

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

Monday, March 27, 2006

7:00 P.M. Regular Session

**MINUTES**

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

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

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**

The meeting began with a welcome by Chairman Reckhow. She then requested the recitation of the Pledge of Allegiance.

Chairman Reckhow pointed out revisions to the resolution (Week of the Young Child), the March 6 Worksession Minutes, and the Interlocal Agreement for Inspections (consent agenda item No. b).

**Minutes**

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve as amended the March 6, 2006 Worksession Minutes and as submitted the March 13, 2006 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

**Resolution Celebrating April 2-8 as "Week of the Young Child"**

Durham's Partnership for Children, a Smart Start Initiative, along with local collaborating organizations, will celebrate April 2-8 as "Week of the Young Child". These organizations are working in a coordinated fashion to support families of young children, to increase the

quality and quantity of childcare programs, and to increase school readiness for pre-kindergarten students to help close the achievement gap.

Chairman Reckhow recognized Executive Director Marsha R. Basloe and Community Development Coordinator Jeremy Evans, Durham's Partnership for Children, a Smart Start Initiative. She read the following resolution into the record:

#### RESOLUTION

WHEREAS, the Durham's Partnership for Children, a Smart Start initiative, and local collaborating organizations are celebrating the Week of the Young Child, April 2–8, 2006; and

WHEREAS, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to building better futures for everyone in Durham, North Carolina; and

WHEREAS, Durham's Partnership for Children has increased the number of quality childcare centers in Durham County; and

WHEREAS, Durham's Partnership for Children has increased the number of children enrolled in quality child care, increased the percentage of children enrolled in quality care, and increased the percentage of children receiving subsidies in quality programs in Durham County; and

WHEREAS, Durham's Partnership for Children has increased capacity building for online education for childcare workers and played a key role in professionalizing the childcare field; and

WHEREAS, Durham's Partnership for Children has helped to decrease teacher turnover by providing incentives for teachers to stay in early childhood education; and

WHEREAS, Durham's Partnership for Children has collaborated with Durham Public Schools to increase school readiness for Pre-Kindergarten students to help close the achievement gap; and

WHEREAS, Durham's Partnership for Children has increased awareness of school readiness issues with the local business community and advocated for family friendly workplaces; and

WHEREAS, Durham's Partnership for Children has increased support for Spanish-speaking families, helping them to overcome isolation and language barriers in order to become better parents and to access quality childcare and education for their children:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proudly recognize

DURHAM'S PARTNERSHIP FOR CHILDREN, A SMART START INITIATIVE

on the celebration of the Week of the Young Child, April 2–8, 2006, and for the exemplary model of collaboration which continues to change the landscape of early childhood care for Durham residents and benefits present and future generations of young children and their families.

This the 27<sup>th</sup> day of March, 2006.

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Chairman Reckhow announced that Durham’s Smart Start receives over \$3 million less than it received five or six years ago because of the state’s budget reductions.

Ms. Basloe thanked the Commissioners for their support of the Week of the Young Child. “Good public policy would never become sound programs without dedicated people like you. It is with your support and advocacy and your work with community members and service providers who care about children that make Smart Start and other early childhood initiatives work. The young children and the adults that love and care for them will most likely never have the chance to thank you in person, so I will do it for them.” Ms. Basloe mentioned the April 4 forum, “Investing in Our Children, Families, and Work Force”, to be co-hosted with the Durham Chamber of Commerce. She also informed that a bus trip is planned to Raleigh on May 23 to speak with the Legislative Delegation about restoring some of the eliminated funding.

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Chairman Reckhow acknowledged journalism students from Duke University.

Commissioner Page recognized North Carolina Central University students.

**March Anchor Award Winner—Brenda Childress**

Chairman Reckhow announced that Brenda Childress, a Computer Operations Supervisor in the IT Department, was selected to receive the March Anchor Award. Ms. Childress was recognized for this honor because of superior work, and particularly for her thoroughness in maintaining mainframe systems and critical backup technology.

Perry Dixon, Information Technology Director, was called forward by Chairman Reckhow to make additional remarks. He stated that Ms. Childress has been a faithful county employee for nine years, routinely working weekends, early mornings, and late nights. She has cross-trained her staff as the need for computer operators decreased and the need for network and applications support increased. Mr. Dixon thanked Ms. Childress for an excellent job.

Ms. Childress thanked Mr. Dixon for the nomination and for having the opportunity to work with a great department and staff. She accepted her award and \$200 check.

Chairman Reckhow expressed appreciation for Ms. Childress’ excellent service to Durham County.

**Consent Agenda**

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for February 2006 and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \*c. Budget Ordinance Amendment No. 06BCC000048—The Durham Center (approve an increase of \$4,464,000 for the Medicaid budget for FY 2005-06 from \$22,052,000 to \$25,552,000 (a difference of \$3,500,000) and \$964,000 to support the facility based crisis unit at Durham Center Access) (**Chairman Reckhow commended The Durham Center Director Ellen Holliman for working with the state to obtain the funds**); and
- \*e. Budget Ordinance Amendment No. 06BCC000050—Recognize \$73,000 from the Durham County Library Foundation and \$25,280 from the Aid to Public Libraries fund for a total of \$98,280; and Capital Project Amendment No. 06CPA000010—Increase the Stanford L. Warren Library Capital Project by \$73,000 and the North Regional Library Project by \$25,280).

The motion carried unanimously.

Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for February 2006 and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of February 2006.

Releases & Refunds for 2006 Taxes:

Real Estate	\$	444.57
Registered Vehicles	\$	42.81
Vehicle Fees	\$	<u>20.00</u>
Total for 2006 Taxes and Fees	\$	507.38

Releases & Refunds for 2005 Taxes:

Real Estate	\$	1,871.37
Personal	\$	15,925.32

Registered Vehicles	\$ 30,220.63
Vehicle Fees	\$ 810.00
Solid Waste	\$ <u>0</u>
Total for 2005 Taxes and Fees	\$ 48,827.32

Prior years' (2000-2004) releases and refunds for February 2006 are in the amount of \$5,206.16. The total current year and prior years' releases and refunds amount to \$54,540.86.

(Recorded in Appendix A in the Permanent Supplement of the March 27, 2006 Regular Session Minutes of the Board.)

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Consent Agenda Item No. c. Budget Ordinance Amendment No. 06BCC000048—The Durham Center (approve an increase of \$4,464,000 for the Medicaid budget for FY 2005-06 from \$22,052,000 to \$25,552,000 (a difference of \$3,500,000) and \$964,000 to support the facility based crisis unit at Durham Center Access).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2005-06 Budget Ordinance  
 Amendment No. 06BCC000048

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	\$297,389,740	\$ 964,000	\$298,353,740
Service Charges	\$ 35,507,428	\$3,400,000	\$ 38,907,428
Other	\$ 684,466	\$ 100,000	\$ 784,466

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$364,361,477	\$4,464,000	\$368,825,477

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

This the 27<sup>th</sup> day of March, 2006.

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Consent Agenda Item No. e. Budget Ordinance Amendment No. 06BCC000050—Recognize \$73,000 from the Durham County Library Foundation and \$25,280 from the Aid to Public Libraries fund for a total of \$98,280; and Capital Project Amendment No.

06CPA000010— Increase the Stanford L. Warren Library Capital Project by \$73,000 and the North Regional Library Project by \$25,280).

DURHAM COUNTY, NORTH CAROLINA  
 FY 2005-06 Budget Ordinance  
 Amendment No. 06BCC000050

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	\$299,777,762	\$ 25,280	\$299,803,042
Donations	\$ 446,471	\$ 73,000	\$ 519,471

Expenditures:

<u>Activity</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other	\$ 7,465,079	\$ 98,280	\$ 7,563,359

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

This the 27<sup>th</sup> day of March, 2006.

DURHAM COUNTY, NORTH CAROLINA  
 FY 2005-06 Capital Project Ordinance  
 Amendment No. 06CPA000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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>			
Stanford L. Warren Library Renovations	\$1,905,850	\$73,000	\$1,978,850
North Regional Branch Library	\$5,905,807	\$25,280	\$5,931,087

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

This the 27<sup>th</sup> day of March, 2006.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. b. Durham City-County Interlocal Cooperation Agreement for Inspections (approve the revisions and authorize the Manager to execute).

County Manager Mike Ruffin reviewed for the Commissioners the minor changes made to the Interlocal Agreement. The City Council has approved the Interlocal subject to slight changes it recommended. Since the County's changes do not deviate in principle from the agreement, the Interlocal will not have to be sent back to the Council.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve the Durham City-County Interlocal Cooperation Agreement for Inspections.

The motion carried unanimously.

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Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000049—Social Services—Recognize Additional Revenue (approve a total increase of \$1,424,022 which represents funding changes in various programs).

Vice-Chairman Heron wished to know whether the money would be used for administration.

Deputy County Manager Carolyn Titus replied that the majority of the funds are direct pay for direct services to individuals. She was uncertain about funds for Adult Care Home Case Management but would ask DSS staff and then inform Vice-Chairman Heron

Vice-Chairman Heron expressed that she was happy that the County is receiving the money, but requested information in the future agendas about administrative costs associated with such programs and the utilization of current staff. She stated that a DSS representative should attend the meetings when a DDS item is on the agenda in case the Board has questions.

County Manager Ruffin stated that DSS is aware of the standing rule that staff should be present when an item is on the consent agenda. He informed Vice-Chairman Heron that he would contact Sammy Haithcock, DSS Director, about the absence of DSS staff at tonight's meeting.

Chairman Reckhow asked Ms. Titus to send a memo to the Board to address Vice-Chairman Heron's questions.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 06BCC000049—Social Services—Recognize Additional Revenue (approve a total increase of \$1,424,022 which represents funding changes in various programs).

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000049

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	\$298,353,740	\$1,424,022	\$299,777,762

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$368,825,477	\$1,424,022	\$370,249,499

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

This the 27<sup>th</sup> day of March, 2006.

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Consent Agenda Item No. f. Change in Time for the Monday, May 1, 2006, Worksession (approve the time change for the worksession from 9:00 a.m. to 1:00 p.m.).

Vice-Chairman Heron stated that the agenda should reflect the reason for any time or date changes to Board meetings.

Commissioner Cousin asked about the approximate length of the May 1 meeting.

Chairman Reckhow replied that nonprofits budget recommendations would be presented from 1:00 to 3:00 p.m. Regular worksession agenda items would follow which will include plans for the Human Services Complex. She asked whether any Commissioner had a conflict if the meeting were to last until 7:00 p.m.

No Commissioner voiced a conflict with the potential schedule.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to change the start time for the Monday, May 1, 2006, Worksession from 9:00 a.m. to 1:00 p.m.

The motion carried unanimously.



**Public Hearing—Zoning Map Change—US Hwy. 70 Property (Z06-07)**

Frank M. Duke, AICP, City-County Planning Director, stated that the Board is requested to approve a request for a zoning map change for 0.742-acre site located on the south side of US 70 and west of Page Road Extension (PIN 0759-04-54-7393), with a condition of rezoning property to the east of the site (PIN 0759-04-64-0249). Request: RR and CG to CG

To approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report.

Mr. Duke stated that staff recommends approval, based on the consistency with the Comprehensive Plan and the information contained within the staff report. **If the request is approved, staff recommends initiation of a zoning map change of the isolated RR parcel to the east to eliminate spot-zoned property.** The Durham Planning Commission conducted a public hearing on February 14, 2006 and recommended approval with a vote of 9-2, based on the consistency with the Comprehensive Plan and the information contained within the staff report and testimony provided at the public hearing. The public hearing was advertised according to the requirements of North Carolina law.

In response to questions from Vice-Chairman Heron, Mr. Duke stated that the isolated RR parcel to the east is under a different owner. The process to eliminate spot-zoned property has not yet been initiated; therefore, tonight's public hearing does not include the isolated RR parcel.

Mr. Duke explained for Vice-Chairman Heron that the Unified Development Ordinance does not require that a development plan be filed with the commercial general zoning district. The attachment of a development plan at this point would be considered a significant modification to the zoning map change and would require that the entire process begin again.

Vice-Chairman Heron asked if the land could be used for a drive-in restaurant.

Mr. Duke responded that the parcel appears to be too long and narrow; however, the front half of the parcel is already zoned CG and could already accommodate a drive-in restaurant.

Per questions posed by Commissioner Cheek, Mr. Duke replied that the property as currently zoned could be developed for residential uses on the back, in addition to commercial uses on the front portion. More compatibility would be created by giving the entire parcel a single zoning district because residential uses to the rear of a commercial use would be eliminated which would also eliminate the possibility of another access onto Hwy. 70 for a residential site.

Commissioner Cheek assented to the recommendations of Planning staff, including the initiation of a zoning map change of the isolated RR parcel.

Chairman Reckhow opened the public hearing that was properly advertised.

As no one requested to speak to this issue, Chairman Reckhow closed the public hearing and referred the matter back to the Board for a vote. As advised by County Attorney Kitchen, she recommended that two separate motions be offered.

Commissioner Cheek moved that the Board approve the zoning map change for US Hwy. 70 property Z06-07 from RR and CG to CG.

Vice-Chairman Heron seconded the motion.

The motion carried unanimously.

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Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the initiation of a zoning map change of the isolated RR parcel to the east to eliminate spot-zoned property as recommended by Planning Director Frank Duke.

The motion carried unanimously.

### **Public Hearing to Consider Allocating Economic Development Investment Funds to United Therapeutics**

Carolyn P. Titus, Deputy County Manager, stated that United Therapeutics is a biopharmaceutical company focused on the development and commercialization of therapeutic products that address chronic, life threatening illnesses. The company is headquartered in Silver Spring, Maryland, but currently houses its 25 research employees in Research Triangle Park, where it was initially founded. United Therapeutics is considering buying a parcel of property in the Durham County portion of RTP and building a 125,000-square-foot facility for research and development and solid dose manufacturing. The new facility would house 175 employees in the areas of clinical research, regulatory affairs, quality assurance/control, administration, purchasing, and manufacturing. Additional expansion plans for a fill/filling operation could add another 100,000 to 150,000 square feet of manufacturing space and more jobs to support that operation.

The proposed new investment for the RTP campus is estimated to be approximately \$54.3 million, with an estimated net depreciated taxable value of approximately \$30 million. Upon completion, United Therapeutics would manufacture a new solid dose medication that is used in the treatment of pulmonary arterial hypertension.

United Therapeutics is in the process of making the final decision as to where to locate the new manufacturing facility. Staff is aware that the company is also considering Silver Spring, Maryland, as property has already been purchased for the plant. United Therapeutics has communicated to Deputy County Manager Carolyn Titus that Durham County's financial

support for this project will be a key consideration in the final decision. United Therapeutics requests that the County participate in the costs of site preparation activities, such as site clearing and grading, and extension of utilities.

Staff recommended that the County participate in this economic development project by reimbursing United Therapeutics up to six hundred fifty thousand dollars (\$650,000) for the costs of site preparation activities and extension of utilities.

This public hearing was advertised on Friday, March 17, 2006, as required by Statute.

Chairman Reckhow opened the public hearing that was properly advertised. She recognized Vice-President for Finance John Ferrari and Senior Vice-President for Regulatory Affairs Dean Bunce, both representing United Therapeutics.

Mr. Ferrari thanked the Commissioners for considering the allocation of investment funds and requested endorsement.

The following signed speakers respectfully requested that the County Commissioners approve the allocation of economic development investment funds to United Therapeutics:

Ted Conner, Durham Chamber of Commerce, 300 W. Main Street, Suite 1400, Durham 27701, spoke about the significant opportunity to enhance further Durham's biopharmaceutical industry cluster with a growing company that is considering setting permanent roots in Durham.

Jamie Glass, Dean of Continuing Education, Durham Technical Community College, 1637 Lawson Street, Durham 27703, discussed some of the proactive measures being taken to help Durham residents obtain jobs.

Jerry O'Keeffe, Project Manager for Large Accounts, PSNC Energy, 200 Whilden Drive, Durham 27712, an avid supporter of economic development in Durham County, provided an economic overview as to the importance of the project.

Ms. Victoria Peterson, Triangle Citizens Rebuilding Communities, P.O. Box 101, Durham 27702, requested that the Commissioners delay action on the agenda item. She expressed concern that no contract was included in the agenda material, no assurance has been given by United Therapeutics to hire Durham County residents, and no African-American companies had been offered economic incentives. She asked how many of the 26 companies which were provided economic incentives since 1971 have remained in Durham County.

Chairman Reckhow closed the public hearing.

County Attorney Chuck Kitchen addressed the comment by Ms. Peterson regarding the contract. A standard contract is used for economic development incentives but will not be drawn up until United Therapeutics decides to locate in Durham. Attorney Kitchen outlined terms of the contract that protect Durham County's interest, including the "claw back" provision and discrimination.

Commissioner Page stated that he serves on the Workforce Development Board. He stressed the commitment of the Board to help all citizens gain employment. Commissioner Page voiced enthusiasm for United Therapeutics' consideration of Durham as a permanent home. He stated that companies locating in the Durham community give Durham's citizens the utmost priority regarding employment.

Chairman Reckhow, who also serves on the Workforce Development Board, agreed with the comments of Commissioner Page. A combination of the training available at Durham Technical Community College and the new facility at NCCU positions Durham to train its residents for jobs coming to the community.

Commissioner Cousin echoed comments of Commissioner Page and Chairman Reckhow. He expressed a desire for United Therapeutics to locate in Durham County.

Commissioner Cheek stated that this is a wonderful opportunity; he wished to see more similar opportunities be given to Durham County, which has been successful in attracting various business and industries. United Therapeutics addresses chronic, life threatening illnesses and should be welcomed into the area. He thanked United Therapeutics for considering Durham.

Vice-Chairman Heron extended an invitation to United Therapeutics to become a part of the Research Triangle Park, of which Durham is very proud.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the reimbursement contract between the County of Durham and United Therapeutics to allow for the reimbursement of costs associated with the site preparation, such as site clearing and grading, and the extension of utilities in the amount of \$650,000 over five years.

The motion carried unanimously.

### **Public Hearing on Two-Thirds Bonds for Holton School**

Chairman Reckhow stated that on February 27, 2006, the public hearing was opened on the issuance of two-thirds bonds for the Holton School project. The public hearing was continued until tonight's meeting so Durham Public Schools Board of Education, which met on Thursday, March 23, 2006, could adopt a resolution asking for the issuance of these bonds. Adoption of this resolution by the School Board was a conditional precedent to the Board of Commissioners adopting the Order Authorizing \$4,022,000 School Bonds.

Chairman Reckhow opened the public hearing that was properly advertised.

Ms. Victoria Peterson, Triangle Citizens Rebuilding Communities, P.O. Box 101, Durham 27702, stated that no contract was included in the agenda material to specify how the

\$4 million would be expended. She requested information about the vocational center such as age requirements and courses to be offered.

Chairman Reckhow reiterated for Ms. Peterson that the contract for United Therapeutics would not be initiated until a decision is made by the company to locate in Durham. A contract is not available for this agenda item; however, the County Manager would share a background memo that outlines the plans to date and the types of vocational programs to be offered. The County Commissioners will receive a briefing, possibly at the May 1 Worksession. Chairman Reckhow invited Ms. Peterson to attend.

Chairman Reckhow closed the public hearing.

Per a request by Commissioner Page, County Attorney Kitchen clarified that the Commissioners are charged with providing capital needs for the schools. Operational details are decided by the DPS Board of Education.

Vice-Chairman Heron asked what would transpire if the school board were to decide not to move forward with the vocational education project.

County Attorney Kitchen responded that May 31 is scheduled for the sale of the bonds. Should the school board decide to cancel the project prior to that date, the bonds would not be issued. If the program is canceled subsequent to May 31, then the bonds could be used for a similar school-related program or to pay off the bonds.

Commissioner Page raised his concern that he is unclear about the project.

Chairman Reckhow restated that DPS is in the process of refining plans that will be presented at the May 1 Worksession. A wide variety of vocational programming is being considered.

County Manager Ruffin stated that the plans would be presented to the Board of Education in April.

Commissioner Cousin concurred with Commissioner Page about the community being involved in the planning process.

Commissioner Cheek moved, seconded by Commissioner Page, to adopt the Bond Order Authorizing \$4,022,000 School Bonds.

The motion carried unanimously.

ORDER AUTHORIZING  
\$4,022,000 SCHOOL BONDS

WHEREAS, The Durham Public Schools Board of Education has certified to the Board of Commissioners for the County of Durham, North Carolina, a resolution passed by said Board of Education on March 23, 2006 showing that adequate school facilities are not now available in the Durham Public Schools Administrative Unit to comply with the requirements of Section 2 of Article IX of the Constitution of North Carolina for the maintenance of schools at least nine months in every year and that it is necessary, in order to maintain such term as required by said Section 2 of Article IX of the Constitution, to provide additional school facilities in said Unit by erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, the estimated cost of which is at least \$4,022,000;

WHEREAS, said resolution requests said Board of Commissioners to take all necessary steps, by the issuance of bonds or otherwise, in order that funds may be provided for such school facilities; and

WHEREAS, said Board of Commissioners has carefully examined the facts and has determined and does hereby find as a fact that the statements made in said resolution are true and that it has become the duty of said Board of Commissioners, acting as an administrative agent of the State of North Carolina in providing a State system of public schools, to order the issuance of bonds of the County of Durham so that the school facilities mentioned in said resolution and in paragraph 1 of this order may be provided in order to maintain the school term in the County of Durham as required by Section 2 of Article IX of the Constitution; now, therefore,

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

1. That, pursuant to The Local Government Bond Act, as amended, and in order to maintain the school term in the County of Durham as required by Section 2 of Article IX of the Constitution, the County of Durham, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue School Bonds in an aggregate principal amount not exceeding \$4,022,000 for the purpose of providing funds, with any other available funds, for erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, in order to provide additional school facilities in said County.

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 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. § 159-60 in which

event it will take effect when approved by the voters of said County at a referendum as provided in said Act.

**Board and Commission Appointments**

Vonda Sessoms, Clerk to the Board, distributed ballots. The Commissioners voted to appoint the following (incumbents are underlined):

Adult Care Home Community Advisory Committee

Bernadette R. Williams (At-large)

Area Mental Health Board

Matthew Wallace (Clinical Professional)

City-County Appearance Commission

John E. Felton (At-large)

Library Board

Allan Lang (At-large)

Raleigh-Durham Airport Noise Abatement Committee

Tom C. Kerns (At-large)

**Closed Session**

Commissioner Page moved, seconded by Vice-Chairman Heron, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industry in Durham.

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow announced that no action was taken during the closed session; directives were given to staff.

**Adjournment**

There being no further business, Commissioner Reckhow adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Vonda Sessoms  
Clerk to the Board