

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

Monday, May 13, 2002

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 MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Consent Agenda item 9(h), "2002 Durham County Legislative Agenda," was pulled and moved to the end of the agenda.

Item #14, "West—Northwest Durham Plan," was removed from the agenda. It will be presented at a later date.

An item 9(m) was added to the Consent Agenda, "Set Public Hearing on West-Northwest Durham Plan for June 24, 2002."

Commissioner Bowser added an item for discussion regarding the impact of Interstate Highway 85 expansion on Club Boulevard Elementary School. He asked for a letter from the Board to the NCDOT in support of the parents who are concerned about safety, considering the proximity of the new roadbed to the schoolyard. He had received a number of letters and email messages concerning this issue.

Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the Minutes of the March 11, 2002 Closed Session/Regular Session, April 8, 2002 Regular Session, April 22, 2002 Special Session, and April 22, 2002

Regular Session as submitted, and the March 4, 2002
Worksession and March 27, 2002 BOCC/DPS Budget
Worksession as corrected.

The motion carried unanimously.

Resolution Honoring Retiring Library Director Dale Gaddis

A resolution has been prepared honoring retiring Library Director Dale Gaddis. She began her career with the Durham County Library in 1967 and held progressively more responsible positions during her tenure. She was named Director in 1982 and leaves an impressive record, such as overseeing the opening of new facilities including the Main library and the Southwest, North Durham, and Parkwood branches. She initiated and expanded an extensive list of services to meet the needs of Durham's diverse population.

County Manager's Recommendation: Present the resolution to Ms. Gaddis, along with the sincere congratulations of the entire organization.

Chairman Black read the resolution into the record.

Ms. Bessie Carrington, Chairman of the Durham County Library Board of Trustees, introduced the presentation and spoke of her appreciation for her positive and rewarding association with Ms. Gaddis during her tenure.

Ms. Gaddis spoke of her career with Durham County and her hopes for the future of its library system.

The Commissioners gave individual thanks to Ms. Gaddis for her dedication, service, and contributions to Durham County and its citizens.

The resolution follows:

RESOLUTION

WHEREAS, Dale W. Gaddis has provided her professional ability and creative leadership efforts to the Durham County Library and the people of Durham County for more than 33 years; and

WHEREAS, Ms. Gaddis began her career at Durham County Library in 1967 as Head of Adult Services, serving in this position for three years; and

WHEREAS, she initiated and directed Durham County Library's service to the elderly and homebound population for three years; and

WHEREAS, Ms. Gaddis served as a Reference Librarian for one year; and

WHEREAS, she served as Assistant Library Director from 1975 until 1982; and

WHEREAS, Ms. Gaddis served as Library Director from 1982 until 2002; and

WHEREAS, during her many years with Durham County Library, she supported extensive advancements in library services, including bringing the library into the computer age; and

WHEREAS, under the leadership of Ms. Gaddis, the library has been awarded various grants to encourage collaboration with community agencies and expand library services including programs for the elderly, teens, early readers, and the Hispanic community; and

WHEREAS, during her tenure Ms. Gaddis oversaw the opening of new facilities, including the move into the current Main Library, opening of the Parkwood, North Durham, and the Southwest Branches, as well as the planning for future facilities:

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

DALE W. GADDIS

for 33 years of dedicated service to Durham County Government, and for her numerous, invaluable contributions made towards improving the quality of life for the Durham community. We wish for her a wealth of success as she retires and begins a new journey in her life.

This the 13th day of May, 2002

/s/ Five Commissioners
Durham County Commissioners

Recognition of Bessie Carrington, Recipient of the North Carolina Library Trustee of the Year Award, Conferred by the North Carolina Public Library Directors Association

At its annual awards program in December, the North Carolina Public Library Directors Association presented Bessie Carrington, Chair of the Durham County Library Board of Trustees, with its Library Trustee of the Year Award. The Library Director requested the opportunity to share with the Commissioners the contributions this remarkable board member has made to the Library and the Durham community, which provided the basis for her award.

Ms. Carrington is coming to the end of her second three-year term on the Library Board and her third year as Chair. During her tenure on the Board, she has been an energetic library advocate and has committed personal time and resources to an array of accomplishments benefiting the community such as:

- development and adoption of library service and facility standards;
- adoption of an ambitious 10-year capital improvement plan for the Library;
- expanded security coverage at the Main Library and Stanford L. Warren Branch Library;
- creation of the Durham Library Foundation Inc.; and
- purchase of the Carolina Theatre Video Collection.

Ms. Carrington has strengthened the Library Board and increased its effectiveness. She has actively recruited new members and contacted all applicants to welcome their interest and answer questions. She has worked hard to retain their interest and involvement once they become board members. She has organized the board into productive committees. She has communicated regularly with the Board of Commissioners and brought to its attention Library accomplishments and concerns.

Ms. Carrington is a strong advocate for intellectual freedom and has articulated very well the policies of the Library during times of challenge.

Her weekly volunteer work as an Internet guide in the reference unit of the Main Library is just one example of her efforts to support staff and understand the conditions of their work. She initiated a Trustee Award to be presented annually to an exceptional library employee. She has attended staff meetings to hear staff concerns firsthand.

She was an active participant in the recent process to develop a strategic plan to take the Library forward over the next five years.

Ms. Carrington is full of ideas that must be pursued RIGHT NOW but she is not the type of person to let it go at that—she rolls up her sleeves and works right alongside staff to help make things happen.

Ms. Carrington's personal commitment both to the Library and to Durham has been and continues to be extraordinary and is deserving of recognition and deep appreciation.

Resource Person(s): Dale Gaddis, Library Director

County Manager's Recommendation: The Manager recommended that the Commissioners congratulate Bessie Carrington on receiving the award of North Carolina Library Trustee of the Year and express their appreciation for her contributions to the Library and the Durham community as Chair of the Durham County Library Board of Trustees.

Library Director Dale Gaddis praised Ms. Carrington for her dedication and contributions to the library system and congratulated her on receipt of this award.

The County Commissioners extended their congratulations to Ms. Carrington on receipt of this prestigious state award.

Dennis Ritchie, “Inspector of the Year” Recognition

The NC Building Inspectors Association has named Dennis Ritchie, Durham City-County Inspections Department—Building Field Inspections Supervisor, “Inspector of the Year.”

Mr. Ritchie started his career in the department in February 1985 and was soon promoted to Field Inspections Supervisor in March 1987. His nomination letter details his achievements:

“Mr. Ritchie has been a critical component of the amendment team that has allowed the merger of the two inspections departments at a lower cost and providing better service. His attitude, professionalism, leadership, and loyalty to his field inspectors provide the necessary climate to make the policy adjustments that are required in today’s fast-paced environment.”

Other accomplishments noted in his nomination:

- Put into place a quality control program that identifies and rewards good performance as well as providing opportunities to catch mistakes
- Uses statistical analysis of workload and available inspectors to maximize efficiency
- Knows the code cold
- Speaks out about problems of code interpretation and enforcement, helping to prevent confusion and bad installations.

County Manager's Recommendation: The County Manager recommended that the Board receive remarks and extend congratulations to Mr. Ritchie for achieving this outstanding statewide accolade.

City-County Inspections Director, Gene Bradham, introduced Mr. Ritchie and addressed his accomplishments that led to this state award. He thanked the Commissioners for recognizing outstanding employees in a public forum such as this meeting.

The Commissioners thanked Mr. Ritchie for his dedication to Durham County and extended congratulations on his receipt of the “Inspector of the Year Award” from the NC Building Inspectors Association.

May Anchor Award Winner—Francyne Pelchar

Francyne Pelchar, Senior Library Assistant for Project LIFT at the Durham County Library, is the winner of this month’s Anchor Award. In her nomination letter, Library Director Dale Gaddis noted Ms. Pelchar’s superior work in coordinating various programs that benefit the community. She wrote a successful grant and served as project director for a program highlighting Latino literature. She has assisted an increasing number of job seekers find employment information and has helped to form a job club to

provide additional resources and support for area job seekers. Ms. Pelchar was also noted for twice taking on the duties of her supervisor when the position was vacant and at the same time performing her own job duties.

County Manager's Recommendation: Present the May Anchor Award to Francyne Pelchar, along with the sincere congratulations of the entire organization.

Library Director Dale Gaddis introduced Ms. Pelchar and her accomplishments. Ms. Gaddis spoke of Ms. Pelchar's enthusiasm for her job and her efforts to serve the Latino population and area job seekers.

Chairman Black presented the Anchor Award and a \$200 check to Ms. Pelchar. The Board extended its congratulations.

Ms. Pelchar thanked Ms. Gaddis and the Commissioners for the Anchor Award and the recognition. She spoke highly of the library team and the help its members provide her in her job daily.

Triangle Transit Authority Award to Durham County—GAMMA Award for Best Communication in Commute Trip Reduction

Durham County and the City of Durham adopted the Commute Trip Reduction (CTR) Ordinance in February 2000 to address traffic and air quality concerns in the county. The County contracted with Triangle Transit Authority to serve as the lead agency in alerting and educating affected companies, promoting alternate commuting methods, and reviewing the employers' annual transportation plans.

The ordinance affects Durham employers with over 100 employees. Companies have been phased in over a three-year period: those with over 400 employees in 2000, those with 200 to 399 in 2001, and those with 100 to 199 in 2002.

The program has proven to be very successful, and awards were presented on May 1 to recognize companies that made outstanding efforts. Durham County Government was recognized for "Best Communication of Commute Trip Reduction Methods."

Resource Person(s): Commission Vice-Chairman Ellen Reckhow and Heidi Duer, Assistant to the County Manager

County Manager's Recommendation: The County Manager recommended that the Board receive the award and extend congratulations to staff.

Chairman Black congratulated and commended Vice-Chairman Reckhow on putting the program together in 2000 and implementing it. The program is now working well.

Vice-Chairman Reckhow presented the award and commented on its success. The County of Durham received the GAMMA Award for the best communication in Compute

Trip Reduction. She commended other companies for their support of the Commute Trip Reduction program and congratulated them on receipt of the various awards for their efforts.

Consent Agenda

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

- * (a) Budget Ordinance Amendment No. 02BCC0000057—Public Health—To Recognize Revenue for Jail Health (approve to recognize \$9,183 in excess revenue in jail health fees to supplement the shortfall in the jail's miscellaneous contracted services line item);
- * (b) Budget Ordinance Amendment No. 02BCC0000058—Public Health—To Recognize Revenue for Laboratory (approve to recognize \$7,539 in excess lab revenue to supplement the shortfall in the TB clinic);
- * (c) Budget Ordinance Amendment No. 02BCC0000059—The Durham Center—To Recognize Additional Medicaid Revenue in the Amount of \$1,950,000 (approve to be amended as requested);
- * (d) Capital Project Amendment No. 02CPA000015—Application to the Public School Building Capital Fund—Durham Public Schools Painting Projects (approve for interior/exterior painting at three elementary schools);
- (e) Declare Vehicle Surplus and Donate (1997 Ford Wheelchair Lift Van) (declare the vehicle surplus and donate to LifeSpan);
- (f) Offer to Purchase County Property (2700 Boyle Street) (pursue the upset bid process at this time. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- (g) Final Offer to Purchase County Property (119 West Cornwallis Road) (approve the offer of \$3,550 submitted for 119 W. Cornwallis Road by Ms. June Withers and prepare a non-warranty deed for the Chairman's signature. This action is consistent with the Board's policy of recovering the County's investment and returns the property to the tax rolls);
- * (i) Cultural Master Plan for Durham County (approve the process as outlined, as well as the nominations to the Steering Committee);

- (j) Approval of Federal Grant Offer to Raleigh-Durham International Airport (accept the grant offer)
- *(k) Recommendation to Amend Bylaws of the Durham County Library Board of Trustees (adopt the recommended changes to the bylaws of the Library Board);
- (l) Reschedule May 27, 2002 Regular Session (reschedule the May 27, 2002 Regular Session to Wednesday, May 29, 2002 beginning at 7:00 p.m.); and
- (m) Set Public Hearing on West-Northwest Durham Plan for June 24, 2002.

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 9(a). Budget Ordinance Amendment No. 02BCC0000057—Public Health—To Recognize Revenue for Jail Health (approve to recognize \$9,183 in excess revenue in jail health fees to supplement the shortfall in the jail’s miscellaneous contracted services line item).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$277,340,309	\$9,183		\$277,349,492
<u>Revenues</u>				
Intergovernmental	\$230,926,719	\$9,183		\$230,935,902

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

This the 13th day of May, 2002.

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

Consent Agenda 9(b). Budget Ordinance Amendment No. 02BCC0000058—Public Health—To Recognize Revenue for Laboratory (approve to recognize \$7,539 in excess lab revenue to supplement the shortfall in the TB clinic).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$277,349,492	\$7,539		\$277,357,031
<u>Revenues</u>				
Charge for Services	\$19,129,245	\$7,539		\$ 19,136,784

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

This the 13th day of May, 2002.

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

Consent Agenda 9(c). Budget Ordinance Amendment No. 02BCC0000059—The Durham Center—To Recognize Additional Medicaid Revenue in the Amount of \$1,950,000 (approve to be amended as requested).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Mental Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$277,357,031	\$1,950,000		\$279,307,031
<u>Revenues</u>				
Intergovernmental	\$230,935,902	\$1,950,000		\$231,130,902

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

This the 13th day of May, 2002.

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

Consent Agenda 9(d). Capital Project Amendment No. 02CPA000015—Application to the Public School Building Capital Fund—Durham Public Schools Painting Projects (approve for interior/exterior painting at three elementary schools);

The Capital Project Ordinance follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Capital Projects Ordinance
Amendment No. 02CPA000015

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for these Durham Public Schools Projects:

DURHAM PUBLIC SCHOOLS PROJECTS

<u>Expenditures</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Fayetteville St. Elementary Painting	\$0	\$52,500		\$52,500
Burton Elementary Painting	\$0	\$60,000		\$60,000
Morehead Elementary Painting	\$0	\$37,500		\$37,500

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

This the 13th day of May, 2002.

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

Consent Agenda 9(i). Cultural Master Plan for Durham County (approve the process as outlined, as well as the nominations to the Steering Committee).

In September 1999, the Board of County Commissioners went on record in support of a grant application from the State of North Carolina for funds to prepare a Cultural Master Plan. The application was not approved; however, approval of recent amendments to the Occupancy Tax legislation for Durham County provides the \$200,000 needed for the study process. Representatives from the cultural community have developed the process for the development and preparation of the study. The County will be asked to assist with appointments as well as the preparation and administration of the bid documents to secure the professional services necessary to prepare the study.

Resource Persons: Barker French, Carolina Theatre Board; Sherry DeVries, Durham Arts Council; E'Vonne Coleman, Duke Continuing Education, Cultural Expert; and Alice Sharpe, President, Downtown Durham Inc.

County Manager's Recommendation: The Manager recommended that the Board approve the process as outlined, as well as the nominations to the Steering Committee.

The Commissioners, by approval of the Consent Agenda, approved the process for the development and preparation of the study and the nominations to the Steering Committee. The list follows:

Co-Chairs: Sylvia Kerckhoff, 1511 Pinecrest Rd, Durham 27705
Peter Anlyan, Capitol Broadcasting Co., 512 S. Mangum Street, First Floor,
Durham 27701
MaryAnn Black, 615 Orindo Dr., Durham 27713

Phail Wynn	5915 Williamsburg Way, Durham 27713
Carr Agyapong	6 High Rock Ct., Durham 27713
John Atkins	3915 Eton Road, Durham 27707
Toby Barfield	1913 Bearkling Pl., Chapel Hill 27514
Ben Speller	1004 Shepherd St., Durham 27707
Sue Beischer	34 Appleton Place, Durham 27705
Brenda Brodie	63 Beverly Drive, Durham 27707
Bert Collins	2404 Vintage Drive, Durham 27712
Ted Conner	3305 Park Overlook Drive, Durham 27712
Pepper Fluke	2703 Sevier St., Durham 27705
Barker French	1005 Monmouth Ave., Durham 27701
Joseph S. Harvard	124 Monticello Ave., Durham 27707
Meredyth Holmes	C/o Monarch Services, 3109 University Dr., Durham 27707
Vedia Jones-Richardson	500 Memorial St., Durham 27701
E'Vonne Coleman	2710 Wedgedale Ave., Durham 27703
John Mallard,	Cardinal State Bank, PO Box 52485, Durham 27717
Dale Gaddis	500 Watts St., Durham 27701
Michael Palmer	2804 Tavistock Dr., Durham 27712

Ella Fountain Pratt 1109 Woodburn Rd, Durham 27705
William Smith Mutual Community Savings Bank, 315 E. Chapel Hill St.,
Durham 27701

Dean Hamric 1024 Monmouth Ave., Durham 27701
Alice Sharpe 104 W. Parrish St., Durham 27701
Charlie Sanders 3200 Rugby Rd., Durham 27707
Lee Johnson President, Mechanics & Farmers Bank, 2634 Chapel Hill
Blvd., Durham 27707

Dr. Ammons or representative of NCCU---HOLD

John Best 5020 Brenda Court, Durham 27712
C. Eileen Watts Welch 512 S. Mangum Street, Suite 400, Durham 27701
Charles Wilson c/o Wilson Construction, 5012 Neal road, Durham 27705
Douglas C. Zinn 1162 Belfair Way, Chapel Hill 27514
Joe Jordan 1904 Sturbridge Court, Raleigh, 27612
Carolyn Henderson 5500 Fortunes Ridge Dr., Apt 84-A, Durham 27713
Steve Barringer c/o Dealer's Supply Company, 112 S. Duke Street, Durham
27701

James Tabron PO Box 52117, Durham 27717
Ann Denlinger 3720 Dairy Pond Place, Durham 27705
Johnny Ford 13 Trescott Dr., Durham 27703
Sherry DeVries Durham Arts Council, 120 Morris Street, Durham 27701
Steve Martin 310 Smith Dr., Durham 27712
Tom Krakauer 128 White Horse Run Rd., Bahama 27503
Dianne Pledger 530 Piney Mtn. Road, Chapel Hill 27514
Reyn Bowman 1008 West Knox, Durham 27701
Bill Kalkhof 39 Westridge Dr., Durham 27713
Chuck Davis African American Dance Ensemble, c/o Durham Arts
Council, 120 Morris Street, Durham 27701

Carlota Santana 105 Vista del Rio Drive, Bahama, 27503
Lisa Morton Durham Arts Guild, 120 Morris St., Durham 27701
Joseph Henderson c/o Walltown Children's Theatre, 1225 Berkely Street,
Durham 27701

Charles Reinhart 200 Riverside Drive, Apt 25C, New York, NY 10069
JonScott Williams GalxoSmithKline, PO Box 13398, RTP, NC 27709
Kathy Silbiger 9 Appleton Place, Durham 27705
Michael Mezzatesta 118 Porter Pl., Chapel Hill 27514
Kenneth Rogers NCCU Art Museum, PO Box 19555 Durham 27707
Paula Harrell 810 Brandon Road, Durham 27713
Nancy Buirski 2616 Augusta Drive, Durham 27705
Cathy Gilliard c/o White rock Baptist Church, 3400 Fayetteville St.,
Durham 27707

John Friedman c/o Judea Reform Congregation, 1955 W. Cornwallis Rd.,
Durham 27707

Cora Cole-McFadden 5613 Old Wells Street, Durham 27704
Yvonne Penna Dept. of Human Relations, City of Durham, 101City Hall
Plaza, Durham 27701

Katushka Olave

15 Lorelei Court, Durham 27713

Underlined candidates have not been reached as of 05/13/02

Consent Agenda 9(k). Recommendation to Amend Bylaws of the Durham County Library Board of Trustees (adopt the recommended changes to the bylaws of the Library Board).

The purpose of the proposed changes is to clarify the authority and responsibilities of the Trustees and to bring the language of the delegated duties in line with the language in G.S.153A-266. The proposed changes were developed in consultation with Deputy County Manager Carolyn Titus and reviewed by the Board of Commissioners at a work session on March 4, 2002. At the request of the Board of Commissioners, the Library Board approved a subsequent change regarding the appointment of the library director at its regular meeting held on April 15, 2002.

The changes made as a result of the Commissioner's March Worksession are: 1) appointment of the library director by the County Manager; and 2) role of the elected secretary. The Library Board will continue to use library staff to take minutes but instead of being reviewed by the Library Director, the minutes will be reviewed and signed by the elected board secretary.

The new bylaws follow:

BY-LAWS OF THE BOARD OF TRUSTEES OF THE
DURHAM COUNTY LIBRARY

ARTICLE I: MEMBERS

SECTION I: In accordance with Article 14, Chapter 153A of the General Statutes of the State of North Carolina, the Board of Commissioners of Durham County do hereby appoint a Library Board of Trustees for the Durham County Library. Said Board of Trustees shall consist of nine persons. All terms shall be for three years.

SECTION II: In the event of a vacancy on the Board, the vacancy shall be filled by the County Commissioners for the unexpired term of the member creating the vacancy.

SECTION III: The position of a board member who has been absent from three consecutive regular meetings shall be considered vacant.

SECTION IV: The same person may not serve more than three consecutive terms, An appointment to fill an unexpired term of one year or more shall be considered one term and said appointee can be appointed for only two additional terms.

ARTICLE II: MEETINGS

SECTION I: The regular meeting of the Library Board shall be held bi-monthly according to a calendar set at the annual meeting of the Board.

SECTION II: The annual meeting shall be held at the first regular meeting of each fiscal year in the Board Room of the Main Library.

SECTION III: Special meetings may be called by the Chairman, or upon written request of the four members of the Board, for the transaction of business stated in the request.

SECTION IV: Notices of all meetings including an agenda and documentation shall be made by the Library Director to all members at least three business days in advance.

SECTION V: A quorum for the transaction of business shall consist of a majority of members.

ARTICLE III: OFFICERS

SECTION I: The officers of the Board of Trustees shall be a chairman, vice chairman and secretary.

SECTION II: Officers shall be elected at the annual meeting of the Board and shall serve for one year.

The Chairman of the Board shall preside at all meetings and shall have the usual powers of a presiding officer. The Chairman of the Board shall notify the Board of County Commissioners of any vacancies on the Board.

The Vice-Chairman of the Board shall act as chairman in the absence or disability of the Chairman

The Secretary shall keep a true and accurate account of all proceedings of the board meetings.

SECTION III: The Director of Libraries shall issue notices of all meetings of the Board and have custody of the minutes and other records of the Board; The Director of Libraries shall be an ex officio member of the Board and shall not have a vote.

ARTICLE IV: COMMITTEES

The Chairman shall appoint any committee deemed necessary.

The Chairman may decide upon the number of persons to be appointed to a committee and designate the purpose of the committee. The committee may be dissolved upon the

completion of its task or at the pleasure of the Board. Vacancies on committees may be filled by the Chairman at any time.

ARTICLE V: DUTIES AND RESPONSIBILITIES OF TRUSTEES

The duties and responsibilities of the Trustees shall consist of conscientiously carrying out the powers herein given them:

1. To formulate and adopt library programs and regulations for the government of the Library;
2. To make recommendations to the Board of County Commissioners concerning the construction and improvement of buildings and other structures for the library system;
3. To advise the County Manager regarding the appointment of the Director of Libraries;
4. To participate in preparing the annual budget of the library system;
5. To recommend to the Board of County Commissioners a schedule of fines and charges for late return of, failure to return, damage to, and loss of library materials, and to take other measures to protect and regulate the use of such materials;
6. To otherwise advise the Board of Commissioners on Library matters. The Board shall make an annual report on the operations of the library to the governing body and shall make an annual report to the Department of Cultural Resources as required by G.S. 125-5.

ARTICLE VI: LIBRARY DIRECTOR

The Director of Libraries shall be the executive officer of the library system and shall have general supervision and responsibility of the libraries under the direction of the Board of Commissioners through the County Manager and reviewed by the Board of Trustees.

The Director of Libraries with the advice and counsel of the Board of Trustees shall be responsible for the physical plants and equipment, for the employment and direction of the staff, for the library service to the public, and for the operation of the libraries under the financial conditions set forth in the library budget.

The Director of Libraries shall attend all board meetings.

ARTICLE VII: ORDER OF BUSINESS

Robert's Rules of Order Newly Revised shall govern the proceedings of the Board.

The order of business at the regular meetings shall be as follows:

1. Roll call
2. Approval of minutes of previous meeting

3. Communications
4. Financial report
5. Report of committees
6. Old business
7. New business
8. Director's report
9. Election of officers when necessary
10. Adjournment

ARTICLE VIII: AMENDMENTS

These by-laws may be amended at any regular or special meeting of the Board with a quorum present, by the majority vote of the members present, provided a copy of the proposed amendments shall have been sent to each member at least two weeks before the meeting at which they are to be considered for adoption or submitted in writing and read at the Board meeting preceding the one at which the amendment is to be considered for adoption.

Subsequent to the acceptance by the Board of any modification, addition, or deletion from the bylaws, formal approval of said action must be obtained from the Board of County Commissioners of Durham County prior to its being entered into such by-laws.

By-Laws adopted July 21, 1975; amended November 4, 1982, April 28, 1986, November 26, 1990, June 8, 1998, and September 14, 1998 by the Durham County Board of Commissioners.

Durham County Library Board of Trustees By-Law Amendments

November 4, 1982:

- Article I, Section III: The words "without adequate excuse" added after "absent"; the word "regular" added after "consecutive".
- Article I, Section IV: The words "of one year or more" added after the words "unexpired term".
- Article II, Section I: The regular days of meetings were listed as the fourth Monday in July, September, November, January, March, and May.
- Article II, Section II: The annual meeting was established as the fourth Monday in July, and the place of the meeting listed as "the Board Room of the Main Library".
- Article III, Section I: The officer of "secretary" was dropped.
- Article III, Section III: The sentence, "The Director of Libraries shall serve as secretary, but shall not have a vote" was added at the beginning of the section, and the last sentence "It is suggested that the Director of Libraries serve as secretary, but shall not have a vote" was dropped.

Article V, number 2: Added "establishing policies regulating library operating procedures".

Article V, number 5: Added "and policies" after the word "budget".

Article VII was changed to add "financial report" after "communications" and to move "director's report" to follow "new business."

April 28, 1986:

Article 1, Section IV was changed to permit a Board member to serve three consecutive terms, rather than two.

November 26, 1990:

Article II, Section I was changed to permit the Board to set a calendar of bi-monthly meetings for the year at the annual meeting of the Board. The change eliminated reference to specific months in which the Board would meet and the specified day of annual meeting.

June 8, 1998:

Article I, Section I: Changed the number of members of the Board from seven to nine.

Article V: Added #6: "To present a report at least annually to the Durham County Board of Commissioners on library accomplishments and plans."

September 14, 1998:

Article II, Section V: Changed the size of a quorum from four to "a majority of members."

January 7, 2002:

DURHAM COUNTY LIBRARY POLICIES
Adopted by the Durham County Library Board of Trustees
May 2002

Policy	Most Recent Review/Amendment Date
Registration policy	2/02
Data base purging	2/02
Overdue policy & fine structure	2/02
Meeting room policy	10/01
Community bulletin board policy	8/01
Co-sponsored program and exhibit policy	12/01

Distribution of free publications policy	8/01
Group visits policy	12/01
Resources selection policy	12/01
Supplemental reference services policy	4/02
Art acquisitions policy	10/01
Gift policy	8/01
Disruptive behavior policy	6/01
Safe child policy	6/01
Computer use policy	4/02
Technology training room	2/02

Public Hearing—Copley Street and Armfield Street Closing—SC02-5

This street closing is related to the same site as rezoning case P02-1, NRP Group, multi-family development. Staff is requesting that the Board hold a public hearing and consider adopting an order to close 1,444.70 ± linear feet (1.995 ± acres) of Armfield Street and 1,553.54 linear feet (2.147 ± acres) of Copley Street. These are paper streets that were never built.

The Board held a public hearing on April 22, 2002, and continued the hearing to May 13, 2002, in order to consider this street closing and to address stormwater concerns.

Resource Person(s): Frank Duke, Planning Director, and Dick Hails, Assistant Planning Director

County Manager's Recommendation: The Manager recommended that the Board receive public comment and deny the street closing request, if appropriate, based on public comment.

Mr. Frank Duke, Durham City-County Planning Director, introduced the agenda item. In review of the proposed street closing, no service providers indicated any issues or problems. However, the Planning Department did acknowledge a problem in that Section 8.13 of the Durham Code of Ordinances does not allow easements as a point of access for properties within the Urban Growth Area. This particular street closing would leave two properties completely landlocked with no other form of access. The Planning Department recommended denial on this basis.

Mr. Duke advised that subsequently, Planning has been in contact with the applicant's attorney, Mr. Jack Markham, and the County Attorney. The applicant has now proposed to reconfigure a private road, which would serve the remainder of the project. It would provide access to these two land-locked parcels. The County Attorney has advised that the modified proposal does address the access issue that was the basis of staff's recommendation for denial. Staff now recommends approval of the request for street closure.

County Attorney Chuck Kitchen stated that the Board had been given two new pieces of information regarding the request—a letter from the owner of the two pieces of property supporting the road closures and an access agreement. County Attorney Kitchen recommended that the Board hold the Public Hearing. Then, if the Board wished to close the road, it could take a vote on the closing but hold the order until the site plan comes forward, providing it is rezoned.

Chairman Black opened the Public Hearing, which was properly advertised.

The following persons had signed to speak:

David Painter, 3707 Cub Creek Road, spoke in opposition to the street closing. He stated that approval of the street closing, which is tied to the next agenda item, would build momentum away from single-family housing towards multi-family housing and the proposed apartment complex.

Dr. Lavonia I. Allison, 1315 McLaurin Avenue, Durham Committee on the Affairs of Black People, asked what impact closing the streets would have on the next agenda item. She advised she would speak against that proposed rezoning which would destroy the neighborhood integrity by allowing for the building of multi-family units instead of requiring single-family units. She asked that the Board deny this request if it has a positive impact on the next item.

Jack Markham, University Tower, attorney representing NRP Group, stated that this agenda item is, indeed, tied to the next. The closing of these two streets is necessary for the consideration of the next item. This subdivision has existed since 1964 and has not developed as a single-family subdivision. The layout of the proposed multi-family complex does not follow the street pattern as it exists. These streets have never been built. They are merely platted, paper streets, in an old subdivision that has not developed.

There being no other persons signed to speak, Chairman Black closed the Public Hearing. She advised that the Board would not vote on this item until it had heard the next agenda item, “Public Hearing, The NRP Group, LLC, Applicant—Rezoning Case P02-1.” The County Attorney supported this procedure.

Public Hearing—The NRP Group, LLC, Applicant (Rezoning Case P02-1)

The NRP Group, LLC will present to the Board of County Commissioners a request to rezone 31.29 acres between Danube Lane and Cub Creek Road, south of Carver Street extension, PIN 0833-01-35-8770, 8690, 9511, 9431, 9361, 9282, 6604, 6524, 6454, 6375, 6296, 7115, 7046; 0833-14-34-7964, 7885, 8706, 8635, 8564, 9413, 9396, 0265, 8273; 0833-01-45-0102, 0033, 2047, 2125, 2216, 1385, 1464, 1544, 1624, 1704, 4276, 4196, 5007, 3855, 3775, 3696, 4526, 4436, 4556; 0833-14-44-0931, 0720, 1706, 2802, 2974, 4791, 3685, 2599, 1591, 2378, 3482, 4497, 5570, 6564 (Tax Map 738, Block 1, Lots 14-29; Block 3, Lots 1-21; Block 4, Lots 1-3, 6-14, and 39-44) Request: R-20 (Residential 20 District) to RM-8 (D (Multifamily Residential District)); F/J-B. The proposal is in

general conformance with the small area plan. Staff recommends denial. The Zoning Committee of the Durham Planning Commission conducted a public hearing on March 12, 2002 and voted 6-1 to recommend denial.

This request was continued from the April 22, 2002 meeting to give County Engineering an opportunity to review the proposal. Issues related to the stormwater management have not been resolved; County Engineering has not approved the analysis and plan submitted by the applicant.

The public hearing for this request was advertised on April 5 and April 12, 2002 in the Durham Herald-Sun.

Resource Person(s): Vonda Frantz, Senior Planner, and Frank Duke, Planning Director

County Manager's Recommendation: The Manager recommended that the Board hold the public hearing and deny the rezoning, if appropriate, based on public comment.

Mr. Frank Duke, City-County Planning Director, introduced the agenda item. Mr. Duke stated that the proposal is consistent with the adopted North Durham Plan, which designates this property for medium-density housing. The issues that led to the Durham Planning Commission's vote to deny the request have been addressed (lack of school capacity, traffic, and two land-locked parcels).

Mr. Duke advised that there is adequate roadway capacity to accommodate this development based on level of service "C." The applicant has proposed a method to deal with the two land-locked parcels. Durham Open Space and Trails Commission (DOST) has reviewed the proposal and indicated it is generally conforming to its master plans. Also, today, the County Engineering Department advised that the applicant's proposal now meets the County's stormwater requirements. When the agenda package was prepared, it did not meet those requirements.

Mr. Duke stated that based on the applicant having successfully addressed the above issues, City-County Planning now recommends approval of the rezoning request by NRP Group LLC.

County Engineer Glen Whisler clarified the stormwater issue for Chairman Black. He stated that the Engineering Department had reviewed the plans associated with rezoning, narrative information regarding the applicant's strategy in addressing stormwater issues, and their calculations' methodology. He stated that they meet the County's stormwater requirements that can be implemented during the construction plan development for this project.

In answer to Commissioner Heron's question regarding possible failure of stormwater containment areas, the County Engineer stated that there was a bonding requirement for the developer to ensure against stormwater containment failure.

City-County Planning Director Frank Duke addressed Commissioner concerns regarding the age of traffic projection data, capacity of schools to handle projected additional enrollment, and utilization of school buildings.

Chairman Black opened the public hearing, which was properly advertised.

The following persons had signed to speak:

Mr. Jack Markham, University Tower, attorney representing the applicant, responded to the issues raised at the last meeting. The Carver Street extension will be built from Danube Lane to Cub Creek. The County Engineer has deemed the stormwater plan adequate. The NRP Group is committed to retaining up to 110 percent of the 10-year, six-hour storm runoff. Mr. Markham named adjoining subdivisions with affordable to mid-priced housing for sale. He commented on the need for diversity—homes and apartments. Not everyone wants to purchase housing. Dense woods provide a thick buffer, but the buffer can be increased if necessary.

Dr. Lavonia I. Allison, 1315 McLaurin Avenue, DCABP, asked that the rezoning from R-20 to RM-8 be denied. This would discourage home ownership in this area and encourage rental. The goal should be to enable more people to become homeowners.

Mr. David Painter, 3707 Cub Creek Road, asked the County Commissioners to deny the rezoning request. He said he considered this project inconsistent with land use on three sides. He stated also that Cub Creek Road should not be connected to Carver Street. What is functionally a cul-de-sac would be turned into a throughway. If a barrier is put up at Cub Creek, accessible only to emergency vehicles, there is no adequate guarantee that the City will not decide later to open the barrier and extend the road. If the subdivision isn't built, he would not have to worry about the City keeping its word about leaving the barricades in place to insulate this project from his neighborhood.

There being no other persons signed to speak, Chairman Black closed the Public Hearing.

The Commissioners made comments and asked questions of the applicant.

Mr. Markham pointed out to the Commissioners that the small area plan for this area of the county calls for this property to be zoned medium-density, and medium-density along the extension of Carver Street out to and down Hamlin Road. This is consistent with policies recognized by the County for some years, that higher-density housing is placed close to thoroughfares—like Carver Street Extension. Mr. Markham noted that NRP Group has developed Falls Point, approved by the County Commissioners. Twenty-percent of its residents are employed by the County of Durham. Something similar is anticipated by this proposed development. Mr. Markham assured the Commissioners that Carver Street Extension would be gated. The City Transportation Department will allow this. A barricade will be in place until the Carver Street Extension is extended east from Cub Creek Road to the Old Oxford Highway. The developer would commit to maintaining the gates and barricades.

County Attorney Chuck Kitchen pointed out that this proposed project is in the County rather than the City. This would be a state road—which cannot be barricaded. The road would be part of the state road system until it is annexed. The road does not have to be dealt with in the rezoning request. If the Board approves the rezoning, there are issues which must be worked out before a site plan would ever be approved.

Mr. Markham responded to Commissioner Bowser's statement that there appear to be a great number of empty apartments in the county with complexes offering rent incentives. Mr. Markham affirmed Vice-Chairman Reckhow's observance that there has been significant development of apartments in the southern part of the county, but very little north of I-85.

After more Commissioner discussion, a motion was put forward.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the rezoning request.

The motion failed with the following vote:

Ayes: Heron and Reckhow

Noes: Black, Bowser, and Cousin

Commissioner Cousin moved, seconded by Commissioner Bowser, to deny the rezoning request.

The motion carried with the following vote:

Ayes: Black, Bowser, and Cousin

Noes: Heron and Reckhow

The County Commissioners, at this point, made a motion regarding the previous item, "Public Hearing—Copley Street and Armfield Street Closing—SC02-5."

Commissioner Bowser moved, seconded by Commissioner Cousin, to deny the request to close 1,444.70± linear feet of Armfield Street and 1,553.54 linear feet of Copley Street.

The motion carried unanimously.

Public Hearing—Crossman Communities of NC Inc., Applicant (Rezoning Case P01-78)

Crossman Communities of NC Inc. presented to the Board of County Commissioners a request to rezone 20.22 acres on the north side of Hebron Road, east of Denfield Road; PIN 0834-03-11-6522, 03-31-5464, 03-31-7450 (Tax Map 780,Block 1, Lots 1, 3, 2E).

Request: R-20 (Residential 20 District) to PDR 4.69 (Planned Density Residential-4.69 units/acre); F/J-B, E-B Watershed Protection Overlay. The proposal adds acreage into an approved PDR-4.69 project, increasing the unit count by 74. The proposal is in general conformance with the North Durham Small Area Plan as approved April 22. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 12, 2002, and voted 6-1 to recommend approval.

The public hearing for this request was advertised on April 26 and May 3, 2002 in the Durham Herald-Sun.

Resource Person(s): Dick Hails, Assistant Planning Director, and Frank Duke, Planning Director

County Manager's Recommendation: The Manager recommended that the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

Assistant Planning Director, Dick Hails presented the item.

Chairman Black opened the Public Hearing, which was properly advertised.

The following four persons had signed to speak:

- Mr. Julius Bartell, 4911 Denfield Street
- Ms. Lillie Izi, 702 Felicia Street
- Mr. James A. Covington Sr., 715 Felicia Street
- Dr. Lavonia I. Allison, 1315 McLaurin Avenue

Mr. Julius Bartell, 4911 Denfield Street, spoke regarding the proposed addition of 74 housing units to the development approved under P99-37 in April 2000. He commented there were already too many houses in the area, heavy traffic, no sewer or water lines, and a potential for runoff from any new development. He was against approval of this rezoning request.

Mr. Bartell asked if his protest petition had been put forward.

The Chairman asked for clarification for the public record from the County Attorney's office.

Mr. Lowell Siler, Deputy County Attorney, explained that the ordinance requires any protest petition to be filed with the Clerk to the Board's office at least four work days prior to the date of the public hearing (by 5:00 p.m. Monday before the next Monday's public hearing). This was not done. Mr. Bartell's protest petition was not appropriately filed with the Clerk to the Board's office. It was found Tuesday morning, having been passed under the door of the County Attorney's office.

Commissioners Heron and Bowser, commented that the petitioner should have been notified that the protest petition was invalid. Commissioner Cousin asked if anything could be done to ensure due process for such cases.

County Attorney Kitchen advised that he and Attorney Siler had discussed this situation. The petitioner had first filed too late and in the wrong office; there was nothing to do under the time limits. Attorney Kitchen stated that Mr. Siler nonetheless checked the validity of the petition with the Planning Department because of questions raised regarding rezoning. Attorney Kitchen said the petition was thus not ignored.

Mr. Siler determined that even if the protest petition had been timely filed in the appropriate office, it still would not be valid because there were not enough owners signing the petition.

Ms. Lillie Izi, 702 Felicia Street, asked that the developer ensure that housing on her street is protected against flooding from stormwater created by the new development. Her main concern was the potential for flooding in the area. She thanked those Commissioners who took time to drive out and observe the area.

Mr. David Dunn, of Bass Nixon and Kennedy, civil engineer for the project, addressed the stormwater issue and answered questions for the Commissioners and the concerned speakers. He noted that the development site includes six stormwater detention basins—almost twice that required by ordinance.

Mr. Dunn answered Chairman Black's question of how this would help the neighbors on Felicia Street. He stated that these basins will hold back the water until the primary storm event passes and release the water over a longer period of time to avoid a large surge of water when the storm hits.

Mr. James A. Covington Sr., 715 Felicia Street, was concerned that the ditches behind his street would need to be deeper and wider to catch increased stormwater runoff.

Mr. Dunn explained that the existing stream channel would not be modified. The Corps of Engineers does not allow this. The detention ponds in the development would hold back the water before it reaches that stream channel.

Mr. Dunn spoke to Mr. Covington's concern regarding the promise made by the original broker to clean the ditches. Mr. Wallace, the broker for the original project, committed to removing Hurricane Fran debris that had fallen into the channels. This will still be done.

But the Division of Water Quality will not allow the developer to dig new ditches because they are buffered channels.

Dr. Lavonia I. Allison, 1315 McLaurin Avenue, Durham Committee on the Affairs of Black People, thanked the Commissioners for the opportunity to speak. She stated her concern that there was no process for the misfiled protest petition to be corrected before this public hearing. She asked that this be given consideration. Dr. Allison spoke against increased housing density that would result if the rezoning changes from R-20 to PDR 4.69.

There being no other persons signed to speak, Chairman Black closed the Public Hearing.

Commissioner Bowser asked to delay this item and find a way to help the petitioner move the protest petition through the system to the Clerk's office. He also asked that the Planning Department gather more information and better clarify the adjacent natural wetland area and the drainage problems that have been brought forward.

County Attorney Kitchen assured the Commissioners that his office does forward valid protest petitions to the Clerk's office if they are received in time. The problem with this particular petition was that it was invalid because it did not meet the requirements. There were not enough signatures to be valid due to the configuration of the properties in question.

At the Commissioners' request, Dick Hails, Assistant Planning Director, read the instructions for protest petition.

Commissioner Cousin stated that stormwater runoff and its impact on neighboring citizens appears to be the main issue of concern. Opposition to the rezoning is not the main issue.

The Commissioners held further discussion.

The applicant stated that the main focus of Crossman Communities of NC Inc. is the first-time buyer. Affordable home ownership is its goal.

The applicant explained the limitations of his company regarding removal of debris from the area behind some existing homes on adjacent property. He explained that this situation was already in existence and that the stormwater detention measures proposed would handle more runoff than the proposed development would create.

In answer to Commissioner Heron, a bond for perpetual maintenance of the detention ponds would be put into place by the builder/developer and remain in place until the homeowners association could take it over financially.

No action was taken on this item. The item was continued until the Wednesday, May 29, 2002 Regular Session to receive additional information from staff. The Public Hearing was closed; no additional speakers will be heard.

Site Plan Approval for Irwin Properties (D01-517)

Jensen Environmental Consultants, P.A., on behalf of Mr. Brit Irwin, has submitted a site plan for three commercial flex space buildings totaling 37,625 square feet and 68 parking spaces on 3.64 acres, zoned I-2 (Light Industrial). The property is located at the intersection of Page Road and Page Road Ext., south of U.S. 70. (Tax Map reference 649-02-029B; PIN 0759-04-53-5433; Durham County Street Atlas Page 90, Block C-4).

Resource Person(s): Phyllis T. Melton, Senior Planner, and Steve Medlin, Planning Supervisor

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation of the site plan and approve.

Mr. Dick Hails, Assistant Planning Director, introduced the agenda item. He advised that the tree-save area proposed by the applicant is 22 percent; only 14 percent is required by ordinance. The area has no significant environmental limitations—no flood plain or watershed protection areas. The Planning staff recommended approval.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the site plan.

The motion carried unanimously.

JCPC Funding Plan for Fiscal Year 2002-2003

The Durham County Juvenile Crime Prevention Council (JCPC), at a regularly scheduled meeting with a quorum present, voted on April 24, 2002 to recommend the local funding plan for the allocation of \$510,962 in state funding for FY 2002-2003. The North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP) have allotted these "Intervention/Prevention Funds" to Durham County for FY 2002-2003.

The local JCPC conducted the "Request for Proposals" (RFP) process in accordance with the relevant North Carolina General Statutes, DJJDP policies and procedures, and under the direction of DJJDP Regional Consultant, James M. Barbee.

The approved funding plan is due to the DJJDP by May 15, 2002.

Resource Person(s): Terrance Taylor, Chair, Juvenile Crime Prevention Council, and Karen K. Thompson, Treasurer

County Manager's Recommendation: The Manager recommends that the Board consider the proposed funding plan

Mr. Terrance Taylor made the presentation. The proposed \$510,962 allows for a possible 10 percent cut by the state. If the amount remains intact, that portion could go to existing programs which otherwise would be underfunded.

Chairman Black thanked Mr. Taylor for the JCPC's efforts.

Mr. Taylor added that the JCPC could take its budget and leverage it almost to \$2 million worth of services for youth. In the last cycle, 516 youth were served in Durham County, which saved the County training school services of \$25.6 million.

Ms. Thompson thanked Commissioner Heron for her dedication to the process. She also pointed out that the new Chief Court Counselor, Donnie Phillips, has been very helpful to the JCPC. He has provided needed information, sends his court counselors out to monitor the program, and provides feedback for evaluation of services provided.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the proposed funding plan.

The motion carried unanimously.

Agenda Adjustments

Consent Agenda 9(h). 2002 Durham County Legislative Agenda (approve the final 2002 Legislative Agenda for the upcoming short session and deliver to the Durham delegation).

Three items were added to legislative package.

- Support for increasing the compulsory school attendance age to 18
- Petition State to continue Criminal Justice Partnership Act funding
- Allow for flexibility of teaching assistance issue

Vice-Chairman Reckhow commented that State Superintendent of Schools, Mike Ward, has proposed that the state study the feasibility of increasing the compulsory school attendance age to 18. She suggested that Durham County support the initiative with an appropriate resolution. Language from the Commissioners' 1993 resolution on the same subject could be incorporated into the new resolution. The state has suggested deletion of Criminal Justice Partnership Act funding. This would leave the County with either an unfunded mandate or a gap in services. She asked Commissioner Cousin to work with Superintendent Denlinger and the Public Information Officer to determine whether a legislation position will be taken regarding the teaching assistant issue.

Commissioner Cousin moved, seconded by Vice-Chairman Reckhow, to approve the items in the legislative package, including the three items added.

The motion carried unanimously.

I-85 Construction by NCDOT Beside Club Boulevard Elementary School

Commissioner Bowser added a concern regarding protection for students of Club Boulevard Elementary from traffic and materials passing over the new, expanded Interstate-85 roadbed which, when completed, will be closer to the school. Much is being done for the residents along the roadway, but not the school.

He requested a letter be sent to the NCDOT on behalf of Club Boulevard Elementary School parents to request the erection of a noise and safety barrier.

Commissioner Heron stated that the TAC (Transportation Advisory Committee) had discussed this and approached the NCDOT. NCDOT offered that it could not provide an adequate noise barrier. However, very strong fencing, such as brick, could be erected between the playground and the road. This would protect the students from some noise and any materials that may fall from vehicles. Also extensive planting could be done, including large trees, to act as a noise buffer and replace vegetation removed to redirect the highway. She was also concerned that removal of the existing bridge would expose persons to lead contamination and excessive dust. Precautions must be taken to keep both from drifting to the school.

The Commissioners agreed that expense should not be an issue with NCDOT to keep citizens safe along I-85.

A motion was made to send a letter to the NCDOT on behalf of the Club Boulevard Elementary School parents expressing these concerns.

Adjournment

There being no further business, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:SBP