

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

Monday, February 12, 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 Philip R. Cousin Jr. and Michael D. Page

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Motion to Excuse Commissioner Cheek

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

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Agenda Adjustments

Chairman Reckhow adjusted the agenda to defer items 11, Public Hearing—Plan Amendment, Page Road Suburban Transit Area (A06-21), and 12, Public Hearing—Plan Amendment, US 70 Industrial (A06-22), due to notification issues. She directed County Manager Mike Ruffin to discuss the procedure for public hearing notices with Planning Director Frank Duke.

Announcement

Vice-Chairman Heron invited the public to attend the Animal Shelter Open House on Saturday, February 17, from 10:00 a.m. to 2:00 p.m. She encouraged citizens to consider adopting a pet.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as submitted the January 8, 2007

Regular Session and January 22, 2007 Regular Session Minutes, and the December 11, 2006 Regular Session Minutes with one correction.

The motion carried with the following vote:

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

February Anchor Award Winner—Ms. Salena Speights

Mike Ashe, Board of Elections Director, acknowledged Ms. Salena Speights as the January Anchor Award winner. He recognized Ms. Speights for her significant contributions to democracy and the citizens of Durham County, and more specifically for her excellent leadership and initiative shown in maintaining the voter registration data base of over 160,000 voters and providing information to the public. She receives numerous and daily compliments and kudos for the knowledgeable, friendly, and professional advice and assistance she provides.

Mr. Ashe further stated that Ms. Speights is equally at ease handling the routine and difficult questions. She provides clarity to the confused and comfort to the combative. Virtually every person that she speaks with on the phone, in person, or via email feels that their experience with Ms. Speights is positive. Her job is not simply to answer questions; it is to give the citizen a positive experience when they reach out to government. Ms. Speights has been working for the Board of Elections for over five years. She has earned and continues to earn trust and respect every day. She has become an expert on several computer programs.

Chairman Reckhow presented the Anchor Award, the honorary check and \$200 check to Ms. Speights. She expressed her appreciation for Ms. Speights' hard work and dedication to Durham County.

Recognition of Durham Soil and Water Staff for Receiving the Community Conservation Award from the North Carolina Association of Soil and Water Conservation Districts

Chairman Reckhow stated that the Durham Soil and Water Conservation District Board of Supervisors requests that the Board of County Commissioners recognize the Soil and Water staff for receiving the Community Conservation Award at the North Carolina Association of Soil and Water Conservation District's Annual Meeting held in Willington on January 7-9. The Durham staff was selected out of the 96 Soil and Water Districts within the state to receive this prestigious award.

Talmage Layton, Chairman, spoke on behalf of the Durham Soil and Water Conservation District Board of Supervisors to thank the Commissioners for recognizing the award.

Eddie Culberson, Director, briefly discussed Soil and Water projects that attributed to the District's receipt of the Community Conservation Award. The Award is presented to the District who excels in promoting conservation, improves land use, develops natural resources, and enhances social, economic, and environmental conditions within its District. He thanked and introduced Soil and Water staff present: Lynwood Faison, Soil Conservationist; Lisa Marochak, Staff Assistant; and Jennifer Brooks, Watershed Conservationist.

Chairman Reckhow congratulated staff and presented the award to Mr. Layton and Mr. Culberson.

National Schools to Watch Resolutions

Chairman Reckhow announced that Carrington and Shepard Middle Schools have been named "National Schools to Watch" winners—two of only eight middle schools in North Carolina to receive this honor. Schools to Watch is a program to identify middle grades schools across the country that are meeting or exceeding a set of strict criteria for excellence.

Chairman Reckhow read the Carrington Middle School resolution into the record as follows:

RESOLUTION

WHEREAS, Carrington Middle School was named a School to Watch nationally because of its academic excellence, responsiveness to the needs and interests of young adolescents, and commitment to helping all students achieve at high levels; and

WHEREAS, launched in 1999, Schools to Watch began as a program to identify middle schools across the country that were meeting or exceeding a set of strict criteria for excellence; and

WHEREAS, Carrington Middle School is one of two schools in Durham and one of only eight schools in the state to receive this honor, and Durham Public Schools was the only school district in the state to have more than two schools receive this honor; and

WHEREAS, Carrington Middle School is known for its strong leadership, teachers who work together to improve curriculum and instruction, and a commitment to assessment and accountability in order to bring about continuous improvement; and

WHEREAS, Carrington Middle School offers a well-rounded school atmosphere providing many different ways to engage students - with 15 different sports teams, an active arts department, a variety of clubs for students, and an effective after-school program; and

WHEREAS, Carrington Middle School has a strong elective program with more than 20 options from which students can choose, including strings, Latin, reading, or theater. These and many other courses provide relevant and enriching lessons; and

WHEREAS, Carrington Middle School is dedicated to excellence, and has established itself as a model school in the Durham Public School system:

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

CARRINGTON MIDDLE SCHOOL

for being recognized as a National School to Watch.

This the 12th day of February, 2007.

/s/ All Five Commissioners

Julie Spencer, Principal of Carrington Middle School, expressed gratitude for the continued support of the Board and the Durham community. She accepted the resolution from Chairman Reckhow.

Chairman Reckhow proceeded by reading the following resolution into the record:

RESOLUTION

WHEREAS, Shepard Middle School was named a School to Watch nationally because of its academic excellence, responsiveness to the needs and interests of young adolescents, and commitment to helping all students achieve at high levels; and

WHEREAS, launched in 1999, Schools to Watch began as a program to identify middle schools across the country that were meeting or exceeding a set of strict criteria for excellence; and

WHEREAS, Shepard Middle School is one of two schools in Durham and one of only eight schools in the state to receive this honor, and Durham Public Schools was the only school district in the state to have more than two schools receive this honor; and

WHEREAS, Shepard's small population narrows the elective selections for students; however, students are able to have the opportunity to take unique electives, such as Law and Forensics. Each student is also exposed to both Spanish and French, whereas in other middle schools, students are exposed to one language. To compensate for the electives, teachers utilize after school hours to offer drama, dance, MSEN, Battle of the Books, Kid and Parents Reading Together, TopCats, and Odyssey of the Mind; and

WHEREAS, Shepard Middle School staff members are trained in the Capturing Kids Hearts program. This program helps each staff member to identify with students as individuals. They build on these relationships by encouraging community involvement from parents, various local universities and organizations; and

WHEREAS, the International Baccalaureate Approaches to Learning exposes students to a variety of learning activities; and

WHEREAS, Shepard Middle School is dedicated to excellence, and has established itself as a model school in the Durham Public School system:

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

SHEPARD MIDDLE SCHOOL

for being recognized as a National School to Watch.

This the 12th day of February, 2007.

/s/ All Five Commissioners

Principal Kenneth Barnes stated that Shepard Middle School is honored to receive the recognition. He asked Assistant Principal Erica Boone to stand and be acknowledged.

Chairman Reckhow presented the resolution to Mr. Barnes.

Carol Milligan Reardon, Carrington Middle School PTO President, 7616 Country Knoll Road, Bahama 27503, requested to speak. She articulated how proud she is to be a Carrington parent.

Consent Agenda

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

- b. Approval of McDougal Terrace Library Services Plan (approve the recommendation by the Library Director and the proposed hours of operation);
- c. Cultural Master Plan Spending Requests (approve the grants for Bull Durham Blues Festival [\$18,500]; Durham Rising [\$18,500]; Bimbe Festival [\$18,500]; and Swap-O-Rama-Rama [\$4,300] authorizing the expenditure of implementation funds);
- e. Approve the Sale of County Surplus Property (approve the sale of 800 Olive Branch Road to Chad Perry for \$30,000; 109 South Maple to Baldwin Estates LLC for \$14,000; and 304 South Briggs Avenue to Douglas Knight for \$3,000);
- *f. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 312 East End

- Avenue, 1103 Linwood Avenue, 811 Chalmers Street, 2715 Marlin Drive, and 0 Barbee Road);
- g. Public Health—Approve the Establishment of a \$175 Fee for the New Zostavax Vaccine;
 - *h. Budget Ordinance Amendment No. 07BCC000043—SeeSaw Studio Design Crew Grant (appropriate fund balance of \$8,937; recognize the 2007 grant revenue of \$21,204; and appropriate this revenue for expenditure in FY2006-2007);
 - *i. Budget Ordinance Amendment No. 07BCC000044—Public Health—Recognize \$15,000 in Additional Revenue from the Department of Health and Human Services for the Environmental Health Division for the childhood lead poisoning prevention program;
 - *l. Budget Ordinance Amendment No. 07BCC000047—Appropriate Reserved Funds from the Register of Deeds Automation Account (appropriate in the amount of \$181,000);
 - n. Feasibility Study for Processing Facility for Local Farm Products (approve participation at an amount not to exceed \$2,500);
 - o. Appointments—Juvenile Crime Prevention Council (approve Donald Pinchback—Chief Court Counselor (replacing Donnie Phillips); Rachel B. Larsen—Assistant District Attorney (replacing Fungai Muzorewa-Bennett); and Julia Linehan—Juvenile Defense Attorney); and
 - p. Oxford Global Resources, Inc. (approve the increase in the contract with Oxford Global Resources Inc. to \$65,000 from the current level of \$40,000 for consulting services to the Finance Department for the new our SAP financial system; these services are needed to augment the current level of expertise).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. f. Offer to Purchase County Surplus Properties (pursue the upset bid process for the sale of 312 East End Avenue, 1103 Linwood Avenue, 811 Chalmers Street, 2715 Marlin Drive, and 0 Barbee Road).

RESOLUTION

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

312 East End Avenue
PIN #0840-05-09-4729
Parcel ID #130947

WHEREAS, Brisco Enterprises has made an offer to the County to purchase the above property for \$1,200 and has made a bid deposit in the amount of \$60, which is not 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 February 12, 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:

1103 Linwood Avenue
PIN #0831-17-11-7681
Parcel ID #118035

WHEREAS, Brisco Enterprises 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 not 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 February 12, 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:

811 Chalmers Street
PIN #0830-09-05-2741
Parcel ID #133230

WHEREAS, Brisco Enterprises has made an offer to the County to purchase the above property for \$3,500 and has made a bid deposit in the amount of \$175, which is not 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 February 12, 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:

2715 Marlin Drive
PIN #0831-16-93-3446
Parcel ID #120989

WHEREAS, Brisco Enterprises has made an offer to the County to purchase the above property for \$2,000 and has made a bid deposit in the amount of \$100, which is not 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 February 12, 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:

0 Barbee Road
PIN #0728-01-45-8446
Parcel ID #152973

WHEREAS, Brisco Enterprises 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 not 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 February 12, 2007.

/s/ Vonda Sessoms
Clerk, Board of Commissioners

Consent Agenda Item No. h. Budget Ordinance Amendment No. 07BCC000043—SeeSaw Studio Design Crew Grant (appropriate fund balance of \$8,937; recognize the 2007 grant revenue of \$21,204; and appropriate this revenue for expenditure in FY2006-2007).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$321,520,073	\$21,204	\$321,541,277
Other Financing Sources	\$25,092,708	\$8,937	\$25,101,645

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Cultural & Recreation	\$11,006,404	\$30,141	\$11,036,545

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

This the 12th day of February, 2007.

Consent Agenda Item No. i. Budget Ordinance Amendment No. 07BCC000044—Public Health—Recognize \$15,000 in Additional Revenue from the Department of Health and Human Services for the Environmental Health Division for the childhood lead poisoning prevention program.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$321,541,277	\$15,000	\$321,556,277

Expenditures:

Activity

GENERAL FUND

Human Services	\$396,143,687	\$15,000	\$396,158,687
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of February, 2007.

Consent Agenda Item No. 1. Budget Ordinance Amendment No. 07BCC000047—Appropriate Reserved Funds from the Register of Deeds Automation Account (appropriate in the amount of \$181,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$25,471,077	\$181,000	\$25,652,077

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$29,478,488	\$181,000	\$29,659,488

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

This the 12th day of February, 2007.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. a. Execution of Design Contract Amendment with The Freelon Group, P.A., for the Durham County East and North Regional Branch Libraries—RFQ 02-033 Project No.: DC073-48 (execute the amendment in the amount \$66,871 for additional architectural/construction administration services).

Chairman Reckhow called signed speaker Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, forward for comments.

Ms. Peterson requested that the County ascertain that the contractor hires local citizens for construction services. She responded to a question by Commissioner Page that contractors often hired by the County employ non-Durham residents for two reasons:

1) non-Durham residents work for a cheaper pay rate; and 2) contractors allege that Durham citizens do not have the experience required.

County Attorney Chuck Kitchen explained that the County is required to undergo a bidding process when hiring contractors to perform work within the county. The County must accept the lowest bid when considering price, ability to complete work in a timely manner, quality of work, and previous work experience. The County has no authority pertaining to the subcontractors hired to perform the work.

County Engineer Glen Whisler stated that the contractor for the East and North Regional Branch Libraries is a single prime contractor; the general contractor is a local Durham-based construction company. They subcontract to various companies inside and outside of Durham County.

Consent Agenda Item No. d. Funding Approval for the Contract Between Triangle United Way and the Durham Affordable Housing Coalition for Implementation of the 10-Year Plan to End Homelessness.

Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, requested housing to be included in the 10-Year Plan (for felons released from prison).

Consent Agenda Item No. j. Budget Ordinance Amendment No. 07BCC000045—Criminal Justice Resource Center (recognize donation of \$3,000 and CJPP grant revenue of \$2,700).

Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, asked the County Manager for a quarterly report on programs provided by the Criminal Justice Resource Center.

Commissioner Page suggested that Ms. Peterson request her information at the Criminal Justice Partnership Act Advisory Board meeting on February 19; a thorough presentation would be given on the programs.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$321,556,277	\$2,700	\$321,558,977
Contributions & Donations	\$1,770,648	\$3,000	\$1,773,648

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$48,120,007	\$5,700	\$48,125,707

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

This the 12th day of February, 2007.

Consent Agenda Item No. m. Budget Ordinance Amendment No. 07BCC000048—
 Consolidation of the Enterprise Long-Term Debt into the Enterprise Fund, Closing the Enterprise Debt Service Fund (approve the change in accounting and reducing the \$3,234,657 budgeted in the Enterprise Debt Service Fund and consolidating the revenues and expenditures into the existing Enterprise Fund).

Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, withdrew her request to speak on this item.

DURHAM COUNTY, NORTH CAROLINA
 FY 2006-07 Budget Ordinance
 Amendment No. 07BCC000048

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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>ENTERPRISE FUND</u>			
Other Financing Sources (Fund Balance Appropriation)	\$1,932,344	\$60,000	\$1,992,344
<u>ENTERPRISE DEBT SERVICE FUND</u>			
Other Financing Sources	\$3,234,657	(\$3,234,657)	\$0

Expenditures:

<u>Function</u>			
<u>ENTERPRISE FUND</u>			
Utilities	\$10,291,952	(\$3,174,657)	\$7,117,295
Other	\$0	\$3,234,657	\$3,234,657
<u>ENTERPRISE DEBT SERVICE FUND</u>			
Other	\$3,234,657	(\$3,234,657)	\$0

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

This the 12th day of February, 2007.

Commissioner Cousin moved, seconded by Commissioner Page, to approve Consent Agenda Item Nos. a, d, j, and m.

The motion carried with the following vote:

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

Consent Agenda Item No. k. Budget Ordinance Amendment No. 07BCC000046—Appropriation of School Impact Fee Interest (increase the \$2,370,000 budgeted in the Capital Outlay to \$2,739,432 plus all accrued interest as of February 12, 2007; and authorize the Finance Department to close the Fund as of February 12, 2007).

Commissioner Page requested to remove this item to ask for clarification.

County Manager Ruffin explained that interest accrued on school impact fees as of December 31, 2006 (\$369,432) plus accrued interest through February 12, 2007 would be disbursed to the Durham Public Schools for capital outlay expenses (i.e. roof replacement, furniture) for FY2007.

Chairman Reckhow explicated that the County has requested builders to donate impact fees to the Durham Public Education Network.

Commissioner Page moved, seconded by Vice-Chairman Heron, to approve Consent Agenda Item No. k.

The motion carried with the following vote:

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

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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>SCHOOL IMPACT FEES FUND</u>			
Other Financing Sources (Fund Balance Appropriation)	\$8,326,410	\$330,964	\$8,657,374
Investment Income	\$0	\$38,468	\$38,468

Expenditures:

<u>Activity</u>			
<u>SCHOOL IMPACT FEES FUND</u>			
Other (Transfer to General Fund)	\$0	\$369,432	\$369,432

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources (Transfer from Special Rev. Fund)	\$25,101,645	\$369,432	\$25,471,077

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Education	\$95,805,984	\$369,432	\$96,175,416

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

This the 12th day of February, 2007.

Public Hearing on the 2005 Community Block Grant Scattered Site Housing Program

Wendell Davis, Deputy County Manager, introduced this item. He stated that the State Department of Commerce – *Division of Community Assistance* has made available to the County of Durham \$400,000 in grant funds for the purpose of rehabilitating low-income housing. The funds can only be used in the unincorporated areas of the County. The primary objective of the Community Development Block Grant Scattered Site Housing Program is to improve the housing conditions of very low-income households at or below 50 percent of the area median income. Recent changes by the General Assembly now provide that all eligible counties receive these funds every three years on a non-competitive basis. As lead agents, counties will receive funds by submitting a detailed plan describing how funds will be distributed to meet housing priorities. Staff working with the County's consultant, the Leah Consulting Group, has completed the necessary application process with the State to receive the funding.

Staff requested that the Board hold the first of two required public hearings for the purpose of receiving citizen comment on the housing rehabilitation program; the second public hearing is scheduled for the February 26 meeting.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speaker Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, forward for comments.

Ms. Peterson beseeched Mr. Davis and the County to ask contractors to verify U.S. citizenship of its employees hired for County constructions.

Mr. Davis reminded Ms. Peterson that the County Attorney addressed her concern during comments on a previous agenda item.

Chairman Reckhow closed the public hearing as no one else signed up to speak. She announced that the second public hearing would be held on February 26.

Vice-Chairman Heron clarified that the grant is used for rehabilitating low-income housing.

Public Hearing—Zoning Map Change—Scott Mill (Z05-35)

Assistant Planning Director Steve Medlin requested that the Board deny a request for a zoning map change for 44.336-acre site located on the south side of Scott King Road, east of Herndon Road and west of Grandale Drive. PINs 0727-03-33-0274, -3487, -5136, and -6917. Request: RR; F/J-B to PDR 1.680; F/J-B

Mr. Medlin reported that this case was opened and continued at the June 26, 2006 Board of Commissioners meeting and continued again at the August 28, 2006 Commissioners meeting. He stated that the public hearing for this case was closed at the September 25, 2006 Commissioners meeting as a result of proposed changes to the development plan that required review by the Planning Commission. Staff was directed to re-review the item as a result of the proposed changes and process it accordingly. The applicant subsequently withdrew the changes proposed at the September 25 meeting in order to avoid returning to the Planning Commission and refused to make the changes required for the development plan to meet ordinance requirements, asking that the case go directly to the Board of Commissioners.

Staff recommended denial, based on the development plan not meeting minimum ordinance standards including 1) failure to show an appropriate buffer around “Wetlands Area ‘A’” on sheet D-1, and 2) internal inconsistencies with the committed elements #4, #5b, and #5c not reflected sheet D-2.

Durham Planning Commission recommended and voted 12-0 for denial on April 11, 2006. The Commission found that the requested revision to the zoning districts of the Unified Development Ordinance (UDO) is consistent with the adopted *Comprehensive Plan*. The Commission recommended that the request be denied based on finding that the project will adversely impact sensitive environmental areas, that there is significant opposition from the surrounding community, that the density of the project is inconsistent with the neighboring land uses and densities, and considering the information in the staff report.

County Attorney Chuck Kitchen explained for Chairman Reckhow that the Board should deny any plan that does not meet UDO requirements.

Chairman Reckhow and Mr. Medlin briefly discussed the absence of wetlands buffer on the plan.

Commissioner Cousin asked staff to speak to internal discrepancies among the committed elements.

Mr. Medlin explained that the changes were a matter of inconsistent use of terminology. He stated that the Planning Director requested consistency in terminology throughout the report.

Commissioner Page asked for clarification regarding the lack of wetland buffers on the plan, which is a requirement of the UDO.

Mr. Medlin responded that wetland buffers are shown on some pages of the plan, whereas the UDO requires the buffers to be reflected on all pages. He noted that the developer has addressed the inconsistencies within the committed elements but not those pertaining to environmental protection standards.

Chairman Reckhow opened the public hearing which was properly advertised. Due to the volume of speakers, she allotted two minutes for each speaker.

The following citizens supported the project:

Bill Ripley, Perimeter Developers LLC, 5011 Southpark Drive, Suite 200, Durham 27713

Robert King, property owner, 1104 Lansing Avenue, Durham 27713

Beverly J. McNeill, representing IUKA Development Inc., 308 Red Oak Avenue,
Durham 27707

Gary Wallace, 673 Brookview Drive, Chapel Hill 27514

The following speakers opposed the plan:

Tom Miller, representing Durham People's Alliance, 1110 Virginia Avenue, Durham
27705

Patricia Carstensen, representing Sierra Club, 58 Newton Drive, Durham 27707

Colleen Haithcock, representing Northeast Creek Stream Watch, 1304 Seaton Road #10,
Durham 27713

Randal Haithcock, representing Northeast Creek Stream Watch, 1304 Seaton Road #10,
Durham 27713

Peter Lance, representing Lyon's Farm, 803 Lyon Tree Lane, Durham 27713

Carol Young, 5808 Williamsburg Way, Durham 27713

Robyn L. Miller, 104 Spring Garden Drive, Durham 27713

Tracy Stark, representing Lake Park Neighborhood, 5724 Williamsburg Way, Durham
27713

Hildegard Ryals, 34 Pond View Court, Durham 27705

Liz Pullman, representing Inventory Review, 1114 Scott King Road, Durham 27713

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

Chairman Reckhow expressed concern about the Planning Department submitting a plan to the Board that has technical violations. She directed the County Manager to relay her concern to the Planning Director. Chairman Reckhow concluded from citizen comments, committed elements, and a letter submitted by Mr. John Buggs, the mediator, that the developer reneged on promises made to property owners.

In reference to Mr. Buggs' letter, Commissioner Page disapproved of receiving information at the last minute.

Chairman Reckhow informed Commissioner Page that Mr. Buggs emailed the Commissioners several days prior to tonight's meeting. She reiterated that according to citizens' comments, the developer deviated from agreements with the owners when the plan was submitted.

Mr. Medlin defined "inventory site" for Commissioner Cousin. He stated that property owners are not individually notified when their properties are inventoried.

Commissioner Cousin stated for the record that he was not questioning the inventory concept but why property owners are not notified.

The Commissioners continued to discuss technical issues with the plan.

Mr. Medlin and Mr. Ripley addressed questions by the Commissioners relating to buffers, separation footage, landscaping package, and the noise ordinance.

Vice-Chairman Heron referenced page 1 of the Zoning Map Change Report, which recaps the time line of the plan since its initial submission on June 26, 2006; the Durham Planning Commission has not reviewed the plan since April 11, 2006.

Mr. Medlin recapped the Board's direction to Planning staff at the September 25, 2006 BOCC meeting about the Scott Mill plan. Staff was to review changes submitted by the developer and then present the amended plan to the Commission if necessary. Since no changes were subsequently made, the plan did not have to be submitted to the Commission.

Commissioner Cousin expressed sympathy to the proprietors. County Attorney Kitchen informed that the plan was not required to be resubmitted to the Planning Commission since minimal changes were made.

The Board discussed the process undergone when the plan was submitted last year.

County Attorney Kitchen gave the Commissioners the following options: 1) defer approval until the next meeting so that the changes could be made; or 2) motion to approve. If the plan is approved with the technical violations, a suit could be brought against the County to challenge the rezoning.

The Board took a recess for 10 minutes to deliberate.

Vice-Chairman Heron moved, seconded by Chairman Reckhow, to approve Zoning Map Change—Scott Mill (Z05-35).

The motion failed with the following vote:

Ayes: Cousin and Page
Noes: Heron and Reckhow
Absent: Cheek

Commissioner Page echoed Commissioner Cousin's words of sympathy for the proprietors. He expressed desire to send the plan back to staff for additional changes and review; unfortunately, the majority wins and the plan failed.

Chairman Reckhow commented on the extended time exhausted on this plan. She urged the proprietors to seek better representation.

For the record, Commissioner Cousin encouraged owners to seek another developer to draft a better plan that would meet all of their needs.

Vice-Chairman Heron concurred with Commissioner Cousin and stated that a plan needs to be developed that is environmentally sensitive.

Discussion of Proposed 1% Local Option Land Transfer Tax

County Attorney Chuck Kitchen asked the Board of County Commissioners to support state legislation to enact a 1% Local Option Land Transfer Tax. During last month's meeting with the Durham Delegation, Durham Representative Paul Luebke raised the issue as part of the discussion on a general menu of revenue options. During the 2005 General Assembly session, the Board supported an attempt to get added to House Bill 1062 Orange/Chatham County Transfer Taxes, but the bill was not approved. Chatham County and at least 10 other counties are seeking legislative approval for a land transfer tax, which sellers would pay upon the sale of property. Durham County has been asked to again lend support to the effort.

Victoria Peterson, representing Durham Citizens Rebuilding Communities, PO Box 101, Durham 27702, opposed the land transfer tax.

County Attorney Kitchen informed that the 1% land transfer tax would be used for school capital needs.

Chairman Reckhow explained her support for the tax.

County Manager Ruffin stated that if the tax is approved, it would generate approximately \$335 million worth of debt service for 20 years.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to support state legislation to enact a 1% Local Option Land Transfer Tax.

The motion carried with the following vote:
Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Commissioner Page urged Ms. Peterson to understand the needs of Durham Public Schools and how the transfer tax could help alleviate those needs.

Vice-Chairman Heron commented that without alternative revenue methods, county taxes may increase which would affect all Durham citizens.

Closed Session

Commissioner Page moved, seconded by Commissioner Cousin, to adjourn to Closed Session to consider the performance of a public officer or employee, to discuss matters relating to the location or expansion of business or industry, and to consult with an attorney and to preserve the attorney-client privilege and discuss County of Durham v. AREC 3, LLC, et al. 06 CVS 00847 pursuant to G.S. § 143-318.11(a)(3) (4) & (6).

The motion carried with the following vote:

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

Reconvene to Open Session

Chairman Reckhow stated that the Board met in closed session; no action was taken. Directives were given to staff.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 11:15 p.m.

Respectfully Submitted,

Yvonne R. Gordon
Deputy Clerk to the Board