

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

Monday, December 10, 2007

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 Michael D. Page, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the Monday, December 10, 2007 Regular Session of the Board of County Commissioners. She requested that persons rise for the recitation of the Pledge of Allegiance.

Agenda Adjustments

No one responded to Chairman Reckhow's request for agenda adjustments.

Announcements

Commissioner Cheek announced that he would be holding a press conference on Thursday, December 13, at 10:00 a.m. in the Commissioners' Chambers. He would address questions raised publicly and in the newspapers regarding his absences from County Commissioner meetings and whether he will continue his service as a commissioner. He invited the media and citizens to the press conference.

Commissioner Cheek commented that a newspaper article reported on a crime statistics study, which indicated that Durham ranked third (just behind Raleigh and Cary) among large municipalities (over 75,000 in population) as having the lowest crime rate. Greensboro, Winston-Salem, Wilmington, Fayetteville, and Charlotte ranked less safe than Durham.

Chairman Reckhow thanked Commissioner Cheek for mentioning the newspaper article. She stated that on the evening after the article was published, she and Mayor Bell brought up the article. Charlotte ranked last on the list and also ranked high nationally. It is good that some positive news is published about Durham, which sometimes receives bad press.

Chairman Reckhow stated that earlier in the evening, she, Vice-Chairman Page, Commissioner Heron, County Manager Ruffin, Assistant County Manager Craig-Ray, and

Sheriff Hill attended a vigil to remember victims of domestic violence. The vigil was County-sponsored by Delta Sigma Theta Sorority and the Durham County Women's Commission. She expressed appreciation for the "excellent" event.

Chairman Reckhow remarked that she and Commissioner Heron attended a meeting last week in Raleigh held by the North Carolina Association of Counties which provided an extensive briefing on new legislation that allows counties to become involved in transportation improvements. The Association will be working on this issue and keeping counties apprised of developments. The new commission that has been formed to look at transportation funding will be closely monitored to see whether responsibilities are transferred to the counties. The current, official position of the state DOT is that county involvement is voluntary.

Chairman Reckhow stated that Durham Neighborhood College is seeking applicants for the 2008 spring term. Applications may be obtained from the Clerk to the Board's office or by visiting the Durham County website at www.durhamcountync.gov. The deadline is January 18, 2008.

Minutes

Commissioner Heron moved, seconded by Commissioner Cheek, to approve as submitted the November 5, 2007 Closed Session Minutes and as corrected the November 12, 2007 and the November 26, 2007 Regular Session Minutes of the Board.

The motion carried unanimously.

Eno River Association Presentation

Robin Jacobs, Executive Director, Eno River Association, expressed gratitude to the Commissioners for their support throughout the years, particularly for land conservation and open space protection, monetary support, and participation in the Festival for the Eno.

Ms. Jacobs presented 2008 Eno River Association Calendars to the Commissioners.

Chairman Reckhow praised the Eno River Association for its \$5,000 contribution toward the County's acquisition of property from North Triangle Realty and its \$17,500 contribution toward acquisition of the Lee property, both along the Little River Corridor. The support from the Eno River Association and similar support from the Triangle Land Conservancy helped the County leverage grant funding from the Clean Water Management Trust Fund and the City of Raleigh's Upper Neuse Clean Water Initiative. Chairman Reckhow expressed that the Board is very appreciative of the "wonderful" partnership. She also thanked the Association for its efforts that helped with the New Hope Creek acquisition.

Bill of Rights Defense Resolution

Chairman Reckhow stated that it has become an annual tradition of the Board to reaffirm its support of civil rights and liberties contained in the Bill of Rights of the United States Constitution. The original resolution was approved by the Board of County Commissioners in 2003.

Chairman Reckhow read the following resolution into the record:

BILL OF RIGHTS DAY RESOLUTION

WHEREAS, Durham County Government is committed to the human rights of its citizens and to actions that both protect and preserve those rights; and

WHEREAS, Durham County respects and recognizes the civil rights and liberties guaranteed to all by the Bill of Rights; and

WHEREAS, Durham County upholds the civil rights and liberties of all people in Durham County and their free exercise and enjoyment of all rights and privileges secured by the Constitutions and the laws of the State of North Carolina and the United States; and

WHEREAS, those rights include: freedom of religion, of speech, of press, and of association, the right to privacy within one's own home, free of searches and seizures in the absence of probable cause or specific evidence of criminal behavior; the right to humane treatment in all circumstances, including when arrested or jailed; the right, if arrested, to be told the charges brought against one and to legally contest one's detention (habeas corpus), to access to legal counsel, and to a fair and speedy trial; and the right to be protected from cruel and unusual punishment, including humiliations, deprivations, "stress positions," or any form of torture; and

WHEREAS, the Bill of Rights Defense Resolution adopted by the Durham County Board of Commissioners on September 22, 2003, shall be reaffirmed:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby reaffirm our support of these civil rights and liberties for all residents of Durham County.

This the 10th day of December, 2007.

/s/ All Five Commissioners

Joan Walsh, Chairman, Durham Bill of Rights Defense Committee, thanked the Board Chairman and the Commissioners for the resolution and for their support of the Bill of Rights. She accepted the resolution on behalf of the Committee.

Chairman Reckhow recognized Victoria Peterson to speak to the item.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, stated her concerns about citizens not being afforded a speedy trial, as referenced in the Bill of Rights Resolution. Ms. Peterson also spoke about the dirty carpet in the County jail.

Commissioner Cheek commented that the County Commissioners have no control over the court docket and are in no position to dictate the trial process; however, he agreed with Ms. Peterson's concerns.

Chairman Reckhow concurred with Commissioner Cheek. She informed Ms. Peterson that she and County Manager Ruffin met with key persons from the criminal justice system to discuss the jail population management issue. At the request of Chairman Reckhow and County Manager Ruffin, a commitment was made to focus on expediting trials. Relating to the jail maintenance issue, Chairman Reckhow requested that County Manager Ruffin follow up with the Sheriff and the General Services Director.

Recognition of Life-Saving Rescue for Donald Meeks

Chairman Reckhow stated that the County Commissioners wish to recognize the extraordinary team work of the Durham County Sheriff's Office (Operations Division and Search and Recovery Team), Durham County Emergency Management, and the North Carolina Highway Patrol Aviations Unit which saved the life of Mr. Donald Meeks in October.

Sheriff Worth Hill thanked the County Commissioners for the recognition. He introduced Major Mike Andrews of the Durham County Office of the Sheriff to speak to the events surrounding the rescue.

Major Andrews reported that on October 2, Mr. Weeks was reported missing following a fishing trip to Falls Lake. He was reported as being eight hours overdue by family members. Sheriff's deputies searched for several hours, conducting land and waterway operations, and eventually contacted Emergency Management for assistance. Emergency Management facilitated contact with the N. C. Highway Patrol to request air aviation support with thermal imaging. Once air support joined the operation, Mr. Meeks was located within 10 minutes. He had been stuck in chest-deep mud for 12-14 hours, was dehydrated, and in the late stages of hypothermia. Thanks to the prompt, collaborative action of dedicated public servants, Mr. Meeks was rescued and taken to the hospital where he made a full recovery.

Consent Agenda

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

- *a. Budget Ordinance Amendment No. 08BCC000040—
Social Services—Recognize Additional Revenue (approve

an increase in Child Care and Smart Start [\$913,437] and LIEAP & CIP Administration [\$20,183] for a total increase of \$933,620);

- *c. Budget Ordinance Amendment No. 08BCC000042—Public Health—Recognize Grant Revenue from the N.C. Department of Health And Human Services for the Syphilis Elimination Program in the Health Education Division (recognize \$7,500 in one-time supplemental funds for operational expenses);
- *d. Budget Ordinance Amendment No. 08BCC000043—Public Health—Recognize Revenue of \$40,909 from the N.C. Department of Health and Human Services to Establish One Public Health Nurse II for the School Health Program in the Community Health Division and to support associated expenses for training related travel;
- *e. Budget Ordinance Amendment No. 08BCC000044—Public Health—Recognize Grant Revenue From the N.C. Department of Health and Human Services and Establish a Full-Time Health Educator I Position for a Non-Traditional HIV/STD Testing, Counseling, and Referral Program (recognize \$70,371 and establish the new position [1.0 FTE] for the Jail Screening Program in the Division of Health Education);
- *g. Budget Ordinance Amendment No. 08BCC000048—Cooperative Extension—Juvenile Crime Prevention Council (approve authorizing the appropriation of fund balance in the amount of \$30,760 in order to expend the remaining balance of this grant);
- h. Extension of the 2008 Listing Period for Business Personal Property (authorize the Tax Assessor to grant extensions until April 15, 2008 to taxpayers who request an extension and show good cause during the month of January 2008 and file by means of the counties electronic listing of business personal property; and grant extensions until March 15, 2008 to all other taxpayers who request an extension and show good cause during the month of January 2008);
(Chairman Reckhow noted that the extensions are not automatic, but must be requested during the month on January.)
- i. Contract Award for Residential Curbside Collection, Drop-Off Recycling Centers, and Educational Recycling Services (authorize the Manager to enter into an annual service contract with Tidewater Fibre Corp. [TFC]; the total contract for FY 07-08 will not exceed \$496,874.96,

- with the option to renew by the County for four successive one-year periods under the same terms and conditions);
- j. West Institute Drive (S.R. 2017), East Institute Drive (S.R. 1989), and Hanes Drive (S.R. 1990) Abandonment Petitions for Abandonment of State Maintained Roads (approve the petitions and forward to the North Carolina Department of Transportation for action);
 - k. Durham County Detention Center Slider Door Upgrades (authorize the Manager to enter into a contract with Aramark Facility Services in the amount of \$56,640.15 to replace security slider door hardware on six doors; the total contract for services will not exceed \$56,640.15);
 - l. Southwest Branch Library—Zoning Map Change (authorize the Manager to submit a Zoning Map Change application to achieve the modifications necessary to undertake the County’s planned expansion of the Southwest Branch Library and to represent the County in this matter);
 - m. Execution of the Construction Contract for the Renovation of the Second Floor of the Judicial Building. Project No.: DC072-48, Bid No.: IFB 08-006 (authorize the execution of the contract with LeChase Construction Services LLC in the amount \$467,013 (Base Bid Only) and any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$513,713);
 - n. Amendment to City-County Interlocal Cooperation Agreement 911 Communications (approve the amendment effective January 1, 2008, and authorize the Manager to execute same);
 - o. Little River Partnership Support to Triangle Land Conservancy (assist the Triangle Land Conservancy with up to \$4,000 for a portion of related expenses for a conservation easement along the Little River);
 - *p. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for November 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
 - q. Setting the Salary for the Register of Deeds (set the salary at \$58,443 effective December 1, 2008 as proposed by Human Resources due to the ensuing election);
Chairman Reckhow stated that the salary setting does not affect the current Register of Deeds salary.)
and

- r. Amendment to Interlocal Agreement with Durham Public Schools (approve and authorize the Manager to execute said amendment).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 08BCC000040—Social Services—Recognize Additional Revenue (approve an increase in Child Care and Smart Start [\$913,437] and LIEAP & CIP Administration [\$20,183] for a total increase of \$933,620).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000040

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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	\$362,706,700	\$933,620	\$363,640,320

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$416,933,853	\$933,620	\$417,867,473

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

This the 10th day of December, 2007.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 08BCC000042—Public Health—Recognize Grant Revenue from the N.C. Department of Health And Human Services for the Syphilis Elimination Program in the Health Education Division (recognize \$7,500 in one-time supplemental funds for operational expenses).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000042

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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	\$363,770,301	\$7,500	\$363,777,801

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Public Safety	\$417,867,473	\$7,500	\$417,874,973

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

This the 10th day of December, 2007.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 08BCC000043—Public Health—Recognize Revenue of \$40,909 from the N.C. Department of Health and Human Services to Establish One Public Health Nurse II for the School Health Program in the Community Health Division and to support associated expenses for training related travel.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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	\$363,777,801	\$40,909	\$363,818,710

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$417,874,973	\$40,909	\$417,915,882

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

This the 10th day of December, 2007.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 08BCC000044—Public Health—Recognize Grant Revenue From the N.C. Department of Health and Human Services and Establish a Full-Time Health Educator I Position for a Non-Traditional HIV/STD Testing, Counseling, and Referral Program (recognize \$70,371 and establish the new position [1.0 FTE] for the Jail Screening Program in the Division of Health Education);

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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	\$363,818,710	\$70,371	\$363,889,081

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$417,915,882	\$70,371	\$417,986,253

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

This the 10th day of December, 2007.

Consent Agenda Item No. g. Budget Ordinance Amendment No. 08BCC000048—Cooperative Extension—Juvenile Crime Prevention Council (approve authorizing the appropriation of fund balance in the amount of \$30,760 in order to expend the remaining balance of this grant).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000048

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 Budget Ordinance is hereby amended to reflect budget adjustments.

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$ 4,690,548	\$30,760	\$ 4,721,308
Other	\$38,480,584	\$30,760	\$38,511,344

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

This the 10th day of December, 2007.

Consent Agenda Item No. p. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for November 2007 as presented 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 November 2007.

Releases & Refunds for 2007 Taxes:

Real Estate	\$ 65,497.90
Personal	\$ 6,898.50
Registered Vehicles	\$ 33,110.62
Vehicle Fees	\$ 560.00
Solid Waste	\$ <u>85.00</u>
Total for 2007 Taxes and Fees	\$106,152.02

Prior years' (1999-2006) releases and refunds for November 2007 are in the amount of \$14,530.74. The total current year and prior years' releases and refunds amount to \$120,682.76.

(Recorded in Appendix A in the Permanent Supplement of the December 10, 2007 Minutes of the Board.)

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. b. Budget Ordinance Amendment No. 08BCC000041—Sheriff's Office—Recognize Revenue from the Bureau of Justice Assistance (BJA) (authorize the Sheriff's Office to accept \$129,981 from the Bureau of Justice Assistance and amend the budget as requested).

Chairman Reckhow recognized Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, who requested to speak on the item.

Ms. Peterson asked for a breakdown as to how the monies will be spent, a copy of the grant, and a two- to three-year report on how many federal, local, and state funds the Sheriff's Office and the Criminal Justice Resource Center have received.

Chairman Reckhow asked County Manager Ruffin to follow up with the requested information.

County Manager Ruffin asked Ms. Peterson to put her request in writing so he would be sure to get her the proper information.

Chairman Reckhow restated the statistics cited at the beginning of the meeting—that Durham is the third safest city in the state.

County Manager Ruffin informed Ms. Peterson that at a previous meeting, she had raised the issue about dirty carpet at the Detention Center. The floor materials would be shipped this week, with installation scheduled the last two weeks in December.

Chairman Reckhow mentioned that she was pleased that the County used the services of Robert S. Segal, who identified over \$100,000 in Detention Center services that were eligible for reimbursement through Federal Financial Participation. Mr. Segal is paid on a commission basis. Chairman Reckhow stated that she would like for the County to consider contracting with him again in the future.

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve Budget Ordinance Amendment No. 08BCC000041—Sheriff's Office—Recognize Revenue from the Bureau of Justice Assistance (BJA) (authorize the Sheriff's Office to accept \$129,981 from the Bureau of Justice Assistance and amend the budget as requested).

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000041

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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	\$363,640,320	\$129,981	\$363,770,301

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 48,499,229	\$129,981	\$ 48,629,210

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

This the 10th day of December, 2007.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 08BCC000047 and Capital Project Amendment No. 08CPA000012—\$945,000 Appropriation of General Fund Fund Balance for the Register of Deeds Preservation Project (DC096).

Chairman Reckhow thanked the Register of Deeds for following up with a memo on the

item.

Commissioner Heron expressed to General Services Director Mike Turner and Don Hasselbach, Assistant General Services Director, that curb-side pickup occurs on a timely basis and drop box services are a great benefit to county residents.

Commissioner Heron inquired as to whether \$945,000 was the final cost or would it go out for proposal.

Register of Deeds Willie Covington responded that some elements would go out for bid. Much of the money will be used for service contracts.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 08BCC000047 and Capital Project Amendment No. 08CPA000012—\$945,000 Appropriation of General Fund Fund Balance for the Register of Deeds Preservation Project (DC096).

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>			
Other Financing Sources	\$39,064,813	\$945,000	\$40,009,813

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$37,535,584	\$945,000	\$38,480,584

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

This the 10th day of December, 2007.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Register of Deeds			
Preservation Project	\$ -0-	\$945,000	\$945,000

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

This the 10th day of December, 2007.

Public Hearing—Zoning Map Change—Page Road Assemblage (Z06-47)

Chairman Reckhow stated that this item is a continuation of a public hearing from the November 26, 2007 Regular Session. The continuation was due to issues related to the committed transportation improvements.

Steve L. Medlin, AICP, City-County Interim Planning Director, conveyed that the item had been continued in order for the applicant, Planning staff, and NCDOT to meet to discuss additional issues related to the intersection of T.W. Alexander Drive and Page Road. The meeting was held approximately a week ago. Following the meeting, the applicant offered the three additional proffered committed elements. Mr. Medlin read them into the record:

1. To convert the existing westbound right turn lane into a shared through right turn lane providing adequate departure lane taper and signal modifications.
2. To convert the existing northbound right turn lane into a shared through right turn lane with signal modifications.
3. To construct a second northbound left turn lane with adequate storage, taper, and signal modifications.

Outstanding concerns that were indicated by staff have been addressed; therefore, staff has modified its recommendation for denial to recommend approval, subject to the additional proffered committed elements.

Commissioner Cheek asked whether the applicant will be making all of the improvements that were recommended by the City and NCDOT.

Mr. Medlin replied in the affirmative.

Per a question posed by Vice-Chairman Page, Chairman Reckhow replied that this item did not have to go back before the Planning Commission.

Chairman Reckhow clarified for Commissioner Cheek that not all of the original improvements requested by NCDOT were made, because NCDOT deleted one improvement, agreeing that the improvements requested by the City were more appropriate.

Chairman Reckhow called on the citizens who had requested to speak to this rezoning request.

Ken Spaulding, 2530 Meridian Parkway, Durham, NC 27713, represented the applicant. He stated that the rezoning will allow for good and quality development in this unique and important area. Business leaders have indicated that the 400+ acres located at the intersection of Page Road and Chin Page Road are particularly attractive for economic development intergraded into a mixed-use development design. Planning staff has now recommended approval. Mr. Spaulding expressed his sensitivity to Durham's water issues. At the City Council's last worksession, it was quite clear that the City Council and Administration have proceeded with addressing the water issues in Durham in a most decisive, responsible, immediate, and effective manner. The Teer Quarry and an increase of water from Cary are the more immediate methods of addressing the water issue. The contract for the Teer Quarry has already been awarded. Work will begin December 17 and will be completed by the end of December or the first of January. Regarding this rezoning request: Due to permitting issues, administrative and engineering considerations, and site plan aspects, the first house will be ready to receive water before the end of December 2009 or the first of January 2010. This should be made clear because the City's schedule and approach did not seem to have a conflict with this upcoming development. Mr. Spaulding requested Commissioner support for the project.

Patrick Byker, 2614 Stuart Drive, Durham, NC 27717, confirmed for the record that his client, Crosland Inc., has agreed to the three additional committed elements that Planning Director Steve Medlin recited earlier. He thanked the Commissioners, County Manager, and County Attorney for working with him on making this project possible.

Chairman Reckhow clarified for the record that there is an historic building on the site. A committed element allows for Preservation Durham to relocate the building. Chairman Reckhow asked for commitment to give Preservation Durham early notice so it will have sufficient time to assess the feasibility and desirability of the relocation and have time to make arrangements.

Mr. Byker expressed appreciation for the reminder, stating that he would follow through so Preservation Durham will have ample time.

As no one else requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Heron stated that a report was made at the last Joint City-County Planning Committee meeting that when the water recedes in the Teer Quarry, water from the Eno River will be needed. Before the City gets to this point, we need a significant amount of rain for a lot of flow from the river; this is not presently the case. All of the groundwater should not be used because of the homes that have wells and depend on the groundwater.

Mr. Spaulding remarked that the City is taking dual approach by looking at the issue Commissioner Heron addressed and working hastily to try to increase the amount of water received from Cary each day (from 1.8 million gallons to 3.6 million per day). The City is also trying to acquire an extended infrastructure by Hwy. 55 to Cary that will significantly increase the amount to 7 million gallons per day, which is the City's allotment.

Chairman Reckhow stated that the Commissioners have received a few emails during the past week urging them not to approve the item due to the drought situation. However, denying the zoning map change would be inappropriate because this is the beginning of a lengthy process that does not guarantee the project will be built. The next step is the site plan approval. If we still have a water shortage at that time, then the City will probably decline to annex and provide the utilities. It is not irresponsible at this time for the County to approve rezonings even if it allows for more development than the current base zoning, because that is not the decision as to whether there is a water hookup. That occurs later. Water conditions can vastly change a year or 18 months from now. In addition, as Mr. Spaulding indicated, the City is working to expand water capacity. The water issue has been discussed at the Joint City-County Committee meeting and at the Joint City-County Planning meeting. Mr. Medlin and his staff are exploring the carrying capacity of the key utilities. When reports are presented and the Board receives better information, it can ascertain appropriate next steps.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve Zoning Map Change—Page Road Assemblage (Z06-47).

The motion carried unanimously.

Update on Little River Acquisitions and Project Partners

Chairman Reckhow commented that a tremendous amount of work has gone on behind the scenes in order to leverage County dollars for the Little River acquisitions. She expressed appreciation for all of the work.

Jane Korest, Open Space & Real Estate Manager, provided an update on the modified budgets for two significant open space acquisitions along the Little River corridor. These two acquisitions were approved by the Board of County Commissioners in spring 2007. The County submitted Clean Water Management Trust Fund (CWMTF) grant applications for the acquisitions in March 2007. The County has been notified that it has received full funding for the two grant requests. In addition, these acquisitions have been assisted by partnerships with two local land trusts—the Eno River Association and the Triangle Land Conservancy. The second acquisition is likely also to have funding assistance from the City of Durham and the City of Raleigh. Each of the partnership contributions are fully described under each project below.

The Matthews Road Project—The first acquisition is for 50 acres on the south side of the Little River upstream from the Little River Reservoir owned by North Triangle Realty. The property includes almost a mile of frontage on the Little River and is fully wooded. The

property was identified for protection in the Little River Open Space Plan, adopted by the Board in 2001, and was on the Little River implementation priority list adopted by the Board in 2004. The County entered into a contract to purchase in May 2007; the expected total acquisition cost is \$575,800. An adjoining neighbor, Dr. Jonathon Weiner, has also agreed to donate conservation easements on several parcels totaling over three acres of land he owns that fronts Little River if the North Triangle property is acquired for open space. With the addition of this donated easement, the project will total approximately 53.5 acres. The project budget includes \$3,000 to compensate Mr. Weiner for related costs for the conveyance of this easement.

The CWMTF has awarded \$402,080 towards the acquisition of the North Triangle Realty tract. The CWMTF Grant Agreement will be brought to the Board in the future when it has been forwarded from the State. The agreements routinely stipulate that the grant funds are provided on a reimbursement basis once the property is acquired and CWMTF easements are conveyed that require the property be maintained for open space purposes. In addition, the Eno River Association and the Triangle Land Conservancy have each offered to donate \$5,000 in funds towards this acquisition. These monies are left over from a previous fundraising effort towards Little River preservation. The modified budget reflects these three external funding sources. The remaining \$163,720 in County funds needed for the project will be taken primarily from DC083 Open Space and Farmland Capital projects account (\$155,854), plus \$7,866 in open space payment-in-lieu funds. The payment-in-lieu funds have been collected by the County over time based on subdivision activity in the Little River watershed and must be used for open space acquisitions within their district. With the assistance of the three partners, Durham County's contribution would be 28% of the project, averaging \$3,060 per acre.

The Lee Acquisition—The second update is for the Lee property acquisition, consisting of an estimated 160 acres along the north side of the Little River, directly across from the Matthews Road project. The BOCC contracted for the purchase of the property in May 2007, contingent upon funding support for at least 50% of the purchase price. This property upstream from the Little River Reservoir is fully wooded and includes over 1.4 miles of frontage on the Little River plus three headwater streams. It was identified in the Little River Open Space Plan as important to protect for open space purposes and is on the Board's Little River implementation priority list. There is the additional possibility of conservation easements on the adjoining neighbor's property as well, owned by the Smith/Edwards.

The CWMTF has awarded up to \$785,569 towards the Lee property acquisition, plus an additional \$342,439 for conservation easements on the Smith/Edwards. The CWMTF grant will pay for approximately 55% of property's acquisition cost. In addition, the Eno River Association and the Triangle Land Conservancy have each offered to donate \$17,500 in funds towards this acquisition. These monies are left over from a previous fundraising effort towards Little River preservation.

Over the past two years, the City of Raleigh has spearheaded the Upper Neuse Clean Water Initiative (UNCWI), an effort to help protect the water quality for Falls Lake, Raleigh's

primary drinking water supply. A major part of this effort is land preservation to protect water quality, including areas upstream from the Reservoir that flow into Falls Lake. The City of Raleigh has set aside limited acquisition funds to help local open space preservation efforts in the upper Neuse Basin watershed, including lands outside of Wake County. Durham County requested \$100,000 in UNCWI funding to assist with the Lee acquisition. Successfully procuring the UNCWI funding often requires that a project have multiple partners supporting it. The support of TLC and Eno River Association was helpful in receiving a positive first level of review. Raleigh staff also requested that the City of Durham be asked to assist with the project. County staff has been working with City of Durham, whose staff has also provided favorable feedback to provide \$138,500 towards this acquisition (10% of project costs) due to its importance to protect as open space upstream from the Little River Reservoir. Both funding requests will be considered by the Durham and Raleigh City Councils at an upcoming meeting.

The modified budget reflects these five external funding sources. If the City of Durham and Raleigh funds are both formally approved, remaining funds of \$352,931 will be paid by Durham County from DC083 Open Space and Farmland Capital projects account. If either of these sources is not ultimately approved, the Durham County contribution would be increased accordingly. Assuming that both are approved, Durham County's contribution would be 25.5% of the project, averaging \$2,206 per acre.

Chairman Reckhow requested that Ms. Korest keep the Commissioners posted as to the progress.

Vice-Chairman Page questioned why contributions by the City of Durham would give Durham County leverage to obtain funds from the City of Raleigh.

Ms. Korest explained that the City of Raleigh has the Upper Neuse Clean Water Initiative (UNCWI). Funding is offered for land acquisition efforts. The City of Raleigh determined that before the Little River gets to Falls Lake, it hits the Little River Reservoir first, which is the City of Durham drinking water. Durham County was asked to solicit help from the City of Durham for this reason.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve the revised project budgets for the Matthews Road and Lee property acquisitions.

The motion carried unanimously.

Budget Ordinance Amendment No. 08BCC000045 and Capital Project Amendment No. 08CPA000011—\$2,300,000 Appropriation of General Fund Mental Health Designated Fund Balance for the Mental Health Crisis Center/Oakleigh Building Renovation (No.: DC091) and the Execution of Construction Contract with Riggs-Harrod Builders, Inc. for the Project

Glen Whisler, P.E., County Engineer, stated that the Board is requested to authorize the County Manager to increase the total project budget for the Mental Health Crisis Center/Oakleigh Building Renovation by \$2,300,000 to \$2,800,000. These additional funds will be supported by appropriated General Fund Mental Health designated fund balance. Currently, this designated for Mental Health fund balance stands at over \$3.67 million.

The Board was also requested to authorize the County Manager to enter into a contract with Riggs-Harrod Builders Inc. for the construction of the Mental Health Crisis Center/Oakleigh Building Renovation to be located at 309 Crutchfield St., Durham, North Carolina, in the amount of \$2,001,129 (base bid plus alternate #1), and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$2,301,298. This project is to renovate a 26,280-square-foot building for the relocation of the Mental Health Crisis Center. The renovated facility will consist of a crisis center, offices, a public lobby, client evaluation areas, bedrooms, laundry facilities, a kitchen, meeting rooms, a chapel, a call center, and other related spaces. The building is owned by Durham County on property previously leased to Durham Regional Hospital. Completion of this project will relocate The Call Center from 501 Willard St. and eliminate the need for the leased space at The Durham Center Access – Freedom House located at 2609 N. Duke St.

The construction of the renovations to the Oakleigh Building was advertised in local newspapers on October 21, 2007, and a pre-bid conference was held on October 31, 2007 at 10:00 a.m. Five bids were received, publicly opened, and read on November 27, 2007 at 2:00 p.m. Riggs-Harrod Builders Inc. submitted the lowest base bid price of \$1,980,000 plus alternate #1 of \$21,129, thus totaling a contract price of \$2,001,129 (base bid plus alternate #1). This agenda item has been reviewed and approved by the Purchasing Division. After the review of IFB 08-011—Renovation of the Oakleigh Building, Riggs-Harrod Builders Inc. has met the minimum 50 points required by GS 143-128 and has satisfied the necessary Good Faith Efforts. Riggs-Harrod Builders Inc. has identified 17.00% MBE participation of the 19.46% MBE goal required for construction services. However, the vendor has committed to seeking additional M/WBE participation if the opportunity prevails.

The Engineering Department has reviewed the bid proposals with the Purchasing Department and DTW Architects and Planners Ltd. (the project architects) and recommends that the County proceed with base bid work plus Alternate #1 and award the contract to the Riggs-Harrod Builders Inc. Completion of this project will allow the relocation of the Mental Health Crisis Center to provide a better facility for service delivery. The contract completion time for this project is seven months.

Per a question by Chairman Reckhow, Mr. Whisler responded that the move-in is projected for August 1.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 08BCC000045 and Capital Project Amendment No. 08CPA000011 appropriating General Fund Mental Health designated fund balance of \$2,300,000 to increase funding for

the Mental Health Crisis Center/Oakleigh Building Renovation project to \$2,800,000 and to authorize execution of a contract with Riggs-Harrod Builders, Inc. for \$2,001,129 (base bid plus alternate #1) for the construction of the Renovations to the Oakleigh Building and execution of any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$2,301,298.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>			
Other Financing Sources	\$36,764,813	\$2,300,000	\$39,064,813

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$35,235,584	\$2,300,000	\$37,535,584

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

This the 10th day of December, 2007.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Capital Project Ordinance
Amendment No. 08CPA000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Mental health Crisis Center Renovation Project	\$ 500,000	\$2,300,000	\$2,800,000

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

This the 10th day of December, 2007.

Hillandale Road Widening Project

Commissioner Lewis Cheek requested an opportunity to discuss this project in order to determine if the County needs or desires to file comments with the North Carolina Department of Transportation (NCDOT) about the Hillandale Road widening project. He and Chairman Reckhow attended a public hearing on the project which was held by the NCDOT on Tuesday, December 4, 2007, at the North Carolina School of Science and Mathematics.

Commissioner Cheek requested that H. Wesley Parham, P.E., Assistant Transportation Manager, City of Durham, provide an overview of the project.

Mr. Parham stated that the project involves the proposed widening of Hillandale Road from I-85 to north of Carver Street. This is also known as NCDOT Project U-3804. The purpose of the public hearing on December 4 was to obtain public comment on the design of the proposed project and follows a public workshop initiating the study process that was held on April 20, 2005. The design proposes a .7-mile widening project with a four-lane divided section which would include a 17-foot median with wide outside lanes for bicycling, sidewalks, and traffic signal modifications. The estimated cost of the project is \$10,943,068 and will be financed by both federal and state funding sources. The current schedule anticipates that the right-of-way acquisition phase will begin in August 2008, with construction to begin in December 2009. Public comments will continue to be received by NCDOT until January 4, 2008, after which NCDOT, in cooperation with local governments, will determine additional design revisions and mitigation measures to address the comments and concerns submitted by the public.

Commissioner Cheek stated that if the County so chooses, it should file comments about the project to NCDOT prior to the January 4 deadline. He strongly expressed that his primary concern, as well as the community concern, involves the plans for the 17.5-foot-wide median between the two north lanes and the two south lanes. NCDOT indicated that median cuts will be placed at two undetermined sites. Commissioner Cheek commented that the two median cuts would be inadequate. To address the problem of access into the shopping center, his preference would be a fifth lane with left turns only. (The fifth lane on Guess Road appears to be functioning well.) A petition signed by approximately 400 persons in the neighborhood has been presented. Another issue involved with the project north of Carver Street is the proposed second lane of Hillandale tapering after the intersection with Carver Street. Commissioner Cheek expressed that he could see no need for that. The right turn lane stopping south of Carver Street seems to be a reasonable design. The last issue is that the design called for a right turn lane on Hillandale, north of Carver, coming south. He was not sure whether it meets the NCDOT requirements for a right turn lane. David Beischer's research indicates that it does not meet the requirements. Commissioner Cheek expressed that he would like these issues addressed so that land and trees would not have to be taken north of Carver Street.

Chairman Reckhow agreed with many of Commissioner Cheek's concerns about access along the stretch of road between I-85 and Carver Street. The right-turn-only lane to be

installed on Hillandale north of Carver would require taking out a wooded buffer that protects a neighborhood from the road. She has heard concern about the wooded buffer in front of an office building south of Reicherd Street, on the east side of Hillandale. On the plan it is shown as a construction easement area. It would be appropriate to weigh-in to see if that construction easement area could respect those woods. The widening project appears to be an over-design of the roadway and out of context, particularly since it funnels down to a two-lane road south of I-85 and a two-lane north of Carver Street. Consideration of the impact should be given to the single-family homeowners north of Fawn Avenue on the east side of Hillandale Road. There are a lot of issues to consider. Chairman Reckhow opined that the Board should weigh-in strongly. She wished to strengthen the draft letter prepared for her signature. She requested Mr. Parham's opinion whether the letter should define the solution or preempt the traffic engineers.

Mr. Parham stated that the preference of the public at the April 2005 meeting was that NCDOT install the median or divided section. Also, as a traffic engineer, he recognized that a divided facility with a raised median, as opposed to a five-lane facility, reduces the number of vehicular conflict points. Mr. Parham stated that a resident on the east side of Hillandale Road spoke at the public hearing, commented that the benefits of a raised island would provide a pedestrian refuge and would make it easier for pedestrians to cross.

Commissioner Cheek commented that he heard the resident's remarks, but pedestrians should cross the roadway in crosswalks, not where the median provides safety measures.

Mr. Parham followed up by stating that a signalized intersection will be installed between Carver Street and I-85 that is yet to be reflected on the plan. NCDOT was requesting comments about where the crossing would be located. Even with a signalized intersection, pedestrians feel safer crossing the street at raised median as opposed to five lanes of asphalt.

Chairman Reckhow stated that given all of the uses along the stretch of road (shopping center, hotels, medical clinics, etc.), one crossover point will not suffice.

Mr. Parham agreed. The next design should address concerns and be more positively received by the businesses.

Chairman Reckhow suggested that the draft letter be strengthened to request that NCDOT consider a five-lane cross section, the need for the southbound right turn lane at Carver, and work to protect as much of the natural area that remains along the road. She asked if that would be acceptable to Commissioner Cheek.

Commissioner Cheek replied in the affirmative.

Commissioner Heron mentioned the difficulty of pedestrians safely crossing one side of 15-501 to the other side. The same level of difficulty exists on Hillsborough Road and Hillandale Road.

Vice-Chairman Page expressed the danger he has experienced when crossing Hillsborough Road and to persons crossing from Hampton Inn to the BP station on Hillandale Road. He questioned how the proposed widening will affect the Hillandale Staff Development Center.

Chairman Reckhow answered that the Development Center is a logical point for a crossover because of the number of people who attend meetings at the center. NCDOT must provide reasonable access.

Mr. Parham stated that a left-over into the Center is a good possibility.

Chairman Reckhow thanked Mr. Parham for attending the meeting.

Revaluation Update

Tax Administrator Ken Joyner, RES, made a short presentation to update the Board of County Commissioners on the revaluation. He provided statistics regarding answered phone calls, abandoned phone calls, wait times, and informal reviews. He commended his staff and the Board for the "team effort" which has led to, thus far, a smooth process.

Chairman Reckhow thanked Mr. Joyner for the "great report" and for his leadership as Tax Administrator; he would be leaving Durham County to work for the UNC School of Government at the end of December.

Mr. Joyner thanked the County Commissioners for the opportunity to serve as the Durham County Tax Administrator for five years.

Vice-Chairman Page thanked Mr. Joyner for responding so promptly to citizens' concerns. He encouraged Interim Tax Administrator Kim Simpson to continue the good work.

Board and Commission Appointments

Vonda Sessoms, Clerk to the Board, distributed ballots so the Commissioners could vote and appoint board and commission members. County Attorney Chuck Kitchen announced the results below (incumbents are underlined):

Animal Control Advisory Committee:

Amanda Arrington
Evelyn Nicholson

Public Health Board:

Sandra A. Peele (Nurse)
Ronald D. Spain (Dentist)

County Manager Mike Ruffin reminded the Commissioners of the State of Durham Economy Breakfast at 7:00 a.m. on Tuesday, December 11, 2007.

The Commissioners requested that Chairman Reckhow suggest to Mayor Bell that the gang assessment meeting be held Monday morning, December 17, at 10 a.m.

Closed Session

Commissioner Cheek moved, seconded by Vice-Chairman Page, to adjourn to Closed Session to consider the fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow stated that the Board met in closed session to evaluate the performance of County Manager Mike Ruffin over the past year. The Board members agreed that the County had an excellent year under his leadership. On behalf of the Board, Chairman Reckhow commended Mr. Ruffin for his performance.

Commissioner Heron moved, seconded by Commissioner Cousin, to increase the salary of County Manager Mike Ruffin to \$170,000.

The motion carried unanimously.

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 9:26 p.m.

Respectfully submitted,

Vonda Sessoms, CMC
Clerk to the Board