thereby increasing the contract amount to allow the reimbursement of \$4,325 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services:
- c. *Approve Budget Ordinance No. 14BCC000043 to recognize Duke Energy Progress Merger Settlement funds to assist low-income customers with energy assistance and LIEAP funds to provide assistance to low income households with heating and cooling expenses, in the total amount of \$8,375;
- d. *Approve Budget Ordinance Amendment No. 14BCC000044 for the amount of \$6,789 from the NC Department of Health and Human Services for the Health Education Division;
- e. *Approve Budget Ordinance Amendment No. 14BCC000045 in the amount of \$27,430 for TANF Out- Of- Wedlock Prevention Program;
- f. Accept an easement from Wake County for a future extension of the County sanitary sewer collection system;
- g. Award the construction contract for the Miami Boulevard Force Main Improvements to Sullivan Eastern, Inc., in the amount of \$869,700.00; to authorize the County Manager to execute the contract; and to authorize the County Manager to execute any related contracts, not to exceed a total project budget of \$913,185.00;
- h. Approve the sale of 2114 Ashe Street to Ian Kip for \$20,000;
- i. Pursue the upset bid process for 2403 Angier Avenue, 2121 Cheek Road and 3005 Ruth Street. A resolution to offer the properties in an "upset bid" sale is attached. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process;
- j. Approve the sale of 606 E. Umstead to the Durham Public Schools for \$44.32;
- l. Adopt the Durham City/County Emergency Operation Plan;
- m. Approve the attached Resolutions (3) authorizing the Interim County Manager to Issue Refunding General Obligation Bonds in an amount not to exceed \$60M for a term not more than twenty years; to extend the County's BANS financing facility for three years in an amount not to exceed \$50M; and to authorize staff to

request that the Local Government Commission extend the issuance time for Bonds authorized under the 2007 Referendum to November 1, 2017;

- n. Appoint a special Board of Equalization and Review, designate membership to this Board, appoint George Scott as Chairman and Stephanie Gaither-Harris as Vice-Chair and set their compensation rate for 2014 at \$100.00 (Chairman) and \$85.00 (Member) and \$25.00 per hour for any hour over the three hour session.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. b.

DURHAM COUNTY, NORTH CAROLINA
2013-2014 Budget Ordinance
Amendment Number 14BCC000042

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2013-2014 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	\$57,152,137	\$4,325	\$57,156,462

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Public Safety	\$52,229,811	\$4,325	\$52,234,136

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

This the 24th day of February, 2014.

Consent Agenda Item No. c.

DURHAM COUNTY, NORTH CAROLINA
2013-2014 Budget Ordinance
Amendment Number 14BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2013-2014 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	\$56,384,593	\$2,269	\$56,386,862
Contributions & Donations	\$224,944	\$6,106	\$231,050

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$88,985,187	\$8,375	\$88,993,562

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

This the 24th day of February, 2014.

Consent Agenda Item No. d.

DURHAM COUNTY, NORTH CAROLINA
 2013-2014 Budget Ordinance
 Amendment Number 14BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2013-2014 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	\$56,386,862	\$6,789	\$56,393,651

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$88,993,562	\$6,789	\$89,000,351

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

This the 24th day of February, 2014.

Consent Agenda Item No. e.

DURHAM COUNTY, NORTH CAROLINA
 2013-2014 Budget Ordinance
 Amendment Number 14BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2013-2014 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	\$56,393,651	\$27,430	\$56,421,081

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$89,000,351	\$27,430	\$89,027,781

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

This the 24th day of February, 2014.

City Center / Jack Tar Community Development Project Discussion

Mr. George Quick, Interim Deputy County Manager, requested that the Board hold a public hearing to consider directing staff to negotiate the award of community development funds for public parking and historic preservation to the Jack Tar hotel and associated parking deck, which also involved the rehabilitation and re-use of the Jack Tar Hotel and parking deck.

Interim Deputy County Manager Quick stated that the developers requested funds equaling \$6 million in 2014 dollars (Net Present Value) and that the City of Durham had requested that the County share equally in the request. He continued saying that if the Board directed staff to begin negotiations, staff would negotiate a contract addressing the following terms, and any additional terms that were deemed necessary and prudent:

- A reasonable amount of public, hourly parking, on a first come first serve basis available in the Jack Tar parking deck.
- Regular review of developer's audited financials to monitor compliance with the contract terms.
- Developer minimum necessary investments, ensuing that the private investment is made before any public contribution.
- Impact of Developer receiving historic tax credits on the Jack Tar Hotel thus reducing the \$6m financial gap Developer currently has.
- Impact of Developer pursuing tax advantages tied to a historic landmark status for the Jack Tar Hotel.
- Addressing the conveyance of the project to a new owner.
- Addressing the design elements and preservation of the Jack Tar Hotel.

Mr. Quick closed by assuring the Board that a negotiated contract would be brought back to the Board for final approval.

Commissioner Reckhow stated that during the last several weeks that she met with staff and the project developers. She said that many of her questions were answered as a result of those meetings, which made her feel comfortable with the proposed project. Commissioner Reckhow expressed her support for the project as it was critical for the development of the city center. She continued saying that the proposed project would compliment the Durham Convention Center and the SunTrust Building hotel redevelopment project. Commissioner Reckhow stressed the importance of negotiating a contract that protected the County's interests during the 15-year payback period.

Commissioner Jacobs thanked staff for the work that was conducted since the proposed development project was initially brought before the Board. She stated that she felt confident that staff would ensure that the proper "checks and balances" were in place to make sure that the

County's resources were being appropriately used and monitored. She closed saying that that this was a transformational project for downtown Durham.

Vice-Chair Howerton thanked Interim Deputy County Manager Quick for meeting with the Board and working with the developers to produce recommendations provided.

Chairman Page also thanked Mr. Quick for his work on the development project. He also thanked the developers for bringing the proposal before the Board. Chairman Page commented that he felt that the proposed project would bring "new life" to that area of downtown and serve as a springboard for new development and economic activity.

Chairman Page opened the public hearing.

As there were no persons signed up to speak, Chairman Page closed the public hearing.

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to direct staff to negotiate a contract for the award of community development funds for public parking and historic preservation to the City Center / Jack Tar project.

The motion carried unanimously.

Board Appointments

Ms. Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

The Board made the following appointments (incumbents are underlined):

Adult Care Home Community Advisory Committee

Lavonia Cayruth – Foster, Howerton and Page
Russell Johnson – Foster, Howerton, Jacobs, Page and Reckhow
Nanette Matthews – Foster, Howerton, Jacobs, Page and Reckhow

Alcoholic Beverage Control Board

Sharron Hunter-Rainey – Foster, Howerton, Jacobs and Reckhow
Robert Nauseef – Jacobs, Page and Reckhow

City-County Appearance Commission

Jonathan Dupree – Foster, Jacobs and Reckhow

Juvenile Crime Prevention Council

Elton O'Neal – Foster, Howerton, Jacobs, Page and Reckhow

Nursing Home Community Advisory Committee

Anne Burgess – Foster, Howerton, Jacobs, Page and Reckhow
Lavonia Cayruth – Howerton, Jacobs, Page and Reckhow

Open Space and Trails Commission

Aspen Price – Foster, Jacobs and Reckhow

Public Health Board

Dale Stewart – Foster, Howerton, Jacobs, Page and Reckhow

Items Pulled From Consent Agenda

Consent Agenda Item No. k

- k. Approve the funding requests from Eno River Association and Museum of Durham History and the allocation of \$12,935 of the budgeted Matching Grants funds to these projects;

Commissioner Foster stated that he pulled the item to clarify for the record that the \$12,935 in budgeted Matching Grants funds was the total amount appropriated for both projects and not the total amount that would be given for each project in question.

Commissioner Foster moved, seconded by Commissioner Reckhow, to approve the funding requests from Eno River Association and Museum of Durham History and the allocation of \$12,935 of the budgeted Matching Grants funds to these projects.

The motion carried unanimously.

Closed Session

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to adjourn into closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege; pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the acquisition of real property conservation easements on two farm properties located at 2132 Infinity Road owned by Scottie McFarland; and 4103 Adcock Road owned by Robert F. Adcock Jr. and Paul S. Adcock; pursuant to G.S. 143-318.11(a)(5) to instruct staff on the position to be taken concerning the price and other material terms of a proposed contract for the acquisition of real property for the Rougemont Critical Water Infrastructure project and pursuant to G.S. 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton, to approve a settlement agreement between Durham County and New Atlantic Contracting.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Jacobs, to authorized staff to get options for real property conservation easements on two

properties located at 2132 Infinity Road and owned by Scottie McFarland; and 4103 Adcock Road owned by Robert F. Adcock, Jr. and Paul S. Adcock.

The motion carried unanimously.

Chairman Page announced that the Board provided direction to staff regarding on the position to be taken concerning the price and other material terms of a proposed contract for the acquisition of real property for the Rougemont Critical Water Infrastructure project.

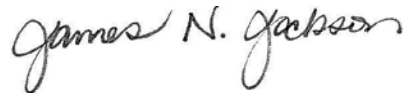
He also announced that an update was received in the matter of Geraldine Robinson v. Joe Bowser et al., but no action was taken.

Adjournment

Commissioner Jacobs moved, seconded by Vice-Chair Howerton, to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "James N. Jackson".

James N. Jackson
Deputy Clerk to the Board