

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

Monday, June 12, 2006

7:05 P.M. Regular Session

**MINUTES**

Place: Commissioners' Room, second floor, Durham County Government  
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and  
Commissioners Lewis A. Cheek, Philip R. Cousin Jr. (arrived at 7:10  
p.m.), and Michael D. Page

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**—Pledge of Allegiance

**Announcements**

Chairman Reckhow announced that a public meeting would be held to discuss the Triangle Parkway on June 20, 2006, 4:00 – 8:00 p.m., at Sigma XI, 3106 East NC 54, Research Triangle Park, NC. She encouraged citizens who are interested to attend.

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve as submitted the following Minutes of the Board:

January 4, 2006 Closed Session  
January 9, 2006 Closed Session  
January 23, 2006 Closed Session  
February 6, 2006 Closed Session  
February 13, 2006 Closed Session  
February 27, 2006 Closed Session  
April 10, 2006 Closed Session  
May 22, 2006 Regular Session  
May 23, 2006 Budget Worksession  
May 24, 2006 Budget Worksession

The motion carried with the following vote:

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

**Presentation of Outstanding County Program Award from the North Carolina Association of County Commissioners (NCACC)**

Ed Wooters, Director of Member Services, NCACC, informed that “Durham Faith Web” is a volunteer program designed to help connect citizens with the faith community. The program combines local government professionals devoted to their community with a faith community willing to assist those in need. The “Durham Faith Web” program has been recognized by the North Carolina Association of County Commissioners with an “Outstanding County Program” Award for 2005. The program was developed through the work of Durham’s Community Collaborative, a community wide group of private providers, human service agencies, and citizens who work together to help children and families succeed.

Mr. Wooters reported that the intent of the Outstanding County Program Awards is to recognize and share information with other counties about programs that involve a uniquely innovative process, solution, or idea to address a county or multi-jurisdictional issue and/or to prevent a future problem from developing.

Chairman Reckhow, on behalf of the Board, accepted the award from Mr. Wooters.

Chairman Reckhow asked participants in the System of Care website to stand and be acknowledged.

Alisa Huffman, Durham Family Court, System of Care, offered appreciation to NCACC and the Board for recognizing “Durham Faith Web”.

Chairman Reckhow cited [www.durhamsystemofcare.org/forum](http://www.durhamsystemofcare.org/forum) for citizens to access “Durham Faith Web”.

**Consent Agenda**

Chairman Reckhow announced that due to the volume of public hearings, any items removed from the consent agenda would be placed at the end of the agenda.

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

- \*b. Declaration of Surplus Personal Property and Approval of Resolution to Donate to Nonprofit Corporations (declare the personal property as surplus; authorize the donation of the personal property to Freedom House Inc., Threshold, Housing for New Hope, Dominion, and Community Choices on the condition that said property be used for a public purpose; and authorize the County Manager to enter into an agreement which reflects the terms of the conveyance as set forth herein);

- c. Service Contract and Lease for the Operation of the Animal Shelter (authorize the County Manager to execute a one-year contract with the Animal Protection Society of Durham Inc. for \$516,898 and extend the term of the lease agreement for one year);
- d. Appointment—NACo Annual Conference Voting Delegate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate and County Commissioner Michael D. Page as the alternate);
- e. Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services (approve the Home and Community Care Block Grant Funding Plan as presented);
- \*f. Budget Ordinance Amendment No. 06BCC000066—Recognize Additional Smart Start Revenue (approve Budget Ordinance Amendment No. 06BCC000066 in the amount of \$27,000);
- \*g. Budget Ordinance Amendment No. 06BCC000067—Changes to the Capital Financing Fund and the Debt Service Fund (decrease the total budget for the Debt Service Fund \$1,565,594 and the Capital Financing Fund \$1,390,293);
- \*i. Offer to Purchase County Surplus Properties (106 Hillside Avenue and 606 East Umstead Street) (pursue the upset bid process for the sale of 606 East Umstead Street and 106 Hillside Avenue);
- j. Final Qualifying Bid to Purchase County Surplus Property at 4413 Denfield Road (accept the offer from Jin Grant to purchase 4413 Denfield Road [Parcel ID #172523] for \$25,000 and have a non-warranty deed prepared for the Chairman's signature); and
- k. Declaration of 300 East Main (Eligibility Building) and 306 East Main Streets (vacant) as Surplus Properties (determine that 300 East Main [Eligibility Building] and 306 East Main Street are no longer needed for any County purpose and to direct the staff to make them available as a package for private purchase via the upset bid process).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. b. Declaration of Surplus Personal Property and Approval of Resolution to Donate to Nonprofit Corporations (declare the personal property as surplus; authorize the donation of the personal property to Freedom House Inc., Threshold, Housing for New Hope, Dominion, and Community Choices on the condition that said

property be used for a public purpose; and authorize the County Manager to enter into an agreement which reflects the terms of the conveyance as set forth herein).

RESOLUTION AUTHORIZING THE DONATION OF SURPLUS PROPERTY TO  
VARIOUS NONPROFIT CORPORATIONS

WHEREAS, The Mental Health Department of Durham County has accumulated surplus personal property consisting of four vehicles that are no longer needed for County operational purposes, and

WHEREAS, The County of Durham desires to dispose of these items by donating them to the following nonprofit corporations as provided by North Carolina General Statute 160A-279, and

- 1) Freedom House is a local nonprofit organization that provides mental health and substance abuse crisis services to Durham County residents.
- 2) Threshold is a local nonprofit organization that provides housing support to Durham County.
- 3) Housing for New Hope is a local nonprofit organization that provides outreach services to the homeless of Durham County
- 4) Dominion is a local nonprofit that provides substance abuse services to Juvenile Offenders
- 5) Community Choices, Inc is a local nonprofit that we will be providing a substance abuse residential facility for women who are pregnant or who have custody of their children

WHEREAS, the procedural provisions of the statute requires that the County of Durham shall publish a notice summarizing this resolution, and no conveyance of personal property may be executed pursuant to this resolution until at least 10 days after the day the notice is published.

NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the donation of specified items are herein authorized and directed:

1. In accordance with statutory requirements, Mr. Michael M. Ruffin, County Manager, shall be authorized as the County official in charge of the disposal of the surplus personal property.
2. All items will be donated on an "as is" basis. The County will make no guarantees and assumes no responsibility for any of the items.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF DURHAM THIS 12<sup>th</sup> DAY OF JUNE, 2006.

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Consent Agenda Item No. f. Budget Ordinance Amendment No. 06BCC000066—  
Recognize Additional Smart Start Revenue (approve Budget Ordinance Amendment  
No. 06BCC000066 in the amount of \$27,000).

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000066

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the  
FY 2005-06 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	\$299,926,902	\$27,000	\$299,953,902

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$370,722,403	\$27,000	\$370,749,403

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

This the 12<sup>th</sup> day of June, 2006.

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Consent Agenda Item No. g. Budget Ordinance Amendment No. 06BCC000067—  
Changes to the Capital Financing Fund and the Debt Service Fund (decrease the total  
budget for the Debt Service Fund \$1,565,594 and the Capital Financing Fund  
\$1,390,293).

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000067

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the  
FY 2005-06 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>CAPITAL FINANCE PLAN FUND</u>			
Taxes	\$36,045,450	\$461,280	\$36,506,730
Investment Income	\$49,904	(\$45,830)	\$4,074
Other Financing Sources	\$2,590,000	(\$1,805,743)	\$784,257

Expenditures:

Activity

CAPITAL FINANCE PLAN FUND

Other	\$39,108,597	(\$1,390,293)	\$37,718,304
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Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>DEBT SERVICE FUND</u>			
Investment Income	\$0	\$22,400	\$22,400
Rental Income	\$0	\$20,000	\$20,000
Other Financing Sources	\$37,208,028	(\$1,607,994)	\$35,600,034

Expenditures:

<u>Activity</u>			
<u>DEBT SERVICE FUND</u>			
Other	\$37,462,554	(\$1,565,594)	\$35,896,960

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

This the 12<sup>th</sup> day of June, 2006.

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Consent Agenda Item No. i. Offer to Purchase County Surplus Properties (106 Hillside Avenue and 606 East Umstead Street) (pursue the upset bid process for the sale of 606 East Umstead Street and 106 Hillside Avenue).

RESOLUTION

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

106 E. Hillside Ave  
PIN # 0821-16-84-5460  
Parcel ID # 119433

*WHEREAS*, Self Help Community Development Corporation has made an offer to the County to purchase the above property for \$4,510 and has made a bid deposit in the amount of \$225.50, which is not less than 5% 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 of property is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within 10 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% of the first \$1,000.00 and 5% 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% 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 non warranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled.

*NOW THEREFORE, BE IT HEREBY 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 June 12, 2006.

/s/ Vonda Sessoms  
Clerk to the Board

#### RESOLUTION

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

606 East Umstead Street  
PIN # 0831-13-02-7586  
Parcel ID 118152

*WHEREAS*, Michael White has made an offer to the County to purchase the above property for \$3,225 and has made a bid deposit in the amount of \$225.00, which is not less than 5% 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 of property is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within 10 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% of the first \$1,000.00 and 5% 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% 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 non warranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled.

*NOW THEREFORE, BE IT HEREBY 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 June 12, 2006.

/s/ Vonda Sessoms  
Clerk to the Board

### **Public Hearing on the 2006-07 Recommended Budget**

The Board of County Commissioners conducted a public hearing to receive citizen input on the FY 2006-07 recommended budget.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speakers forward for comments. (Each speaker was given two minutes to speak.)

The following citizens spoke on the budget and issued requests:

Dennis Garrett (Love & Respect) requested additional funding.

Howard Clement (City Council) supported The Durham Center budget to fight substance abuse.

Joyce Mitchell (Planned Parenthood) requested additional funding.

Alex Desousa (Planned Parenthood) requested additional funding.

Jennifer Albright (Planned Parenthood) requested additional funding.

Victoria Peterson (Triangle Citizens Rebuilding Communities) commented on incentives given to companies to locate to Durham.

David Covington (Durham Council for Children with Special Needs) requested additional funding.



Tasha Melvin (Volunteer Center of Durham) requested \$3,875 in funding.

Terry Allebaugh (10-Year Plan to End Homelessness) requested to consider funding \$80,000 to match the City funding.

Josie McNeil Owen (Schoolhouse of Wonder) requested reconsideration for funding.

Grace Nichols (Victorious Community Development Corp [VCDC]) requested reconsideration for funding.

Yvette Hinton (VCDC) requested reconsideration for funding.

James Burch (VCDC) requested reconsideration for funding.

Ken Berger (Durham County Library Board of Trustees) gave thanks for the County Manager's recommended budget for the Library.

Dabney Hopkins (People's Alliance) requested full funding of the Alliance's budget requests.

Adelaide Banks (Read Seed Inc.) requested continued support from the Board.

Rachel Baisden (Teamsters Local 391) requested full funding.

Lionell Parker (Library Board of Trustees) requested full funding.

Marge Nordstrom (Friends of the Library) requested approval of the County Manager's recommended budget for the Library.

Nancy Love (Council for Senior Citizens) requested full funding.

Anthony Horten (Citizen) requested additional funding for EMS.

Willis Whichard (Durham County Library) requested continued support from the Board.

Chairman Reckhow closed the public hearing thanked the speakers for their comments. She stated that the Commissioners would consider the comments during their budget deliberations.

### **Public Hearing—Zoning Map Change—Joven Northeast Creek (P04-46)**

Frank M. Duke, AICP, City-County Planning Director, presented the request for a zoning map change for a 188.24-acre site located at the northeast quadrant of the Ellis Road and NC 147 interchange. PINs: 0749-01-09-9724; 0749-01-19-5052, 0749-01-19-7702, 0749-01-19-9044; 0749-01-27-0832, 0749-01-27-6503; 0749-01-38-2639, 0749-01-27-7106; 0749-01-47-0432; 0840-03-20-2161, 0840-03-20-2161, 0840-03-20-3215  
Request: IL to PDR 4.84, CG(D) and IL(D)

Mr. Duke reported that the Board was requested to approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the *Southeast Durham Plan* and that the request is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials.

Alternatively, in the event that a motion to approve the item fails, the finding that has been approved by the Governing Body is to adopt as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the *Southeast Durham Plan*. The request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

The Planning Department recommended approval, based on consistency with the *Southeast Durham Plan* and information contained within the staff report.

The Durham Planning Commission recommended and voted “denial”, 6-6, based on finding that the request is inconsistent with the *Durham Comprehensive Plan*.

Chairman Reckhow opened the public hearing that was properly advertised and called the following signed speakers forward:

Bob Zumwalt, representing Northeastern Partners LLC, 2905 Meridian Parkway, Durham 27709, gave a PowerPoint presentation on this item.

### Discussions/Questions

1. Committed Elements Revision (*Chairman Reckhow*)
2. Lot Size (*Vice-Chairman Heron and Chairman Reckhow*)
  - a. 5,500 sq. ft. (reconsider size of lots)
  - b. Minimum lot size—consider increasing to 6,000 sq. ft.
    - i. Lot sizes will be at least 5,500 sq. ft.
3. Right-of-Way (*Vice-Chairman Heron*)
  - a. Distance from centerline of Ellis Road
4. Trail System (*Chairman Reckhow*)
  - a. Additional link to connect to the pond
    - i. Trail is located within the stream buffer (not indicated on the plan).
5. Effects on School Population (*Vice-Chairman Heron*)
  - a. Not legally enforceable as an element of the plan to pay impact fees if it is not required.
  - b. Legislation would award assistance.
  - c. Committed Elements—Impact Fees (contingent upon NC Supreme Court ruling for Durham County)
    - i. Ruling in favor—Impact fees will be paid as property is developed.
    - ii. Ruling against—(as a committed element) A voluntary impact fee of \$1,000 will be paid for each single family home constructed; \$300 per unit for multifamily housing. If legislation authorizes impact fees before houses are built, then Durham County will impose an impact fee in lieu of the aforementioned \$1,000 and \$300.
    - iii. County Attorney Kitchen stated that “Committed Elements—Impact Fees” would be acceptable.
6. Construction of Six-Foot High Wood Fence (*Vice-Chairman Heron*)
  - a. Safety

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

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve the zoning map change, revised committed elements, and the voluntary proffer as it relates to impact fees.

The motion carried unanimously.

### **Public Hearing for Economic Development Investment Funds for Parata Systems**

County Manager Mike Ruffin introduced this item. He stated that Parata Systems, which designs and manufactures automated prescription fulfillment systems, is in the process of acquiring the McKesson Automated Prescription Systems business unit of Rapides Parrish, Louisiana and Pittsburgh, Pennsylvania. The acquisition will more than double Parata's current operation and workforce. Within the next few weeks, Parata Systems will make the decision whether to consolidate the expanded company in Durham County, Rapides Parrish, or Pittsburgh. Officials from Parata Systems have stated that incentives are a key consideration in its location decision.

County Manager Ruffin reported that Parata Systems was founded in Durham in 2001 and has grown significantly in the past few years. Currently, 140 employees work in Durham's Meridian Park. The proposed investment for the expanded company is estimated to be in excess of \$15.5 million and would include 200 new jobs within five years.

Staff recommended that the County participate in this economic development project by reimbursing Parata Systems up to \$100,000 for the costs of expansion, relocation, and employee training.

Chairman Reckhow opened the public hearing that was properly advertised on Friday, June 2, 2006, as required by Statute. She called the following signed speakers forward for comments:

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, requested that a hold be placed on awarding incentives.

The following speakers supported the relocation and urged the Board to approve the reimbursement contract:

Pamela Senegal, Associate Dean for Corporate Education, Durham Technical Community College, 1912 Carnation Drive, Durham 27703.

Ted Conner, Vice President of Economic Development, Durham Chamber of Commerce.

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

Commissioner Cheek commented on the Board's efforts to bring new jobs to the County.

The Commissioners welcomed Parata Systems and thanked them for considering relocating to Durham County.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve entering into the standard reimbursement contract between the County of Durham and Parata Systems in the amount of \$100,000 to allow for the reimbursement of costs associated with expansion, relocation, and employee training.

The motion carried unanimously.

**Public Hearing to Receive Comment on the Revised Durham County 2006-2016 10-Year Comprehensive Solid Waste Management Plan (SWMP)**

The Department of General Services requested that the Board of County Commissioners conduct a public hearing to receive comment from interested parties on the revised 10-year comprehensive Solid Waste Management Plan (SWMP) for 2006-2016.

Mike Turner, General Services Director, informed that North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other local governments, to develop a ten-year comprehensive SWMP and submit to the North Carolina Department of Environment & Natural Resources (NC-DENR) for approval. In addition, each local government is required to submit a 3-year revision to the SWMP following a public hearing and adoption through resolution by the Board of County Commissioners (BOCC).

Mr. Turner recapped that on June 23, 1997, the BOCC adopted Durham County's first ten-year comprehensive SWMP for 1997-2006. On June 9, 2003, the plan was last revised and adopted by the Board for 2003-2013. The next revision is due to NC-DENR by July 1, 2006 for the period 2006-2016. The revised plan includes: new population estimates, residential, commercial and industrial tonnage estimates, and a listing of current programs and intended actions. At the BOCC meeting on May 22, 2006, a public hearing was set for Monday, June 12, 2006, to receive public comment on the revised plan. The appropriate public notices were advertised in the Durham Herald-Sun, The Carolina Times, and The News & Observer newspapers. Copies of the draft SWMP were made available for public viewing beginning May 23, 2006 at the Clerk of Court's office, main branch of the Durham County Library, Clerk to the Board's Office, and the Department of General Services. In addition, copies were mailed on May 23, 2006 to all waste collectors serving Durham County.

Mr. Turner recognized Thomas Bryant, Waste Reduction Manager, for his hard work on the 10-year comprehensive SWMP.

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

### Discussions/Questions

1. Waste Consumption (*Chairman Reckhow*)
  - a. 2/3 non-residential
    - i. Commercial/Industrial sectors have their own recycling coordinators/managers on staff to conduct in-house recycling programs.
    - ii. County participates in a RTP consortium where waste reduction needs/matters are discussed.
2. Franchising Private Haulers
  - a. **Staff to revisit for implementation this year**
3. Recycling of Electronics (*Chairman Reckhow and Vice-Chairman Heron*)
  - a. A bill has been introduced to impose a surcharge on purchases that will go towards the general fund for electronic recycling programs.
  - b. **Staff to report back to the Board with an update on establishing a program for Durham County.**
  - c. **Mike Turner to work with Keep Durham Beautiful to educate the public about electronic recycling.**
4. State Recycling Requirements (*Vice-Chairman Heron*)
  - a. How are the requirements enforced?
    - i. State retracted the 1993 40% reduction requirement; Local Governments are allowed to set own solid waste reduction goals.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to adopt a Resolution as required by NCGS 130A-309.09A(b) to approve the Durham County Solid Waste Management Plan subject to the inclusion of public comment; and authorize the County Manager to implement the plan effective July 1, 2006.

The motion carried unanimously.

### Hearing on Request for Refund Excise Taxes

County Attorney Chuck Kitchen stated that a request for a refund of deed tax stamps had been received, including an affidavit which states that a deed was sent to the Durham County Register of Deeds in error. The property being conveyed by the deed was located in Forsyth County. As part of the recording, excise taxes were paid to the Register of Deeds in the amount of \$90.00.

Pursuant to G.S. § 105-228.37, the Board of Commissioners held a hearing to determine whether a refund is due.

Commissioner Cousin moved, seconded by Commissioner Page, to order a refund of one-half of the amount paid to the Register of Deeds; this \$45.00 being the amount retained by the County.

The motion carried unanimously.

**Major Site Plan—North State Storage—Phase II (D05-604)**

Frank M. Duke, AICP, City-County Planning Director, reported that Civil Consultants Inc., on behalf of North State Storage One LLC, submitted a major site plan and buffer reduction request for a 29,000-square-foot addition to an existing self storage facility with seven vehicle parking spaces on a 6.91-acre site, zoned IL(D) and F/J-B and with a request to reduce the eastern buffer to 25 feet from 40 feet. [The property is located at 2015 Mineral Springs Road on the east side of Sherron Road and north of US 70. PINs 0840-04-80-7869, 0840-04-81-8060, 0840-04-81-6250]

The Development Review Board recommended approval.

Discussions/Questions

1. Stormwater Pond (*Vice-Chairman Heron*)
  - a. Upgrade—meets all ordinance requirements
2. Buffer Reduction (*Vice-Chairman Heron and Chairman Reckhow*)
  - a. Sufficient and compliant
  - b. Includes a fence and landscaping

Commissioner Cheek moved, seconded by Commissioner Page, to approve Major Site Plan—North State Storage—Phase II (D05-604).

The motion carried unanimously.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. a. Office of the Sheriff and City of Durham Police Department Acceptance of 2006 Edward Byrne Memorial Justice Grant (JAG) (accept the grant award from JAG in the amount of \$143,662 that will be shared fifty-fifty with the City of Durham).

Vice-Chairman Heron complimented the Sheriff's Office for its use of the funds.

Chairman Reckhow called signed speakers Victoria Peterson, PO Box 101, Durham 27702, forward for comments.

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

The motion carried unanimously.

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Consent Agenda Item No. h. Adoption of the 10 Year Plan to End Homelessness in Durham (adopt the plan).

Chairman Reckhow called signed speakers Victoria Peterson, PO Box 101, Durham 27702, forward for comments.

Commissioner Page moved, seconded by Vice-Chairman Heron, to adopt the 10-Year Plan to End Homelessness in Durham.

The motion carried unanimously.

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Chairman Reckhow acknowledged the revised budget worksession agenda at each Commissioner's place.

Per request by County Attorney Chuck Kitchen, Chairman Reckhow called for a motion to recess the meeting until June 15 to adopt a revised bond order.

Commissioner Page made the motion, seconded by Commissioner Cousin.

The motion carried unanimously.

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Thursday, June 15, 2006

9:15 a.m.

**Adoption of Revised Bond Order and Authorization Resolution**

County Attorney Chuck Kitchen reported that due to a delay in receiving the final revised amortization schedule, this item was not prepared for the June 12 agenda. He stated that after receipt of bids, the final revised amortization schedule is being developed by the lender in conjunction with the Local Government Commission to reflect the final bid by Wachovia. The proceedings delegate the authority to the Finance Officer and County Manager to approve the final schedules and are necessary in order to complete the closing in a timely manner.

Commissioner Cheek moved, seconded by Commissioner Cousin, to adopt the revised bond order and approve the resolution.

The motion carried unanimously.

ORDER AMENDING AN ORDER AUTHORIZING  
\$3,117,000 OPEN SPACE BONDS

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

1. That the order adopted by said Board of Commissioners on February 27, 2006 entitled: "ORDER AUTHORIZING \$3,117,000 OPEN SPACE BONDS" is hereby amended by changing the amount of \$3,117,000 in the title and in Section 1 thereof to the amount of \$2,267,000.

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

Thereupon, upon motion of Commissioner Cheek, seconded by Commissioner Cousin, the foregoing order was adopted by the following vote:

Ayes: Commissioners Reckhow, Heron, Cheek, Cousin, and Page.

Noes: None.

RESOLUTION AMENDING A RESOLUTION PROVIDING FOR THE ISSUANCE  
OF \$12,230,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS,  
SERIES 2006A

BE IT RESOLVED by the Board of Commissioners for the County of Durham,  
North Carolina:

Section 1. The resolution passed by said Board of Commissioners on May 22, 2006 entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$12,230,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2006A" (the "Resolution") is hereby amended by changing subsection (a) of Section 1 thereof to read as follows:

“(a) That orders authorizing not exceeding \$3,117,000 Open Space Bonds, \$2,933,000 Library Facilities Bonds and \$2,158,000 Public



Building Bonds were adopted by the Board of Commissioners on February 27, 2006, that an order authorizing not exceeding \$4,022,000 School Bonds was adopted by the Board of Commissioners on March 27, 2006, that an order amending said order authorizing not exceeding \$3,117,000 Open Space Bonds to change the amount of Open Space Bonds that may be issued thereunder from \$3,117,000 to \$2,267,000 was adopted by the Board of Commissioners on June 15, 2006 and that each of said orders has taken effect.”

Section 2. The Resolution is hereby further amended by changing the amount of \$12,230,000 in the title and in subsection (c) of Section 1 thereof to the amount of \$11,380,000 and by changing the amount of \$3,117,000 in subsection (c) of Section 1 thereof to the amount of \$2,267,000.

Section 3. The first paragraph of Section 2 of the Resolution is hereby amended to read as follows:

“Pursuant to said orders, there shall be issued bonds of the County of Durham, North Carolina (the “Issuer”) in the aggregate principal amount of \$11,380,000, designated “General Obligation Public Improvement Bonds, Series 2006A” and dated June 1, 2006 (the “Bonds”). The Bonds shall be stated to mature annually, June 1, in such years and amounts as shall be determined by the Finance Director and the County Manager of the Issuer, subject to the provisions of Section 159-65 of the North Carolina General Statutes and provided that the final maturity date of the Bonds shall not exceed June 1, 2023. The Bonds shall bear interest at a rate or rates to be determined by the Local Government

Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on December 1, 2006 and semiannually thereafter on June 1 and December 1 of each year until payment of such principal sum.”

Section 4. The second paragraph in the form of the Bonds, as defined in the Resolution, set forth in Section 3 of the Resolution is hereby amended to read as follows:

“This bond is one of an issue of bonds designated “General Obligation Public Improvement Bonds, Series 2006A” (the “Bonds”) and issued by said County for the purpose of providing funds, with any other available funds, for acquiring and improving land for open space and other purposes of said County, providing additional library facilities in said County, constructing and improving public buildings and facilities of said County and providing additional school facilities in said County, and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, four orders adopted by the Board of Commissioners for said County, each of which has taken effect, and a resolution duly passed by said Board of Commissioners on May 22, 2006, as amended on June 15, 2006 (the “Resolution”).”

Section 5. This resolution shall take effect immediately upon its passage.

Thereupon, upon motion of Commissioner Cheek, seconded by Commissioner Cousin, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Reckhow, Heron, Cheek, Cousin, and Page.

Noes: None.

I, Vonda C. Sessoms, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at an adjourned regular meeting held on June 15, 2006 as relates in any way to the matters described therein and that said proceedings are recorded in Minute Book No. \_\_\_\_ of the minutes of said Board, beginning on page \_\_\_\_ and ending on page \_\_\_\_.

WITNESS my hand and the corporate seal of said County, this 16th day of June 2006.

/s/ Vonda Sessoms  
Clerk to the Board of Commissioners

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 9:16 a.m.

Respectfully submitted,

Yvonne R. Gordon  
Deputy Clerk to the Board