

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

Monday, September 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 Becky M. Heron, and Commissioners Lewis A. Cheek and Michael D. Page

Absent: Commissioner Philip R. Cousin Jr.

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow noted the revised items which had been placed at each Commissioner's station—agenda, portion of the August 27 minutes, and resolution.

Chairman Reckhow called for agenda adjustments. No adjustments were requested.

Motion to Excuse

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to excuse Commissioner Cousin from the meeting.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Announcement

Chairman Reckhow announced the creation of the Grandparent Network of Durham County. Its goal is to help Durham's young people get off to a good start in life by linking older adults, who have experience in parenting and grandparenting, with young parents in the community to provide mentoring and support. Adele Spitz-Roth, with the Child and Family Policy Center at Duke, has helped spearhead the initiative. Chairman Reckhow shared the telephone number (668-3279) for persons who may have an interest in volunteering. She recognized Ms. Barbara Loftin and Dr. Johnea Kelly to speak about the program.

Ms. Loftin spoke about her main focus in the organization, which is to urge churches to join the initiative by adopting a community.

Dr. Kelly stated that the Grandparent Network of Durham County is a group of community individuals who wish to make a positive difference in the lives of children. Approximately 4,100 babies are projected to be born in Durham in 2008; all of the babies will be assessed by a public health nurse; referrals will be made to the Network, which attempt to meet the needs with an experienced and educated grandparent to be the strengthening, sustaining force in the family. Individuals from the Durham Family Initiative will provide about 18 hours of mentoring to the grandparents, who must commit to one year involving six hours per month of service. Dr. Kelly requested volunteers for this worthy program.

Chairman Reckhow thanked Dr. Kelly and Ms. Loftin for attending the meeting and providing comments. Chairman Reckhow stated that this initiative is a wonderful combination of great professional and technical support from the Duke Child and Family Policy Center, along with wonderful committed volunteers from the Durham community. Much energy and enthusiasm was shown at the kickoff on Saturday. Chairman Reckhow wished the committee well. She encouraged citizens to volunteer.

Vice-Chairman Heron suggested that the leaders contact the Retired and Senior Volunteer Program and Welcome Baby to solicit volunteers.

Commissioner Page announced that the Durham Board of Social Services will be hosting a workshop entitled, "The Partnership Series—Investing in Human Capital", to be held on September 20 from 3:00 to 5:00 p.m. in the Social Services building. The workshop will focus on programs involving the transition from welfare to work, child support, child care, and Work First. Please call 560-8082 to register.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve the August 27, 2007 Regular Session BOCC meeting minutes as revised.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

August Anchor Award Winner—Tony Noel

Chairman Reckhow announced that Tony Noel (Human Resources [HR] Manager, Technical Services) was selected to receive the August Anchor Award. Mr. Noel was recognized for

this honor because of his superior work, and particularly for performing a vital role as a key team member of the steering committee responsible for the design and implementation of the County's new ERP system. Mr. Noel is also instrumental in maintaining the County's pay plan, including assisting with compensation and classification studies to ensure internal and external competitiveness. Chairman Reckhow recognized Marqueta Welton, HR Director, to introduce Mr. Noel and make a few comments.

Ms. Welton stated that it was a privilege to introduce Mr. Noel as the August Anchor Award winner. He is a dedicated Durham County Government employee of 19 years. His career with the County began as a HR professional; he has remained in Human Resources throughout his tenure. Although Mr. Noel currently serves as HR Manager over Technical Services, his role extends far beyond overseeing the County's Human Resource Information System and daily personnel actions that impact County employees. Mr. Noel frequently wears multiple hats and can often be seen visiting County departments to help resolve problems. During a transitional period for HR, Mr. Noel served as Interim HR Director and Technical Services Manager while simultaneously performing a vital role as a key team member of the Steering Committee responsible for the design and implementation of the County's new ERP system. Mr. Noel is also instrumental in maintaining the County's pay plan, including assisting with compensation and classification studies to ensure internal and external competitiveness. Mr. Noel's workday routinely extends far beyond normal business hours. While most County employees are home enjoying dinner with their families, Mr. Noel is ordinarily still hard at work troubleshooting system problems and performing necessary system testing. On more than one occasion, he has interrupted his vacation or come in on a weekend to help with special projects or to ensure that County employees receive paychecks and special pay adjustments as promised. Mr. Noel's commitment to Durham County goes above and beyond the call of duty. He is a professional who takes great pride in the County and in his work. He serves willingly and always with an infectious smile.

Mr. Noel stated that he was honored to receive the August Anchor Award. He has thoroughly enjoyed working with the County Commissioners, the County Manager, department heads, and staff.

Chairman Reckhow called Mr. Noel forward to accept his award, honorary check, and valid \$200 check. She stated that it had been a pleasure to work with Mr. Noel over the past years, and that he has truly done a great job.

Recognition of 2007 County Food Drive Winners (Tax, Register of Deeds)

Chairman Reckhow stated that the Durham Rescue Mission experienced a fire on April 9 that wiped out its food supply. The County organized an impromptu food drive, which was two weeks earlier than the annually scheduled food drive that runs during County Government Week. Two departments—Register of Deeds and Tax Administration—collected an extraordinary amount of food, which helped the County collect more than 2,000 items.

County Manager Ruffin thanked Assistant County Manager Deborah Craig-Ray and Public Information Specialist Wil Glenn for making spur of the moment changes in order for the campaign to begin two weeks early. The Register of Deeds and the Tax Administration Departments clearly set the pace and were instrumental for the successful food drive. County Manager Ruffin thanked staff for their great efforts in the worthwhile need. The Durham Rescue Mission was very grateful for the County's help.

Chairman Reckhow called representatives from the Register of Deeds and Tax Administration Offices forward to accept trophies.

Resolution Honoring Adele Spitz-Roth

Chairman Reckhow announced that a Resolution had been prepared to honor Adele Spitz-Roth, co-founder and leader of Durham's System of Care. As an employee of Duke's Center for Child and Family Policy, Ms. Spitz-Roth invested much of her life over the past five years working to design and build a new comprehensive system to help Durham's children and their families. Without her dedication and support, Durham's System of Care would not be the success it is today.

Chairman Reckhow stated that Ms. Spitz-Roth's outstanding dedication and service to children and families of Durham County is truly appreciated. She read the following resolution:

RESOLUTION

WHEREAS, Adele Spitz-Roth has devoted much of her life over the past five years to designing and implementing a comprehensive home and community based System of Care for families and children with complex needs; and

WHEREAS, Ms. Spitz-Roth, as principal agent for the Durham Family Initiative of Duke University's Terry Sanford Institute, Center for Child and Family Policy, has been a primary architect and advisor for the development of Durham's System of Care; and

WHEREAS, she was a major driver in bringing together Durham's leaders to coalesce into a collaborative working group focused on fundamentally realigning the existing service system for families and children; and

WHEREAS, Ms. Spitz-Roth was key in obtaining essential resources for the development of a System of Care, providing supports such as research, training, policy drafting, communications, and documentation for numerous public and private groups working in concert to plan and deliver services to families; and

WHEREAS, under her leadership and support, Durham's System of Care has successfully flourished such that it has won numerous awards and recognitions as being a model for other communities across the nation; and

WHEREAS, Ms. Spitz-Roth has worked passionately and tirelessly to develop Durham's System of Care:

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

ADELE SPITZ-ROTH

for her sincere dedication and service on behalf of the children and families of the Durham community.

This the 10th day of September, 2007.

/s/ All Five Commissioners

Ms. Spitz-Roth accepted the resolution. She thanked the County Commissioners for the honor and for providing her with the opportunity to make a positive difference. She thanked her colleagues for all their hard work.

Chairman Reckhow acknowledged Social Services Director Sammy Haithcock, Public Health Director Brian Letourneau, and Deputy County Manager Carolyn Titus for providing direction to the System of Care.

Resolution Honoring City-County Planning Director Frank Duke

Chairman Reckhow announced that a resolution honoring Frank Duke, Durham City-County Planning Director, had been prepared in grateful appreciation for his dedicated service to Durham County. Mr. Duke has accepted a job as the new director of the Planning and Community Development Department with the City of Norfolk, VA. Mr. Duke leaves the City and the County of Durham after more than five years on the job.

Chairman Reckhow stated that Mr. Duke has been a very productive director; he worked on and completed both the Comprehensive Plan and the Unified Development Ordinance simultaneously.

Vice-Chairman Heron read the resolution into the record.

RESOLUTION

WHEREAS, Frank Duke began his affiliation with Durham County Government in 2002 when he was hired as Planning Director for the City and County of Durham; and

WHEREAS, he quickly became recognized for his insightful leadership skills and strong professional planning abilities; and

WHEREAS, he worked well with elected officials and community leaders while directing Durham's downtown planning issues and providing strong direction and guidance for growth outside the city; and

WHEREAS, Mr. Duke was respected for his outstanding knowledge of zoning ordinances and for his unique ability to work with persons on all sides of controversial issues; and

WHEREAS, his numerous professional successes included the development and adoption of the Durham Comprehensive Plan, which was awarded the Outstanding Plan Award by the NC APA; the development and adoption of the Unified Development Ordinance (UDO), along with the Development of the Land Development Office (LDO) development tracking system which will begin operations later this fall; and

WHEREAS, Mr. Duke also supervised refinements to the development review process, the development and adoption of the Eastern Durham Open Space Plan, and the implementation of form-based zoning to Durham (DDO overlays):

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby extend grateful appreciation to

FRANK M. DUKE

for dedicated service to Durham County Government as City-County Planning Director from 2002-2007. He will long be remembered for his visionary and innovative leadership style and for the invaluable contributions he has made towards enacting the quality of life in Durham. We wish for him a wealth of success as he assumes his new planning duties in the City of Norfolk.

This the 10th day of September, 2007.

/s/ All Five Commissioners

Mr. Duke extended appreciation to the Board of County Commissioners for giving him the opportunity to work with them. He extended a special "thank you" to County Manager Mike Ruffin for his support. He expressed gratitude to his staff, stating that their professionalism was the reason so much had been achieved during the past five years. Mr. Duke continued by thanking the entire County staff, The Herald-Sun for its editorial a couple of weeks ago, the bloggers who have referenced him, and Durham County citizens for their support and for their expressions of thanks and appreciation to him for his service.

County Manager Ruffin commented on Mr. Duke's tenure. "Hiring him was the right decision for Durham County." County Manager Ruffin voiced admiration for Mr. Duke for his principles, thanked him for his hard work, and extended well wishes as he assumes his new duties in Virginia.

Chairman Reckhow thanked County Manager Ruffin for his comments.

Consent Agenda

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

- *a. Amendment to Appointments Policy (adopt the revisions to the Resolution for Establishment of Policy and Procedures for Appointments to County Boards, Commissions, Committees or Authorities);
- *b. Budget Ordinance Amendment No. 08BCC000007—FY 2006-2007 Encumbrances;
- *c. Project Ordinance Amendment No. 08CPA000005 (DC083)—Open Space and Farmland Preservation—Appropriate Awarded Federal Farm and Ranchland Protection Program Grants Totaling \$1,736,243 to increase the DC083 Open Space and Farmland Preservation Capital Project from \$4,771,000 to \$6,507,243;
- *d. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 812 S. Roxboro Street, 10037 Rougemont Road, 900 Piper Street, 915 E. Maynard Avenue, and 900 Scout Drive; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- e. Approve the Sale of County Surplus Property (approve the sale of 1300 Evelyn Street to Vida Carey for \$4,600, 620 Barton Street to Vida Carey for \$6,800, 406 Canal Street to Joe B. Vereen for \$1,200, and 800 Joe Louis Boulevard to Carl Malek for \$500; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- *f. Library Meeting Room Fees (adopt the library meeting room fee schedule as recommended by the Durham County Library Board of Trustees and Library Staff);
- *g. Approve the Resolution to the General Assembly for Relieving Counties of Medicaid; and
- *h. Resolution of Support for Sufficient Funding to Meet North Carolina's Transportation Needs (approve the resolution, and forward copies to Governor Michael Easley, House Speaker Joe Hackney, and Senator President Pro Tem Marc Basnight). *Chairman Reckhow suggested that the Durham Delegation be sent copies also.*

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

*Documents related to these items follow:

Consent Agenda Item No. a. Amendment to Appointments Policy (adopt the revisions to the Resolution for Establishment of Policy and Procedures for Appointments to County Boards, Commissions, Committees or Authorities).

RESOLUTION FOR ESTABLISHMENT OF POLICY AND PROCEDURES FOR
APPOINTMENTS TO COUNTY BOARDS, COMMISSIONS,
COMMITTEES OR AUTHORITIES

WHEREAS, it is the statutory duty of the Durham County Board of Commissioners, as Governing Body of Durham County, to appoint persons to various boards, commissions, committees, or authorities, to assist in the operation of county government; and

WHEREAS, the Board of Commissioners is desirous of appointing qualified, knowledgeable, and dedicated people to serve on the aforesaid boards, commissions, committees, or authorities, and to that end solicits the interest and participation of the citizens of Durham County in providing information and recommendations to assist the Board of Commissioners in identifying qualified candidates for said appointments; and

WHEREAS, the Board of Commissioners recognizes the need for a policy and procedure to provide for increased public awareness of the appointments to be made from time to time by the Board, to solicit public participation in the submission of names of qualified candidates, to set forth the subsequent steps for the selections of the candidate(s) by the Board, and to ensure attendance at meetings; and

WHEREAS, the Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serving on the boards, commissions, committees, and authorities; therefore, appointment applications will solicit necessary information to achieve a representative sample of the community:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that:

Section 1. The policy of Durham County governing appointments to the various boards, commissions, committees, or authorities made by the Board of County Commissioners is as follows:

- A) Words of the masculine gender mean and include correlative words of the feminine and neuter genders and words imparting the singular number mean and include the plural number and vice versa.

- B) Any citizen of Durham County who is eighteen (18) years of age or older is eligible to serve on the appointed boards, commissions, committees, or authorities of the County where such appointment is not prohibited by state statute.
- C) All appointments will be made according to the Appointments Statute or Ordinance that created that board, commission, committee, or authority.
- D) No citizen of Durham County may serve in more than two appointed positions of Durham County Government unless exempted by nature of the position or otherwise.
- E) Unless otherwise stated by statute and excluding public officials serving in ex officio roles, no citizen may serve more than three consecutive terms in any one position. This policy may be waived if the Board of Commissioners determines that it is in the public interest for the individual to be reappointed to the board, commission, committee, or authority, unless such removal is prescribed by statute.
- F) If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she is obligated to resign.
- G) The Clerk to the Board will notify the member that he or she is obligated to resign. An unexcused absence is defined as an absence without prior notification to the chairman, secretary, or staff to the boards, commissions, committees, or authorities.
- H) Excused absences are defined as absences with proper prior notification indicating legitimate conflicts or other circumstances.
- I) For each appointee, the calendar year is counted beginning on the date of appointment.
- J) If a member's absence exceeds these percentages, the Clerk to the Board of County Commissioners should be notified immediately.
- K) The clerk to the boards, commissions, committees, or authorities shall be responsible for keeping an attendance record and notifying the Clerk to the Board, who shall in turn notify the Board of County Commissioners when the limit of absences of any appointee has been reached.
- L) Property tax listing must be current. County and City taxes must not reflect any delinquencies before an application is submitted. Property taxes must be current both prior to appointment and during the term of the appointment. However, if the appointee's taxes become delinquent during the term of the appointment, the appointee shall be allowed up to 180 days to bring the property taxes current, provided the appointee shall have established a repayment plan with the Tax Administrator's Office.
- M) If a member has more than 50% absences (excused or unexcused) or, if the member is delinquent in the listing and/or payment of taxes for which an appeal has not been filed, the Clerk to the Board will notify the Chairman of the Board of County Commissioners. Upon receipt of notification from the Clerk to the Board, the Chairman will notify the member that he or she may be removed from the board, commission, committee, or authority. The Commissioners shall

consider the board member's status at a regularly scheduled meeting of the Board of County Commissioners.

Each County Commissioner will have available a binder containing a list of all County appointments, with the following data provided:

1. The name of the board, commission, committee, or authority and the composition of the board according to the statute.
2. A brief description of its functions.
3. The statute or cause creating the board, commission, committee, or authority and the composition of the board according to the statute.
4. The total number of members and length of terms of office.
5. The names of current members, the number of terms each has served, and the date of his or her original appointment.
6. The regular meeting day, time, and location, if determined.
7. The date(s) on which appointments should be made.

Section 2. The procedures of Durham County for filling vacancies for appointed positions should be as follows:

- A) Notification of available appointments
 1. A current list of upcoming appointments to County boards, commissions, or authorities shall be kept in the Office of the Clerk to the Board and shall be furnished to any person or group on request.
 2. A list of available positions and the date by which names should be submitted will be published in the Herald Sun, the News & Observer, the Carolina Times, or any other newspaper having general circulation throughout the County that the Board may specify from time to time, once a week for two weeks beginning two weeks in advance of the deadline for submitting applications. The Clerk to the Board may alternate the publication of the available positions in different newspapers from week to week as the Board of Commissioners directs. The name, phone number, website, and address of the Clerk to the Board shall be provided in the advertisement to obtain more information.
 3. A list of available positions stating terms of office, requirements for office, duties of positions, and the date by which names should be submitted will be placed on the Durham County Website beginning two weeks in advance of the deadline for submitting applications.
 4. Twenty-five (25) days prior to the expiration of the terms, a notice will be mailed to each person who is eligible for reappointment requesting an indication of his or her interest in continuing to serve. If an individual is not eligible for reappointment, he or she will be notified and given the reason for being ineligible.
 5. The Chairman of the Board of Commissioners or his designee will be responsible for carrying out the above notification procedures.
 6. If, because of policy or otherwise, an individual is unable to be reappointed, that person will be sent a Letter of Appreciation by the Chairman of the

Board of Commissioners at the expiration of his or her term, thanking the person for past services rendered.

B) Selection Process

1. At least twelve (12) days prior to the appointments by the Board of County Commissioners, all applications for a particular position must be in the hands of the Clerk to the Board. The Clerk will check each applicant for eligibility and recheck any prior applicants, if any.
2. A copy of the applications submitted together with the prior applications, if any, shall be sent to all Commissioners at least ten (10) days prior to the meeting at which action will be taken. Those candidates who are ineligible will be noted and the reasons for ineligibility given.
3. a. When the advertising or re-advertising of positions for boards, commissions, committees, etc., does not produce within the time frame prescribed the necessary number of qualified persons to fill the vacancies indicated, the Board of County Commissioners on its own initiative will name the appointees.
b. When vacancies and positions appointed pursuant to this policy occur prior to the expiration of the term of office, the Board of County Commissioners shall appoint a person to serve the remainder of the term in accordance with the procedures outlined herein.

C) Notification of Appointment

The Chairman of the Board of County Commissioners shall prepare a letter of notification of appointment or non-appointment to the applicants and a copy to the affected board, notifying each of the appointment or non-appointment.

D) Applications

All applications received shall be retained for at least one (1) year and considered if a vacancy occurs during that time period. Applications shall be kept on file for all active appointees. These will be treated as public records and made available upon request for the cost of copying.

Consent Agenda Item No. b. Budget Ordinance Amendment No. 08BCC000007—FY 2006-2007 Encumbrances.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000007

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	\$28,475,106	\$2,280,402	\$30,755,508

RISK MANAGEMENT FUND

Other Financing Sources	\$0	\$90,275	\$90,275
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SEWER UTILITY FUND

Other Financing Sources	\$88,726	\$660,072	\$748,798
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Expenditures:

Function

GENERAL FUND

General Government	\$31,081,204	\$1,223,182	\$32,304,386
Public Safety	\$47,442,404	\$151,539	\$47,593,943
Environmental Protection	\$3,421,750	\$120,174	\$3,541,924
Economic and Physical Development	\$4,391,970	\$108,455	\$4,500,425
Human Services	\$415,156,277	\$384,598	\$415,540,875
Cultural & Rec.	\$11,294,910	\$133,538	\$11,428,448
Other	\$31,441,277	\$158,916	\$31,600,193

RISK MANAGEMENT FUND

General Government	\$2,296,170	\$90,275	\$2,386,445
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SEWER UTILITY FUND

Utilities	\$9,379,754	\$660,072	\$10,039,826
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of September, 2007.

Consent Agenda Item No. c. Project Ordinance Amendment No. 08CPA000005 (DC083)—Open Space and Farmland Preservation—Appropriate Awarded Federal Farm and Ranchland Protection Program Grants Totaling \$1,736,243 to increase the DC083 Open Space and Farmland Preservation Capital Project from \$4,771,000 to \$6,507,243.

DURHAM COUNTY, NORTH CAROLINA
 FY 2007-08 Capital Project Ordinance
 Amendment No. 08CPA000005

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>Expenditures</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Open Space & Farmland			

Preservation	\$4,771,000	\$1,736,243	\$6,507,243
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 10th day of September, 2007.

Consent Agenda Item No. d. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 812 S. Roxboro Street, 10037 Rougemont Road, 900 Piper Street, 915 E. Maynard Avenue, and 900 Scout Drive; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

812 S. Roxboro Street
PIN #0821-16-83-6683
Parcel ID #118624

WHEREAS, Self Help Community Development Corporation has made an offer to the County to purchase the above property for \$8,500 and has made a bid deposit in the amount of \$425, which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.

8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on September 10, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

10037 Rougemont Road
PIN #0818-02-77-1549
Parcel ID #189393

WHEREAS, Nathan Turbyfill has made an offer to the County to purchase the above property for \$1,600 and has made a bid deposit in the amount of \$80, which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

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4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.

7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on September 10, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

900 Piper Street
PIN #0833-19-51-7866
Parcel ID #129728

WHEREAS, Johnny Peele has made an offer to the County to purchase the above property for \$1,000 and has made a bid deposit in the amount of \$50, which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.

6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on September 10, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

915 E. Maynard Avenue
PIN #0832-07-59-3097
Parcel ID #128968

WHEREAS, Nathan Turbyfill has made an offer to the County to purchase the above property for \$500 and has made a bid deposit in the amount of \$25, which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.
4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;

5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on September 10, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and properly described as follows:

900 Scout Drive
PIN #0821-16-83-0726
Parcel ID #118636

WHEREAS, Nathan Turbyfill has made an offer to the County to purchase the above property for \$500 and has made a bid deposit in the amount of \$25, which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale in The Herald-Sun newspaper.
2. Upset bids must be received within 10 days after the date the Notice is published.
3. Upset bids must raise the current bid by at least 10 percent of the first \$1,000.00 and 5 percent of the remainder.

4. Upset bids shall be made to the Real Estate Manager or the Clerk to the Board if the Real Estate Manager is not available, together with a 5 percent bid deposit by certified check or money order to the County of Durham, or cash;
5. When the original bid has been successfully raised (upset), the upset bid becomes the current bid. Interested bidders are encouraged to contact the Real Estate Manager before making a bid to confirm the amount of the current bid.
6. The highest bid received during the 10-day period is deemed the current bid rather than the first which meets the minimum upset bid requirements.
7. This procedure shall be repeated until no further qualifying County Commissioners who may accept the offer and sell the property to the highest bidder.
8. Should the Board of County Commissioners accept the qualifying high bid, a non-warranty deed will be prepared for the Chairman of the Board's signature, and a time for closing will be scheduled.
9. The Board of County Commissioners may at anytime reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on September 10, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

Consent Agenda Item No. f. Library Meeting Room Fees (adopt the library meeting room fee schedule as recommended by the Durham County Library Board of Trustees and Library Staff).

- Charge \$50 for nonprofits and \$100 for commercial organizations at the Main Library Auditorium.
 - Charge \$25 for nonprofits and \$100 for commercial organizations at large meeting rooms at the Regional and Branch Libraries.
 - Do not charge for small meeting rooms, conference rooms, or tutoring/study rooms, including the 3rd floor conference room at Main Library. No refreshments are allowed in these small meeting rooms.
-

Consent Agenda Item No. g. Approve the Resolution to the General Assembly for Relieving Counties of Medicaid.

RESOLUTION OF APPRECIATION TO THE GENERAL ASSEMBLY
FOR RELIEVING COUNTIES OF MEDICAID

WHEREAS, relieving counties of the Medicaid burden was the Number One legislative goal for all counties;

WHEREAS, every member of the 2007 North Carolina General Assembly recognized and supported the need for Medicaid relief;

WHEREAS, every member of the House of Representatives supported House Bill 1424, which would have provided a permanent cap and additional targeted relief;

WHEREAS, every member of the Senate supported provisions of the budget to eliminate the county Medicaid share completely;

WHEREAS, Governor Mike Easley publicly expressed his support on numerous occasions;

WHEREAS, a negotiating team with representatives from the House, the Senate, and the Governor's Office reached consensus on a solution to relieve counties of their Medicaid burden; and

WHEREAS, this solution is fair and equitable to all parties; and

WHEREAS, this solution protects municipal revenues, allows the state to phase in the assumption of the county Medicaid share over three years while gradually assuming sufficient county revenues to cover the increased costs, does not force counties to raise property or sales taxes to receive Medicaid relief, and provides additional revenue authority to counties faced with rapidly increasing infrastructure needs

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners commends and expresses its appreciation to the 2007 North Carolina General Assembly for proving themselves to be true "Friends of the Counties".

FURTHER BE IT RESOLVED that the Speaker of the House and the Senate President Pro Tem are asked to read this resolution into the Journals of their respective bodies on May 13, 2008.

This the 10th day of September, 2007.

/s/ All Five Commissioners

Consent Agenda Item No. h. Resolution of Support for Sufficient Funding to Meet North Carolina's Transportation Needs (approve the resolution and forward copies to Governor Michael Easley, House Speaker Joe Hackney, and Senator President Pro Tem Marc Basnight; *Chairman Reckhow suggested that the Durham Delegation also be sent copies.*).

RESOLUTION TO ENCOURAGE AND SUPPORT THE CONSIDERATION OF
SUFFICIENT FUNDING TO MEET NORTH CAROLINA'S TRANSPORTATION
NEEDS

WHEREAS, a comprehensive transportation system, inclusive of highways, rail, transit, ports, and airports is essential to North Carolina's economy as well as the preservation and enhancement of citizens' quality of life; and

WHEREAS, adequately maintained highways and bridges are the arteries that enable commerce across the state and nation and improve the level of safety for roadway users; and

WHEREAS, this state depends on a sound transportation infrastructure to encourage and support tourism, whose economic impact is greater than \$14 billion spent annually by visitors; and

WHEREAS, an efficient and comprehensive transportation system relieves congestion in our state's urban centers, fosters economic development in underdeveloped areas, and expedites the delivery of goods and services in all areas; and

WHEREAS, our state's population is projected to increase by 50% by 2030, creating additional demands on a transportation system that is already under capacity; and

WHEREAS, the North Carolina Department of Transportation has acknowledged a \$65 billion shortfall between funding and needs over the next 25 years; and

WHEREAS, deteriorating highways, reduced transit options, overburdened ports and airports, and congested roadways result from underinvestment; and

WHEREAS, those substandard conditions will have a long-lasting detrimental impact on our State's future economy and safety of the traveling public; and

WHEREAS, the 2007 Regular Session of the North Carolina General Assembly failed to include any new transportation funding in the state budget or through specific enabling legislation:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, hereby urge the Governor and the leadership of both the House and Senate to call a special session of the General Assembly to address the shortfall in funding necessary to support and maintain a comprehensive multi-modal transportation system; and

BE IT FURTHER RESOLVED that we encourage the General Assembly to adopt, and that the Governor sign, legislation providing for a sufficient and sustainable funding resource to meet current and address future transportation needs throughout the state.

This the 10th day of September, 2007.

/s/ All Five Commissioners

Public Hearing—FY 2006-2007 Draft Consolidated Annual Performance and Evaluation Report (CAPER)

Chairman Reckhow introduced Associate Director Larry Jarvis of the City of Durham Department of Community Development to give an overview of the CAPER. She thanked Mr. Jarvis and associated staff for providing a thorough and detailed report that included specific benchmarks (due to requests from the Board of County Commissioners).

Mr. Jarvis stated that the CAPER is an annual report. The regulations of the U.S. Department of Housing and Urban Development (HUD) require that the CAPER be received in the respective HUD Field Offices on or before September 30, 2007. This public hearing will provide citizens an opportunity to review and comment on the use of Community Development Block Grant (CDBG), HOME, and Emergency Shelter Grant (ESG) funds. These funds were provided to address housing and community development needs throughout the City of Durham and the Durham HOME Consortium. The CAPER reflects the City's performance between July 1, 2006 and June 30, 2007. The final document is due to HUD no later than 90 days after the end of the fiscal year. A draft FY 2006-2007 CAPER was available for public review beginning on August 20, 2007. The Durham City Council is scheduled to hold its CAPER public hearing on September 17, 2007.

Federal regulations require the City to allow citizens no less than 15 days to review and comment on its performance report; however, a public hearing for the CAPER is not required. When conducting public hearings, HUD requires that the City provide adequate notice to citizens of this hearing, with "adequate" being defined as two weeks notice in local newspapers. The public hearing was advertised in The Herald-Sun and The Carolina Times. The City and County of Durham (HOME Consortium) were jointly allocated \$1,277,493 in FY 06-07 HOME and ADDI (American Dream Down-Payment Initiative) funds. All HOME expenditures, except for administration and the CHDO set-aside, require a 25% local match that is provided by the City using 1996 housing bond program income. Currently, Durham County does not contribute to the local match requirement.

With direct benefits to the County with HOME or ADDI funds for FY 2006-2007, as of June 30, 2007, the information is as follows:

- Four county employees received second mortgage loans for homeownership totaling \$202,494, with one county employee purchasing in Eastway Village; and
- Four public safety officers received first mortgage loans for homeownership totaling \$653,210.

The direct benefit to County residents or employees totaled \$830,704 or 65% of the total HOME and ADDI allocation.

The Durham Center is an existing recipient of \$100,000 in HOME funds to provide rental assistance to persons with disabilities. The remaining balance on that agreement is \$27,016.00. An additional \$100,000 in FY 2006-07 HOME funds were awarded.

Commissioner Page commended the Department of Community Development on the Eastway Village Community.

Per a question put forward by Commissioner Page, County Attorney Chuck Kitchen responded that the County adopted a policy to allow for the disposal of County surplus property to nonprofits.

Chairman Reckhow requested that Jane Korest, Real Estate and Open Space Manager, provide more detailed information to Commissioner Page.

Ms. Korest explained that in January 2007, the County Commissioners and nonprofits received a list that divided the County surplus properties into three categories: (1) most marketable; (2) 20 to 25 properties recommended for conveyance to nonprofits; and (3) floodplain and stream buffer properties that were not appropriate to convey. Currently, the County has 14 available properties awaiting bids.

Ms. Korest informed Commissioner Page that the list of properties was made available to the Affordable Housing Coalition, Habitat for Humanity, and Self-Help (which has placed bids on three properties). Because the lots are small and usually on streets where homes have been boarded up, some of the nonprofits had reservations about whether to produce housing and place families in the neighborhoods. If the lots have infrastructure to them, the County has several rounds of upset bids and a fair amount of interest. Low bids with no upset bids occur on properties that are several hundred feet from an open road; \$30,000 to \$50,000 would have to be spent to build a street. In addition, water and sewer may not be available. Nonprofits are not interested in lots with a lack of infrastructure.

Ms. Korest clarified for Vice-Chairman Heron that the policy regarding conveyance of property to nonprofits requires construction of a home to begin within three years.

Chairman Reckhow asked how long the County posts lots for sale before they become available to a nonprofit.

Ms. Korest responded that the plan in January was to post for-sale lots for approximately six months. However, nonprofits seem to have little interest because of the small size of the lots.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Chairman Reckhow commented on the high percentage of renters in southwest central Durham (86%) and northwest central Durham (66%). "This needs attention and is important to consider as our housing programs are planned." Moving homes to homeownership helps stabilize communities, reduce crime, etc. Chairman Reckhow asked why Operation Breakthrough addressed only 20 units under its weatherization program when the goal was 31 units.

Mr. Jarvis stated that he did not know the answer, but he agreed to get the information to Chairman Reckhow.

Chairman Reckhow asked how the department plans to improve areas where the goals are not reached, i.e. DAHC Volunteer Repair program—goal: 23 units, realized: 11 units.

Mr. Jarvis replied that many of the reports are not a true year's report. The reporting year begins in July; however, work cannot begin until contracts are entered into (usually November, subsequent to finalizing the grant agreement in October). The contract is ongoing for several months of the next reporting year.

Chairman Reckhow asked if more money could be expended for programs during the fiscal year in which the money is received. The need for housing in Durham is great, plus costs continue to rise.

Mr. Jarvis responded that the biggest hurdles are the following:

- 15% of the HOME funds must be set aside for Certified Housing Development Organization (CHDO); there are a limited number of CHDOs in Durham with a substantial backlog of old monies that the department has been unable to move. The department is working to get additional organizations certified as CHDOs so funds can be moved.
- For a couple of years, the City did not identify a CHDO.
- One year, several hundred thousand dollars were tied up because they had been committed to the Eagle Village CHDO.

The department is concentrating on trying to spend the CHDO funds. Also, last year, HUD advised that old CDBG payback money (that had been deemed ineligible back to the late 1990s) was back in treasury and needed to be spent immediately or it would be de-obligated. An amendment was added so that loans under the home ownership program that would have made out of HOME could be expended out of CDBG in order to spend the old payback monies and meet the drawdown requirement. There was a lot of drawdown on the CDBG side, not so much on the HOME side, to meet that requirement.

Chairman Reckhow asked how many of the 18 individuals served under the transitional housing program (operated by Housing for New Hope Inc. [\$60,000 CDBG]) were moved into permanent housing.

Mr. Jarvis informed Chairman Reckhow that he would get that information to her.

Vice-Chairman Heron commended the department for the Pilot Lead Program and for the layout of the CAPER.

Vice-Chairman Heron asked how much activity has taken place outside the City, for example: of the county employees/public safety officers receiving homeownership loans, how many actually purchased homes outside the City limits.

Mr. Jarvis explained that the HOME funds are used outside the City limits for homeownership loans or for repair/rehabilitation. He would find out the answer to Vice-Chairman Heron's question.

Vice-Chairman Heron suggested that the department expand its community outreach efforts to inform citizens in the County that HOME funds are available.

Commissioner Cheek stated that historically not much activity has taken place outside the City limits; however, his main concern was that the money received each year is not being spent on a year-to-year basis. "This makes no sense because of the number of people on a waiting list for funds." Commissioner Cheek encouraged the department to work as hard as possible to make sure as many people as possible are served and to make sure the money is expended.

Chairman Reckhow agreed with Commissioner Cheek's point.

Chairman Reckhow asked Mr. Jarvis about the newly implemented software program (MUNIS).

Mr. Jarvis replied that MUNIS has not proven to be as user-friendly or as easy to implement as was initially promised; however, progress is being made each day. Part of the problem with entering into new contracts is that the 2007-08 funding is not completely set up in the MUNIS financial system.

Chairman Reckhow asked when the department is given progress reports from the programs that receive funding.

Mr. Jarvis replied that the department is given monthly reports, plus periodic monitoring visits are made in the field to double check the sub-recipients recordkeeping, etc.

Chairman Reckhow asked what the department does if the sub-recipient is not making good progress on its goals.

Mr. Jarvis responded that in the past, there were no penalties for incompleteness of activities in a timely manner. Contracts are now written which allow 12 months from the date of contract execution for the sub-recipient to complete its goals.

Chairman Reckhow suggested writing the contracts with more flexibility to allow for termination for non-performance during the contract period.

Mr. Jarvis informed Chairman Reckhow that he would check to see if the contracts currently allow for that flexibility.

At a request by Chairman Reckhow, Mr. Jarvis provided the schedule for the upcoming year.

Chairman Reckhow asked about the lack of expenditure of the \$700,000 in HOME funds.

Mr. Jarvis stated that the department has been concentrating on expending the old monies.

Chairman Reckhow suggested that the funding provided by the County to such nonprofits as Genesis Home and Urban Ministries be incorporated into the CAPER.

Chairman Reckhow thanked Mr. Jarvis for the good report.

Public Hearing—Unified Development Ordinance (UDO) Text Change—Final Plat Approval

Chairman Reckhow recognized Frank M. Duke, AICP, City-County Planning Director.

Mr. Duke stated for the record that he has the certifications and appropriate notices provided for this item in accordance with the requirements of North Carolina General Statutes.

Mr. Duke remarked that he has continued to press for change. One change has been implementing smart growth activities to expedite the development approval process. This ordinance change will help accomplish that by eliminating a duplicative approval process, permitting final plats to be approved by the Planning Director, rather than going back before the Development Review Board (provided they conform to the requirements of a preliminary plat and engineered construction drawings). This approach will decrease the development approval time for final plats by three to four weeks. This recommendation came out of the Development Review Process Improvement initiative that was urged by the Joint City-County Planning Committee in early 2006. It was endorsed by the JCCPC in June 2007. The Planning Commission held a public hearing on the ordinance amendment on July 20, 2007 and recommended approval by a vote of 12-1. Staff is pleased to recommend approval of this smart growth effort for Durham. Mr. Duke noted that City Council approved this revision last week. (Change—Final Plat Approval (TC07-07) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits.)

Vice-Chairman Heron requested that Mr. Duke explain Section 1, 3.6.8, E.6 of the ordinance which reads, “Is accompanied by a bond or other performance guarantee deemed adequate in amount and form by the requesting department, if required infrastructure, including but not limited to stormwater, street, or water and sewer improvements, has not been completed in accordance with approved construction drawings, and if the department responsible for such infrastructure has consented to final plat approval pending its completion.”

Mr. Duke explained that this particular ordinance provision now exists in the UDO (final plat can currently be approved subject to the issuance of a bond for public improvements); however, the provision is under the section of “action by the Development Review Board”, which will be deleted in this ordinance revision. Also, one must keep in mind that the final plat is not associated with building on a site but gives the ability to subdivide properties and creates the opportunity for a developer to convey title to property. It does not mean a

developer will be able to obtain a certificate of occupancy for any structure. One may wish to get the final plat approval while still in the building process and working on infrastructure improvements. An appropriate mechanism for ensuring the completion of the infrastructure improvements is a bond. That is the reason the ordinance indicates that if the bond is deemed “adequate in amount and form”, then the department responsible for such infrastructure can consent to final plat approval, but they are not required to. The department dealing with the bonding is typically the City Public Works Department.

Vice-Chairman Heron spoke about an incident several years ago when occupancy was issued but the sidewalks, streetlights, etc. were not completed. Fortunately, the County had a letter of credit.

Mr. Duke confirmed that the letter of credit is one instrument that can be used to establish a bond. This has not been used frequently, but the opportunity does exist. The City and County attorneys recommended that this provision be added to the UDO; the Zoning Ordinance was silent on this issue.

Vice-Chairman Heron stated that she will not vote against this text change, but she “hopes the section of the ordinance dealing with the bond does not cause any problems.”

Mr. Duke stated that the real challenge with the bonds is that the government must be prepared to call the bond if the improvements are not made.

Vice-Chairman Heron agreed with Mr. Duke.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Commissioner Cheek moved, seconded by Commissioner Page, to approve the UDO text change— Final Plat Approval (TC07-07), and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
CONCERNING FINAL PLAT APPROVAL

WHEREAS, the Durham County Board of Commissioners wishes to amend certain provisions regarding final plat approval in the Unified Development Ordinance; and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO promote regulatory efficiency and the health, safety, and general welfare of the community.

SECTION 1

Modify Section 3.6.7, Preliminary Plat Approval, paragraphs D.3.a and D.3.c; and modify Section 3.6.8, Final Plat Approval, paragraph B, paragraph E including adding paragraphs 1 through 6, and paragraph F by deleting it in its entirety, all as set forth below.

3.6.7 Preliminary Plat Approval

D. Action by the Development Review Board

3. The preliminary plat shall be approved by the Development Review Board if it meets the following criteria:
 - a. Conforms with all the provisions and requirements of applicable adopted plans, including but not limited to the Comprehensive Plan, historic preservation plans, open space plans, greenways plans, transportation plans, gateway plans, corridor plans, collector plans, and bicycle plans;
 - b. Conforms with all the provisions and requirements of this Ordinance;
 - c. Conforms with all the provisions and requirements of other applicable ordinances not included in this ordinance;

3.6.8 Final Plat Approval

- B. The final plat shall conform to the approved preliminary plat, if any, and may constitute only that portion of the preliminary plat which is proposed for recordation.

E. Action by the Planning Director

Staff review agencies shall complete review and transmit comments back to the Planning Director, or designee. The Planning Director or designee shall approve the plat as is, defer action for additional information and corrections, or disapprove it. If the final plat is disapproved or deferred, the Planning Director or designee shall notify the applicant of the reasons for such disapproval or deferral. The final plat shall be approved by the Planning Director or designee if it meets the following criteria:

1. Conforms with all the provisions and requirements of applicable adopted plans, including but not limited to the Comprehensive Plan, historic preservation plans, open space plans, greenways plans, transportation plans, gateway plans, corridor plans, collector plans, and bicycle plans;
2. Conforms with all the provisions and requirements of this Ordinance;
3. Conforms with all the provisions and requirements of other applicable ordinances not included in this ordinance;

4. Conforms with the preliminary plat, if any;
5. Conforms with completed and approved construction drawings for public infrastructure, where such construction drawings are required by this Ordinance or other applicable ordinance; and
6. Is accompanied by a bond or other performance guarantee deemed adequate in amount and form by the requesting department, if required infrastructure, including but not limited to stormwater, street, or water and sewer improvements, has not been completed in accordance with approved construction drawings, and if the department responsible for such infrastructure has consented to final plat approval pending its completion.

SECTION 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.

Unified Development Ordinance Online Version Presentation

Chairman Reckhow stated that this impressive presentation was shown at a Joint City-County Planning Committee meeting a couple of months ago. This presentation tonight is to inform the public of what can be accessed on the web.

Frank M. Duke, AICP, City-County Planning Director, stated that this is the last aspect of the contract that the City and County entered into for the development of the UDO, which was completed about a year ago. Planning has been working for the last few months on the development of the on-line version. This is an opportunity for all of the elected officials as well as the public to see how it works.

Mr. Duke introduced T.E. Austin, Senior Supervising Professional Planner and project manager for this aspect of the UDO contract.

Mr. Austin introduced Laura Woods, who was operating the computer for the presentation. He then proceeded with instructions as to how to manipulate the online version of the UDO.

Chairman Reckhow requested that Mr. Austin show an example of a zoning map, which allows a citizen to check the zoning of a particular property.

Chairman Reckhow shared how the online version is, to some degree, easier to use than the paper version because clicking on a word will provide the definition of the word.

Vice-Chairman Heron asked why the "City of Durham" is stated at the top of the page instead of "County and City of Durham".

Mr. Austin replied that the online version is on the City's server and each page on the City's server is displayed.

Mr. Ruffin added that the banner "City of Durham" automatically loads across the City's site.

Chairman Reckhow communicated that Vice-Chairman Heron made a good point. She asked if the banner line could be changed to read "Unified Development Ordinance for Durham City and County".

Mr. Duke agreed to the change.

Chairman Reckhow thanked Mr. Austin for the presentation.

Board and Commission Appointments

Commissioner Cheek moved, seconded by Commissioner Page, to appoint Vice-Chairman Heron as the "Alternate" for the Audit Oversight Committee.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

The Board voted and County Attorney Chuck Kitchen announced the appointments to the following boards and commissions:

Audit Oversight Committee

Jeffrey S. Gittler (CPA)
Samuel A. Machlin (Finance)
Manuel L. Rojas (At-large)

Public Health Board

Michael Case (At-large)

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Vonda Sessoms, CMC
Clerk to the Board