

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

Monday, August 13, 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, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

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

Announcements

Chairman Reckhow noted the number of persons who were present to speak on the last agenda item, "Public Hearing—Sales Tax and Land Transfer Tax". She stated that the Commissioners should be able to move through the agenda items rather quickly; therefore, the wait should not be lengthy.

Chairman Reckhow requested that the Commissioners complete the survey regarding a joint City Council-0BOCC meeting, which had been placed at each Commissioner's station by the Clerk to the Board.

July Anchor Award Winner—Mary Ingram

Chairman Reckhow stated that Mary Ingram of the Tax Department is the recipient of the July Anchor Award. Ms. Ingram is being recognized for being a valued contributor to the success of the Collections Division, and is credited with collecting \$15 million over the past two fiscal years, utilizing all available resources and collection measures to achieve departmental goals.

Chairman Reckhow recognized Tax Administrator Ken Joyner to present additional background information on Ms. Ingram.

Mr. Joyner commented that Ms. Ingram is the epitome of the ideal employee. She has been a Durham County employee in the Tax Office since 1998 and has been working as a revenue agent in the Collections Division since 2004. She works with a team whose primary responsibility is the collection of delinquent real property taxes. For the past two years, the real property collection rate has topped 99 percent and the 2006-07 rate was .9937. All employees should have the dedication, loyalty, professionalism, and courteous customer service of Ms. Ingram.

Ms. Ingram thanked the Commissioners, County Manager Mike Ruffin, Deputy Tax Collector Herman Austin, Collection Division Manager Robie McLamb, Tax Administrator Ken Joyner, Deputy Tax Administrator Kimberly Simpson, coworkers, family, and friends. She stated that it was a blessing and honor to receive the Durham County Anchor Award.

Ms. Ingram accepted the \$200 check, the honorary check, and the Anchor Award from Chairman Reckhow.

Chairman Reckhow thanked Ms. Ingram for her exemplary service.

Consent Agenda

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

- *a. Budget Ordinance Amendment No. 08BCC000004—Cooperative Extension—4-H Youth Grant from the Durham Alcoholic Beverage Control Board to Reduce Substance Abuse Among Youth (approve to except grant revenue for the purpose of increasing the involvement of youth in the planning and implementation of alcohol and substance abuse prevention programming);
- b. 2008 Revaluation Schedule of Values (approve the schedules of values, standards, and rules and advertise the order adopting them);
- c. Appointment—NCACC Annual Conference Voting Delegate and Alternate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate and Vice-Chairman Becky M. Heron as the alternate voting delegate to the annual conference in Cumberland County, NC);
- d. Non-Warranty Deed to the City of Durham for Property Associated with the Bethesda Pump Station (approve the conveyance of 0 Stage Road, identified as Parcel ID No. 163519, to the City of Durham by Non-Warranty Deed);
- *e. Offer to Purchase County Surplus Properties (0 Ann Court, 1300 Evelyn Street, 620 Barton Street, 125 Hillside

Avenue, 212 West Alton Street, 1101 Hazel Street, 1216 Fern Street, 3122 Hope Valley Road, 215 Todd Street, and 800 Joe Louis Boulevard) (pursue the upset bid process for the sale of ten surplus properties; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);

- f. Sales Tax Refund Audit (approve the contract with Dixon Hughes PLLC and authorize the Manager to sign the required documents);
- *g. Budget Ordinance Amendment No. 08BCC000005 and Capital Project Amendment No. 08CPA000003—Appropriate \$50,000 of Community Health Trust Fund Fund Balance for the Lincoln Community Health Center Renovation Project (DC095); and
- *h. Capital Project Amendment No. 08CPA000004—Move \$360,000 of Public School Building Fund Funds from the Northern High School HVAC Project (59105400SH100) to the Northern High School Paving Project (59105400SH114).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 08BCC000004—Cooperative Extension—4-H Youth Grant from the Durham Alcoholic Beverage Control Board to Reduce Substance Abuse Among Youth (approve to except grant revenue for the purpose of increasing the involvement of youth in the planning and implementation of alcohol and substance abuse prevention programming).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000004

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	\$361,909,769	\$10,000	\$361,919,769

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical			
Development	\$ 4,380,168	\$10,000	\$ 4,390,168

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

This the 13th day of August, 2007.

Consent Agenda Item No. e. Offer to Purchase County Surplus Properties (0 Ann Court, 1300 Evelyn Street, 620 Barton Street, 125 Hillside Avenue, 212 West Alton Street, 1101 Hazel Street, 1216 Fern Street, 3122 Hope Valley Road, 215 Todd Street, and 800 Joe Louis Boulevard) (pursue the upset bid process for the sale of ten surplus properties; 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:

0 Ann Court
PIN #0830-04-91-8723
Parcel ID #163278

WHEREAS, Bruno Rodriquez has made an offer to the County to purchase the above property for \$9,967 and has made a bid deposit in the amount of \$498.35, 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 mat 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 August 13, 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:

1300 Evelyn Street
PIN #0831-07-58-2836
Parcel ID #113276

WHEREAS, Vida Carey has made an offer to the County to purchase the above property for \$4,600 and has made a bid deposit in the amount of \$230, 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 August 13, 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:

620 Barton Street
PIN #0820-16-84-0779
Parcel ID #116414

WHEREAS, Vida Carey has made an offer to the County to purchase the above property for \$3,800 and has made a bid deposit in the amount of \$190, 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 August 13, 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:

125 Hillside Avenue
PIN #0821-16-84-1025
Parcel ID #118616

WHEREAS, Self Help Community Development Corporation has made an offer to the County to purchase the above property for \$3,700 and has made a bid deposit in the amount of \$185, 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 August 13, 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:

212 West Alton Street
PIN #0820-07-68-8913
Parcel ID #115843

WHEREAS, Dean Elliot has made an offer to the County to purchase the above property for \$2,216 and has made a bid deposit in the amount of \$112, 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.

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/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:

1101 Hazel Street
PIN #0831-06-28-8327
Parcel ID #110618

WHEREAS, Damarius Turner has made an offer to the County to purchase the above property for \$910 and has made a bid deposit in the amount of \$45.50, 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;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

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 August 13, 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:

1216 Fern Street
PIN #0831-11-57-6495
Parcel ID #113181

WHEREAS, Dean Elliot has made an offer to the County to purchase the above property for \$647 and has made a bid deposit in the amount of \$35, 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:

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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;
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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 August 13, 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:

3122 Hope Valley Road
PIN #0810-12-96-8026
Parcel ID #123346

WHEREAS, Carl Malek 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;
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Upon motion properly made and seconded, adopted by the Board at its meeting on August 13, 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:

215 Todd Street
PIN #0833-01-18-4049
Parcel ID #172426

WHEREAS, Carl Malek 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:

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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.
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Upon motion properly made and seconded, adopted by the Board at its meeting on August 13, 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:

800 Joe Louis Boulevard
PIN #0820-16-94-0517
Parcel ID #133305

WHEREAS, Carl Malek 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 August 13, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

Consent Agenda Item No. g. Budget Ordinance Amendment No. 08BCC000005 and Capital Project Amendment No. 08CPA000003–Appropriate \$50,000 of Community Health Trust Fund Fund Balance for the Lincoln Community Health Center Renovation Project (DC095).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000005

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>COMMUNITY HEALTH TRUST FUND</u>	\$7,787,358	\$50,000	\$7,837,358

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>COMMUNITY HEALTH TRUST FUND</u>	\$7,787,358	\$50,000	\$7,837,358

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

This the 13th day of August, 2007.

DURHAM COUNTY, NORTH CAROLINA
 FY 2007-08 Capital Project Ordinance
 Amendment No. 08CPA000003

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>			
Lincoln Community Health Center Renovations	\$0	\$50,000	\$50,000

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

This the 13th day of August, 2007.

Consent Agenda Item No. h. Capital Project Amendment No. 08CPA000004—Move \$360,000 of Public School Building Fund Funds from the Northern High School HVAC Project (59105400SH100) to the Northern High School Paving Project (59105400SH114).

DURHAM COUNTY, NORTH CAROLINA
 FY 2007-08 Capital Project Ordinance
 Amendment No. 08CPA000004

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>			
Northern High School HVAC Project	\$537,830	(\$360,000)	\$177,830

Northern High School Paving Project	\$ -0-	\$360,000	\$360,000
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of August, 2007.

Public Hearing on Coordinated Transportation—FY 2007-2008 Rural Operating Assistance Program (ROAP) Grant—Application Approval

Chairman Reckhow recognized Johnny Ford, Transportation Access Coordinator, to provide background on the item.

Mr. Ford stated that the Cooperative Extension Service is requesting Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program, and the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First. The Rural General Public funds will be used to supplement existing routes that currently serve the county.

Letters were sent requesting input into the application in June 2007 to over thirty Human Service and non-profit agencies and a Public Hearing Notice was published in the Herald Sun in July 2007. Letters were translated into Spanish and sent to the Latino and other Limited English Proficiency communities.

The application proposes \$95,245 of governmental revenue to be allocated to support coordinated transportation for Durham County elderly and disabled residents, through the Elderly and Disabled Transportation Assistance Program (EDTAP), and \$8,415 for Work First Transitional/Employment. These funds require no local match. The \$95,245 represents an increase of \$6,731 from last year's allocation. The \$35,090 for Rural General Public Transportation (RGP) requires a 10% local match not to exceed \$3,509. The majority of the local match is recouped through fares and the remaining match has been budgeted. These programs help support the transportation needs of citizens through County and Non-profit, human service agencies.

The NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$138,750 for FY 2007-2008.

Funds shall be used to provide services for the noted agencies:

- Council of Senior Citizens
- Dept. of Social Services (Adult)
- Durham Exchange Club Industries
- Retired and Senior Volunteer Program
- Services for the Blind
- Durham Parks and Recreation

Additionally, Durham County is applying for the maximum amount of supplemental EDTAP and Rural General Public Transportation funding allocated to Durham County from

NCDOT. The allocations are formula-based to each county. The supplemental EDTAP amount is \$56,834 and \$23,192 for Rural General Public Transportation. The \$23,192 for Rural General Public Transportation (RGP) requires a 10% local match not to exceed \$2,319. The majority of the local match is recouped through fares, and the remaining match has been budgeted. These funds will be used to expand the current service if the supplemental request is approved.

Mr. Ford asked if the Commissioners had any questions.

Vice-Chairman Heron asked questions regarding the Work First/Employment Program. She expressed concern that last year's allocation was insufficient; she did not wish to see the shortfall repeated.

Mr. Ford responded to Vice-Chairman Heron's questions.

Vice-Chairman Heron asked if the Rural General Public Transportation supports transportation needs of Rougemont and Bahama residents.

Mr. Ford replied in the affirmative.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the ROAP application for submittal to NCDOT.

The motion carried unanimously.

Vice-Chairman Heron requested that churches be added to the list of places where literature is distributed.

Chairman Reckhow suggested that Ruritan Clubs would also be a good addition.

Public Hearing—Unified Development Ordinance (UDO) Text Change—Floodplain Fill (TC07-05)

Chairman Reckhow called on Frank M. Duke, AICP, City-County Planning Director to present the item.

Mr. Duke stated that the item was placed on the agenda to receive public comments on Text Change—Floodplain Fill (TC07-05) and request that the Commissioners adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority; Article 3, Applications and Permits; Article 8, Environmental Protection;

Article 14, Nonconformities; and Article 16, Definitions. Mr. Duke emphasized that the vast majority of the revisions are technical. He highlighted the following three areas of changes that are non-technical and more substantive in nature: (1) the new requirement that fill in most developments in a floodplain require a major special use permit, which eliminates the ability of the Board of Adjustment to issue a variance for such floodplain fill; (2) returns a provision under the old zoning ordinance which permits the floodplain administrator (building inspector) to approve fill for a single-family or duplex home on an existing lot of record and authorizes the floodplain administrator to approve flood-proofing of a structure in lieu of fill; and (3) authorizes the Development Review Board to approve fill associated with a utility or a stream crossing. Staff recommended approval of the changes. The Planning Commission held a public hearing and unanimously recommended approval. In addition, City Council approved the changes unanimously.

Vice-Chairman Heron asked how the fill is protected from erosion.

Mr. Duke responded that he would defer Vice-Chairman Heron's question to an engineer or a certified floodplain manager. He added that the Sedimentation and Erosion Control Ordinance requires stabilization of a site which may involve the planting of grasses.

Gene Bradham, City-County Inspections Director/Floodplain Administrator, clarified that stabilization occurs through the slope and through retaining walls; however, fill is not allowed in the floodway, only in the flood fringe.

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 Vice-Chairman Heron, to approve Unified Development Ordinance (UDO) Text Change—Floodplain Fill (TC07-05).

The motion carried unanimously.

The ordinance amendment follows:

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
CONCERNING SPECIAL FLOOD HAZARD AREAS AND FUTURE CONDITIONS
FLOOD HAZARD AREAS**

WHEREAS, the Durham County Board of Commissioners wishes to amend certain provisions regarding Special Flood Hazard Areas and Future Conditions Flood Hazard Areas in the Unified Development Ordinance; and

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

NOW, THEREFORE, be it ordained that Article 2, Review Authority; Article 3, Applications and Permits; Article 8, Environmental Protection; Article 14, Nonconformities; and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes:

SECTION 1

Modify the following as set forth in the strikeouts and underlining below:

- Section 2.12, Summary of Review Authority;
- Section 3.7.1, Applicability, paragraphs B.2.a and B.3.a;
- Section 3.9.1, Applicability, paragraph C;
- Section 3.9.8, Criteria for Approval of Major and Minor Special Use Permits, by adding paragraph C, including paragraphs 1.a-i;
- Section 3.15.10, Environmental Protection, paragraph A, and delete paragraph C in its entirety;
- Section 3.22.2, Floodplain Administrator, by adding paragraph B.21;
- Section 3.22.3, Base Flood Elevations, paragraph B;
- Section 8.3.1, Tree Coverage Standards, paragraph C.3.b;
- Section 8.3.3, Tree Survey, paragraph C.3;
- Section 8.4.2, Applicability, introductory paragraph and paragraph A;
- Section 8.4.3, Standards, paragraph A.10;
- Section 8.4.4, Development in Special Flood Hazard Areas, by amending the title and introductory paragraph; adding a new paragraph B, including paragraphs 1.a, 1.b, and 2; renumbering current paragraph B, Development Requiring Development Board Approval, as C and amending paragraphs 1, 2, 2.a, 3, 3.a, and adding paragraph 3.c; renumbering current paragraph C, Development Requiring Governing Body Approval, as D and amending paragraphs 2, 2.a, and 2.b;
- Section 14.3.4, Lots within Special Flood Hazard Areas;
- Section 14.4.1, Nonconforming Buildings or Structures, paragraph A; and
- Section 16.3, Defined Terms, by amending the definition of “Floodplain Administrator” and adding a definition for “Non-Encroachment Area Fringe.”

Sec. 2.12 Summary of Review Authority

The following table summarizes review authority under this Unified Development Ordinance.

Application or Permit	Sedimentation and Erosion Control Officer	Inspections Director	Planning Director	Development Review Board	Historic Preservation Commission	Board of Adjustment	Planning Commission	Governing Body	Section
Sedimentation and Erosion Control Officer									
Erosion Control Plan	D							<A>	Sec. 3.8
Inspections Director Action									
Sign Permit		D	R			<A>			Sec. 3.10
Temporary Use Permit		D	R			<A>			Sec. 3.12
Floodplain Development Permit		D	R						Sec. 3.22

Planning Director Action									
Interpretation of the Ordinance		R	D*			<A>			Sec. 3.1
Administrative Adjustment		R	D			<A>			Sec. 3.14
Common Signage Plan		R	D			<A>			Sec. 3.11
Home Occupation Permit			D						Sec. 3.13
Administrative Certificate of Appropriateness			D			<A>			Sec. 3.18
Demolition by Neglect (City Only)			D			<A>			Sec. 3.19
Development Review Board Action									
Site Plan Review	R	R	R/D	R/D				D	Sec. 3.7
Subdivision Review	R	R	R	D					Sec. 3.6
Historic Preservation Commission Action									
Certificate of Appropriateness			R			D			Sec. 3.18
Board of Adjustment Action									
Variance						<D>			Sec. 3.15
Appeal of Administrative Decision						<D>			Sec. 3.16
Minor Special Use Permit		R	R			<D>			Sec. 3.9
Governing Body Action									
Comprehensive Plan Amendment			R				<R>	<D>	Sec. 3.4
Text Amendment			R				<R>	<D>	Sec. 3.20
Zoning Map Change			R				<R>	<D>	Sec. 3.5
Historic District/Landmark Designation			R			<R>	<R>	<D>	Sec. 3.17
Major Special Use Permit		R	R					<D>	Sec. 3.9
Vested Rights Determination		R	R					<D>	Sec. 3.21

R = Review or Recommendation
 D = Decision
 A = Appeal
 <> = Public Hearing Required
 * Except as noted in the relevant Ordinance section.

3.7.1 Applicability

B. Types of Site Plans

2. Minor Site Plans

a. Criteria

Projects that do not meet the criteria for simplified site plans shall be considered minor site plans if:

- (1) They request no modifications of any of the standards established in this Ordinance other than those which the Development Review Board or Planning Director or designee may make administratively; and
- (2) They do not involve the development of any use that requires the issuance of a major special use permit.

3. Major Site Plans

a. Criteria

Projects shall be considered major site plans if:

- (1) They request modifications of a standard established in this Ordinance that requires governing body approval; or
- (2) They involve the development of any use that requires the issuance of a major special use permit.

3.9.1 Applicability

- C. A major special use permit shall be required for all major special uses as set forth in the use table in Sec. 5.1, Use Table, and for fill or development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas pursuant to Sec. 8.4.4D,

Development Requiring Governing Body Approval. Major special use permits require approval by the appropriate governing body.

3.9.8 Criteria for Approval of Major and Minor Special Use Permits

C. Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas (Floodway Fringe, Non-Encroachment Area Fringe, and Areas of Shallow Flooding [Zone AO] Only)

1. Additional Review Factors

The applicant for a major special use permit under this section shall demonstrate that the additional review factors listed below have been adequately addressed. If the application is denied, the governing body shall specify which of these review factors, if any, were not adequately addressed.

- a.** Susceptibility of the proposed facility, structure, or other development and its contents to flood damage and the effect of such damage on the individual property owner and others as a result of flood damage;
- b.** Importance of the services provided by the proposed facility, structure, or other development to the community;
- c.** Necessity to the facility, structure, or other development of a waterfront location, where applicable;
- d.** Compatibility of the proposed use with existing and anticipated development;
- e.** Safety of access to the property in times of flood for ordinary and emergency vehicles;
- f.** Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- g.** Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
- h.** Relationship of the proposed use to the comprehensive plan and floodplain management program for that area; and
- i.** Any other relevant factors, technical evaluations, or standards specified in other sections of this ordinance.

3.15.10 Environmental Protection

A. At the request of a property owner, and except as otherwise specified in this ordinance, the Board of Adjustment may vary the requirements of Article 8, Environmental Protection Standards, in accordance with the procedures of this section and Interpretations by the Board of Adjustment. The Board of Adjustment shall not vary the requirements of Sec. 8.4, Floodplain and Flood Damage Protection Standards. In addition to the findings required in Sec. 3.15.8, Findings, the Board of Adjustment in granting any variance shall make the following additional findings.

- 1.** That failure to grant the variance would result in exceptional hardship to the property owner;

2. That the applicant has presented proof that alternatives to the variance have been thoroughly examined and are not practicable;
3. That the variance represents the minimum amount necessary to provide relief from the hardship in making reasonable use of the property; and
4. That the variance would not result in significant degradation of water quality, loss of significant wetlands, increase in sedimentation and erosion, increase in stormwater runoff, loss of significant plant and wildlife habitat, increase in flood heights, threats to public safety, extraordinary public expense or cause fraud on or victimization of the public.

3.22.2 Floodplain Administrator

B. Duties and Responsibilities

21. Maintain records of all floodplain development permits, actions by the Development Review Board, and major special use permits approving fill or development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas and report on them to the Federal Emergency Management Agency upon request.

3.22.3 Base Flood Elevations

- B. Development, including the construction of structures that only require building permits and land disturbing activity within Special Flood Hazard Areas or Future Conditions Flood Hazard Areas, as identified by the Federal Emergency Management Agency in the most current Flood Insurance Rate Studies, which are hereby adopted by reference and declared to be a part of this section, shall be prohibited unless carried out pursuant to the general standards in Sec. 8.4.3, Standards, or expressly authorized pursuant to Sec. 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas.

8.3.1 Tree Coverage Standards

C. Tree Coverage

3. Locations

- b. Any forested land in the floodway, non-encroachment area, floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) (unless proposed to be filled or developed in accordance with Sec. 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas), preserved wetlands and wetland buffers, steep slope areas, stream buffers, Durham Natural Inventory Sites, Major Transportation Corridor (MTC) buffers, and any portion of the tract left undisturbed in order to create required perimeter buffers that satisfies the minimum size requirements established in Sec. 8.3.1D, Preserved Tree Coverage, or Sec. 8.3.1E, Replacement Tree Coverage, below may be used as tree cover.

8.3.3 Tree Survey

C. Specimen Tree Survey

3. A specimen tree survey shall not be required for land in the floodway, non-encroachment area, floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) (unless proposed to be filled or developed in accordance with Sec. 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas), preserved wetlands and wetland buffers, steep slope areas, stream buffers, Major Transportation Corridor (MTC) buffers, and, if preserved, Durham Natural Inventory Sites.

8.4.2 Applicability

This section shall apply to all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas within the City and County of Durham as identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps, such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Durham County dated May 2, 2006; February 2, 2007; April 16, 2007; June 4, 2007; or August 2, 2007, are adopted by reference and declared to be a part of this ordinance. Also adopted by reference and declared to be a part of this ordinance are associated Physical Map Revisions and Letters of Map Change issued by FEMA as of August 2, 2007. The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- A. generated as a requirement of Sec. 3.22.2.B (11 & 12), Duties and Responsibilities.

8.4.3 Standards

A. General

10. Fill material shall be used for all new construction and substantial improvements to create an elevation that is two feet above base flood elevation, except as otherwise authorized pursuant to 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas. The fill material shall be required to extend for a distance of 40 feet from the exterior walls of a building. Where the distance to the property line is less than 40 feet, the fill shall extend to the property line. The required fill material distance shall include a sloped edge with a maximum 3:1 slope [for example, for a fill three feet deep: 31 feet of flat fill plus nine feet of sloped fill] or a retaining wall in lieu of the slope [for example, a side yard of flat fill and a retaining wall]. Residential accessory structures which are defined as nonhabitable structures by the North Carolina Building Code are exempt from the requirements to extend the fill material away from the base but are required to be placed on fill which is two feet, or five feet in Zone A, above base flood elevation. Exceptions from any of these requirements resulting from special storm-water considerations shall be forwarded to the approving authority, if other than the Floodplain Administrator, with a recommendation from the Floodplain Administrator.

8.4.4 Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas

Development and land disturbing activity within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas shall be prohibited, except as provided below. The Floodplain Administrator and the governing bodies shall not approve development that is located below the regulatory flood protection elevation if such development is otherwise required to be located at or above the regulatory flood protection elevation or is not permitted within the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.

B. Development Requiring Floodplain Administrator Approval

1. Development of one single-family or duplex residence on a single lot of record that exists as of January 1, 2006, may utilize fill, pursuant to a floodplain development permit issued under Sec. 3.22, Floodplain Development Permit, in the floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) if the Floodplain Administrator determines that:
 - a. The proposed fill provides for a better balance between overall efficiency of the site design and improved conservation elsewhere on the site than would be possible without intrusion in the floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO); and
 - b. The proposed fill represents the minimum amount of floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance.
2. Floodproofing or elevation by design in lieu of required fill for new construction or substantial improvements on lots of record that exist as of January 1, 2006 pursuant to a floodplain development permit issued under Sec. 3.22, Floodplain Development Permit. If the Floodplain Administrator approves floodproofed or elevated-by-design construction or improvements rather than use of fill in Zone AE or Zone X (Future), the approval shall specify the minimum foundation opening requirements and limitations on below-BFE enclosures uses, if applicable.

C. Development Requiring Development Review Board Approval

1. Land in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas may be used for the following purposes, provided that the DRB determines that such uses are designed and shall be constructed to minimize clearing, grading, erosion and water quality degradation.
 - a. Active and passive recreational activities.
 - b. Wetlands constructed or restored for mitigation purposes.
2. Land in the floodway fringe, ~~or~~ non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) may be used for the following purposes, and may be filled in support of such uses, provided that the DRB determines that such uses are designed and shall be constructed to minimize clearing, grading, erosion and water quality degradation.
 - a. Crossings by streets, driveways, pedestrian walkways, and railroads provided that they cross the Special Flood Hazard Areas or Future

14.4.1 Nonconforming Buildings or Structures

- A. Reconstruction of buildings, including single family homes, that are located in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas, shall not be permitted if the structure has experienced substantial damage or repetitive loss. Any construction or development in such areas shall be subject to Sec. 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas, in addition to the requirements of this section.

Sec. 16.3 Defined Terms

Floodplain Administrator: The individual appointed to administer and enforce the floodplain management regulations. The Inspections Director or designee serves as the Floodplain Administrator pursuant to Sec. 3.22.2, Floodplain Administrator.

Non-Encroachment Area Fringe: The area within the special flood hazard area that is adjacent to, but not within, the non-encroachment area and is within the 100 year floodplain and is inundated by the base flood.

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.

Public Hearing—Sales Tax and Land Transfer Tax

Chairman Reckhow remarked that the North Carolina General Assembly has granted counties the authority to impose either a ¼-cent sales tax (non-food items) or a .4 (of 1%) land transfer tax. Imposition of either tax requires voter approval. The Commissioners are considering the possibility of placing either or both items on the ballot for the November election.

Chairman Reckhow requested that County Manager Mike Ruffin give background on these revenue items.

Mike Ruffin, County Manager, provided a PowerPoint presentation to present information regarding the sales tax and land transfer tax. A summary of his presentation follows:

Three possible taxes:

- Sales Tax—1/4 cent—point of delivery (no tax on food)
 - Effective date if approved in November referendum—April 1, 2008
 - Projected \$9.8 million in FY 2008-2009
 - A family (3.11) with a median income of \$55,023 could pay \$51.00 a year in new ¼-cent tax
- Land Transfer Tax—Up to .4 of 1%

- Effective date if approved in November referendum—January 1, 2008
- Projected \$11.6 million in FY 2008-2009
- Median Home Value: \$172,000
 - \$688—Land Transfer Tax @ .4 of 1%
- Property Tax—83.4 cents
 - 1/4 cents sales tax—3.66 cents
 - land transfer tax—4.32 cents

Level of debt each tax could support in FY 2008-2009

- Land Transfer Tax: \$154 million
- Sales Tax: \$130 million

If referendum(s) were to fail in November, when could another referendum be held?

- 30-day waiting period

If both taxes were placed on the November ballot and a majority of voters favored both, which one could be enacted?

- Either tax (but not both)
- No tax

Timeline for Placing Either Tax Question on the November Ballot

- BOCC must decide by August 31, 2007
- Next BOCC meeting: August 27, 2007—7:00 P.M.

Chairman Reckhow announced that the County Manager's presentation is on the County's website. She also stated that at the August 6 Worksession, the Commissioners discussed how tax proceeds would be dedicated. If the decision is made to move ahead, the expectation is that the Board will adopt a resolution dedicating revenues to capital needs.

Chairman Reckhow opened the public hearing that was properly advertised. She called signed speakers forward for two-minute comments. A speaker may yield his/her time to one person; each speaker may accept only one yield. Chairman Reckhow explained the process as related to the time clocks.

Carol Young, 5808 Williamsburg Way, Durham, NC 27713; in favor of land transfer tax

Liz Pullman, 1114 Scott King Road, Durham, NC 27713; in favor of land transfer tax

Bessie Carrington, 1616 Pinecrest, Durham, NC 27705; in favor of land transfer tax

Frank Thomas, 20 West Colony Place, Ste 180, Durham, NC 27705; opposed land transfer tax; proponent of sales tax

Victoria Peterson, P O Box 101, Durham, NC; opposed both taxes

Jack Steer, 729 Quiet Woods Place, Durham, NC 27712; opposed both taxes

Chuck Davis, 906 N. Mangum, Durham, NC 27701; supported additional taxes to support the arts and education

Barry Ragin, 1706 Shawnee St., Durham, NC 27701; urged Commissioners to place both taxes on the ballot for the citizens to decide

Sherry DeVries, 5 Hazen Court, Durham, NC 27712; proponent of both taxes to support the arts and cultural sector in Durham

Randal Haithcock, 1304 Seaton #10, Durham, NC 27713; urged Commissioners to place both taxes on the ballot; proponent of land transfer tax

Leslie Page, 2106 Sprunt Ave., Durham, NC 27705; opposed land transfer tax; favored sales tax

Allan Lang, 601 Flagstone Way, Durham, NC 27712; supported both taxes on ballot; favored land transfer tax

Julie Ketner Rigby, 12900 Barsan Law Drive, Raleigh, NC 27613; supported both taxes on ballot

Pat Carstensen, 58 Newton Drive, Durham, NC 27707; supported both taxes on ballot favored land transfer tax

Chris Kukla, 4905 Guinevere Court, Durham, NC 27702; opposed sales tax; encouraged the Commissioners to carefully consider the land transfer tax prior to placing on the ballot

Richard Howell, 6911 Iron Gate Street, Bahama, NC 27503; opposed both taxes

Diane Oxley, 6629 Barbowes Creek Road, Bahama, NC 27503; opposed land transfer tax; favored sales tax

Michael Bacon, 912 Rosehill Avenue, Durham, NC 27705; opposed sales tax; favored land transfer tax

Dabney Hopkins, 1700 Sprunt Avenue, Durham, NC 27705; opposed sales tax; favored land transfer tax, however, expressed concern with it being placed on the November ballot

Wendell Bullard, 5832 Fayetteville Road, Durham, NC 27713; opposed land transfer tax

Juliette Jenson, 1202 N. Mangum Street, Durham, NC 27701; supported land transfer tax to fund education and the arts

Harlan Brown, 2324 Rolling Pines Avenue, Durham, NC 27703; opposed both taxes

James Hill, 8512 Hopkins Road, Rougemont, NC 27527; opposed land transfer tax; favored sales tax

Ellen Dagenhart, 1409 Dollar Avenue, Trinity Park, Durham, NC 27701; opposed land transfer tax

Chairman Reckhow closed the public hearing. She thanked the citizens who provided comments and assured them that their remarks would be seriously considered.

Chairman Reckhow responded to a variety of citizen comments relating to the Medicaid swap. She asked the County Attorney to address the issue of land transfer tax exceptions for special populations, i.e. the elderly.

County Attorney Chuck Kitchen responded that the tax provision in the North Carolina General Statutes apply to every person. The County Commissioners may not make changes.

Chairman Reckhow provided information about the Homestead exemption, which is currently based on income and tax payment deferral. One can contact the Tax Administrator's office to receive information.

Chairman Reckhow informed the citizens that the results of polling will be available next week to help gauge how the citizens of the County feel about the tax options. Also, re-

polling will take place on the bond items planned for the ballot to determine whether placing the revenue options on the ballot will affect the bonds. Staff has been requested to assemble additional data about the impact of the various taxes on average citizens. The County Commissioners desire to make an informed decision about whether to place any of the taxes on the ballot.

Commissioner Cheek asked the County Manager to find out the cost of a special election in order to conduct a referendum at a time other than Election Day in November.

Commissioner Page expressed appreciation for all comments at tonight's meeting and for those he received in emails. He was disappointed to hear the County Attorney's advice regarding tax exemptions. Commissioner Page broached the feasibility of creating a citizens' workgroup for input.

Vice-Chairman Heron spoke about Durham County's need to raise additional revenue for schools and capital necessities.

Commissioner Cousin thanked the citizens for the candid discussion. He echoed the comments of Vice-Chairman Heron regarding the need for additional revenue from sources other than the property tax.

Chairman Reckhow stated that dialogue regarding this issue will continue at the August 27 Commissioner meeting.

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 8:42 p.m.

Respectfully submitted,

Vonda Sessoms
Clerk to the Board