

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

Monday, April 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**—Welcome and Pledge of Allegiance

**Agenda Adjustments**

- Commissioner Heron amended the agenda to add, “Request for Closed Caption for Hearing Impaired” and “Report on the Career and Technical Education Task Force Field Trip”.
- County Manager Mike Ruffin added “Amendment to the Budget Calendar”.

**Minutes**

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve as corrected the April 12, 2004 Regular Session Minutes of the Board.

The motion carried unanimously.

**Resolution Honoring the Life of Albert Lee “Al” Hight**

Former Sheriff and County Commissioner Al Hight died on March 30, 2004. A resolution was prepared honoring his life, accomplishments, and the extraordinary service he generously rendered to this community.

**RESOURCE PERSON(S)**: Commissioner Mary D. Jacobs

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board approve the resolution and forward a copy to the family of Al Hight.

Prior to reading the resolution into the record, Commissioner Jacobs expressed that she felt personally and professionally indebted to Mr. Hight for supporting her appointment as County Extension Director in 1988. She was thankful that she had the opportunity to thank him many times during his lifetime for his objectivity and fairness.

The resolution follows:

#### RESOLUTION

WHEREAS, Albert Lee "Al" Hight was born and educated in Durham County; and

WHEREAS, the graduate of Southern High School became an officer with the Durham Police Department, where he served from 1951 until 1971 spending 10 years working as a detective; and

WHEREAS, following his service with the City of Durham, he became a licensed real estate broker and established Al Hight Realty Company; and

WHEREAS, during the years of Durham County's transition from a tobacco-based economy to a more diversified economy with major emphasis on medicine, research, and high technology, Hight helped many farmers living near the developing Research Triangle Park to receive fair prices for their land; and

WHEREAS, Hight served as a County Commissioner for three terms from 1984 until 1990, during which time Durham County made major public improvements such as extending water and sewer lines into rural areas, building new and improving existing schools, and upgrading the Carolina Theatre, the Arts Council Building, the Hayti Heritage Center, and the NC Museum of Life and Science; and

WHEREAS, following his successful tenure as a County Commissioner, he was appointed as Durham County's 10<sup>th</sup> Sheriff in 1993, a position he truly cherished and proudly served with distinction; and

WHEREAS, he loved his family, his community, and was a faithful member of Bethesda Baptist Church; and

WHEREAS, he will long be remembered for his love of people and his willingness to help others in need by all whose lives he positively touched for generations:

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

ALBERT LEE "AL" HIGHT

former County Commissioner, Sheriff, and extraordinary public servant. We call upon all citizens of Durham County to remember the extraordinary contributions he made in this community and beyond.

This the 26th day of April, 2004.

/s/ Five Commissioners  
Durham County Commissioners

Commissioner Heron stated that she served on the Board of County Commissioners with Mr. Hight. He was known for his generosity and helpfulness to all in need. Mr. Hight was instrumental in the restoration of the Durham County Government Administrative Complex (Old County Courthouse).

Chairman Reckhow requested that the resolution be forwarded to Mr. Hight's family.

**Proclamation Recognizing "Daniel C. Hudgins Day"**

A proclamation recognizing April 29, 2004 as "Daniel C. Hudgins Day" was prepared to honor retiree Daniel C. Hudgins. Mr. Hudgins had been the Director of the Durham County Department of Social Services for 27 years and had dedicated his career to improving services to families and individuals of Durham County.

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommended that the proclamation be approved and presented to Mr. Hudgins.

Chairman Reckhow announced that Mr. Hudgins would be retiring at the end of April and has been receiving a number of awards and accolades. She congratulated him for being recognized by Women-In-Action as a "Silver Medallion Winner". Chairman Reckhow stated that Mr. Hudgins has been an agent for positive change for our children and families.

Chairman Reckhow read the following proclamation into the record:

PROCLAMATION

WHEREAS, Dan C. Hudgins has been the Director of the Durham County Department of Social Services for 27 years; and

WHEREAS, he has been a statewide leader in the social services system, having served as Chairman of the Training and Professional Development and Legislative Advocacy

Committees and President of the NC Association of County Directors of Social Services;  
and

WHEREAS, Mr. Hudgins has been a visionary risk taker, piloting major reform efforts to improve services for families; and

WHEREAS, Mr. Hudgins has been a tireless advocate for DSS staff; and

WHEREAS, he has dedicated his career to improving services to vulnerable families and individuals; and

WHEREAS, Mr. Hudgins has left a legacy to the Department of Social Services by focusing on partnership with the community and a focus on achieving positive results for families;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim April 29, 2004 as

**“DANIEL C. HUDGINS DAY”**

in Durham County. We further call upon all citizens to celebrate the numerous and extraordinary accomplishments that Mr. Hudgins has made to our government.

This the 26<sup>th</sup> day of April, 2004.

/s/ Five Commissioners  
Durham County Commissioners

Mr. Hudgins accepted the proclamation, attributing the department’s success to DSS staff. He thanked the County Commissioners for their support and investment in family and children’s services. As a Durham County citizen and a 27-year County employee, he would continue to follow the progress of DSS and Durham County. Mr. Hudgins gave a special word of thanks to County Manager Ruffin, who has been committed to the mission of the agency. He announced that a reception would be held in his honor at St. Philips Episcopal Church on April 29.

**Proclamation for “Durham Government Employee Wellness Month”**

During the month of May, local government employees were asked to participate in various events to promote overall wellness. Activities would be sponsored by the Durham County Wellness Team to encourage employees to develop and maintain good health habits, including regular exercise and proper nutrition. A proclamation was prepared declaring May “Durham County Employee Wellness Month”.

RESOURCE PERSON: Tracy Bates, Health Promotion Nutritionist II, Durham County Public Health Department

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the resolution be presented to Ms. Tracy Bates and members of the Durham County Wellness Team.

Chairman Reckhow asked Commissioner Jacobs (Public Health Board liaison) to read the following proclamation into the record:

#### PROCLAMATION

WHEREAS, Durham County employees are a valued and integral part of the Durham community; and

WHEREAS, nutrition and fitness provide a vital role in overall health and wellness; and

WHEREAS, Durham County employees' lead in healthy eating and active living supports the overall goal of optimal health for all Durham County citizens today and tomorrow; and

WHEREAS, events are planned throughout the month for Durham County employees to learn about nutrition and physical activity to improve their overall health, wellness, productivity, and quality of life:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim May 2004 as

#### DURHAM COUNTY WELLNESS MONTH

and encourage all Durham County government officials and employees to recognize and participate in this observance, including attendance at the Wellness Booster on May 13, a focused opportunity to learn about healthy lifestyle habits to practice now and in the future.

This the 26th day of April, 2004.

/s/ Five Commissioners  
Durham County Commissioners

Commissioner Jacobs presented the proclamation to Ms. Bates.

On behalf of the Durham County Public Health Department and the Wellness Team, Ms. Bates thanked the Board for the proclamation. She informed the Commissioners

about various events surrounding County Wellness Month. Ms. Bates made the following comments:

“Last year, the Durham County Wellness Team requested and received a proclamation for Wellness Day in May. This year we decided to ask that the whole month of May be proclaimed as County Wellness Month. Not only to reflect that we were doing activities that encompassed more than a particular date, but also to emphasize that wellness should be recognized and practiced for more than one day. It should be an integral part of our lives.

To remind employees of the importance of wellness, we are going beyond our normal monthly health tip by organizing the Wellness Booster on May 13 at the Downtown YMCA. The event was so popular last year that we brought it back and expanded it.

- In addition to the fitness class samplers from last year, we have incorporated walks in Durham Central Park.
- The YMCA will again offer a fitness booth demonstrating activities that can be done at home.
- Cooperative Extension will offer a demonstration of a program, Worksite Wellness.
- The Durham County Health Department Nutrition Division will provide an exhibit on practical and healthy eating.
- SEEDS and the Durham Farmers Market will be on hand with interactive displays.
- Our health-insurance carriers, Cigna and Wellpath, will be present.
- Participants will be eligible to win door prizes, one of which will include a ticket and championship t-shirt prize pack donated by the Durham Bulls. Wool E. Bull will be present to draw the winning name and invite everyone to join him at Durham Government Employee Night at the ballpark on May 18.”

Chairman Reckhow expressed gratitude to Ms. Bates for her tireless work and weekly newspaper articles containing nutritional advice and information.

### **Proclamation for “Mental Health Month”**

Mental illness affects one in five adults and children annually. In an effort to raise awareness and understanding of mental health and mental illness, advocates locally and nationally observe Mental Health Month during the month of May. A proclamation was prepared declaring May “Mental Health Month” in Durham County.

**RESOURCE PERSON:** Allen Lovell, The Durham Center

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the proclamation be presented to Mr. Allen Lovell and members of the committee in recognition of Mental Health Month.

Chairman Reckhow read the following proclamation regarding "Mental Health Month":

#### PROCLAMATION

WHEREAS, mental health is essential to everyone's overall physical health and emotional well-being; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, people who have mental illnesses can recover and lead full, productive lives; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governments, and families has grown to \$113 billion annually; and

WHEREAS, community-based services that respond to individual and family needs are cost-effective and beneficial to consumers and the community; and

WHEREAS, the mental health advocacy groups locally and nationwide observe Mental Health Month every May to raise awareness and understanding of mental health and illness:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim May 2004 as

#### MENTAL HEALTH MONTH

in Durham County. We also call upon the citizens, government agencies, public and private institutions, businesses, and schools in Durham to recommit our community to increasing awareness and understanding of mental health and the need for appropriate and accessible services for all people who have mental illnesses.

This 26th day of April, 2004.

/s/ Ellen W. Reckhow, Chairman

Durham County Commissioners

Evonne Bradford, Regional Program Specialist for the Mental Health Association in NC, accepted the proclamation of behalf of the Mental Health Association, a new advocacy group in Durham County. She stated that this proclamation is the result of several groups working collaboratively, including The Durham Center and National Alliance for the Mentally Ill in Durham County. Ms. Bradford announced that a “Durham/Orange Legislative Breakfast for Mental Health” would be held on Saturday, May 1, 8:15 – 10:15 a.m. at the Chapel Hill Church of Reconciliation, 110 N. Elliott Rd. Lanier Cansler, Deputy Secretary, NC Department of Health and Human Services, would be the keynote speaker for the event. The Legislative Breakfast has been held annually for 30 years, providing an opportunity for dialogue between community members and legislators about the area’s mental health needs. Ms. Bradford invited everyone to attend.

### **Consent Agenda**

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

- \* (a) Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the property tax release and refund report for March 2004 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \* (b) Budget Ordinance Amendment No. 04BCC000065—Public Health—Recognize End-of-Year State Funds for Family Planning Clinic for \$10,625 (approve the budget ordinance amendment to recognize \$10,625 from the Department of Health and Human Services for family planning services);
- \* (c) Budget Ordinance Amendment No. 04BCC000067—Public Health—Recognize \$2,259 for the Immunization Clinic (approve the budget ordinance amendment to recognize \$2,259 from the North Carolina Department of Health and Human Services for the Immunization Clinic);
- \* (d) Budget Ordinance Number 04BCC000068—Social Services—Additional Revenue (approve the budget ordinance amendment for \$136,889 in intergovernmental revenue [Crisis Intervention Prevention (CIP)—\$126,531 and State Adult Day Care—\$10,358]);
- \* (e) Lease Renewal for the North Durham Branch Library at 5120 Roxboro Road (Riverview Shopping Center) (authorize the Manager to execute a lease amendment

for an additional two years from July 1, 2004 through June 30, 2006, at an estimated annual cost of \$87,056);  
and

- \*(f) Russell Conservation Easement and Federal Farmland Grant Request For Funding (approve submission for a Federal Farmland Protection Grant for the Russell Farm, approve up to \$139,000 in funding for Durham's share of the easement, and authorize the Manager to execute a purchase agreement with Mrs. Russell for the acquisition of the proposed conservation easement for approximately 157.9 acres, which includes a provision that the purchase of the easement is conditioned upon the County receiving the Federal Farmland Protection Grant).

The motion carried unanimously.

Commissioner Jacobs recognized Mrs. Patricia Russell and her son who were present at the meeting. She commended them for being long-time stewards of the land and for their proposed donation of 25 percent of the easement value. If this Federal Farmland Protection Grant is awarded, she hopes that this gesture by the Russells would be an example for other families.

Chairman Reckhow applauded Mrs. Russell and her son for their efforts to preserve farmland in the community.

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\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the property tax release and refund report for March 2004 as presented 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 March 2004.

Releases & Refunds for 2003 Taxes:

Real	\$	3,221.23
Personal	\$	11,072.14
Registered Vehicles	\$	18,489.23
Vehicle Fees	\$	<u>200.00</u>
Total for 2003 Taxes and Fees	\$	32,982.60

Prior years' (1998-2002) releases and refunds for March 2004 are in the amount of \$10,397.29.

The total current year and prior years' releases and refunds amount to \$43,379.89.

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

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Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000065—Public Health—Recognize End-of-Year State Funds for Family Planning Clinic for \$10,625 (approve the budget ordinance amendment to recognize \$10,625 from the Department of Health and Human Services for family planning services).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000065

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Intergovernmental	\$299,603,602	\$10,625	\$299,614,227

Expenditures:

<u>Activity</u>			
<b><u>GENERAL FUND</u></b>			
Human Services	\$358,579,307	\$10,625	\$358,589,932

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

This the 26<sup>th</sup> day of April, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

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Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000067—Public Health—Recognize \$2,259 for the Immunization Clinic (approve the budget ordinance

amendment to recognize \$2,259 from the North Carolina Department of Health and Human Services for the Immunization Clinic).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000067

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><i>GENERAL FUND</i></b>			
Intergovernmental	\$299,615,227	\$ 2,259	\$299,617,486

Expenditures:

<u>Activity</u>			
<b><i>GENERAL FUND</i></b>			
Human Services	\$358,590,932	\$ 2,259	\$358,593,191

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

This the 26<sup>th</sup> day of April, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. d. Budget Ordinance Number 04BCC000068—Social Services—Additional Revenue (approve the budget ordinance amendment for \$136,889 in intergovernmental revenue [Crisis Intervention Prevention (CIP)—\$126,531 and State Adult Day Care—\$10,358]).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000068

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Intergovernmental	\$299,617,486	\$136,889	\$299,754,375

Expenditures:

<u>Activity</u>			
<b><u>GENERAL FUND</u></b>			
Human Services	\$358,593,191	\$136,889	\$358,730,080

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

This the 26<sup>th</sup> day of April, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. e. Lease Renewal for the North Durham Branch Library at 5120 Roxboro Road (Riverview Shopping Center) (authorize the Manager to execute a lease amendment for an additional two years from July 1, 2004 through June 30, 2006, at an estimated annual cost of \$87,056).

**LEASE SUMMARY FOR 5120 ROXBORO ROAD (NORTH BRANCH LIBRARY)  
OVERVIEW**

The County leases 9,200 square feet within the Riverview Shopping Center for the North Durham Branch Library.

The present lease term runs from July 1, 2003 through June 30<sup>th</sup>, 2004 and is the fifth and final year of a five year lease.

The lease rate during this current year is \$5,504.67 per month; \$66,056 annual or \$7.18 per sq. foot per year.

**LANDLORD**

IRT Partners L.P.,

Managed by Equity One Realty and Management SE Inc.

**LEASE TERMS / RENT**

The present lease was one of a series of leases for this site, which the county has leased for the North Branch Library since 1979. It was signed April 27, 2000 for a 5-year lease from July 1, 1999 through June 30, 2004. The lease provides for annual rate increase of 1.025 % per year.

	Date	Lease term	Annual Cost	Monthly Cost
	7-1-99 to 6-30-00	1	\$59,800.00	\$4,883.33
	7-1-00 to 6-30-01	2	\$61,272.00	\$5,106.00
	7-1-01 to 6-30-02	3	\$62,836.00	\$5,236.33
	7-1-02 to 6-30-03	4	\$64,400.00	\$5,366.67
	7-1-03 to 6-30-04	5	\$66,056.00	\$5,504.67
<i>Proposed:</i>	<i>7-1-04 to 6-30-05</i>	<i>6</i>	<i>\$66,056.00</i>	<i>\$5,504.67</i>
	<i>7-1-05 to 6-30-06</i>	<i>7</i>	<i>\$66,056.00</i>	<i>\$5,504.67</i>

The lease includes a holdover provision that allows the County to continue to occupy the premises beyond the lease term on a month-to-month basis. The rate for any holdover time is based on twice the monthly rental rate in effect at the end of the lease term.

The property may be assigned or sublet with the landlord's permission.

Upon expiration of the lease term, the County must remove all trade fixtures.

The lease addendum to the Lease requires that the County pay its proportionate share of the overall shopping center's common area maintenance costs ("CAM") for landscaping, lighting, cleaning, painting, etc. For the calendar year 2003, this payment averaged \$1640 per month, or a total of \$19,680.

**LEASE RENEWAL PROVISIONS**

The proposed lease rate during the two-year renewal time period remains at the present year's lease rate for a \$66,056 annual cost, without any increase in the second year.

**TENANT (COUNTY) RESPONSIBILITIES :**

The County is responsible for routine maintenance and annual service for the heating, ventilation and air conditioning, and other mechanical systems within the leased space.

The County is responsible to maintain and repair the interior including paint and wall coverings, carpet and floor coverings, electrical and light equipment (including ballasts, bulbs, and tubes) doors, locks, windows and storefront door.

The County is responsible for all refuse and utility services, including water, gas electric, etc.

The County shall keep the premises in a safe order, including adjoining sidewalks and keep snow and ice off the sidewalks contiguous to the premises.

**LANDLORD RESPONSIBILITIES:**

The landlord is responsible for the foundation, roof, and exterior portions of the building, not counting the doors, windows, and storefront.

The landlord maintains required fire insurance, and all insurance premiums.

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Consent Agenda Item No. f. Russell Conservation Easement and Federal Farmland Grant Request For Funding (approve submission for a Federal Farmland Protection Grant for the Russell Farm, approve up to \$139,000 in funding for Durham's share of the easement,

and authorize the Manager to execute a purchase agreement with Mrs. Russell for the acquisition of the proposed conservation easement for approximately 157.9 acres, which includes a provision that the purchase of the easement is conditioned upon the County receiving the Federal Farmland Protection Grant).

#### Background

On April 5, 2004, staff briefed the Board on the Federal Farmland Protection Program that is available to local governments and land trusts to assist with funding for the purchase of permanent conservation easements on eligible farmland. This program provides a 50:50 cost share for the purchase of development rights on farmland that are identified as important to preserve in a local adopted farmland protection program. The federal notification of available grant funding was advertised on March 17, 2004, with an application deadline no later than May 3, 2004. North Carolina has received an allocation of \$2,293,000 for this cycle. Applications for funding are ranked based on the applicant's ability to match the federal funding, its experience in farmland protection, the property's threat of development, and other factors.

In November 2003 the County established Agricultural Priority Areas which identify areas in the County which to target funding for the permanent protection of farmland and farm resources. Open Space and Durham Soil and Water District staff have been working with a farm family in northern Durham County who is interested in permanent protection for the bulk of the 167 acres included within their family farm. Mrs. Patricia Russell is interested in protecting the farm with a conservation easement and contacted the staff last fall in anticipation of the federal grant funds availability in 2004. Since that time, we have been working with her and her family in determining their interest and particular needs in relation to the grant and easement requirements.

#### The Russell Farm and Proposed Easement

The Russell farm is located in two separate areas and represents a tradition of family farming of over three generations. The larger portion of the farm consists of four tracts totaling approximately 140.7 acres located along the east side of the Flat River and Deep Creeks, with access off of Red Mountain Road (#0930-03-43-6345, 0930-03-33-6045, 0930-03-34-6410 partial, and 0930-03-44-6218, partial). This land is within the Flat River Agricultural Priority Area and is primarily farmed for tobacco. It has been in the Russell family for over 50 years. Approximately 9.4 acres of this land is situated within Person County and has been excluded from the proposed easement, reducing the easement total for this area to 131.4 acres. The property is a mixture of open fields, timber areas, and natural woodland. It includes 1100 feet of frontage along the Flat River and 4200 feet along Deep Creek, a major tributary of the Flat River. The property is within an area highlighted in the Durham Inventory of Natural Areas and Rare Species as containing important wildlife habitat and a movement corridor and was recommended for protection. The proposed easement will help to ensure that these open space values are protected.

As part of the federal grant requirements, NRCS and Durham Soil and Water District staff have worked with the Russells to update a conservation plan for the farm. A conservation plan for farms looks at the property and its current farm uses and recommends how to incorporate state best management (BMP) practices into the property's management. The smaller portion of the farm tract consists of a separate 26.5 acres at the corner of Bill Poole Road and Rougemont Road (#0819-03-31-6414). It has also historically been farmed for tobacco and is within the Little River Agricultural Priority Area. The conservation plan also covers this part of the Russell farm operation.

The proposed conservation easement restrictions run with the land and are intended to be permanent. The easement would be recorded with the Register of Deeds. Under the conservation easement, the owner retains ownership of the property but grants to the County certain development rights such as the ability to subdivide for additional home sites. Future owners of the property would purchase it with the restrictions in place from further subdivision or development activity. The 131-acres in the Flat River portion of the proposed easement does not presently include a house within it, and the proposed easement would allow one home site in the future to be placed within a two acre area, as well as additional farm buildings. The easement would also include a restriction of two percent impervious surfaces within the easement area to meet the federal grant restriction. With the easement the property may be farmed, or used for forestry and other traditional rural uses such as hunting or fishing.

#### Financial Impact

The farm easement value is based on the difference in the value of the land without the easement on it and the value with a restrictive conservation easement placed on the property deed. To establish this value, the farm was appraised by a MAI certified appraiser who first values the farm at full market value without any development restrictions in place. Then the appraiser determines the value of the farm after the restrictions have been placed on the property. The loss in market value represents the value of the conservation easement. Two appraisals were prepared: one for the Flat River property and a separate one for the Poole/Rougemont Road property.

The federal farm program grant provides up to 50% of the land cost for the easement. The program does not reimburse for surveys or closing costs, so those costs would be paid only by Durham County. The Russell family has agreed to donate 25 percent of the land cost for the easement, termed a "bargain sale", because they would be selling the easement for less than its value. The remaining 25 percent of the easement cost would be paid by Durham County, plus the required survey, appraisal and any associated closing costs. In summary, the total easement cost is estimated at \$515,500 and is proposed to be shared between the three partners as follows: Federal at \$251,000, Durham County at \$139,000, and the Russell donation valued at \$125,500. The funding for Durham County's share of the grant would be from open space funds available in the FY03-04 budget appropriated to an Open Space and Farmland capital projects account on April 12, 2004.

The Board was requested to:

- 1) Authorize the Manager to execute an offer to purchase the conservation easement on the proposed 131.4 acres on the following five parcels: #0819-03-31-6414, #0930-03-43-6345, 0930-03-33-6045, 0930-03-34-6410 (partial), and 0930-03-44-6218 (partial) The purchase contract would include the conditions that the County is not obligated to purchase unless the federal farmland protection grant is awarded to pay for 50 percent of the value of the land, and that the landowner agrees to the final easement that meets all the federal guidelines.
- 2) Authorize the expenditure of up to \$139,000 towards the purchase of the Russell conservation easement on approximately 131.4 acres and approve the submittal of the federal farmland protection grant to assist with the remainder of the purchase price.

### **Public Hearing—FY 2004-2005 Draft Consolidated Action Plan**

The adopted Citizen Participation Plan requires that two public hearings be held prior to the submission of the Consolidated Action Plan to the Department of Housing and Urban Development (HUD). The purpose of the first public hearing was to receive comments pertaining to HOME program needs in Durham. The Board of County Commissioners “Needs” public hearing was held on February 9, 2004. The purpose of the second public hearing is to receive comments on the use of FY 2004-2005 HOME funds as proposed in the Draft Consolidated Action Plan. The FY 2004-2005 Draft Consolidated Action Plan is currently available for public review (March 23, 2004 through April 23, 2004).

The Durham City-County HOME Consortium anticipates receiving total HOME Investment Partnership (HOME) program funds for \$1,456,000. This amount includes an annual HOME allocation of \$1,387,850 and program income for \$120,000. The proposed use of FY 2004-2005 HOME funds includes a substantial homeowner rehabilitation program for low-income city and county residents, a First-Time Homebuyers Program for city and county residents, and a County Initiative.

The Department of Housing and Community Development (DHCD) staff recommended that three FY 2004-2005 HOME proposals also be funded: Meriwether Spring Housing Associates, The Community Builders, and AIDS Community Residence Association Inc. (ACRA). DHCD staff recommends that unobligated 2003-2004 Community Housing Development Organization (CHDO) set-aside funds are made available to Rebuild Durham and Healing With CAARE Inc.

The Durham City-County HOME Consortium will be required to provide a 25% match (non-federal funds) to the total amount of HOME funds used directly for affordable housing activities during FY 2003-2004. The required match would be approximately \$300,000 and would be funded with City Housing Bonds and County funds (particularly for the County Initiative) as outlined in the current Consortium Agreement.

RESOURCE PERSONS: Constance Stancil, Interim Director of the Department of Housing and Community Development; Katherine Simmons, Associate Director; and Vickie Miller, Planning and Development Officer

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board hold the FY 2004-2005 Draft Consolidated Action Plan public hearing to receive citizen comments.

Ms. Miller presented the following PowerPoint presentation about the 2004-2005 Consolidated Action Plan:

2004-2005 CONSOLIDATED PLAN  
Department of Housing and Community Development (DHCD)  
April 26, 2004  
Constance Stancil, Interim Director

What is the Consolidated Plan?

- Application to US Department of Housing and Urban Development (HUD) for Federal funds
- Incorporates strategy for carrying out HUD programs
- Plan and process that establishes a unified vision for housing and community development activities
- Basis for assessing performance

What are the Essential Components?

- 5-Year Plan
  - Overall housing and community economic development strategy
  - The "Big Picture" with specific goals and objectives
- Annual Action Plan
  - 1-year implementation of the 5-year plan
  - Identify specific activities to be undertaken to meet overall 5-year plan

2004-2005 Annual Action Plan

- Last year of the 2000-2005 Consolidated Plan
- Contains specific proposals for:
  - Community Development Block Grant (CDBG) funds
  - HOME Investment Partnership (HOME) funds
  - Emergency Shelter Grant (ESG) funds
  - American Dream Downpayment Initiative (ADDI) funds

CDBG and HOME Funds

- Competitive application process

- Activities
  - Housing production/Rehabilitation
  - Economic development
  - Public services
  - Infrastructure
- Anticipated HUD funding amounts
  - CDBG \$2,424,000
  - HOME \$1,507,850

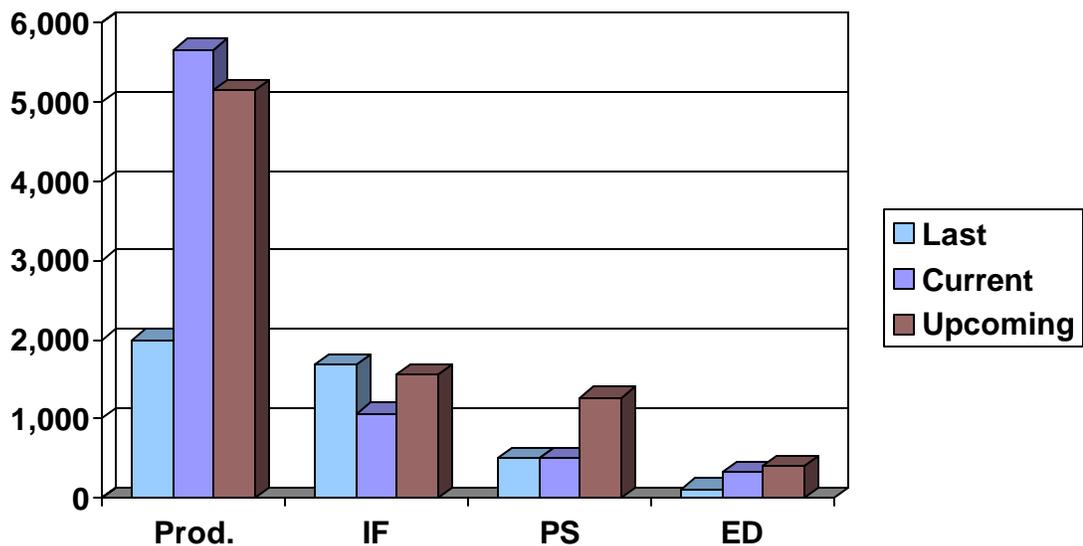
Other Federal Funds

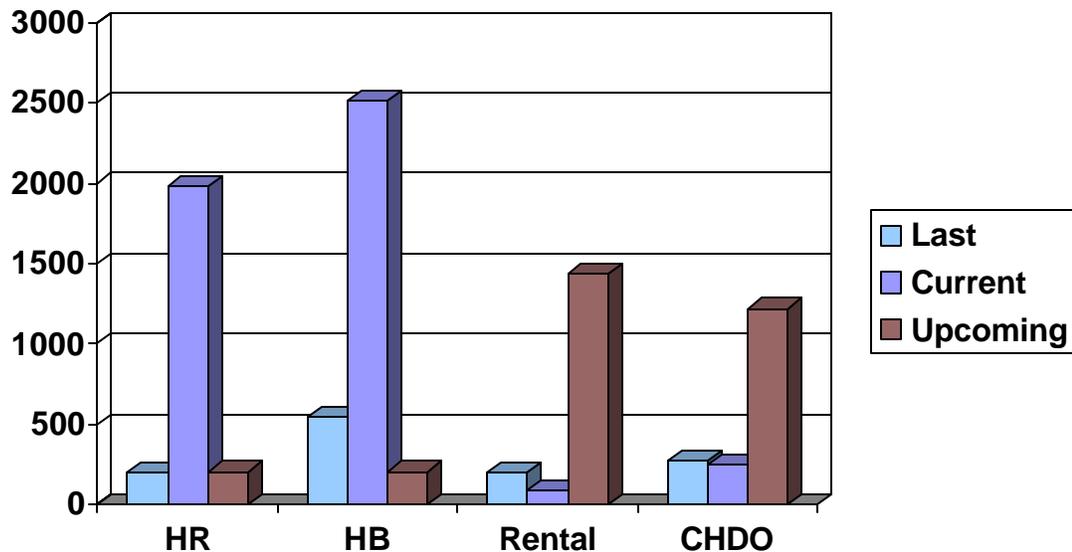
- ADDI (2004) \$107,656
- ADDI (2003) \$91,232
- ESG \$85,888

Competitive Process

- Annual workshop-November 2003
- Applications due-December 19, 2003
  - Received 27 CDBG applications for \$5,110,563
  - Received 12 HOME applications for \$3,067,715
- Available competitive funding
  - CDBG \$1,122,976
  - HOME \$ 550,000
  - Total \$1,672,976
- 

Requested Activities (CDBG and HOME)





#### Ratings Process

- Intake/processing
- Pre-qualification review
- External and internal review
- Eligibility and consistency checks
  - 24 CFR 570 (CDBG)
  - 24 CFR Part 92 (HOME)
  - CPD Notice 98-01(HOME)
  - 5-Year Consolidated Plan
- DHCD management review
- City Manager Executive Staff review
- City Council/County Commissioner review and approval

#### Review Team

- DHCD
- City/County Planning-Review of Subsidized Housing Location Policy (SHLP)
- Equal Opportunity/Equity Assurance
- Finance
- Budget
- Citizen Advisory Committee (CAC)

#### General Funding Policies

- Projects must meet Federal, State and Local Government requirements
- Projects must be "Ready To Go"
  - Other financing in place

- Completed project designs
- No major barriers that prevent timely expenditure of funds
- Organizations must have/continue to have capacity
  - Financial/operating
  - Staff
- HOME dollars are “Gap Financing”

#### A Word on Technical Assistance

- Offering conferences to 2004-05 Applicants
  - Available after June 1
  - Discuss strengths and weaknesses of 2004-05 proposal
- Developing TA module/plan
  - 2004-05 funded agencies
  - Other sub-recipients
  - Interested nonprofits/for-profits agencies

The Commissioners and the County Attorney asked Ms. Miller and Ms. Stancil the following questions:

Commissioner Jacobs:

- reasons for the significant decrease in FY 2004-05 HOME Activities Requested for Home Rehabilitation and Home Buyers and the increase in Rental and Community Housing Development.

Vice-Chairman Bowser:

- requirements for qualifying and obtaining the Federal Emergency Shelter Grant funds (\$85,666); whether the funds could be used for Shelter operations. How was the money spent previously?
- an explanation regarding General Funding Policies, specifically Local Government requirements.
- explain the recommendations to Woodland Associates, The Community Builders, TROSA, and HOPE VI.

Commissioner Heron:

- status of Next Step Housing and Felicia Street projects.
- estimated number of households that the department intends to serve in FY 2004-05; the result if the goal is unmet.
- amount of HOME funds used outside the City limits.
- how Community Builders intends to spend its allocation.

Chairman Reckhow:

- how the department intends to address the rehabilitation waiting list (160 households) to assist low and very low-income homeowners.

- how the Board can monitor the expenditure of leftover, past-year funds.
- whether official awards have been granted in regards to available competitive funding; how the department makes recommendations for expenditure.
- is the County initiative defined?
- is the County represented on the Citizens Advisory Committee, and is the representative attending the meetings?

County Attorney Kitchen:

- whether the department has received information from HUD regarding recapturing unexpended funds and if the monies carried over from prior years would revert to Federal dollars.

Ms. Miller and Ms. Stancil responded to the questions.

The Commissioners gave the following directives to Housing staff:

Commissioner Heron:

- quarterly update to the Board or to the County Manager.

Chairman Reckhow:

- reinvent a more productive housing program to expend the funding quickly and efficiently, as there is a great need in the community for housing.
- in the future, transmit the Consolidated Action Plan with the agenda package to allow more time for review by the Board.
- add a brief description of the recommended projects.
- meet with Mental Health Director Ellen Holliman about using County initiative dollars for community needs.
- inform the County Manager of the Citizens Advisory Committee meetings, particularly as they relate to the allocation process.
- meet with the County Manager and the head of Urban Ministries concerning the Emergency Shelter Grant and consider how the County can obtain funding to help in the short term.

Vice-Chairman Bowser:

- find out the rent per month on the apartments owned by Woodland Associates and the age requirements.
- target TROSA funding to Durham residents.
- obtain contact information for local representative Tom Davis with Community Builders and the particulars regarding this and other recommended projects.

Chairman Reckhow opened that public hearing which had been properly advertised and recognized Dr. E. Lavonia Allison, PO Box 428, Durham 27702 for comments.

Dr. Allison commended Housing staff for the thorough presentation and reiterated several questions that had been posed by the Board.

Chairman Reckhow closed the public hearing and thanked the Housing Department for its progress and willingness to work with the Commissioners.

**Major Site Plan—Texas Trailer Commercial Site--Case D02-426**

Wrenn Engineering, on behalf of Texas Trailer Company Incorporated, submitted a site plan for conversion of an existing 985-square-foot residential building to a trailer sales and rental office on a 0.46-acre site, zoned GC, R-20, and F/J-B. The proposed project will be located on the northeastern side of South Miami Boulevard (US 70-A), across from Laurel Drive, and north of Mineral Springs Road. (PINs 0840-04-63-8522 and 0840-04-73-0686; County Atlas Page 79, Block C-4).

Planning staff recommended approval.

RESOURCE PERSON(S): Frank M. Duke, AICP, City-County Planning Director

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation was that the Board receive the presentation on the site plan and approve.

Mr. Duke gave a brief overview of the site plan, stating that the plan meets all ordinance requirements.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to approve the Major Site Plan submitted on behalf of Texas Trailer Co. Inc. (Case D02-426).

The motion carried unanimously.

**Stormwater Ordinance Amendment**

The proposed Stormwater Ordinance was passed at the April 12, 2004 Board of County Commissioners' Regular Session. All the Commissioners were not present at that meeting; therefore, the Ordinance is required to be passed a second time to be valid.

The current Stormwater Ordinance does not allow for a review or a deviation of the 50' setback for streams shown on either the U.S.G.S. topographical map or the U.S.D.A. soil survey map when the property is not in the Neuse River Basin. This has resulted in the setback being imposed on properties when the maps are in error, and the streams do not exist on the ground. For properties located within the Neuse River Basin, the State Division of Water Quality reviews the imposition of the setback and can allow development when there are streams shown in error on the maps. The proposed

amendment sets up a mechanism to provide for review of the streams at the expense of the developer. Since this represents an amendment to the County's stormwater program, it must be submitted to the Environmental Management Commission for approval. During this review by the State, the County Engineer will prepare a proposed fee schedule for approval by the Board.

RESOURCE PERSON(S): Chuck Kitchen, County Attorney, and Glen Whisler, County Engineer

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board approve the ordinance amendment and direct that the amendment be sent to the State for approval of the program amendment.

County Attorney Kitchen reviewed the Ordinance amendment.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the \*Stormwater Ordinance amendment (second reading) and directed that it be sent to the State for approval of the program amendment.

The motion carried unanimously.

\*The Ordinance Amending Durham County Stormwater Ordinance recorded in the April 12, 2004 Board of County Commissioners' Meeting Minutes.

### **Request for Closed Caption for Hearing Impaired**

Commissioner Heron informed the Board that she had a request from a number of citizens to provide closed caption during the Commissioner meetings. She directed County Manager Ruffin to examine the possibility of furnishing this service, which would be a valuable asset to the community.

Chairman Reckhow suggested that during the Commissioner meetings, the agenda item being addressed should be posted on the television screen.

### **Report on the Career and Technical Education Task Force Field Trip**

Commissioner Heron reported that the Career and Technical Education Task Force had visited the Kittrell Job Corps Center in Vance County and the Caldwell County Career Center in Caldwell County. She reported that the Task Force took its most recent field trip on April 23 to observe vocational education programs offered by Riverside, Hillside, and Southern High Schools in the Durham Public Schools system. Commissioner Heron was impressed with the various offerings, including courses in automotive technology, electrical trade, carpentry, cosmetology, culinary arts, foods and nutrition, and computer

applications. She was pleased with the caliber of the instructors, expressing a desire for these programs to be fully utilized in the future.

### **Amendment to the Budget Calendar**

County Manager Ruffin requested that the Board allow him to present the FY 2004-05 Budget on May 24, two weeks later than originally scheduled. He needed the extra time due to a family emergency, which resulted in his absence from the office for several days. Mr. Ruffin also recommended that the June 7 Worksession be extended into the afternoon to allow for budget discussions.

No one objected to County Manager Ruffin's requests.

### **Citizen Comments**

Chairman Reckhow allotted Dr. Lavonia E. Allison time to make comments regarding the budget process, particularly as it pertains to Durham Public Schools.

Dr. Allison, PO Box 428, Durham 27702, asked that the public be afforded an opportunity for input other than at the budget public hearing, which does not provide an occasion for meaningful public comment.

Commissioner Cousin commented that although the BOCC/Durham Public Schools meeting agenda designates a period for public comment, other items take more than the projected time. Following the agenda more closely or adding an additional 30 minutes to the meetings would give citizens time for questions and comments.

### **Legislative Meeting**

Chairman Reckhow announced that a joint meeting with the Board and the Legislative Delegation would be held on May 6 at 9:00 a.m.

### **Request by Commissioner Heron**

Commissioner Heron asked to be excused from the May 6, 2004 Worksession due to a family commitment in Houston, Texas.

### **Board and Commission Appointments**

The Commissioners voted to make the following appointments:

Adult Care Home Community Advisory Committee  
Hassen F. Nashid

Community Child Protection Team/Child Fatality Prevention Team  
Sadie Howard

Durham Planning Commission  
John Edward Mozart (Lebanon Township)  
Lynn M. Van Scoyoc (Mangum Township)

Memorial Stadium Authority  
Dan Moushon

Nursing Home Community Advisory Committee  
Nicole Davis

Open Space and Trails Commission  
Leroy Joyner

Commissioner Heron thanked the newly appointed Planning Commission representative, John Mozart, for attending the meeting and for donating his time and services.

Commissioner Jacobs recommended that the Clerk to the Board notify board and commission applicants who are ineligible for certain positions.

**Remarks by Commissioner Jacobs**

Commissioner Jacobs distributed to the Commissioners an intimidating email she had received from the Chairman of the Planning Commission regarding the appointment to the commission. Persons who are empowered with such positions should conduct ethical, professional, objective behavior. Commissioner Jacobs's philosophy is to appoint citizens who have served and served well in previous appointments.

**Closed Session**

Commissioner Cousin moved, seconded by Vice-Chairman Bowser, that the Board of Commissioners adjourn to closed session to consider a personnel matter pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

**Reconvene to Open Session**

Commissioner Cousin moved, seconded by Commissioner Heron, to extend the meeting to 11:15 p.m.

The motion carried unanimously.

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Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to direct the County Manager to present a list to the Board by May 10, 2004, of at least three professional personnel consultants to perform a complete audit of personnel activity in Human Services Departments and any other department deemed necessary.

The motion carried unanimously.

**Adjournment**

Chairman Reckhow adjourned the meeting at 11:10 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Deputy Clerk to the Board