

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

Monday, September 14, 2009

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 Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Vice-Chairman Reckhow requested to add a closed session at the end of the agenda to discuss economic development.

Announcements

Chairman Page made the following announcements:

- The second meeting of the Durham Complete Count Committee is scheduled for Tuesday, September 15, 5:30 p.m. – 7:00 p.m., at the downtown Library auditorium. The Complete Count Committee would help increase awareness of the 2010 Census and motivate our residents to respond. Members include a cross section of community representatives from government agencies, education, business, faith-based organizations, and the media who would work to make sure everyone in Durham is counted.
- The Durham Center would sponsor its 4th Annual “Recovery Celebration Block Party” on Friday, September 25, from 4:00 – 7:00 p.m. at the Farmer’s Market at Durham Central Park. The event features food, fun, entertainment, and the inspiring stories of people in recovery from alcohol and drug addiction. This year’s theme is “Join the Voices for Recovery: Together We Learn, Together We Heal.”
- The Project Homeless Connect Steering Committee 2009 will celebrate the 3rd Annual Project Homeless Connect event on Thursday, October 8, 2009. This free event would be held at the Durham Bulls Athletic Park at 409 Blackwell Street from 10:00 a.m. to 4:00 p.m. Durham's Project Connect is a one-day, one-stop shop designed to provide support and interventions to prevent and reduce homelessness in Durham. For volunteering, questions, or sponsorship, please contact Ms. Lanea Foster at 919 683-1185 ext. 29 or lanea@dahc.org.

Chairman Page recapped that a proclamation was presented to Ms. Scott Hill, Durham Chair of Sister Cities of Durham Inc., at the Board's September 8 Worksession to recognize September 13 as "September Concert for Peace Day". He shared that the concert was excellent and that it promoted peace and unity within the community. Chairman Page commended Ms. Hill and her organization for the program.

Commissioner Bowser acknowledged Geraldine Thompson, newly appointed Social Services Director. He asked her to stand and be recognized.

Commissioner Bowser thanked Ms. Brenda Watts for inviting him to visit the transitional housing for veterans sponsored by the Travis Porter Veterans Resource Center. He encouraged the Commissioners to visit the housing campus at their leisure.

Commissioner Bowser addressed an article in The Durham News concerning revenue distribution by the Raleigh-Durham International Airport (RDU). He enlightened the public on his stance, stating that Durham should participate in the distribution and share a part of the revenues. Commissioner Bowser also noted that approximately 70-80% of Durham's private payroll is used to benefit other communities.

Vice-Chairman Reckhow asked staff to research joint airports in the country (i.e. Dallas/Fort Worth International, Minneapolis-St. Paul International) to determine if revenue sharing occurs and if the airports are located in both jurisdictions.

Commissioner Heron concurred with Commissioner Bowser's sentiments regarding revenue sharing with RDU. She opined that the revenue issue may be resolved by the Legislation.

Commissioner Bowser asked that the Board direct the County Manager to write a letter to the City Manager requesting the City's participation in the Computers for Kids project in hopes of expediting the process to provide computers for Durham homes.

Chairman Page mentioned that a Durham Public Schools (DPS) staff member relayed a need for computers at Y.E. Smith Elementary School.

Vice-Chairman Reckhow communicated that computers would be provided to the Holton Career and Resource Center through an effort similar to Computers for Kids. She suggested making schools in need of computers a top priority.

County Manager Mike Ruffin stated that he asked Dr. Carl Harris, DPS Superintendent, to inform him of additional school needs for computers. He agreed to follow-up with Dr. Harris and Cassandra Fogg, Y.E. Smith Elementary School Principal, on computer needs at Y.E. Smith Elementary.

Minutes

Commissioner Heron moved, seconded by Commissioner Howerton, to approve as corrected the August 3, 2009

Worksession Minutes and as submitted the August 10, 2009
Regular Session Minutes of the Board.

The motion carried unanimously.

Proclaim September 28 “Family Day—A Day to Eat Dinner With Your Children”

Chairman Page announced that on Monday, September 28, families across America are encouraged to designate time to dine together. He read the following proclamation into the record:

PROCLAMATION

WHEREAS, "Family Day—A Day to Eat Dinner With Your Children" is a national effort to promote parental engagement as a simple, effective way to reduce youth substance abuse risk and raise healthier children; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America; and

WHEREAS, Family Day stresses the importance of regular family activities to improve parent-child communication and encourages Americans to make family dinners a regular way of life; and

WHEREAS, in 2001, the National Center on Addiction and Substance Abuse (CASA) at Columbia University launched Family Day as an annual event, which takes place on the fourth Monday of each September; and

WHEREAS, celebrating Family Day is as simple as eating dinner with your children and engaging in other family activities; and

WHEREAS, studies have consistently shown that the more often a child eats dinner with his/her family, the less likely that child is to smoke, drink, or use illegal drugs; and

WHEREAS, frequent family dining is linked to doing well in school and developing healthy eating habits, and this pattern holds true regardless of a child's gender, family structure, or family socioeconomic level:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim Monday, September 28, as

FAMILY DAY—A DAY TO EAT DINNER WITH YOUR CHILDREN

in Durham County. I urge all citizens in Durham County to make an effort to eat dinner together and to spend quality time with their families by engaging in other wholesome activities that help unite and strengthen the bonds between parents and children.

This the 14th day of September, 2009.

Chairman Page recommended forwarding the Board-approved proclamation to Durham Public Schools (DPS) to assist in promoting the “Family Day” initiative.

Ellen Holliman, Director of The Durham Center, consented to following up with DPS. She reported that studies have found that children who eat dinner with their families are less likely to use drugs or alcohol. On “Family Day—A Day to Eat Dinner With Your Children”, Ms. Holliman expressed hope that families across the country would increase their appreciation of regular family activities, parent-child communication, and the likeliness that parents and children would have dinner together.

Vice-Chairman Reckhow referred to a recent television segment on recently deceased Senator Edward Kennedy where he discussed the importance of engaging in conversation with your children.

Chairman Page presented the proclamation to Ms. Holliman.

**Proclamation to Recognize Minority Enterprise Development Week
October 5 – October 9, 2009**

On January 14, 2008, the Board of County Commissioners approved an ordinance to continue the County’s Minority/Women Business Enterprise Program. Local and National Minority Enterprise Development programs provide assistance to minority and women groups who own or wish to start or expand their own businesses. As a part of the program promotion and continued efforts to enhance participation in governmental contract awards to minority and women businesses, the Board was requested to approve a proclamation to recognize October 5 through October 9, 2009 as Minority Enterprise Development Week in Durham County.

Chairman Page read the following resolution into the record:

PROCLAMATION

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County’s contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with the law; and

WHEREAS, G.S. § 143-128 provides for Good Faith Efforts to be made in an effort to ensure fair participation of minority and women business owners in all County projects; and

WHEREAS, it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination, and resolve claims of such discrimination; and

WHEREAS, the County of Durham is a sponsor of the Minority Enterprise Development Week:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim October 5-October 9, 2009 as

MINORITY ENTERPRISE DEVELOPMENT WEEK.

This the 14th day of September, 2009.

Commissioner Heron stated that Durham County does a good job with recognizing all areas of businesses when awarding contracts.

Commissioner Bowser expressed appreciation for the proclamation; however, he spoke to the City of Durham's success rate in awarding contracts to minority and women-owned businesses.

Pamela Gales, CLGPO, Assistant Purchasing Manager, apprised the Board of upcoming events during Minority Enterprise Development Week. She thanked Deborah Giles, Director of Equal Opportunity/Equity Assurance, City of Durham, for inviting Durham County to be a sponsor each year.

Ms. Gales responded to Commissioner Howerton's inquiries regarding 1) collaborating with the City of Durham on M/WBE projects and 2) holding conferences to educate the public, including minority and women-owned businesses and the County's prime contractors, on how to obtain County contracts.

Commissioner Heron inquired about a list of minority and women-owned businesses that are contacted when the County has a contract out for bid.

Ms. Gales accepted the proclamation from Chairman Page.

Consent Agenda

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

- *a. Budget Ordinance Amendment No. 10BCC000008—Request for Additional Firefighter Position (1.0 FTE)—Lebanon Volunteer Fire Department (approve Budget Ordinance Amendment No. 10BCC000008 to create an additional full-time Firefighter position [1.0 FTE] for Lebanon Volunteer Fire Department and approve a transfer of funds from the Lebanon Fire District Special Revenue Fund to the County of

Durham General Fund to cover the salary and benefit costs for the additional FTE in the Fire Marshal's business area);

- *b. Approve Budget Ordinance Amendment 10BCC000009 Recognizing \$5,509,679 in Additional Revenue;
- *d. Approve Budget Ordinance Amendment No. 10BCC000011 for FY08-09 Encumbrances Rollover;
- *e. Office of the Sheriff and City of Durham Police Department Acceptance of 2009 Edward Byrne Memorial Justice Assistance Grant (JAG – Local Solicitation) for \$192,999 and Budget Ordinance Amendment 10BCC000012 Appropriating Those Grant Funds for Sheriff Department Related Security Enhancements (approve acceptance and Budget Ordinance Amendment 10BCC000012 appropriating the \$192,999 award to be shared equally with the City);
- *f. Approve Budget Ordinance Amendment No. 10BCC000013 Public Health—Recognize Grant Funds in the Amount of \$6,845 from the Department of Health and Human Resources for the Environmental Health Division;
- *g. Approve Budget Ordinance Amendment 10BCC000014—Appropriating General Fund Fund Balance (\$96,759) to Complete the Purchases of Sheriff Vehicle Equipment for New Vehicles;
- h. Request for Authorization to Award an Engineering Services Contract to Sud Associates for the Design Development and Construction Documents for the replacement of the Administrative Complex Chiller (authorize the Manager to enter into a contract with Sud Associates to perform all construction engineering services necessary for design engineering, project administration, and close-out documentation for a total contract not to exceed \$46,600);
- i. The Durham Center—Vehicle Donation Request (approve the donation of the minivan);
- *k. Adopt the Amendment to the Durham City-County Interlocal Cooperation Agreement for Planning;
 - 1. Computers 4 Kids (approve the release of 184 Durham County desktop computer systems including monitors from our life-cycle replacement surplus to support the Computers 4 Kids initiative and the United Way of the Greater Triangle);
- m. Holton School Career Center Computer Donation (approve the release of 15 Durham County desktop computer systems [including monitors] from our life-cycle replacement surplus to support the new Holton School Career Center);
- n. Durham County Email Archiving System (approve the E-Mail Archiving Solution and authorize the County Manger to enter into the necessary contracts an amount not to exceed \$163,075);

- o. Encroachment Agreement with NCDOT at Creekside Elementary School (approve the Right-of-Way Encroachment Agreement with NCDOT related to the Creekside Elementary School addition and authorize the Manager to execute the agreement);
- *p. Capital Project Amendment No. 10CPA000004—Creation of Lincoln Community Health Center—Phase I Renovation Project (47302635DC133), and Execution of Contract Amendment for Architectural Design Services with Swanson + Stewart Architects for the LCHC Phase I Renovation (approve Capital Project Amendment No. 10CPA000004 appropriating \$1,300,770 in federally awarded grant funds to create a new Phase I Renovation capital project for the Lincoln Community Health Center and authorize the County Manager to execute a contract amendment with Swanson + Stewart Architects [SSA] to provide architectural services for the Phase I Renovation in the amount of \$94,500 thus increasing the total compensation for basic design services, additional design services, reimbursable expenses to \$128,172); *Vice-Chairman Reckhow suggested that staff work with LCHC to post a press release to inform the public of the stimulus money to be received, which would assist with the project;*
- q. Contract with Lincoln Community Health Center for Renovation Project (approve the agreement between the County and Lincoln Community Health Center Inc., the Notice of Federal Interest, and the Letter of Consent, and authorize the Manager to execute the documents);
- *r. Capital Project Amendment No. 10CPA000005—Closing County Computer Replacement Project (DC080, 2003 and 2006 Funding) and Telecommunications Systems Upgrade Project (DC084, 2005 Funding) (approve Capital Project Amendment No. 10CPA000005 closing the County Computer Replacement Project [DC080] and the Telecommunications Systems Upgrade Project [DC084] allowing these completed projects to become final assets and begin depreciation); and
- s. Public Health—Approve the Restructuring of Fees for the Pre-Exposure Rabies Vaccine (RabAvert) (approve restructuring the Pre-exposure rabies vaccine [RabAvert] fee and increasing the fee to \$200 to better recoup the cost of administering the vaccine).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 10BCC000008—Request for Additional Firefighter Position (1.0 FTE)—Lebanon Volunteer Fire Department (approve

Budget Ordinance Amendment No. 10BCC000008 to create an additional full-time Firefighter position (1.0 FTE) for Lebanon Volunteer Fire Department and approve a transfer of funds from the Lebanon Fire District Special Revenue Fund to the County of Durham General Fund to cover the salary and benefit costs for the additional FTE in the Fire Marshal's business area).

DURHAM COUNTY, NORTH CAROLINA
 FY 2009-10 Budget Ordinance
 Amendment No. 10BCC000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 | \$12,052,265 | \$26,384 | \$12,078,649 |

Expenditures:

| <u>Function</u> | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|-----------------------------|-----------------------|--------------------------|-----------------------|
| <u>GENERAL FUND</u> | | | |
| Public Safety | \$43,382,053 | \$26,384 | \$43,408,437 |
| <u>SPECIAL REVENUE FUND</u> | | | |
| General Government | \$1,519,191 | \$26,384 | \$1,545,565 |
| Public Safety | \$4,028,374 | (\$26,384) | \$4,001,990 |

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

This the 14th day of September, 2009.

Consent Agenda Item No. b. Approve Budget Ordinance Amendment 10BCC0000009 Recognizing \$5,509,679 in Additional Revenue.

DURHAM COUNTY, NORTH CAROLINA
 FY 2009-10 Budget Ordinance
 Amendment No. 10BCC000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 | \$438,754,433 | \$5,509,679 | \$444,264,112 |

Expenditures:

Function

GENERAL FUND

| | | | |
|----------------|---------------|-------------|---------------|
| Human Services | \$474,542,053 | \$5,509,679 | \$480,051,732 |
|----------------|---------------|-------------|---------------|

This the 14th day of September, 2009.

Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 10BCC000011—
 FY08-09 Encumbrances Rollover.

DURHAM COUNTY, NORTH CAROLINA
 FY 2009-10 Budget Ordinance
 Amendment No. 10BCC000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
 FY 2009-10 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 | \$12,078,649 | \$1,320,643 | \$13,399,292 |
| <u>BENEFITS PLAN FUND</u> | | | |
| Other Financing Sources | \$12,937,614 | \$81,234 | \$13,018,848 |
| <u>SEWER UTILITY FUND</u> | | | |
| Other Financing Sources | \$0 | \$752,791 | \$752,791 |

Expenditures:

| <u>Function</u> | | | |
|------------------------------------|---------------|-----------|---------------|
| <u>GENERAL FUND</u> | | | |
| General Government | \$61,347,698 | \$526,348 | \$61,874,046 |
| Public Safety | \$43,408,437 | \$280,172 | \$43,688,609 |
| Environmental Protection | \$3,464,315 | \$162,891 | \$3,627,209 |
| Economic & Physical Development | \$5,302,446 | \$45,563 | \$5,348,009 |
| Human Services | \$480,051,732 | \$293,959 | \$480,667,078 |
| Cultural & Recreation | \$10,576,863 | \$11,710 | \$10,588,573 |
| <u>BENEFITS PLAN FUND</u> | | | |
| | \$12,937,614 | \$81,234 | \$13,018,848 |
| <u>SEWER UTILITY FUND</u> | | | |
| Utilities | \$8,150,719 | \$752,791 | \$8,903,510 |

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

This the 14th day of September, 2009.

Consent Agenda Item No. e. Office of the Sheriff and City of Durham Police Department Acceptance of 2009 Edward Byrne Memorial Justice Assistance Grant (JAG – Local Solicitation) for \$192,999 and Budget Ordinance Amendment 10BCC000012 Appropriating Those Grant Funds for Sheriff Department Related Security Enhancements (approve acceptance and Budget Ordinance Amendment 10BCC000012 appropriating the \$192,999 award to be shared equally with the City).

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 | \$445,194,999 | \$192,999 | \$445,387,998 |

Expenditures:

| <u>Function</u> | | | |
|--------------------------------------|--------------|-----------|--------------|
| <u>GENERAL FUND</u> Public Safety | \$43,688,609 | \$192,999 | \$43,881,608 |

This the 14th day of September, 2009.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 10BCC000013 Public Health—Recognize Grant Funds in the Amount of \$6,845 from the Department of Health and Human Resources for the Environmental Health Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 | \$445,072,457 | \$6,845 | \$445,079,302 |

Expenditures:

| <u>Function</u> | | | |
|---------------------|--|--|--|
| <u>GENERAL FUND</u> | | | |

Human Services \$480,961,037 \$6,845 \$480,967,882

This the 14th day of September, 2009.

Consent Agenda Item No. g. Approve Budget Ordinance Amendment 10BCC000014—Appropriating General Fund Fund Balance (\$96,759) to Complete the Purchases of Sheriff Vehicle Equipment for New Vehicles.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 | \$13,399,292 | \$96,759 | \$13,496,051 |

Expenditures:

| <u>Function</u> | | | |
|---------------------|--------------|----------|--------------|
| <u>GENERAL FUND</u> | | | |
| General Government | \$61,874,046 | \$96,759 | \$61,970,805 |

This the 14th day of September, 2009.

Consent Agenda Item No. k. Adopt the Amendment to the Durham City-County Interlocal Cooperation Agreement for Planning.

STATE OF NORTH CAROLINA, COUNTY OF DURHAM
INTERLOCAL COOPERATION AGREEMENT

This is an Interlocal Cooperation Agreement between the CITY OF DURHAM, a North Carolina municipal corporation, and the COUNTY OF DURHAM, a political subdivision of the State of North Carolina. This agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes. The date of this agreement is _____, 2009. The agreement replaces, and carries forward, most of the substantive provisions of the initial City-County Interlocal Planning Agreement of June 20, 1988, as amended October 19, 1990, December, 1992, November 2003, August 2005, and October 2008.

The City and County agree as follows:

SECTION I. POLICY

- A. The Governing Bodies hereby find and declare that interlocal cooperation for comprehensive planning and plan implementation is a necessity: Such planning allows for more orderly and coordinated growth, provides a mechanism for consistent analysis of planning issues across political boundaries and therefore gives a more sound basis for policy decisions which affect both political entities. The Governing Bodies recognize that comprehensive planning and its implementation are vital to the public interest. Therefore, it is found that such activities as planning investigations and surveys, formulation of development goals and objectives, and development or means to carry out plans in a cooperative, coordinated and efficient manner are necessary in order that the two governments may more competently perform their duties, and in order that the citizens of the respective jurisdictions may have a better understanding of planning issues and be better able to participate in decision-making.
- B. The purpose of this Agreement is to establish a joint planning endeavor and to provide for the organization and administration necessary to effectuate that endeavor.

SECTION II. DEFINITIONS

The words defined in this section shall have the following meanings when used in this Interlocal Cooperation Agreement, unless otherwise defined or explained hereafter:

- A. "Annual Budget" shall mean the listing of anticipated annual expenditures of the Planning Agency, submitted and approved by the governing bodies pursuant to Section V. Subsections G and H of this agreement.
- B. "Board" shall mean the Durham County Board of Commissioners
- C. "BOA" shall mean the Board of Adjustment
- D. "City" shall mean the City of Durham
- E. "Comprehensive Plan" shall mean the adopted development plan for the community which has been officially adopted to provide long range development policies including all specified individual elements thereof among which are the plans for land intensities, land subdivision, circulation, and community facilities, utilities and services.
- F. "Council" shall mean the Durham City Council
- G. "County" shall mean the County of Durham
- H. "Durham City County Planning Jurisdiction" shall mean the combined geographic area in which the City and County exercise planning and zoning authority.
- I. "Governing Bodies" shall mean the Council and the Board
- J. "Joint City County Planning Committee" (JCCPC) shall mean the advisory committee established pursuant to Section VI of this agreement.
- K. "Plan" shall mean policies, strategies, and programs designed to improve an existing physical condition or to positively affect future physical development.
- L. "Plan Implementation" shall mean those measures used to carry out plans, including ordinances, regulations, technical assistance, public improvements or financing, incentives, and other actions
- M. "Planning" shall mean the process and procedures undertaken to produce a plan including collection and analysis of alternatives, selection, refinement and

- adoption of a plan, as well as the regulation of the development of property through land development regulations including zoning and subdivision
- N. “Planning Department” shall mean the administrative organization responsible for carrying out planning and implementation activities as specified in Section V
 - O. “Planning Commission” shall mean the Durham Planning Commission as herein established pursuant to Section III of this Agreement.
 - P. “Unit or Units of Local Government” shall mean a county, city, consolidated city-county or other local political subdivision or agency of local government.
 - Q. “Work Program” shall mean a listing of anticipated planning projects and other significant work activities to be carried out on an annual basis by the Planning Agency.

SECTION III. PLANNING COMMISSION

A. Establishment of Durham Planning Commission

There is hereby established a joint commission to be known as the Durham Planning Commission. The Planning Commission is designated as the planning advisory body to the City and the County, and shall have the powers and duties described in this Agreement and other powers and duties as may be delegated by the governing bodies from time to time.

B. Appointments by Governing Bodies

1. Number; Composition. The Planning Commission shall consist of fourteen (14) members; of whom seven (7) shall be appointed by the Board and seven (7) shall be appointed by the Council. Seven (7) persons who reside within Durham City limits at the time of their appointment shall be appointed for three (3) year staggered terms by the Council, and seven (7) persons, at least three (3) of whom shall reside within the Durham City limits at the time of their appointment and at least three (3) of whom shall reside outside of the Durham City limits at the time of their appointment, shall be appointed for three (3) year staggered terms by the Board.
2. Subsequent Appointments. Appointments made to fill Commission vacancies shall be made by the governing body that made the initial appointment, and shall be for three (3) year terms except for appointments to replace members who have become disqualified, or have been removed, which shall be for the remainder of the replaced member’s term. New appointments should be made by the governing bodies at least 90 days prior to the expiration of a term to ensure that the newly appointed member is afforded ample opportunity to observe Planning Commission meetings prior to assuming office.
3. Representation. The City Council shall give priority to selecting Planning Commissioners that provide the Planning Commission with a balanced geographic and population representation. The Board of Commissioners shall select Planning Commissioners based on an adopted District representation plan. The Board may appoint a representative from outside the District when a

vacancy cannot be filled by a resident of the District after the position has been advertised twice.

4. Property Taxes. County and City taxes must not reflect any delinquencies before an application is submitted. Members must remain non-delinquent in their local property taxes during their term, with the appropriate policy of the City Council or the Board of County Commissioners applied to their respective appointees regarding payment of taxes that become delinquent during the term of appointment. The Clerk of the appointing jurisdiction shall notify the jurisdiction of any noncompliance with this provision.
5. Vacancies/Removal Prior to Expiration of Term. Upon resignation, permanent disqualification or removal of any member of the Planning Commission, the governing body which appointed that member shall appoint a successor to fill the unexpired term. The governing bodies may only remove members for cause, which shall be defined as failure to meet the obligations set forth in Requirements for Membership, below. If a member is removed by the appointing governing body, the effective date of the action must be explicitly noted by the appointing governing body.
6. Optional Replacement of Members who Move within County. The governing bodies may replace Commission members who move during their tenure if they no longer are within the representation district they previously resided in, or do not meet the in-city or out-of-city appointment requirements they met when appointed. Notification of changes in residency shall be made as part of the Commission's annual report to the governing bodies, and shall be presented along with a breakdown of residency information about all current Commission members.

C. Requirements for Membership on the Durham Planning Commission;
Compensation

1. Term. The term of office of a member of the Planning Commission, except for persons appointed to fill unexpired terms, shall be three (3) years and shall expire on June 30 of the final year of service. If a successor has not been appointed by the respective governing body, however, a member's term shall continue until such appointment is made. No person shall serve consecutively more than two full terms. An individual appointed to a two-year term shall be deemed to have served a full term.
2. Residency Requirements. Members of the Planning Commission shall be residents of the County. Prior to any change in residency, members shall notify the Clerk to the Commission of the prospective change and the date of the move. A member who ceases to be a resident of the Durham City/County Planning Jurisdiction shall become disqualified immediately upon the change in residency, and the governing body that made the appointment shall be notified. Changes of residency within the County may result in replacement by the governing body that made the appointment (see Appointments by Governing Bodies, #3). Such changes in residency shall be reported to the governing bodies in the Commission's yearly report.

3. Voting Conflicts; County Ethics Policy. Commission members shall follow state statutory requirements regarding voting when there are conflicts of interest. In addition, they shall follow the County Ethics Policy, as such policy may be amended from time to time and annually shall complete the disclosure form provided by the County.
4. Attendance. Members shall attend at least seventy-five (75) percent of the total number of regular meetings of the Planning Commission during any twelve (12) month period, except for excused absence due to illness or other extraordinary circumstances. The Planning Commission shall establish, within its Rules of Procedure, conditions which constitute an excused absence, and the case-by-case application of those rules shall be the duty of the Chairperson of the Planning Commission. The Chairperson shall immediately report to the appropriate governing body, the failure of any member appointed by said governing body to meet said attendance standard, and the appropriate governing body may then remove said member from the Planning Commission.
5. Compensation. Members shall receive such compensation and reimbursement for expenses as the governing bodies may prescribe.

D. Operating Procedures

The Planning Commission shall elect its own officers in a manner prescribed in its Rules of Procedure. Further, the Planning Commission shall comply with the following:

1. The officers of the Planning Commission shall be a Chairperson and Vice Chairperson, one of whom shall be a City appointee and one of whom shall be a County appointee. The positions shall alternate between a City appointee and a County appointee at least every two years.
2. The Planning Commission may establish *ad hoc* committees of the Commission, and may also establish citizen committees or subcommittees to advise the Planning Commission; however, any such committees or subcommittees shall not receive staff support, unless explicitly provided for by the Joint City/County Planning Committee.
3. The Planning Commission shall adopt rules of procedure for the transaction of its business. Such rules shall be consistent with applicable laws, ordinances and regulations and shall be filed with the city and county clerks. Such rules shall include, but not be limited to, the adoption of the County Ethics Policy as part of the Commission's procedures, and any other relevant provisions concerning conflicts of interest. Changes to the Commission's adopted rules of procedure shall be summarized as part of the yearly report made by the Commission to the governing bodies
4. The Planning Commission shall hold regular monthly meetings, and may hold special meetings. The regular meeting may be canceled by the Chairperson,

acting in concert with the Planning Director, if a determination is made that there is no business to conduct. All meetings shall be open to the public but the Planning Commission may hold appropriate closed sessions when allowed or required by law.

5. The Planning Commission may invite and receive suggestions from the public concerning any and all matters within the scope of its duties.
6. The Planning Commission shall keep minutes, which shall record all actions taken by it. Such minutes shall be public records, when required by law.
7. The Planning Commission shall adopt policies and procedures encouraging broad public input on all plans and programs for which the Planning Commission has review responsibility.

E. Voting

1. Quorum. A quorum for the Planning Commission shall consist of eight (8) members present.
2. Conflicts of Interest. Members may be disqualified from voting for a conflict of interest as determined under State statute or the County Ethics Policy. The procedures for recusal and for determining potential or actual conflicts of interest shall be as provided in the Commission's Rules of Procedure.
3. Duty to Vote: A member of the Planning Commission must vote unless the member has a conflict of interest or other good cause. The Commission's Rules of Procedure shall address the process by which members may be excused from voting.
4. Votes Required for Action. Actions of the Planning Commission shall require a simple majority vote of those present and voting, a quorum being present. A tie vote shall be considered as a recommendation to deny the change requested.
5. Annual Report. The Planning Commission shall submit an annual report to the governing bodies summarizing actions taken in the past year and recommendations as to ordinance changes, processing of zoning applications, consideration of land use plans, and other areas in which the Planning Commission has input. The report shall include a breakdown of Commission membership by district and by residency inside and outside the City and shall show any seats for which new members could be sought due to changes in residency, in accordance with the provisions above. It shall also summarize any changes made in the Commission's Rules of Procedure.

F. Powers and Functions of the Planning Commission

1. For the purpose of fulfilling its role as contemplated by this agreement, the Planning Commission is hereby designated as a planning board pursuant to G.S. 153A-344 and G.S. 160A-.383 The Commission may also take on any other planning related functions as delegated, in writing, by the governing bodies.
2. Pursuant to Article 19 Chapter 160A and Article 18 Chapter 153A of the North Carolina General Statutes, the Planning Commission shall have among other duties the following duties:
 - a. Propose and review policies and procedures for encouraging broad public input on all comprehensive, area, sub-area, neighborhood and functional plans.
 - b. Review and make recommendations on the annual Work Program of the Planning Department
 - c. Review reports of committees it has appointed, or other commissions or agencies making recommendations in the area of land use planning.
 - d. Review and make recommendations on plans, including the Comprehensive Plan and land use, transportation, and capital improvements plans, planning policy and planning implementation actions and on amendments to these plans. Such review and recommendations shall be transmitted to the appropriate governing bodies for consideration during their deliberation.
 - e. Coordinate with the City, County and the Planning Department in order to accommodate Work Program or Annual Budget changes which may result from contracts between the City and the County, or the application for or receipt of funds by the City or County from the Federal government and its agencies, the State government and its agencies, any local government and its agencies, or any private or civic sources.
 - f. Coordinate with the City, County and the Planning Department in accommodating any Work Program or Annual Budget changes which may result from the City or County contracting with any other city, county, or regional council or planning agency under which the City or County agrees to furnish technical planning assistance to the other entity.

- g. Advise and cooperate with units of local government, State government or Federal government on any matter within the Planning Commission's powers and duties.
- h. Review and make recommendations to the appropriate governing body concerning proposed zoning map changes and proposed text changes to the Unified Development Ordinance.
- i. Serve, if requested by either governing body, or if required by ordinance as *ex officio* members on other appointive boards, commissions or committees.
- j. Carry out such additional duties as may from time to time be given or directed by either governing body, so long as no conflict exists between the City and County concerning work priorities or use of resources. In such a case where a conflict exists, the Joint City-County Planning Committee shall work out a resolution to the conflict sufficient for the Governing Bodies to agree upon.

SECTION IV. BOARD OF ADJUSTMENT

A. Establishment of the Board of Adjustment (BOA)

There is hereby established a joint BOA which shall exercise all the powers and duties authorized under G.S. 160A-381, G.S. 160A-388, G.S. 153A-340, and G.S. 153A-345, all applicable special enabling legislation including, but not limited to Section 93 of the Durham City Charter, the City and County zoning ordinances and any other applicable ordinances.

B. Structure of BOA; Appointments by Governing Bodies

1. Composition. The BOA shall consist of seven (7) members and three (3) alternates. The Council shall appoint four (4) members and one (1) alternate. All must reside within the City limits at the time of appointment. The Board shall appoint three (3) members and two (2) alternates of whom at least three (3) must reside outside the City limits at the time of appointment.
2. Vacancies and Removal. Upon resignation, permanent disqualification or removal of any member of the BOA, an alternate appointed by the governing body that made the original appointment shall fill the subsequent vacancy in that position for the remainder of the previous member's term.
3. Diverse Representation. In making appointments, the Council and the Board shall make a good faith effort to assure urban and rural

representation on the BOA. Alternates shall be given first consideration for nomination to regular positions on the BOA.

C. BOA Membership

1. General/Term. The term of office of members of the BOA shall be three (3) years, except where a member is replacing a member whose term has not ended, and shall expire on June 30 of the final year of membership. Members shall receive such compensation and reimbursement of expenses as the governing bodies may prescribe.
2. Membership Requirements. Members of the BOA shall be residents of the County and shall be subject to the following conditions:
 - a. Residency. A member or alternate who ceases to be a resident of the Durham City/County Planning Jurisdiction shall be immediately disqualified from membership upon the change of residency and shall resign from the BOA upon such change.
 - b. Property Taxes. County and City taxes must not reflect any delinquencies before an application is submitted. Members must remain non-delinquent in their local property taxes during their term, with the appropriate policy of the City Council or the Board of County Commissioners applied to their respective appointees regarding payment of taxes that become delinquent during the term of appointment. The Clerk of the appointing jurisdiction shall notify the jurisdiction of any noncompliance with this provision.
 - c. Attendance. Members have an obligation to attend at least seventy-five (75) percent of the total number of regular meetings of the BOA as further prescribed in the BOA's Rules of Procedures, and may be removed by the appointing governing body for failure to meet this standard.

D. Operation of the BOA

1. The officers of the BOA shall be a Chairperson and Vice Chairperson. They shall be elected by the BOA in accordance with its Rules of Procedure and shall have such duties as prescribed in the Rules of Procedure.
2. The BOA shall adopt Rules of Procedure concerning the conduct of the business of the BOA and other necessary matters. Votes required to approve matters before the BOA shall be as provided by General Statute, special legislation, ordinance and such Rules.
3. The BOA shall be subject to applicable state statutes regarding conflicts of interest in voting. In addition the BOA shall follow the Ethics Policy of the

County, as such may be amended from time to time. Annually, members shall complete the disclosure form provided by the County.

4. The BOA shall furnish an annual report to the City Council and to the Board in which the previous year's work shall be summarized and any recommendations for changes in zoning ordinance or policy shall be made.

E. Legal Representation and Liability

The City Attorney's Office and County Attorney's Office shall provide legal support and representation for the BOA on issues arising from actions taken within and on behalf of their respective jurisdictions and for issues that arise before the BOA involving the respective jurisdictions. The City shall be liable for judgments rendered against the City and for actions within the City and the County shall be liable for judgments against the County and for actions outside the City. When both the City and the County are named in any action against the BOA or neither jurisdiction is named but the BOA itself is named, the jurisdiction on whose behalf the contested action was taken shall be responsible for defense and payment, if any, of the claim, and, where necessary, shall cooperate in allowing dismissal of the other jurisdiction. In any action, the offices of the City and County Attorney shall only be responsible for representing their respective jurisdictions, and the BOA actions involving their jurisdictions.

SECTION V. ADMINISTRATION

A. Establishment of Durham Planning Agency.

There is hereby established the Durham Planning Agency, which shall consist of the Director and such subordinate employees as may be funded in the Annual Budget. The Planning Agency is designated as the administrative body for performing the professional planning functions and providing information, reports, and recommendations to the Planning Commission, City and County Managers and governing bodies.

B. Responsibility of Agency/Selection of Director/Responsibilities.

The Planning Agency shall provide such management, regulatory, administrative, and support services as are required or provided for under the approved Work Program and Annual Budget.

1. Director. The administrative head of the Planning Agency shall be the Planning Director. The process for the appointment, evaluation and termination of the Planning Director shall be as follows:
 - a. Appointment of the Planning Director. The Planning Director shall be appointed by the City Manager and the County Manager, acting in concert.

- b. Evaluation and Supervision of Director. The City and County Managers shall meet at least annually with the Director to evaluate the performance of the Director.
 - c. Termination of Director. The Planning Director may be terminated by the City Manager and County Manager, acting in concert.
2. Duties of Director. Pursuant to and consistent with the provisions of the annual Work Program and Annual Budget, the Planning Director shall perform the following duties:
- a. Appoint, reappoint, assign and reassign all subordinate employees of the Agency and prescribe their duties;
 - b. Coordinate the activities of the Agency in its functions with other local, State and Federal agencies;
 - c. Represent the Planning Department, Planning Commission, City or County Manager, or governing bodies, before any agency or local government, the State, any other State or the United States with respect to:
 - i. Functions, analysis or recommendations of the Planning Department;
 - ii. Adopted policies of the Planning Commission or Governing Bodies;
 - iii. Other matters as may be directed to the Planning Director from time to time by the Planning Commission, the City or County Managers, or the Governing Bodies.
 - d. Prepare and submit to the Planning Commission and City and County Managers the Department's Work Program and Annual Budget. The Planning Director will prepare revisions to the Work Program or Annual Budget, as needed for subsequent action by the Planning Commission, City and/or County Manger(s), or the Council or Board, as may be required.
 - e. Perform professional planning duties as administrative head of the Planning Department, including but not limited to the following:
 - i. Meet with City and County officials and discuss planning issues, including the development of capital improvement and infrastructure plans, and the development of policy options in response to those issues;

- ii. Meet and discuss with City and County departments and other public agencies or private groups planning programs in process, under consideration, or established as community objectives.
 - iii. Meet and consult with individuals and groups affected by planning issues, programs, and activities, in order to encourage citizen participation in the planning process;
 - iv. Advise the City and County Managers concerning planning issues and activities of City or County government, which have planning implications;
 - v. Provide management, leadership, and oversight for all planning and implementation activities of the Planning Agency;
 - vi. Facilitate the understanding of planning issues and processes by the Planning Commission, City and County governmental agencies and general public.
 - vii. Perform such other duties as may be prescribed by the governing bodies or City or County Managers, or which may be required to carry out the terms of this Agreement
- f. Regularly advise the Planning Commission, City and County Managers and governing bodies concerning the activities and program progress of the Durham Planning Agency.
- g. Annually complete the disclosure form provided by the County to ensure compliance with the County Ethics Policy.

C. Applicable Policies and Procedures for Employees

1. Joint Employees. The Planning Department staff shall be considered joint City/County employees.
2. Policies. In order to facilitate administration of the department, the personnel procedures of the City shall be followed by the Planning Agency regarding the selection, advancement, discipline, and dismissal of employees, with the exception of special provisions specified in this Agreement regarding selection and retention of the Planning Director; compensation and expenses; and affirmative action and equal employment opportunity.
3. Workers' Compensation. Costs and expenses associated with workers' compensation shall be apportioned as follows:

- a. Unless otherwise specified in the Annual Budget of the Department, the City shall be responsible for administering the workers' compensation program, for the handling of legal claims associated with such program, and for all expenses related thereto, except as may be specifically excepted below;
- b. Notwithstanding the above, the administration, legal defense, and other expenses of workers' compensation claims for any employee funded solely by the County to do County work shall be the responsibility of the County;
- c. Salary continuation or other expenses associated with workers' compensation that are generally included as part of the Planning Department's budget shall be apportioned between the City and the County in the same manner as all other expenses that are part of the Department's budget, with the exception of expenses associated with employees who are funded solely by the County or by the City. In the case of such employees, the jurisdiction paying the employee's salary shall be responsible for any expenses.

D. The budget and financial procedures of the City shall be followed by the Planning Agency.

E. Property.

The City shall own, and may sell or otherwise dispose of any, or all real and personal property used by the Planning Agency. If such property is sold, the sale proceeds shall be divided between the City and County in proportion to the share of the City and/or County in the original acquisition cost. For example, the proceeds of the disposition of property purchased and funded by one government shall revert to that government and the proceeds from the sale of any jointly purchased property shall revert to the City and County in the same proportion as each contributed to the initial purchase of the property. If the proportion of acquisition costs cannot be determined, the disposition shall be in the same ratio as the respective governing bodies assume for the expenses of the Department at the time of sale.

F. Work Program.

The annual Work Program shall be prepared and approved as follows:

1. The annual Work Program shall be prepared by the Planning Director.
 2. The Planning Director shall present the annual Work Program to the City and County Managers and to the Planning Commission.
 3. After recommendations have been made by the Planning Commission and the City and County Managers have approved the Work Program, the Planning Director shall present the Work Program approved by the City and County Managers, together with the Planning Commission recommendation, to the Joint City-County Planning Committee. The recommendations of the Joint City-County Planning Committee shall then be forwarded to the governing bodies for their action

G. Budget.

The Annual Budget process shall be coordinated with and related to the development of the Work Program. The Planning Director shall prepare and submit the proposed Annual Budget to the City and County Managers at the time they are reviewing the proposed annual Work Program. Once the City and County Managers have agreed on their Work Program recommendation to the governing bodies, the proposed Annual Budget shall, if necessary, be revised to be consistent with and reflective of the City and County Managers' recommended Work Program. The proposed Annual Budget shall be prepared in a manner and detail consistent with City departmental budget requests

The Planning Director, after obtaining concurrence from the City and County Managers, shall submit the recommended Annual Budget, together with the recommended annual Work Program, to the Joint City-County Planning Committee for their review and consideration along with the recommendations of the Planning Commission concerning the Work Program. The ultimate authority for approval of the budget shall rest with the governing bodies. In the event of a conflict between the governing bodies concerning the budget or any expense incurred under this Agreement, the Joint City-County Planning Committee shall propose to the governing bodies a resolution to the conflict.

H. Method of Funding; Reimbursement of Budget Expenses

1. The expenses of the approved Annual Budget and all other unanticipated expenses shall be apportioned between the City and County on an equal basis, with each contributing half of the cost of shared functions of the Department.
2. The City shall initially pay any expenses incurred under this Agreement, subject, however, to reimbursement by the County in the manner prescribed in the next paragraph. Such procedure may be varied, however, for contracts or other obligations for planning services that are not included within the approved annual budget, or that are invoiced on a separate basis.
3. The County shall pay to the City on a monthly basis, in advance, an amount equal to (i) one-twelfth (1/12) of the County's portion of the approved Annual Budget (such amount to be determined as provided in paragraph 1 of this Subsection); plus (ii) the County's portion of any unanticipated expense incurred during the immediately preceding month (such proportion also to be determined as prescribed in paragraph 1 of this Subsection). The County's payment shall be made by wire not later than 12:00 noon on the first business day of the month.
4. The expenses to be apportioned between the City and County pursuant to paragraph 1 of this Subsection H shall be net expenses. Net expenses shall be determined by subtracting from total expenses (including unanticipated expenses) all fees, charges and other similar revenues received by the City

or County from the general public for any service, function or activity which is jointly funded by the City and County under this Agreement. If, for any reason, the amount paid by the County to the City pursuant to paragraph 3 of this Subsection for any fiscal year differs from the amount of net expenses for the fiscal year, then the Directors of Finance of the City and County shall meet and determine the amount of such difference. In the event of an overpayment, the City shall refund such overpayment to the County. In the event of an underpayment, the County shall pay the amount of such underpayment to the City. This reconciliation shall be completed on or before October 15th following each fiscal year.

5. Either the City or the County may fund services over and above those approved in the Annual Budget as part of the shared functions of the Department. When such additional services are requested by either the City or County and are performed for the benefit of the requesting government, then the requesting government shall pay the expenses associated with such service(s).

I. Legal Representation and Liability

The City Attorney's Office and County Attorney's Office, respectively, shall provide legal support and representation for the Planning Department and its employees on issues arising from actions taken within and on behalf of their respective jurisdictions and for issues that arise before the various commissions, agencies, and programs that are staffed and directly supported by the Planning Department. Legal support and compensation for claims against Planning Department employees shall be in accordance with the adopted policies and procedures of the respective jurisdiction regarding defense of employees and payment of claims. For the County, such policy is the Durham County Policy of Uniform Standards for Claims Against Employees, Officers and Officials as amended, and for the City such policy is the Resolution Establishing Uniform Standards Under Which Claims or Civil Judgments Sought or Entered Against City Officers and Employees May be Paid. The City shall be liable for judgments rendered against the City and the County shall be liable for judgments against the County. When both the City and the County are named in any action against the Planning Department and/or an employee or neither jurisdiction is named but the Planning Department itself is named, the jurisdiction on whose behalf the contested action was taken shall be responsible for defense of the claim, consistent with the policies identified above, and, where necessary, shall cooperate in allowing dismissal of the other jurisdiction. In any action, the offices of the City and County Attorney shall only be responsible for representing their respective jurisdictions, and for Department employees acting on behalf of their jurisdictions, as detailed above, and shall not be responsible for representation of the other jurisdiction.

- A. There is hereby established a Joint City-County Planning Committee (“JCCPC”), comprised of three members from each governing body, and as *ex officio* members, the Planning Director, the City and County Managers, and the Chairperson of the Planning Commission. Any other member of the governing body may serve in the absence of a regular member from that body. *Ex officio* members may also designate an alternate to represent them in their absence from regular meetings. Voting members of the JCCPC shall be the governing body members, and any alternate substituting for such member, and the Chair of the Planning Commission, and the alternate substituting for the chair.

The function of this committee is to expedite consideration by the two governing bodies of planning issues which affect both governments. The committee is advisory to the two governing bodies and has no ultimate decision-making power, but is created to help develop consensus between the City and County concerning planning issues for which coordinated decisions must be made.

- B. The duties of the Committee are as follows:
1. Advise the City and County Managers and Planning Director on the proposed Annual Budget and Work Program, and provide appropriate input to the governing bodies concerning those matters.
 2. Review proposed planning policies, programs and regulatory requirements that affect both governments; advise the City and County Managers and Planning Director, and provide appropriate input to the governing bodies concerning those matters.
 3. Discuss and propose resolution to any disputes arising between the City and County involving the budget, the planning program, or the policy content of the planning program.
 4. Discuss and make recommendations on any other matters concerning City-County Planning as may be deemed appropriate by the governing bodies.
- C. The seven (7) voting members shall elect a Chairperson and a Vice Chairperson, each January, alternating the Chairmanship each year between the City and County. The Planning Director shall confer with the Chairperson concerning the agenda of each meeting.

SECTION VII. GENERAL TERMS OF AGREEMENT

- A. This Agreement may be amended from time to time upon mutual consent of the Governing Bodies expressed in writing. The Governing Bodies shall review this Agreement at least once every five (5) years.
- B. It is the intent of the City and County under this Agreement for the City to exercise no planning or zoning authority within an Extraterritorial Area (ETA).
- C. Either the City or County may terminate this Agreement for any reason as follows:

1. Termination: This Agreement can only be terminated as of the beginning of any fiscal year, except as provided under paragraph 2, below. Notice to terminate must be given in writing to the other party on or before January 1 immediately preceding the proposed July 1 termination date.
2. This Agreement may also be terminated by either party upon thirty (30) days prior written notice to the other party in the event the City and County are unable to agree upon an Annual Budget or Annual Work Program.
3. Return to ETA Jurisdiction: If this agreement is terminated, the Extraterritorial Area Jurisdiction of the City established by Resolution adopted by the Durham County Commissioners on June 5, 1972 and by Ordinance adopted by the Durham City Council on July 3, 1972, shall be restored to the City by the County in accordance with applicable General Law.

Consent Agenda Item No. p. Capital Project Amendment No. 10CPA000004—Creation of Lincoln Community Health Center—Phase I Renovation Project (47302635DC133), and Execution of Contract Amendment for Architectural Design Services with Swanson + Stewart Architects for the LCHC Phase I Renovation (approve Capital Project Amendment No. 10CPA000004 appropriating \$1,300,770 in federally awarded grant funds to create a new Phase I Renovation capital project for the Lincoln Community Health Center and authorize the County Manager to execute a contract amendment with Swanson + Stewart Architects [SSA] to provide architectural services for the Phase I Renovation in the amount of \$94,500 thus increasing the total compensation for basic design services, additional design services, reimbursable expenses to \$128,172).

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Capital Project Ordinance
Amendment No. 10CPA000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 Phase I Renovation Project | \$0 | \$1,300,770 | \$1,300,770 |

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

This the 14th day of September 14, 2009.

Consent Agenda Item No. r. Capital Project Amendment No. 10CPA000005—Closing County Computer Replacement Project (DC080, 2003 and 2006 Funding) and Telecommunications Systems Upgrade Project (DC084, 2005 Funding) (approve Capital Project Amendment No. 10CPA000005 closing the County Computer Replacement Project [DC080] and the Telecommunications Systems Upgrade Project [DC084] allowing these completed projects to become final assets and begin depreciation).

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Capital Project Ordinance
Amendment No. 10CPA000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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> | | | |
| Computer Replacement Project (DC080) | \$7,111,500 | (\$179,720.68) | \$0 |
| Telecommunications Upgrade Project (DC084) | \$1,502,800 | (\$1,845.33) | \$0 |

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

This the 14th day of September 14, 2009.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. c. Budget Ordinance Amendment No. 10BCC000010 DSS—Recognize Revenue from Durham Public Schools (DPS) to fund Social Workers that are part of the Community Initiatives Program (approve \$307,673 in revenue from the Durham Public Schools and \$307,673 in revenue from ARCM [Medicaid at-risk case management] and TANF to support 12 social worker positions as part of the Community Initiatives Program within Durham Public Schools for the period of September 1, 2009 through June 30, 2010).

Chairman Page pulled this item to ask for clarification on the funding for the social worker positions.

Toni Pedroza, Assistant Director, Department of Social Services (DSS), explained that DPS was awaiting approval of the State budget before notifying DSS if DPS could continue funding the contract for the 12 positions.

County Manager Ruffin added that staff informed the Board during the FY09-10 budget deliberations that the County would provide funding for the positions through August 2009, pending General Assembly approval.

Vice-Chairman Reckhow questioned why the County would not be reimbursed for funding the positions for July and August.

Ms. Pedroza elaborated on a separate contract for seven social workers.

Vice-Chairman Reckhow inquired about funding for an impending contract for companion nurses.

Ms. Pedroza explained that she is waiting on final funding numbers from Debbie Pittman, Assistant Superintendent for Student Support Services, DPS.

Vice-Chairman Reckhow urged Ms. Pedroza to resolve the contract funding for the companion nurses.

Chairman Page asked if staff anticipates the same situation occurring next fiscal year regarding contract funding for the social workers.

County Manager Ruffin responded in the affirmative, stating that budget cuts are expected to be proposed.

Vice-Chairman Reckhow requested that the County Manager work with Dr. Carl Harris, Superintendent, DPS, to expedite the process to place the contract funding for the seven social workers on the Board's next meeting agenda.

Chairman Page expressed interest in the Board meeting with the State Superintendent and the Legislation to discuss the funding issue for DPS social workers.

Commissioner Heron requested that the County Manager provide a progress report to the Board on the impending contract to fund the companion nurses.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. c.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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 | \$444,264,112 | \$615,346 | \$444,879,458 |

Expenditures:

| <u>Function</u> | | | |
|---------------------|---------------|-----------|---------------|
| <u>GENERAL FUND</u> | | | |
| Human Services | \$480,051,732 | \$615,346 | \$480,667,078 |

This the 14th day of September, 2009.

Consent Agenda Item No. j. Durham Chamber of Commerce—Contract Approval (authorize the County Manager to enter into a contract with the Durham Chamber of Commerce in the amount of \$142,200 to provide industrial development services for Durham County).

Commissioner Bowser requested to pull this item to ask questions pertaining to the contract.

As no representatives from the Durham Chamber of Commerce were present to address Board questions and concerns, County Manager Ruffin advised the Board to defer this item until a later meeting.

Commissioner Bowser stated that his question to the Chamber of Commerce directly relates to a question he wished to pose to DSS, as the Chamber contract focuses on workforce. He relayed a citizen's concern with childcare subsidy in Durham County.

Vice-Chairman Reckhow noted that the Board approved a consent agenda item prior to this discussion, recognizing \$5,446,652 in stimulus funds for child care.

Rhonda Stevens, Social Work Program Administrator II, DSS, reported that approximately 2,300 citizens are on the childcare subsidy waitlist. She stated that despite the \$5 million in stimulus funds, the waitlist may not be dissolved due to the large number of citizens on the list.

Vice-Chairman Reckhow requested a report on how the stimulus funds are being used. She also requested that staff contact each person on the waitlist to ensure that a need for childcare subsidy is still desired.

Ms. Stevens agreed to honor Vice-Chairman Reckhow's requests.

Commissioner Howerton inquired about the length of time a person may be on the waitlist.

Ms. Stevens replied that a citizen can remain on the list until they are identified and meet the childcare subsidy requirements. She added that a waitlist has been active since February 2009.

Vice-Chairman Reckhow expressed dismay that the Board does not receive periodic updates on the childcare subsidy waitlist issue. She directed staff to 1) submit a report on the number of citizens on the waitlist and how much funding is needed to shorten the list, and 2) review the list to ensure childcare subsidy needs are still valid.

County Manager Ruffin communicated that the Durham Chamber of Commerce—Contract Approval would be brought back to the Board at its September 28 Regular Session.

Vice-Chairman Reckhow requested a funding history for childcare subsidy.

Commissioner Bowser requested that the Durham Chamber of Commerce Contract be added to the September 28 meeting agenda as a regular item.

Chairman Page informed Commissioner Heron that he is the County liaison for the Chamber.

Public Hearing—Zoning Map Change—5622 Grandale Drive (Z07-41)

Steven L. Medlin, AICP, City-County Planning Director, introduced this item. He stated that this request was continued from the August 24, 2009 Board of Commissioners meeting to allow the applicant and neighbors to work through some concerns. Mr. Medlin requested that the Board approve a request for a zoning map change for a 7.87-acre site located on the west side of Grandale Road, south of Lyon Farm Drive, north of Sedwick Road. Request: Residential Rural (RR) to Residential Suburban-10 with a development plan (RS-10(D)) He noted that staff recommended approval, based on consistency with the Comprehensive Plan and considering the information provided in the staff report. The Durham Planning Commission recommended and voted 12-1 for approval on July 14, 2009. The Planning Commission found that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believed that the request is reasonable and in the public interest and recommended approval based on the information in the staff report and comments received during the public hearing.

Mr. Medlin noted the following additional committed element proffered by the developer: *A six foot high solid treated wood fence to be installed adjacent to the McLamb Properties (PIN's 0727-02-46-9118, -8299) on lots 8 and 9 prior to issuance of a certificate of occupancy for each lot. The fence must be located on the development side of the required landscape buffer.*

Chairman Page opened the public hearing that was properly advertised. He recognized the following signed speakers for comments:

Leslie M. Kilpatrick, 5622 Grandale Drive, Durham 27713, asked if the property owners would be notified if changes are made to the development plan and asked several questions regarding the committed elements.

Randy Miller, representing Thompson and Associates, 153 Holly Springs Road, Holly Springs 27540, addressed questions raised by the Board pertaining to the following:

- fencing committed element
- development plans

Mr. Medlin responded to Ms. Kilpatrick that if any changes are made to the development plan or committed elements, a new rezoning would be required, which includes issuing a new public notice. He explained the open space requirement, which the developer has met, the fencing committed element, and the tree buffer requirement.

Mr. Medlin replied to Commissioner Heron's question, stating that the development plan would remain valid unless the plan is changed, which would require Board approval of a new rezoning.

Commissioner Heron stressed her desire to ensure that the adjacent property owners are protected.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve with the added committed element.

The motion carried unanimously.

**AN ORDINANCE AMENDING THE DURHAM UNIFIED DEVELOPMENT
ORDINANCE BY TAKING THE HEREAFTER DESCRIBED PROPERTY OUT
OF RR ZONING DISTRICT AND ESTABLISHING THE SAME AS RS-10(D)
DISTRICT**

BE IT ORDAINED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1. THAT THE DURHAM COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING ON ZONING CASE Z07-41 AND VOTED ON September 14, 2009 TO APPROVE THE ZONING MAP CHANGE REQUEST DESCRIBED HEREIN.

SECTION 2. THAT THE DURHAM ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE IS HEREBY AMENDED BY TAKING THE FOLLOWING DESCRIBED PROPERTY OUT OF RR ZONING AND PLACING THE SAME IN AND ESTABLISHING THE SAME AS RS-10(D) ZONING.

PIN - 0727-02-46-5306

LOT 1

Beginning at an iron pin at the Northwestern corner of lot 6, Section One, Lake Park, said point being N 00 26 56 E, 244.95 ft. from the Northern right-of-way of Hamilton Way, a 60' right-of-way; thence from said point of beginning along the Eastern line of the Nannie M. Herndon line N 00 42 56 E, 402.96 ft. to an iron pin, a common corner of the Nannie M. Herndon; thence along the Southern line of the Nannie M. Herndon S 89 27 32 E, 793.00 FT. to an iron pin; thence N 25 27 32 W, 278.00 FT. to an iron pin; thence S 87 57 32 E, 6.29 FT. to an existing iron pin on the Western right-of-way of Grandale Drive, having a 60' right-of-way; thence along the Western right-of-way of Grandale Drive S 11 44 15 E, 113.31 ft.; thence S 15 04 08 E, 173.27 ft.; thence S 15 43 11 E, 121.49 ft., thence S 14 51 32 E, 121.49 ft. to an iron pin at the Northeastern corner of the Mae Francis Bass property; thence leaving the Western right-of-way of Grandale Drive, along the Northern line of the Mae Francis Bass N 88 28 25 W, 210.46 FT. to an iron pin; thence S 01 31 35 W, 115.70 FT. to an iron on the Northern line of lot 2, Gordon Lessie McClamb property; thence along the Northern line of lot 2 N 88 44 01 W, 31.43 ft. to an iron pin at the Northwestern corner of lot 2; thence S 01 15 59 W, 79.54 ft. to an iron pin; thence N 86 07 24 E, 32.48 ft. to an iron pin; thence S 00 25 24 W, 34.98 ft. to an iron pin at the Northwestern corner of the Tremaine Kamil McClamb and Leslie Michelle Kilpatrick property; thence along the Western line of the McClamb/Kilpatrick property S 00 31 06 W, 120.00 ft. to an iron pin on the northern line of Patricia T. Johnson; thence along the Northern line of Patricia T. Johnson, N 89 27 05 W, 92.34 ft. to an iron pin; thence along the Lake Park Subdivision, Section One N 89 27 36 W, 612.97 ft. to an iron pin; said point being the point and place of beginning; containing 7.204 acres and being all of lot 1 of the property of Gordon Lessie McClamb.

LOT 10A

beginning at an iron pin on the western right of way of Grandale Drive, said point being the Northeastern corner of lot 2; thence leaving the Western right-of-way of Grandale Drive along the Northern line of lot 2, N 88 44 01 W, 238.92 ft. to an existing iron pin; thence leaving the Northern line of lot 2, along the Eastern line of lot 1, N 01 31 35 E, 115.70 ft. to an iron pin; thence N 88 28 25 W, 210.4 FT. to an iron pin on the western right-of-way of Grandale Drive; thence along the Western right-of-way of Grandale Drive S 14 51 32 E, 118.10 ft. to an iron pin; said point being the point and place of beginning.

SECTION 3. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

SECTION 4. ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

Public Hearing—Street Renaming—South Alston Avenue Street Renaming (SN0900002)

Steven L. Medlin, AICP, City-County Planning Director, requested that the Board approve to permanently rename five street sections, located southeast of the intersection of T.W. Alexander Drive and NC Highway 55, northwest of the intersection of the county line and Louis Stephens Drive, as listed below:

- Road Section A (between T.W. Alexander Drive and Hopson Road) from Hopson Road to Louis Stephens Drive;
- Road Section B (between the railroad and Hopson Road / Louis Stephens Drive) from South Alston Avenue to Solutions Drive;
- Road Section C (between the railroad and the NC 55 - Hopson Road intersection) from South Alston Avenue to Experiment Drive;
- Road Section D (between NC 55 and Hopson Road) from South Alston Avenue to Strategic Drive;
- Road Section E (between NC 55 and the county line) from South Alston Avenue to Green Level Church Road.

This change would be effective upon adoption.

Mr. Medlin recognized Anne Kramer, Planner, who assisted him with the following PowerPoint presentation:

Alston Avenue/Hopson Road
Street Renamings
SN0900002

- Recent road expansions and realignments have made the street names in the area of South Alston Avenue in proximity of NC 55 Highway confusing. Several permanent interrupted streets have been created.
- Area Map
- The solution is to rename the five street sections as follows:

- Section A from Hopson Road to Louis Stephens Drive;
- Section B from South Alston Avenue to Solutions Drive;
- Section C from South Alston Avenue to Experiment Drive;
- Section D from South Alston Avenue to Strategic Drive; and
- Section E from South Alston Avenue to Green Level Church Road.
- Road Section A
 - Change from Hopson Road to Louis Stephens Drive.
 - Three of the four roads at the intersection are currently named as Hopson Road.
 - With the change, Louis Stephen Drive would be a north-south alignment and Hopson Road would be an east-west alignment.
- Road Sections B, C, D
 - Change Road Section B to Solutions Drive;
 - Road Section C to Experiment Drive; and
 - Road Section D to Strategic Drive.
 - Road Sections B, C and D are disconnected from each other and from South Alston Avenue, functioning as permanent dead-end roads.
- Road Section E
 - Change Road Section E to Green Level Church Road.
 - Road Section E is disconnected from Road Section D.
 - This change is in coordination with plans from Wake County and the Town of Cary for the coordination and continuation of street names.
- Staff Recommendation: Approval

Mr. Medlin addressed questions by the Board throughout his presentation.

Chairman Page opened the public hearing that was properly advertised. As no one signed up to speak, he closed the public hearing and referred the matter back to the Board.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Street Renaming of South Alston Avenue (SN0900002).

The motion carried unanimously.

Public Hearing—Plan Amendment, Jordan Lake Critical Area (A0900004)

Chairman Page stated that a public hearing on a plan amendment for Jordan Lake Critical Area (A0900004) was advertised to be held. He opened the public hearing and requested a motion to continue the public hearing to the October 12, 2009 Regular Session.

Commissioner Bowser moved, seconded by Commissioner Howerton, to continue the public hearing to the October 12, 2009 Regular Session.

The motion carried unanimously.

Refunding of Series 2000 and 2002 General Obligation Bonds

George K. Quick, Finance Director, stated management's request for authorization to refund general obligation bonds in an amount not to exceed \$70,000,000. He reported that through the analysis of the County's current debt, management determined that a refunding of \$4,590,000 in series 2000 and \$52,320,000 in series 2002 general obligation bonds can produce a net present value savings in excess of \$3 million (5.552%). The savings exceeds the minimum level set by the LGC (3.0%) and would produce debt service savings in excess of \$300,000 annually. Mr. Quick requested that the Board introduce the refunding bond order, pass a preliminary resolution, and set a public hearing on September 28, 2009 to allow this transaction to take place; in addition, he would file the sworn statement of debt. A set of proposed minutes were prepared by Bond Counsel, evidencing the passage of a preliminary resolution relating to the bonds, the introduction and passage on first reading of an order authorizing the bonds, and the call for a public hearing on such order.

In response to a question posed by Vice-Chairman Reckhow, Mr. Quick elaborated on the interest rates for the bonds.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the preliminary resolution and set a public hearing on September 28, 2009.

The motion carried unanimously.

**RESOLUTION RELATING TO THE AUTHORIZATION OF REFUNDING BONDS OF THE
COUNTY OF DURHAM, NORTH CAROLINA**

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering authorizing the issuance of Refunding Bonds of the County in an aggregate principal amount not exceeding \$70,000,000 for the purpose of providing funds, with any other available funds, for refunding all or a portion of the outstanding Public Improvement Bonds, Series 2000 of the County, dated June 1, 2000, and Public Improvement Bonds, Series 2002B of the County, dated May 1, 2002, including paying expenses related thereto, and it is necessary to take certain related action at this time;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the issuance of such bonds is necessary or expedient in order to realize debt service savings for the County, (ii) the principal amount of such bonds is adequate and not excessive for the proposed purpose of such bonds because it is based upon the best estimate of the County of the funds needed for such purpose and takes into account any other funds of the County available for such purpose, (iii) the County's debt management procedures and policies are good and are managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service such bonds will not be excessive because it is expected that debt service savings will be realized in connection with the issuance of such bonds and (v) such bonds can be marketed at reasonable rates of interest.

Section 2. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of such bonds with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of such bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. In connection with the authorization and issuance of such bonds, the law firm of Robinson, Bradshaw & Hinson, P.A. is hereby confirmed as bond counsel of the County, DEC Associates, Inc. is hereby confirmed as financial advisor to the County, First-Citizens Bank & Trust Company is hereby approved as escrow agent and The Arbitrage Group is hereby approved as verification agent.

Section 4. This resolution shall take effect immediately upon its passage.

ORDER AUTHORIZING \$70,000,000 REFUNDING BONDS

BE IT ORDERED by the Board of Commissioners for the County of Durham:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Durham, North Carolina, is hereby authorized to issue Refunding Bonds in an aggregate principal amount not exceeding \$70,000,000 for the purpose of providing funds, with any other available funds, for refunding all or a portion of the outstanding Public Improvement Bonds, Series 2000 of the County, dated June 1, 2000, and Public Improvement Bonds, Series 2002B of the County, dated May 1, 2002, including paying expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect upon its adoption.

The Board of Commissioners thereupon designated the Finance Director as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon the Finance Director filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$70,000,000 REFUNDING BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 7:00 P.M. on September 28, 2009, in the Commissioners' Meeting Room in the Durham

County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the Clerk to the Board of Commissioners to publish said order, together with the appended statement as required by the Local Government Bond Act, as amended, once in The Herald-Sun not later than the sixth day before said date.

Closed Session

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adjourn to closed session to discuss the lawsuit of *Southern Durham Development Inc. vs. Durham County 09cvs4125* and to preserve the county-attorney privilege and to discuss matters relating to the location or expansion of a business or industry pursuant to G. S. § 143-318.11(a)(3) and (4).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session; directives were given to staff; no action was taken.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:30 p.m.

Respectfully submitted

Yvonne R. Jones
Acting Clerk to the Board