

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

Monday, July 26, 2004

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 Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

- Commissioner Jacobs added "Update on Durham Regional Hospital" to the agenda.
- Chairman Reckhow added "Work First Plan Update" to designate a commissioner to represent the Board on the planning committee.

Minutes

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve as corrected the May 3, 2004 Worksession Minutes; approve as submitted the May 27, 2004 Budget Worksession and June 28, 2004 Regular Session Minutes.

The motion carried unanimously.

July Anchor Award Winner—Gary Meares

Gary Meares, DSS Operations Manager, was selected to receive the July Anchor Award.

Sharon Hirsch, Assistant Director, DSS Customer Access and Program Support Services, remarked on Mr. Meares' accomplishments within the Social Services Department. Mr. Meares is an outstanding employee who constantly searches for ways to improve facilities and save the County money. He has taken a strong leadership role to improve

the appearance and safety of DSS buildings, which is a constant challenge, considering the state of the buildings. Mr. Meares also does an outstanding job keeping staff informed of impending changes related to facility and safety issues.

One of Mr. Meares' responsibilities is to monitor the telephone bills. His attention to detail in bill monitoring has helped to significantly reduce the tri-wide and long distance phone charges by lowering the number of personal phone calls made by staff. He demonstrates the agency's core values of Respect, Integrity, and Partnership every day in his work with DSS staff and other County partners. He is a role model for the agency and the County.

Mr. Meares credited General Services, Engineering, and Social Services staff for contributing to his achievements. He thanked the Board for the recognition.

Chairman Reckhow presented the July Anchor Award to Mr. Meares and expressed appreciation for his contributions to the County.

Consent Agenda

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

- b. Appointment—NCACC Annual Conference Voting Delegate (appoint Commission Chairman Ellen W. Reckhow as the voting delegate to the annual conference);
- *c. Street Annexation Petition—Chesley Lane (approve the addition of Chesley Lane to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- *f. Rules of Procedure of the Durham Planning Commission (approve the Planning Commission Rules of Procedure);
- *g. Budget Ordinance Amendment No. 05BCC000002—Moving State Mental Health Revenues to Appropriate Revenue Categories (reallocate \$67,066 in revenue from Intergovernmental to Service Charges per changes in state funding); and
- *h. Budget Ordinance Amendment No. 05BCC000003 and Capital Project Ordinance Amendment No. 04CPA000001 for the Agriculture Building Renovations Project (DC068) (recognize \$3,000 in new revenue, and transfer to the county contribution fund; move \$2,000 of unspent county contribution funds in the existing Animal Shelter renovation project, which will increase the amount of the

Agriculture Building Renovation project by \$5,000 to a total project budget of \$748,875; decrease the Animal Shelter Renovation project budget by \$2,000 to a total project budget of \$1,626,402).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. c. Street Annexation Petition—Chesley Lane (approve the addition of Chesley Lane to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina

County of Durham

Road Description: Chesley Lane (0.2 miles) (Fairfield Subdivision, Phase 4A, East of Herndon Road and Scott King Road)

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Durham requesting that the above-described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above-described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that the Division of Highways is hereby requested to review the above-described road and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of County Commissioners of the County of Durham at a meeting on the 26th day of July, 2004.

*In the office of the Clerk to the Board.

Consent Agenda Item No. f. Rules of Procedure of the Durham Planning Commission (approve the Planning Commission Rules of Procedure).

DURHAM PLANNING COMMISSION
RULES OF PROCEDURE

SECTION 1: INTRODUCTION

1.1 Purpose

To establish procedures for organizing the business of the Durham Planning Commission, hereafter referred to as the Commission, in executing its duties and responsibilities.

1.2 General Rules

The Commission shall be governed by the terms of the Durham City/County Zoning Ordinance (Chapter 24 of the Durham City Code and the Durham County Zoning Ordinance), by the terms of the Interlocal Cooperation Agreement between the City of Durham and the County of Durham, and by the terms of the State Statutes, in particular N.C.G.S. 160A-360 to 160A-387 and N.C.G.S 153A as they may be amended or revised and by these rules to the extent that they do not conflict with the law. For procedures not covered by these rules, the Commission shall follow the rules contained in Roberts Rules of Order, Revised.

1.3 Functions of the Planning Commission

The Planning Commission shall have 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. The Planning Commission shall report to the Governing Bodies on an annual basis concerning the conditions of the planning jurisdiction and the status of planning activities.
- c. Review committee reports.
- d. Review and make recommendations on major planning policies and planning implementation actions. Such review and recommendations shall be transmitted to the appropriate Governing Bodies for consideration during their deliberation.
- e. Coordinate with the City, County and Planning Agency in order to accommodate Work Program and Annual Budget changes that may result from the application for or receipt of funds by the City or County from the Federal Government and its agencies, the State Government or its agencies, any local government and its agencies, or any private or civic sources.
- f. Coordinate with the City, County, and Planning Agency in accommodating Work Program and Annual Budget changes that may result from contracts between the City or County and the State and Federal governments (or their agencies) under which financial assistance for planning and implementation is made available to the City or County.
- g. Coordinate with the City, County and Planning Agency in accommodating Work Program and Annual Budget changes that may result from the City and County contracting with any other city, county, or regional council or

planning agency under which agreement is made to furnish technical planning assistance between entities.

- h. Advise and cooperate with units of local government, State government or Federal government on any matter within the Planning Commission's powers and duties.
- i. Review and make recommendations to the appropriate Governing Body concerning plan amendments, rezonings and proposed Zoning and Subdivision Ordinance changes.
- j. Members of the Planning Commission shall serve on the following boards, commissions and committees, and any others when provision for Planning Commission representation has been made by the appropriate Governing Body or Bodies:
 - (1) Bike Pedestrian Commission
 - (2) Development Review Board
 - (3) Durham/Chapel Hill Working Group
 - (4) Joint City/County Planning Committee
 - (5) Open Space and Trails Commission
 - (6) Others as may be authorizedAppointments shall be made by the Chair of the Planning Commission in consultation with the Vice Chair.
- k. Carry out such 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 of the conflict sufficient for the Governing Bodies to agree upon.

SECTION 2: MEMBERSHIP AND OFFICERS

2.1 Membership

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. District Representation. The Council and the Board shall use district representation plans adopted by each body for appointments to the Commission. As the Council and Board deem necessary, these plans may be revised to reflect population changes and to maintain geographic and population balance. A map indicating the current district representation plan shall be kept in each respective Clerk's office, and shall be utilized in advertising Commission vacancies. When a vacancy cannot be filled by a resident of a district after the position has been advertised twice, the governing body making the appointment may appoint a representative from outside the district. Districts that are not represented on the Commission shall be given first priority when the governing bodies fill vacancies.

2.2 Chair

The Chair shall preside at all meetings and public hearings of the full commission, make committee appointments in consultation with the Vice Chair, and decide all points of order and procedures subject to these rules unless directed otherwise by a majority of the Commission in session at that time. The Chair shall have the right to vote, but shall not have the right to break a tie vote in which he or she participated.

2.3 Vice Chair

The Vice Chair shall serve as acting Chair in the absence of the Chair and at such time have all the powers, duties and voting rights as the Chair.

2.4 Clerk

The Planning Department staff member who works with the Commission shall serve as Clerk. The Clerk, subject to the direction of the Chair and Commission, shall keep all records, shall conduct all correspondence of the Commission, and shall generally supervise the clerical work of the Commission and its Committees. The minutes shall show record of all important facts pertaining to each meeting, including:

- a. Every resolution acted upon by the Commission;
- b. All votes of the Commission members upon any recommendation, resolution or other final determination of any question before the Commission; and
- c. A record of all votes in a and b above, indicating the names of members voting for, against, absent or excused from voting.

2.5 Election of Officers

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.

The Chair and Vice Chair shall be elected annually at the Commission's regular meeting in September. The term of office will begin at the time of the election and will expire at the time of the next election. The Chair and Vice Chair shall serve terms of one (1) year and shall be eligible for re-election. A majority vote of members present shall be necessary to elect officers.

2.6 Vacancy

- a. A vacancy in the office of Chair shall be filled by the Vice Chair succeeding to the office for the balance of the unexpired term.
- b. A vacancy in the office of Vice Chair (including a vacancy due to Section 2.6 [a] above) shall be filled by election of a Vice Chair from the Commission for the balance of the unexpired term.

2.7 Public Representation

Only the Chair, or a member designated by the Chair, may speak officially for the Commission. Commission members may speak publicly as private citizens on planning matters; however, they should indicate in such cases that they are presenting their own opinions. Violators of 2.7 shall be notified of said infraction by the Chair. Repeated infractions shall be reported to the appropriate governing bodies.

SECTION 3: MEETINGS

3.1 Regular Meetings

- a. Planning Commission - Regular meetings of the Planning Commission shall be held on the second Tuesday of each month in the Council Chambers of City Hall at 6 pm. In the event there are a large number of agenda items to be considered, the Planning Director, in consultation with the Planning Commission, may schedule additional meetings with proper notice to Commission members, the press, applicants and the public.
- b. The Planning Commission may change the time and location of future meetings at any regular meeting, with appropriate notice to Commission members, the press, applicants, and public.
- c. When a regular meeting day falls on a legal holiday, the Commission shall reschedule or cancel the meeting with a minimum of forty-eight (48) hours notice.

3.2 Special Meetings

Special meetings of the Commission may be called by the Chair or by written request of two (2) members of the Commission submitted to the Chair. Written or oral notice of special meetings shall be given to all members at least forty-eight (48) hours prior to the meeting and shall state the time, place and purpose of the meeting.

3.3 Cancellation of Meetings

Whenever there is no business to come before the Commission, the Chair, after consultation with the Planning Director, may dispense with a regular meeting by given notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting.

3.4 Quorum

A quorum of the Commission shall consist of eight (8) members. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted present for the purpose of determining whether or not a quorum is present.

3.5 Order of Business

- a. The order of Business at regular meetings of the Planning Commission shall be as follows:
 - i. Call to Order
 - ii. Roll Call
 - iii. Approval of Minutes
 - iv. Zoning Text Amendments
 - v. Public Hearing on each Zoning Case, with recommendation or department immediately following
 - vi. Plan Amendments
 - vii. Public Hearing on each Plan Amendment, with recommendation or department immediately following
 - viii. Unfinished Business
 - ix. New Business
 - x. Adjournment
- b. The order of business may be varied by majority consent of the members present. Commissioners may make request for information or ask questions of a general nature not including a specific agenda item under "New Business".

3.6 Procedure for Time Limits

- a. The Commission may limit the length of a meeting or set a time for adjournment by a majority vote of the members present.
- b. The Commission may limit the time each person at a public hearing is allowed to speak by a majority vote to the members present.

3.7 Conduct of Public Hearings

In order to ensure full consideration of matters before the Commission public hearings shall be conducted in the following order:

- a. Staff presentation
- b. Presentation by applicant and other speakers in support of the request. (The time allotted for proponents in each rezoning case is ten (10) minutes, but may be extended by a majority vote to the Commission members provided the same time extension is provided to each party; the time allotted for other public hearings shall be determined according to the procedure in Section 4.6). Speakers may reserve time for rebuttal from the original time allotment.
- c. Presentation or comments by speakers in opposition to the request. (The time allotted for opponents in each rezoning case is ten (10) minutes, but may be extended by a majority vote of the Commission members provided the same time extension is provided to each party; the time allotted for other public hearings shall be determined according to the procedure in Section 4.6). Speakers may reserve the time for rebuttal from the original time allotment.
- d. Rebuttal by proponents
- e. Rebuttal by opponents
- f. Questions by Commission members
- g. Comments and Voting by Commission members

3.8 Open Meetings

All regular and special meetings, public hearings, records, and minutes of the Commission shall be open to the public and shall conform to the North Carolina Open Meetings Law, N.C.G.S Chapter 143, article 33C. The press shall be notified by telephone, written notice or in person of regular and special meetings at least forty-eight (48) hours prior to the meeting.

3.9 Agenda

- a. The agenda for each regular and special meeting, public hearing, or Commission meeting shall be prepared by the Clerk of the Commission, after consultation with the Chair.
- b. The agenda for each meeting shall be distributed to all Commission members no more than ten (10) calendar days prior to the scheduled meeting or hearing, except in the case of special meetings called under Section 3.2 in which case the agenda will be delivered or orally transmitted, as appropriate, to the members no later than forty-eight (48) hours prior to the scheduled meeting or hearing.
- c. Copies of the agenda and staff report shall be made available to the applicant, the press, and the public at the office of the City-County Planning Department at the time of delivery to the Commission members. Copies of the agenda and staff report shall be available at the Commission meeting.
- d. The Commission may consider no business, either old or new, unless such item properly appears on the agenda or unless such matter is approved for consideration by a majority vote of the members.

3.10 Attendance

A member who will be unable to attend a regular meeting of the Commission must contact the Clerk at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged. The Commission will be notified of the absence and reason at the meeting.

Attendance will be taken at each meeting with each Commissioner noted as being:

- a. Present
- b. Tardy (more than fifteen (15) minutes late)
- c. Excused absence
- d. Unexcused absence

The Chair shall direct the Clerk to notify the appropriate Governing Body of the attendance record of any member, who misses:

- a. Three (3) consecutive regular meetings of the Commission
- b. More than three (3) meetings in a twelve (12) month period without being excused due to the illness of the member or a death or illness within the member's immediate family.
- c. More than four(4) meetings in a twelve (12) month period

SECTION 4: CONDUCTING BUSINESS

4.1 Decisions

The vote of a majority of those members present shall be sufficient to decide any matter before the Commission, provided a quorum is present. No member shall

- be excused from voting except as required in Section 4.2 or Section 4.3 In all other cases, a failure to vote by a member who is physically present in the meeting room or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as a vote to approve the agenda item. All voting shall be by a show of hands or by a roll call.
- 4.2 Qualifications to Vote
No Commission members shall vote on any matter before the Commission unless that member shall have attended previous deliberations on such matters. This shall require the Commission member to be present from the beginning of the initial public hearing on the matter.
- 4.3 Conflict of Interest
No Commission member shall take part in any hearings, consideration, determination, or vote concerning a property in which the Commission member or a close relative (spouse, sibling, child, or parent):
- a. Is the applicant before the Commission;
 - b. Owns property within close proximity of the subject property (this shall be interpreted as being within the required notification area); or
 - c. Has a financial interest in the subject property or improvements to be undertaken thereon.
- In addition, a Commission member may request a vote of the Commission excusing the member from taking part in any hearing, consideration, determination or vote concerning a property in which a business associate or employer of the Commission member:
- a. Is the applicant before the Commission or;
 - b. Owns property within close proximity of the subject property (this shall be interpreted as being within the required notification area); or
 - c. Has a financial interest in the subject property or improvements to be undertaken thereon.
- 4.4 Motions
The Commission shall proceed by motion. Any member, except the presiding Chair, may make a motion or second a motion. The introducer may withdraw a motion at any time before a vote.
- 4.5 Debate
The Chair shall state the motion and then open the floor to debate on it. The member who made the motion is entitled to speak first. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
- 4.6 Suspension of Rules
The Commission may, upon affirmative vote of two-thirds (2/3) of its membership, suspend these rules of procedure for consideration of any matter before the Commission.

SECTION 5: AMENDMENTS

The rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than eight (8) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote was taken. Any change to the

adopted rules of procedures shall be submitted to both Governing Bodies for review and comment.

Consent Agenda Item No. g. Budget Ordinance Amendment No. 05BCC000002—Moving State Mental Health Revenues to Appropriate Revenue Categories (reallocate \$67,066 in revenue from Intergovernmental to Service Charges per changes in state funding).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$256,184,744	(\$67,066)	\$256,117,678
Service Charges	\$ 30,738,596	\$67,066)	\$ 30,805,662

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

This the 26th day of July, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. h. Budget Ordinance Amendment No. 05BCC000003 and Capital Project Ordinance Amendment No. 05CPA000001 for the Agriculture Building Renovations Project (DC068) (recognize \$3,000 in new revenue, and transfer to the county contribution fund; move \$2,000 of unspent county contribution funds in the existing Animal Shelter renovation project, which will increase the amount of the Agriculture Building Renovation project by \$5,000 to a total project budget of \$748,875; decrease the Animal Shelter Renovation project budget by \$2,000 to a total project budget of \$1,626,402).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$256,117,678	\$3,000	\$256,120,678

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$ 3,277,965	\$3,000	\$ 3,280,965

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

This the 26th day of July, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Capital Project Ordinance
Amendment No. 05CPA000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY 2004-05 Capital Project Ordinance is hereby amended to reflect budget adjustments for the Agricultural Building Renovation project and the Animal Shelter Renovation project.

Agricultural Building Renovation Project

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Agricultural Building Renovation Project	\$ 745,875	\$5,000	\$ 748,875

Expenditures

Animal Shelter Renovation Project	\$1,628,402	(\$2,000)	\$1,626,402
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of July, 2004.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the property tax release and refund report for June 2004 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Commissioner Heron removed this item to address the massive quantity of June prorated billings for vehicles and businesses.

Tax Administrator Ken Joyner explained that most of the bills are vehicle prorations. Generally, a bill is prorated when an individual sells a vehicle during the year. Pursuant to General Statutes, an individual may request a proration for the amount of time he or she possessed the tag; otherwise, the individual will be billed for the entire year. For businesses, when a discovery bill has been sent to a business and the business informs Tax Administration of an amount different from the bill, the difference is then billed as a proration.

Commissioner Heron moved, seconded by Commissioner Jacobs, to authorize the Tax Assessor to adjust the tax records as outlined by the report.

The motion carried unanimously.

Releases & Refunds for 2004 Taxes:

Personal	\$	231.80
Registered Vehicles	\$	16,303.42
Vehicle Fees	\$	145.00
Solid Waste	\$	<u>130.00</u>
Total for 2004 Taxes and Fees	\$	16,810.22

Releases & Refunds for 2003 Taxes:

Real	\$	1,451.26
Personal	\$	2,338.63
Registered Vehicles	\$	15,266.50
Vehicle Fees	\$	<u>85.00</u>
Total for 2003 Taxes and Fees	\$	19,141.39

Prior years' (2001-2002) releases and refunds for June 2004 are for \$4,751.63.

The total current year and prior years' releases and refunds amount to \$40,703.24.

(Recorded in Appendix A in the Permanent Supplement of the July 26, 2004 Regular Session Minutes of the Board.)

Consent Agenda Item No. d. Annual Maintenance and Support Services Contract for the Security/Surveillance System—Durham County Detention Center (authorize the County Manager to enter into a contract with Applied Systems Technologies Inc. to perform

factory support, planned maintenance, and video archiving at a cost not to exceed \$69,300 and the initial spare parts inventory of \$50,386 for a total of \$119,686).

Commissioner Heron inquired about coverage for July '04 and July '05 since the 11-month contract starts August 1, 2004 and ends June 30, 2005.

Don Hasselbach, Assistant Director of General Services, stated that a separate contract for July 2004 is being drafted. July 2005 will be the beginning of the contract renewal.

Commissioner Heron moved, seconded by Commissioner Jacobs, to authorize the County Manager to enter into a contract with Applied Systems Technologies Inc. to perform factory support, planned maintenance, and video archiving at a cost not to exceed \$69,300 and the initial spare parts inventory of \$50,386 for a total of \$119,686.

The motion carried unanimously.

NORTH CAROLINA
DURHAM COUNTY

SERVICE CONTRACT

THIS CONTRACT is made, and entered into this the 1st day of August, 2004, by and between the COUNTY of DURHAM, a political subdivision of the State of North Carolina, (hereinafter referred to as "COUNTY"), and Applied Systems Technology, Inc. a corporation duly authorized to do business in the state of North Carolina, SS/EID# 56-1633832 (hereinafter referred to as "CONTRACTOR").

1. SERVICES TO BE PROVIDED AND AGREED CHARGES

CONTRACTOR hereby agrees to provide services and/or materials under this contract (hereinafter referred to collectively as "SERVICES") pursuant to the provisions and specifications identified in "Attachment 1". COUNTY hereby agrees to pay for services at per unit prices contained in Attachment 1 and pursuant to paragraph "3" of this contract. Attachment 1, is hereby incorporated by reference as if fully set out herein. Should there be any conflict between the terms of this contract and Attachment 1, this contract controls.

2. TERM OF CONTRACT

The term of this CONTRACT for services is from August 1, 2004 to June 30, 2004, with the provision for annual renewals up to a total term of 5 (five) years. Renewal of this contract shall be for the complete fiscal year of 1 July through 30 June and be entered into by mutual agreement of the parties and entered into not less than sixty (60) days prior to the expiration of the contract.

This contract is subject to the availability of funds to purchase the specified services and may be terminated at any time during the term upon thirty (30) days notice if such funds become unavailable.

3. PAYMENT TO CONTRACTOR

CONTRACTOR shall receive from COUNTY during the first year of this contract an amount not to exceed Sixty-nine thousand, three hundred dollars (\$69,300.00) as full compensation for the provision of services. COUNTY agrees to pay at the rates specified for services, performed to the satisfaction of the County, in accordance with this contract, and Attachment 1. Unless otherwise specified, CONTRACTOR shall submit an itemized invoice to COUNTY by the end of the month during which services are performed. Payment will be processed promptly upon receipt and approval of the invoice by COUNTY. COUNTY shall also reimburse CONTRACTOR, according to invoice, for the cost of replacement parts. As an initial inventory, COUNTY shall acquire those replacement parts detailed in Attachment 2 to this contract.

4. INDEPENDENT CONTRACTOR

COUNTY and CONTRACTOR agree that CONTRACTOR is an independent contractor and shall not represent itself as an agent or employee of COUNTY for any purpose in the performance of CONTRACTOR'S duties under this contract. Accordingly, CONTRACTOR shall be responsible for payment of all federal, state and local taxes as well as business license fees arising out of CONTRACTOR'S activities in accordance with this contract. For purposes of this contract taxes shall include, but not be limited to, Federal and State Income, Social Security and Unemployment Insurance taxes.

CONTRACTOR, as an independent contractor, shall perform said services in a professional manner and in accordance with the standards of applicable professional organizations and licensing agencies.

5. INSURANCE AND INDEMNITY

To the fullest extent permitted by laws and regulations, the CONTRACTOR shall indemnify and hold harmless the COUNTY and its officials, agents, and employees from and against all claims, damages, losses, and expenses, direct, indirect, or consequential (including but not limited to fees and charges of engineers or architects, attorneys, and other professionals and costs related to court action or arbitration) arising out of or resulting from the performance of this Contract or the actions of the CONTRACTOR or its officials, employees, or contractors under this Contract or under contracts entered into by the CONTRACTOR in connection with this Contract. This indemnification shall survive the termination of this agreement.

In addition, CONTRACTOR shall comply with the North Carolina Workers' Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. Additionally, CONTRACTOR shall maintain, at its expense, the following minimum insurance coverage:

\$1,000,000 per occurrence /\$2,000,000 aggregate --- Bodily Injury
Liability, and
\$ 100,000 --- Property Damage Liability, or
\$1,000,000 per occurrence /\$2,000,000 aggregate---Combined Single
Limit Bodily Injury and Property Damage

CONTRACTOR, upon execution of this contract, shall furnish to COUNTY a certificate of insurance from an insurance company, licensed to do business in the State of North Carolina and acceptable to COUNTY verifying the existence of any insurance coverage required by COUNTY. The certificate will provide for thirty-(30) days advance notice in the event of a decrease in coverage, termination, or cancellation of coverage.

6. HEALTH AND SAFETY

CONTRACTOR shall be responsible for initiating, maintaining, and supervising all safety precautions and programs required by OSHA and all other regulatory agencies while providing services under this contract.

7. NON-DISCRIMINATION IN EMPLOYMENT

CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, national origin, or disability. CONTRACTOR shall take affirmative action to ensure that qualified applicants are employed and that employees are treated fairly and legally during employment with regard to their age, sex, race, creed, national origin, or disability. In the event CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be canceled, terminated or suspended in whole or in part by COUNTY, and CONTRACTOR may be declared ineligible for further COUNTY contracts.

8. GOVERNING LAW

This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General Court of Justice in the County of Durham and the State of North Carolina.

9. TERMINATION OF AGREEMENT

This contract may be terminated, without cause, by either party upon thirty (30) days written notice to the other party. This termination notice period shall begin upon receipt of the notice of termination. Such a termination does not bar either party from pursuing a claim for damages for breach of the contract.

This contract may be terminated, for cause, by the non-breaching party notifying the breaching party of a substantial failure to perform in accordance with the provisions of this contract and if the failure is not corrected within ten (10) days of the receipt of the notification. Upon such termination, the parties shall be entitled to such additional rights and remedies as may be allowed by relevant law.

Termination of this agreement, either with or without cause, shall not form the basis of any claim for loss of anticipated profits by either party.

10. SUCCESSORS AND ASSIGNS

CONTRACTOR shall not assign its interest in this contract without the written consent of COUNTY. CONTRACTOR has no authority to enter into contracts on behalf of COUNTY.

11. COMPLIANCE WITH LAWS

CONTRACTOR represents that it is in compliance with all Federal, State, and local laws, regulations, or orders, as amended or supplemented. The implementation of this contract will be carried out in strict compliance with all Federal, State, or local laws regarding discrimination in employment.

12. NOTICES

All notices which may be required by this contract or any rule of law shall be effective when received by certified mail sent to the following addresses:

COUNTY OF DURHAM
ATTN: PURCHASING DEPARTMENT
4TH FLOOR, 200 EAST MAIN STREET
DURHAM, NORTH CAROLINA 27701

Applied Systems Technology, Inc.
ATTN: T.A. Brewer
PO DRAWER 185
1017 Morrisville Parkway
Morrisville, NC 27560-0185

13. AUDIT RIGHTS

For all services being provided under this contract, COUNTY shall have the right to inspect, examine, and make copies of any and all books, accounts, invoices, records, and other writings relating to the performance of said services. Audits shall take place at times and locations mutually agreed upon by both parties. Notwithstanding the foregoing, CONTRACTOR must make the materials to be audited available within one (1) week of the request for them.

14. COUNTY NOT RESPONSIBLE FOR EXPENSES

COUNTY shall not be liable to CONTRACTOR for any expenses paid or incurred by CONTRACTOR unless otherwise agreed in writing.

15. EQUIPMENT

CONTRACTOR shall supply, at its sole expense, all equipment, tools, materials, and/or supplies required to provide contracted services unless otherwise agreed in writing.

16. ENTIRE AGREEMENT

This Agreement and the attached document labeled "Attachment 1" shall constitute the entire understanding between COUNTY and CONTRACTOR and shall supersede all prior understandings and agreements relating to the subject matter hereof and may be amended only by written mutual agreement of the parties.

17. HEADINGS

The subject headings of the paragraphs are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This agreement shall be deemed to have been drafted by both parties and no interpretation shall be made to the contrary.

Consent Agenda Item No. e. Lease Renewal for 119 Orange Street (approve the lease extension for 119 Orange Street for the Probation and Parole division of the court system for an additional one-year term, and authorize the Manager to execute the lease extension).

Vice-Chairman Bowser questioned the location of the Probation and Parole division during courthouse renovation.

County Manager Ruffin responded that the Probation and Parole division will remain at its current location until the new courthouse is constructed. Once the new space is available, the Orange Street lease will be terminated.

Vice-Chairman Bowser clarified that he was referring to the old First Union building annex.

Commissioner Heron referred to a conversation with the County Manager, who informed her that part of the division is currently located in the Judicial Building.

County Manager Ruffin stated that the Juvenile division is located in the Judicial Building; the Orange Street lease applies to Adult Probation and Parole.

Chairman Reckhow opined that Adult Probation and Parole would be located in the renovated Judicial Building.

Glen Whisler, County Engineer, explained that Adult Probation and Parole is not included in the renovation.

Commissioner Heron asked if the State will refund the County for supplying space for Probation and Parole.

Staff responded that the County will not be reimbursed since facility fees are supplied by the courts to fund the judicial system, including court rooms, probation and parole, District Attorney's office, etc. Unfortunately, facility fees do not cover the costs of court rooms alone.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the lease extension for 119 Orange Street for the Probation and Parole division of the court system for an additional one-year term; authorize the Manager to execute the lease extension.

The motion carried unanimously.

Chairman Reckhow directed the County Manager to acquire an accounting of County generated revenue versus an estimate of expenditures.

LEASE EXTENSION FOR 119 ORANGE STREET

THIS LEASE EXTENSION is made as of the 26th day of July 2004, between James H. Hanna, ("Landlord") and Durham County, North Carolina ("Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant entered into a lease agreement dated July 28, 2003, for approximately 11,050sq.ft. of space at 119 Orange Street, located in downtown Durham, North Carolina ("Lease"). The space is used as by the Probation and Parole Division of the N.C. Department of Corrections; and

WHEREAS, Landlord and Tenant wish to exercise the Option to Renew the Lease upon the terms and conditions stated in the Lease.

NOW, THEREFORE, for and in consideration of the promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. The Tenant hereby exercises its Option to Renew the Lease pursuant to Item 4.B of the Lease, for a one year period. The Renewal Period will begin on August 13, 2004 and shall end on August 12, 2005 ("Renewal Period").
2. Pursuant to Item 4.B. of the Lease, the minimum base rent for the Renewal Period shall be \$122,350.00 annually (\$10,195.83 per month).
3. The terms and conditions of the Lease shall remain in full force and effect for the Renewal Period.

Public Hearings—Triangle Metro Center South, Rezoning Case P03-48 and Triangle Metro Center West, Rezoning Case P03-49

Nazeeh Abdul-Hakeem, Senior Planner, City/County Planning Department, introduced to the Board of Commissioners Craig Davis Properties' requests to rezone a 107.79-acre site located at the northeast corner of the Davis Drive and Hopson Road intersection [PIN 0747-01-15-6880 (partial) and 03-14-7865. Request: RSCH and RD to O&I-2CN(D)] and a 45.26-acre site located on the northwest corner of the Davis Drive and Hopson Road intersection [PIN 0747-01-05- 2301 and 15-6880 (partial). Request: RSCH to SC(D) and RM-20(D)]. The proposals are in conformance with the small area plan. The Board of Commissioners approved a Plan Amendment in May. Staff recommended approval based on consistency with the adopted plan and conformity with technical requirements. The Zoning Committee of the Durham Planning Commission conducted a public hearing on April 13, 2004 and voted 6-0 to recommend denial, based on inconsistencies then existing with the County's Stormwater Ordinance and on a refusal to make all needed transportation improvements. Both issues have since been resolved.

The public hearings for these requests were advertised on July 9 and 16 in the Durham Herald-Sun.

Chairman Reckhow asked for questions from the Board.

County Attorney Chuck Kitchen stated for the record that a protest petition was filed on the 107.79-acre site, Triangle Metro Center South, but was deemed invalid.

Commissioner Heron requested additional information about the invalidity of the petition.

Lowell Siler, Deputy County Attorney, explained that the petition is not in conformance with the Durham City/County Zoning Ordinance. A 200-foot railroad easement right-of-way extends between the objectors and the subject property. According to the ordinance, as it relates to protest petitions, the property must be immediately adjacent to and extend 100 feet from the subject property, making the petition invalid.

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

Patrick Byker, 2614 Stuart Drive, Durham, NC 27707, representing Craig Davis Properties, provided reasons for the Board to approve the rezonings.

Paul Vespormann, 904 Stone Lion Drive, Durham, NC 27703, representing Triangle Transit Authority, commented on TTA benefiting from the rezonings.

Liz Rooks, 2 Hanes Drive, Durham, NC 27709, representing Research Triangle Foundation, supported the rezonings.

As no one else signed to speak, Chairman Reckhow closed the public hearing and referred the item back to the Board.

Commissioner Heron inquired about the phasing of development and what phase will be presented to the Board in the fall.

Jim Schaafsma, Partner at Craig Davis Properties, replied that the phasing plan stretches over eight to ten years, delivering between 150 and 200 dwelling units per year. Various components of the commercial and retail sectors will also be phased. However, to attract home buyers, a significant part of the retail must be included in the first phase of the project, which will be presented to the Board in the fall. Additionally, a site plan with specific areas of development for the first phase will be presented.

Commissioner Heron expressed concern about the impact on roads.

Mr. Schaafsma addressed Commissioner Heron's concern.

Chairman Reckhow asked for a more specific range of dwelling units. (The site plan states a minimum of 1,150 and a maximum of 2,285 dwelling units.)

Mr. Schaafsma stated an approximate projection of 1800 dwelling units for both rezonings. He also affirmed for Chairman Reckhow that the site plan in the fall will include greater definition of commercial and retail aspects of the project.

Chairman Reckhow expressed disappointment that the shopping center layout is not pedestrian-friendly. She asked if redesign of the layout would be included in the refinements to be presented to the Board in the fall.

Mr. Schaafsma stated that by the fall, greater definition and refinement would be made to the layout, especially as it relates to the neighborhood center on the west side of Davis Drive.

Commissioner Jacobs advocated the project, supporting additional housing and amenities in an area with accessible transportation.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve the rezoning of a 107.79-acre site located at the northeast corner of the Davis Drive and Hopson Road intersection [PIN 0747-01-15-6880 (partial) and 03-14-7865. Request: RSCH and RD to O&I-2CN(D)] and a 45.26-acre site located on the northwest corner of the Davis Drive and Hopson Road intersection [PIN 0747-01-05- 2301 and 15-6880 (partial). Request: RSCH to SC(D) and RM-20(D)].

Commissioner Heron asked about the tree save areas.

Mr. Schaafsma stated that the acreage is indicated in the staff report. In such an urban area, the style of development indicates that large expanses cannot be saved, other than stream buffer areas. Over time, to provide a more appealing area to buyers, the section will be reforested with trees and plants.

Mr. Byker added that the area along Hopson Road is cleared farmland. The area to be preserved is around the large pond, on the northeast side of the property.

The motion carried unanimously.

An Ordinance Amending the Durham City-County Zoning Ordinance by Taking Property out of Research and RD Zoning District and Establishing the Same as O & I-2CN(D) District

Be it Ordained by the Durham Board of County Commissioners:

Section 1. That the Durham Board of County Commissioners held a Public Hearing on Zoning Case P03-48 and voted on July 26, 2004 to approve the rezoning Request Described herein.

Section 2 That the Durham City-County Zoning Atlas and Ordinance are hereby amended by taking the following described Property out of RSCH and RD Zoning and placing the same in and establishing the same as O & I-2 CN(D) Zoning.

All property as follows, and to the centerlines of any adjoining public rights-of-way:

(Metes and bounds description, to include PIN and Tax map numbers, any recorded map references, and acreage. Single ordinance and description for all property rezoned to a single zone; separate descriptions for property rezoned to multiple zones.)

BEING THE PORTIONS OF LAND ON THE EASTERN SIDE OF DAVIS DRIVE OF THE WILKINSON FAMILY PARTNERSHIP TRACT RECORDED IN DEED BOOK 1336, PAGE 993, DURHAM COUNTY REGISTRY, DURHAM, N.C. AND A PORTION OF THE SEARLS FAMILY LIMITED PARTNERSHIP TRACT, RECORDED IN DEED BOOK 2712, PAGE 997, DURHAM COUNTY REGISTRY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NCGS MONUMENT "HEALTH" HAVING NC GRID NAD 83 COORDINATES OF N=773533.5907, E=2036540.7957;

THENCE N 55°14'26" E 3,787.80' TO AN IRON PIN FOUND AT THE SOUTHWESTERN PROPERTY CORNER OF THE WILKINSON FAMILY PARTNERSHIP TRACT, ALSO BEING THE NORTHWESTERN PROPERTY CORNER OF THE SEARLS FAMILY LIMITED PARTNERSHIP TRACT;

THENCE S 84°45'45" E 668.26 FEET TO A CONCRATE MONUMENT FOUND;

THENCE S 74°24'18" E 353.76 FEET TO AN IRON PIN SET IN THE EASTERLY RIGHT-OF-WAY OF DAVIS DRIVE, BEING THE POINT OF BEGINNING;

THENCE N 03°03'53" W 987.79 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF DAVIS DRIVE TO A CONCRETE MONUMENT FOUND IN THE NORTHERLY PROPERTY LINE OF SAID TRACT;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY OF DAVIS DRIVE, ALONG SAID NORTHERLY PROPERTY LINE ALSO BEING THE SOUTHERLY PROPERTY LINE OF ZSF/LAND, LLC PARCELS THE FOLLOWING COURSES AND DISTANCES;

S 77° 27'55" E 380.60 FEET TO AN IRON PIN FOUND;
S 77° 40' 12" E 558.52 FEET TO AN IRON PIN FOUND;
S 77° 51'34" E 159.63 FEET TO AN IRON PIN FOUND;
S 78° 01'31" E 547.62 FEET TO AN IRON PIN FOUND;
S 79° 41'35" E 224.48 FEET TO AN IRON PIN FOUND;
S 56° 08'34" E 101.85 FEET TO AN IRON PIN FOUND;
S 85° 31'51" E 123.32 FEET TO AN IRON PIN FOUND;
S 55° 48'25" E 161.40 FEET TO AN IRON PIN FOUND;
S 62° 11'28" E 140.68 FEET TO AN IRON PIN FOUND;
S 74° 45'40" E 162.47 FEET TO AN IRON PIN FOUND;
S 82° 03'03" E 610.30 FEET TO AN IRON PIN FOUND IN THE WESTERLY RIGHT-OF-WAY OF SOUTHERN RAILROAD;

THENCE S 23°36'22" W 1056.03 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO AN IRON PIN FOUND IN THE SOUTHEASTERN CORNER OF SAID TRACT, ALSO BEING THE NORTHEASTERN CORNER OF THE SEARLS FAMILY LIMITED PARTNERSHIP TRACT;

THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF SOUTHERN RAILROAD THE FOLLOWING COURSES AND DISTANCES;

S 23°36'22" W 413.85 FEET TO AN IRON PIN SET AT THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE WITH SAID TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 201.66 FEET, A RADIUS 2830.00 FEET AND A CHORD BEARING AND DISTANCE OF S 21°33'53" W 201.61 FEET TO AN IRON PIN SET IN THE RIGHT-OF-WAY OF HOPSON ROAD;

THENCE ALONG THE RIGHT-OF-WAY OF HOPSON ROAD THE FOLLOWING COURSES AND DISTANCES;

S 87°39'15" E 389.96 FEET TO A TANGENT CURVE TO THE RIGHT;

THENCE WITH SAID TANGENT CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 215.11 FEET, A RADIUS OF 769.92 FEET AND A CHORD BEARING AND DISTANCE OF N 79°39' 00" W 214.41 FEET;

N 71°38'46" W 208.72 FEET TO A TANGENT CURVE TO THE LEFT;

THENCE WITH SAID TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 128.19 FEET, A RADIUS OF 5030.08 FEET AND A CHORD BEARING AND DISTANCE OF N 72°22'34" W 128.19 FEET TO A TANGENT CURVE TO THE LEFT;

THENCE WITH SAID TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 5.48 FEET, A RADIUS OF 838.44 FEET AND A CHORD BEARING AND DISTANCE OF N 71°47' 58" W 5.48 FEET TO AN IRON PIN FOUND IN THE EASTERLY PROPERTY LINE OF GERALD E. SEARLS RECORDED IN DEED BOOK 1615, PAGE 358, DURHAM COUNTY REGISTRY;

THENCE WITH SAID PROPERTY LINE N 00°52'03" W 346.39 FEET TO AN IRON PIN FOUND;

THENCE CONTINUING WITH SAID PROPERTY LINE S 89°46'46" W 99.92 FEET TO AN IRON PIN FOUND IN THE NORTHERLY PROPERTY LINE OF RONALD MAYNOR PROPERTY RECORDED IN DEED BOOK 1080, PAGE 151, DURHAM COUNTY REGISTRY;

THENCE WITH THE NORTHERLY PROPERTY LINE OF RONALD MAYNOR N 82°55'58" W 139.49 FEET TO AN IRON PIN FOUND IN THE NORTHERLY PROPERTY LINE OF CHARLES AND JANE W. KENNEDY PROPERTY RECORDED IN DEED BOOK 1275, PAGE 424, DURHAM COUNTY REGISTRY;

THENCE WITH THE NORTHERLY PROPERTY LINE OF THE KENNEDY PROPERTY S 87°43'05" W 136.45 FEET TO AN IRON PIN FOUND IN THE NORTHERLY PROPERTY LINE OF AGATHA HURST PROPERTY RECORDED IN DEED BOOK 233, PAGE 85, DURHAM COUNTY REGISTRY;

THENCE WITH THE PROPERTY LINE OF THE HURST PROPERTY S 87°45'25" W 137.21 FEET TO AN IRON PIN FOUND;

THENCE CONTINUING WITH THE PROPERTY LINE OF THE HURST PROPERTY S 01°50'02" E 127.08 FEET TO AN IRON PIN FOUND IN THE NORTHERLY PROPERTY LINE OF PATRICIA AND SUSAN S. O'BRIAN RECORDED IN DEED BOOK 1822, PAGE 237, DURHAM COUNTY REGISTRY;

THENCE WITH THE PROPERTY LINE OF THE O'BRIAN PROPERTY S 79°07'17" W 192.12 FEET TO AN IRON PIN FOUND IN THE NORTHERLY PROPERTY LINE OF ROBERT AND NANCY MALLET PROPERTY RECORDED IN DEED BOOK 2044, PAGE 112, DURHAM COUNTY REGISTRY;

THENCE WITH THE PROPERTY LINE OF THE MALLET PROPERTY S 79°07'17" W 208.97 FEET TO AN IRON PIN FOUND;

THENCE CONTINUING WITH SAID PROPERTY LINE S 03°35'45" W 208.92 FEET TO AN IRON PIN FOUND IN THE RIGHT-OF-WAY OF HOPSON ROAD;

THENCE WITH THE RIGHT-OF-WAY OF HOPSON ROAD THE FOLLOWING COURSES AND DISTANCES;

S 79°04'17" W 194.72 FEET TO AN IRON PIN SET;

N 10°58'12" W 28.32 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND;

S 79°01'48" W 140.00 FEET TO AN IRON PIN SET;

N 50°55'06" W 128.65 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND IN THE RIGHT OF WAY OF DAVIS DRIVE;

THENCE ALONG SAID RIGHT-OF-WAY OF DAVIS DRIVE N 03°03'53" W 1141.48 TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 4,695,351

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.

An Ordinance Amending the Durham City-County Zoning Ordinance by Taking Property out of Research Zoning District and Establishing the Same as SC(d) & RM-20(d) District

Be it Ordained by the Durham Board of County Commissioners:

Section 1. That the Durham Board of County Commissioners held a Public Hearing on Zoning Case P03-49 and voted on July 26, 2004 to approve the rezoning Request Described herein.

Section 2. That the Durham City-County Zoning Atlas and Ordinance are hereby amended by taking the following described Property out of Research Zoning and placing the same in and establishing the same as SC(d) & RM-20(d) Zoning.

All property as follows, and to the centerlines of any adjoining public rights-of-way:

(Metes and bounds description, to include PIN and Tax map numbers, any recorded map references, and acreage. Single ordinance and description for all property rezoned to a single zone; separate descriptions for property rezoned to multiple zones.)

RM-20 TRACT

COMMENCING AT NCGS MONUMENT "HEALTH" HAVING NC GRID NAD 83 COORDINATES OF N=773533.5907, E=2036540.7957;

THENCE N 55°14'26" E 3,787.80' TO AN IRON PIN FOUND AT THE SOUTHWESTERN PROPERTY CORNER OF THE WILKINSON FAMILY PARTNERSHIP TRACT, ALSO BEING THE NORTHWESTERN PROPERTY CORNER OF THE SEARLS FAMILY LIMITED PARTNERSHIP TRACT;

THENCE N 03°15'46" E 8.68 FEET ALONG THE WESTERLY PROPERTY LINE OF SAID SEARLS TRACT TO AN IRON PIN FOUND, BEING THE POINT OF BEGINNING;

THENCE N 03°15'46" E 890.43 FEET ALONG THE WESTERLY PROPERTY LINE OF THE WILKINSON TRACT TO AN IRON PIN FOUND;

THENCE S 88°39'55" E 136.57 FEET ALONG THE NORTHERLY PROPERTY LINE OF SAID TRACT TO AN IRON PIN FOUND;

THENCE CONTINUING ALONG SAID NORTHERLY PROPERTY LINE S 88°46'49" E 527.52 FEET TO AN IRON PIN FOUND;

THENCE S 77°27'55" E 88.78 FEET TO A CONCRETE MONUMENT FOUND IN THE WESTERLY RIGHT-OF-WAY OF DAVIS DRIVE;

THENCE S 03°03'35" E 811.23 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF DAVIS DRIVE;

THENCE LEAVING THE WESTERLY RIGHT-OF-WAY S 86°56'02" W 845.78 FEET ALONG THE SOUTHERLY PROPERTY LINE OF SAID TRACT TO THE POINT AND PLACE OF BEGINNING, CONTAINING 683,324 SQ.FT. OR 15.69 ACRES.

SC TRACT

COMMENCING AT NCGS MONUMENT "HEALTH" HAVING NC GRID NAD 83 COORDINATES OF N=773533.5907, E=2036540.7957;

THENCE N 78°58'30" E 3137.17 FEET TO AN IRON PIN FOUND IN THE NORTHERLY RIGHT-OF-WAY OF HOPSON ROAD ALSO BEING THE SOUTHWESTERN CORNER OF THE SEARLS FAMILY LIMITED PARTNERSHIP TRACT AND BEING THE POINT OF BEGINNING;

THENCE LEAVING THE SAID RIGHT-OF-WAY ALONG THE WESTERLY PROPERTY LINE OF SAID SEARLS TRACT ALSO BEING THE EASTERLY PROPERTY LINE OF RESEARCH TRIANGLE FOUNDATION OF NORTH CAROLINA PROPERTY RECORDED IN DEED BOOK 980, PAGE 395, DURHAM COUNTY REGISTRY N 05°18'34" W 240.41 FEET;

THENCE ALONG SAID PROPERTY LINE THE FOLLOWING COURSES AND DISTANCES;

N 03°19'39" E 154.79 FEET TO AN IRON PIN FOUND;
N 07°43'00" E 121.88 FEET TO AN IRON PIN FOUND;
N 00°38'48" E 172.42 FEET TO AN IRON PIN FOUND;
N 02°19' 54" W 104.12 FEET TO AN IRON PIN FOUND;
N 03°03'40" E 216.23 FEET TO AN IRON PIN FOUND;
N 01°47'44" E 170.55 FEET TO AN IRON PIN FOUND;
N 02°09'54" E 161.34 FEET TO AN IRON PIN FOUND;
N 02°17'03" E 221.04 FEET TO AN IRON PIN FOUND;

THENCE N 03°15'46" E 8.68 FEET;

THENCE N 86°56'02" E 845.78 FEET TO THE WESTERLY RIGHT-OF-WAY OF DAVIS DRIVE;

THENCE ALONG SAID RIGHT-OF-WAY OF DAVIS DRIVE THE FOLLOWING COURSES AND DISTANCES;

S 03°03'35" E 844.24 FEET TO AN IRON PIN SET;

S 86°56'24" W 35.00 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND;

S 03°06'22" E 575.61 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND;

S 37°57'51" W 80.85 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND IN THE RIGHT-OF-WAY OF HOPSON ROAD;

THENCE ALONG SAID RIGHT-OF-WAY S 89°10'59" W 432.15 FEET TO A CONCRETE MONUMENT FOUND;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S 76°35'21" W 34.40 FEET TO AN IRON PIN SET IN THE COMMON PROPERTY LINE OF SEARLS FAMILY LIMITED PARTNERSHIP TRACT AND RODNEY COE PROPERTY, RECORDED IN DEED BOOK 1064, PAGE 445, DURHAM COUNTY REGISTRY;

THENCE LEAVING THE RIGHT-OF-WAY OF HOPSON ROAD ALONG SAID COMMON PROPERTY LINE N 01°55'22" E 261.35 FEET TO AN IRON PIN FOUND;

THENCE S 74°48'35" W 192.77 FEET TO AN IRON PIN FOUND;

THENCE S 01°55'22" W 256.13 FEET TO AN IRON PIN SET IN THE RIGHT OF WAY OF HOPSON ROAD;

THENCE ALONG THE RIGHT-OF-WAY OF HOPSON ROAD S 74°32'17" W 159.79 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT FOUND;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S 66°15'45" W 69.69 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 1,288,072 SQ.FT. OR 29.57 ACRES.

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.

Chairman Reckhow echoed Commissioner Jacobs' support for the project.

Mr. Byker and Mr. Schaafsma thanked the Board for its support.

Public Health: Approval of Contract for Medical Services for the Durham County Detention Facility and the Youth Home

Brian Letourneau, Health Director, presented the request for approval of the contract for medical services for the Durham County Detention Facility and the Youth Home. He stated that for the past three years, the Health Department has experienced growing difficulty in recruiting and maintaining adequate staffing for the Jail Health Program.

Inmates have presented more complex health care needs; consequently, health care costs for this population have dramatically increased and become unpredictable.

In an effort to create a system to offer services in a more cost-effective manner, a request for proposals (RFP) was advertised on Sunday, March 28, 2004. Three proposals were received on April 29, 2004. The respondents were Correct Care Solutions (CCS), Prison Health Services (PHS), and Southeastern Services Group Inc. (SSG). On May 13, the proposals were evaluated by a selection committee comprised of representatives from the Sheriff's Department and the Health Department. SSG was eliminated due to the severe restrictions of service options and its history of working with facilities with much smaller populations (average daily populations ranging from 40-210).

CCS and PHS were interviewed on June 15 by representatives from the Sheriff's Department, Finance Department, Health Department, and Board of Health. During the interviews, each company presented more information regarding the proposals, the implementation process, and experiences with other facilities. After the presentations, it was the consensus of the committee to recommend negotiations with CCS. (Using a scoring process, CCS received 1,543 points and PHS received 1,347 points.)

Since the cost of this service continues to be unpredictable, it was recommended that the Board approve the following service provision options offered by CCS for this fiscal year:

- An aggregate cap of \$450,000 for all pharmaceuticals and off-site services;
- An insurance ceiling of \$20,000 per inmate;
- A sharing of costs over \$450,000 at a rate of 60% CCS and 40% County with the County having a ceiling of \$100,000 of "risk" over \$450,000; and
- An equal sharing in savings below \$450,000 cap.

This option is priced at \$2,079,981 for a full year, with an added per diem charge of \$2.97 per inmate, per day for any month with an average daily population greater than 500. The projected start date for this contract is September 1, 2004. The prorated amount for 10 months is priced at \$1,733,318, which would result in a prorated aggregate cap of \$375,000, an insurance ceiling of \$16,667, and a ceiling of \$83,333 of "risk". During the first year of operation, services will be evaluated and future contracts and pricing re-negotiations are optional at that time.

The Board of Health has approved this recommendation.

Jerry F. Boyle, President and Chief Executive Officer, CCS, and Patrick J. Cummisky, Vice President, gave a presentation to provide information about CCS and highlight cost management and creative financial partnerships.

Vice-Chairman Bowser asked for clarification of re-insurance of \$7500 maximum a day per inmate off-site.

Mr. Cummisky explained that re-insurance provides a \$20,000 ceiling for off-site services (inpatient, professional fees, and outpatient services) per inmate, per year. This

policy will cover up to \$7,500 per day for the first three days and \$3,500 per day starting with day four. The standard cost before discounts is \$4000 per day. The \$7500 was negotiated higher for protection against extreme costs. The first few days in the hospital are generally more expensive than subsequent days because a patient may be in intensive care or require more medical assistance during the first few days of admission.

Vice-Chairman Bowser stated that according to Public Health, only two situations have resulted in excessive costs for extended hospital stays.

Mr. Letourneau informed the Board of three inmate hospitalization scenarios that totaled \$1,439,000, contributing to 15 percent of the jail medical budget last fiscal year.

Chairman Reckhow requested a total of internal and external jail services expenses.

Mr. Letourneau responded that \$1.4 million was spent on external services and \$1.1 million on internal services.

Chairman Reckhow continued to inquire about internal and external costs over the past two fiscal years. There was a significant increase from FY '03 to FY '04. She asked if fiscal year '04 was an aberration from the norm.

Mr. Letourneau replied that although he could not affirm that it was an aberration, future medical expenses could be controlled by contracting with CCS.

County Manager Ruffin added that jail population growth over the years has contributed to the increase in medical expenses.

Vice-Chairman Bowser reiterated the significant escalation from 2003 to 2004.

Mr. Letourneau readdressed the aberration question. He opined that FY 03-04 was an abnormal year; however, CCS can keep costs to a manageable level by being available 24 hours a day, 7 days a week. Utilization controls are in place and infirmary staff will be available to treat inmates in-house to prevent accumulation of hospital expenses. Typically, an inmate sustaining an injury or becoming critically ill within the year will generate higher costs, which is the reason for the re-insurance, which protects the County by capping it at \$20,000. In the worst case scenario, the County is only exposed to the 10-month period with an additional \$80,000 at-risk.

In reference to sharing costs over \$450,000 at a rate of 60 percent CCS and 40 percent County, Vice-Chairman Bowser asked if CCS "cuts corners" to save additional monies.

Mr. Boyle responded that one contract requirement is that the County obtain accreditation by the National Commission of Correctional Health Care (NCCHC). To receive accreditation, CCS must meet standards and perform an intensive audit. He listed two of several ways to provide quality health care: (1) have consistent staffing; and (2) know what is scheduled. Quality health care cannot be provided by "cutting corners".

Vice-Chairman Bowser asked Mr. Letourneau for the split between mental and physical health in relation to pharmaceuticals within the jail unit.

Mr. Letourneau replied that the budget amount was for \$158,000 for the year and was exceeded by approximately \$23,000, totaling \$181,000. He could not supply the mental health portion of the budget.

Mr. Boyle added that nationally, the split tends to be about 40 percent for mental health and 60 percent for other health care within jails.

Vice-Chairman Bowser inquired about adequate staffing.

Mr. Boyle explained that a psychiatrist will be available eight hours a week (two four-hour days) and can prescribe medications, as well as the physician, physician assistant, and nurse practitioner. Staffing is sufficient according to NCCHC standards.

After learning the current jail population of 541 inmates, Commissioner Heron asked about additional fees, considering the jail population is greater than 500.

Mr. Boyle informed Commissioner Heron of the added per diem charge of \$2.97 per inmate, per day. He explained that when the contract was originally drafted, the jail population was 480, which made setting the cap at 500 reasonable.

Chairman Reckhow expressed concern about the rapid increase in the jail population.

Commissioner Jacobs asked the following questions:

- Did CCS encounter problems recruiting adequate staff?
- Will present staff be considered in recruitment?
- How many staff members will be affected?
- Will a physician be on call? How will that work?

Mr. Boyle responded as follows:

- CCS has an aggressive plan in place. It conducted a national survey on salary rates; the 75th percentile and 8 years of service were used for the positions. Therefore, professionals can be recruited at the appropriate rate. The salaries were submitted to evaluation panel members who determined that the salary levels are sufficient to allow CCS to recruit for the facility. Mr. Letourneau added that CCS salary rates are higher than the County rates for similar professional positions.
- Recruiting would begin with the Sheriff's Office. CCS' first effort is to attempt to retain all qualified, credentialed staff for open positions. Then, CCS would recruit externally to fill remaining positions.
- Three.
- A physician will be on-call 24 hours a day, 7 days a week. He or she will be on-site a minimum of 12 hours per week. A nurse practitioner will be on-site 28 hours per week for additional coverage.

Chairman Reckhow expressed concern about paying for 41 additional inmates over 500 for \$2,079,981. She suggested renegotiating the current contract to cover a maximum of 525 inmates.

County Manager Ruffin recommended that if the Board agrees with the contract in principle, it could authorize the staff to investigate and negotiate other contract provisions to produce additional savings and present the revisions at the August 2 Worksession.

Commissioner Cousin moved, seconded by Commissioner Heron, to approve the contract in concept and direct staff to continue negotiations and present a final recommendation to the Board at the August 2 Worksession.

The motion carried unanimously.

Settlement of 2003 Property Taxes and the Charge of 2004 Property Taxes to the Tax Collector

As required by N.C.G.S. 105-373, the Tax Administrator submitted the settlement report of 2003 property taxes.

N.C.G.S. 105-373(h) further authorizes the Board of County Commissioners to relieve the Tax Collector of the charges of taxes on classified motor vehicles that are one year or more past due.

Additionally, the General Statutes bar use of any remedies for collection enforcement that is not instituted within ten years of said taxes becoming due.

Furthermore, pursuant to G.S. 105-321(b), the Board of County Commissioners charges the Tax Collector with the 2004 Property Tax Receipts.

Kenneth Joyner, Tax Administrator, requested authorization to relieve charges of taxes that are beyond the statute of limitation of ten years and those vehicles that are more than two years past due. This request was consistent with last year's settlement, which was authorized by the Board.

Mr. Joyner provided a PowerPoint presentation of the 2003 Property Tax Settlement.

Staff responded to Commissioner questions relative to the presentation.

Chairman Reckhow recommended that Tax Administration solicit support from Durham Public Schools and Durham Technical Community College in the collection of taxes.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to authorize the Tax Administrator to relieve property taxes that are more than ten years past due and

motor vehicles taxes that are more than 2 years past due; approve the resolution approving the tax collector's annual settlement for FY 03-04 and prior years; and approve the Order of the Board of County Commissioners in Accordance with G.S. 105-373, G.S. 105-321 and 105-330.3.

The motion carried unanimously.

The resolution and the order follow:

**RESOLUTION APPROVING THE TAX COLLECTOR'S ANNUAL SETTLEMENT
FOR FISCAL YEAR 2003-2004 AND PRIOR YEARS**

WHEREAS, pursuant to the provisions of N.C.G.S. 105-373, the Tax Collector has made his report of settlement to the Durham County Board of Commissioners for fiscal year 2003-2004 and prior years after July 1 and before he is charged with taxes for the current fiscal year, 2004-2005;

WHEREAS, based upon the written and oral report of settlement of the Tax Collector, the Durham County Board of commissioners has made sufficient inquiry in order to reach a determination that the collection work of the Tax Collector has been performed satisfactorily and that the Tax Collector has done everything that he could have done to reach whatever property may have been available.

WHEREAS, as required by the N.C.G.S. 105-373, before being charged with taxes for the current fiscal year, the Tax Collector has presented to the Board of Commissioners a list of persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person and a list of the persons not owning real property whose personal property taxes for the preceding fiscal year remain unpaid, along with a statement under oath that he has made diligent efforts to collect the taxes due from the persons listed out of their personal property and by other means available to him for collection, and he has reported such other information concerning taxpayers as may be of interest to or required by the Board of Commissioners, including a report of his efforts to make collection outside the taxing unit under the provisions of G.S. 105-364;

WHEREAS, the settlement of Tax Collector, including the settlement for the taxes for prior years, which are attached hereto, together this action with this action of the Board of Commissioners, shall be entered in full upon the minutes of the said Board;

WHEREAS, approval of this settlement does not relieve the Tax Collector or his bondsmen of liability for any shortage actually existing at the time of the settlement and thereafter discovered, nor does it relieve the collector of any criminal liability;

NOW THEREFORE, BE FURTHER RESOLVED by the Durham County Board Of Commissioners that the annual settlement of the Tax Collector for fiscal year 2003-2004 and prior years is hereby accepted as presented by the Tax Collector.

BE IT FURTHER RESOLVED by the Board of Commissioners of Durham County that the following documents attached hereto and incorporated herein are approved, consisting of 11 pages and further described as follows:

- 1) Settlement of 2003 Tax Accounts as of June 30, 2004, including the following that the Tax Collector shall be charged with; the total amount of all taxes in his hands for the year, including amounts originally charged to him and all amounts subsequently charged on account of discoveries; all penalties interest, and costs collected by him in connection with taxes for the current year; and all other sums collected by him. The Tax Collector shall be credited with, all sums deposited by him; releases duly allowed by the governing body; the principal amount of taxes constituting liens on real property, personal property, and registered motor vehicles; and commissions (if any) lawfully payable to the tax collector as compensation.
- 2) Settlement of prior years (1994 through 2002) Tax Accounts and 2003 Tax Accounts as of June 30, 2004, for Durham County and its municipalities, and annual statement of collections for July 1, 2003, through June 30, 2004, of non-tax revenues.
- 3) Settlement of Bethesda Fire Protection District, Lebanon Fire Protection District, Parkwood Fire Protection District, Redwood Fire Protection District, New Hope Fire Protection District, Eno Fire Protection District, Bahama Fire Protection District, Butner Safety District, and Research Triangle District for 2003 and applicable prior years.

BE IT FURTHER RESOLVED that the list of 2003 unpaid real property taxes and the list of persons not owning real property whose 2003 personal property taxes remain unpaid are hereby acknowledged as received; the attached collection reports of 1994 thorough 2003, as of June 30, 2004, are acknowledged as received; the report of minimal taxes is acknowledged as received; and the report concerning efforts made to locate personal property in other taxing units belonging to delinquent taxpayers, and the efforts made under the provisions of N.C.G.S. 105-364 to collect taxes is acknowledged as received.

ADOPTED this the 26th day of July, 2004.

ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321 AND 105-330.3

TO: KENNTH L. JOYNER
TAX COLLECTOR OF DURHAM COUNTY, CITY OF DURHAM, TOWN OF
CHAPEL HILL AND CITY OF RALEIGH.

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 1994 through 2004 tax records filed in the office of the Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 1994 through 2004 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Durham County, City of Durham, Town of Chapel Hill, City of Raleigh, Bethesda Fire, Lebanon Fire, Parkwood Fire, Redwood Fire, New Hope Fire, Eno Fire, Bahama Fire, RTP Special and Butner Safety districts, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and they have authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous year's taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions.

Taxes on classified Motor Vehicles for 2001 and prior years are deemed uncollectible; therefore, the County Commissioner, pursuant to G.S. 105-373 (h) do hereby relieve the tax collector of the charge of collecting taxes on classified motor vehicles listed pursuant to G.S. 105-330.3 (a) (1) for 2001 and prior years.

WITNESS my hand and official seal, this the 26th day of July, 2004.

Commissioner Heron praised Mr. Joyner and staff for excellent job performances.

Mr. Joyner recognized Kim Simpson, Deputy Tax Administrator; "Gene" Hodges, Collection Division Manager; and Herman Alston, Deputy Tax Collector, for being in attendance and attributing to successful tax collection. He requested to reserve the first few minutes of the August 2 Worksession to recognize additional staff.

Chairman Reckhow asked Tax Administration staff to stand and be applauded for their efforts and hard work.

Update on Durham Regional Hospital

On behalf of the Durham County Hospital Corporation Board of Trustees, Commissioner Jacobs issued an update on improvements and investments underway at Durham Regional Hospital. The initial concern about unsatisfactory conditions at Durham

Regional Hospital was raised by Mayor Bill Bell at the July 13, 2004 Joint City-County Committee meeting. Disturbed by the concerns, Chairman Reckhow wrote a letter to C. Edward McCauley, Chairman of the Hospital Corporation, requesting that the conditions be investigated and that the conclusions be forwarded to the Commissioners and City-County Committee members. She had also requested a listing and schedule of capital improvement projects that are programmed and funded for FY 04-05, of which she and Commissioner Jacobs provided a copy for each Commissioner at the meeting.

Commissioner Jacobs reported on several of the many projects currently being initiated to improve Durham Regional Hospital, especially concerning patient safety and security.

Chairman Reckhow thanked Commissioner Jacobs for the report. She informed the public of a meeting in which David McQuaid, CEO of Durham Regional, and MaryAnn Black, representing Duke University Health System, gave an account of upcoming improvements to the facilities. In addition, Chairman Reckhow had received a phone call from the new chancellor of Durham Health System Victor Dzau, indicating his commitment to maintain a quality facility.

Work First Plan Update

Every two years, counties must submit a county Work First Block Grant Plan to the Department of Health and Human Services for Work First biennial planning. In a memo to Chairman Reckhow, Charles Harris, Interim Director, Department of Social Services, requested that the Board appoint a designee to the biennial planning committee.

Considering Vice-Chairman Bowser's prior representation on the committee, Chairman Reckhow designated him to represent the Board.

Vice-Chairman Bowser accepted.

Closed Session

Commissioner Heron moved, seconded by Commissioner Jacobs, to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

The motion carried unanimously.

Reconvene to Open Session

The Board of County Commissioners returned to Open Session. Chairman Reckhow declared that directives were given to staff, and no action was taken by the Board in the Closed Session.

Adjournment

Chairman Reckhow adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Vonda C. Sessoms
Deputy Clerk to the Board