

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

Monday, June 23, 2003

4:30 P.M.

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 (arrived for 7:00 p.m. Regular Session) and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs (arrived at 4:55 p.m.)

Absent: None

Presider: Chairman Reckhow

Closed Session

Commissioner Heron moved, seconded by Commissioner Cousin, to go into Closed Session.

The motion carried with a 3-0 vote.

Ayes: Cousin, Heron, and Reckhow

Absent: Vice-Chairman Bowser and Commissioner Jacobs

The Board of County Commissioners adjourned to Closed Session to evaluate the following employees pursuant to North Carolina General Statute § 143-318.11(a)(6):

- Tax Administrator Kenneth Joyner
- Register of Deeds Willie Covington
- County Attorney Chuck Kitchen
- County Sheriff Worth Hill

7:00 P.M.

Regular Session

Opening of Regular Session—Pledge of Allegiance

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

County Attorney Chuck Kitchen added an item to the agenda, "Property Insurance Renewal." This became agenda item No. 14.

Chairman Reckhow added two items to the agenda:

- An announcement about the First-Time Home Buyers Program—Item No. 4a
- An announcement of the personnel evaluation in Closed Session prior to this Regular Session—Item No. 4b

Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve the March 24, 2003 Regular Session Minutes, with a one-word correction.

The motion carried unanimously.

Announcement—First-Time Home Buyers Program

Chairman Reckhow commented that she attended an open house on Saturday that focused on the First Time HomeBuyers Program. This is addressed on the County Website (<http://www.co.durham.nc.us/>). The program, handled by the City's Department of Housing and Community Development, allows citizens to apply for assistance with both down payment and favorable interest rates. Federal HOME money that the County draws down is being used to allow the program, for the first time, to extend outside the city limits. The Homeownership Hotline is 560-4000. She encouraged citizens to obtain more information and to take advantage of the program. Chairman Reckhow commended City staff for the success of the open house.

Evaluation of Durham County Administrators

Chairman Reckhow announced the results of the Closed Session. The following administrators were evaluated for performance and given salary increases. The administrators and their adjusted salaries follow:

- Tax Administrator Kenneth Joyner \$ 82,500
- Register of Deeds Willie Covington \$ 86,000
- County Attorney Chuck Kitchen \$131,000
- County Sheriff Worth Hill \$ 91,500

Chairman Reckhow commented that increases were close to five percent, except for the Tax Administrator, whose higher increase reflected a market study.

Commissioner Heron moved, seconded by Chairman Reckhow, to approve the salary increases.

The motion carried with the following 4-1 vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow

Noes: Bowser

Vice-Chairman Bowser stated he voted against the salary increases because he was not present during the evaluation discussions in the Closed Session. With the rounding of figures, everyone did not receive the same percentage of increase. He also felt that Mr. Covington, Register of Deeds, should receive a greater increase, due to his admirable job in improving the department.

Commissioner Jacobs stated this was her first year for the administrative personnel evaluations. She voiced her concern for the manner in which the evaluations were carried out. She suggested the Board develop a process for future years that is more objective and less subjective.

Commissioner Heron stated she felt the process and the discussion were very fair and that the salary increases were in order with the market. Salaries in comparable counties and market averages are considered.

FY 2003-2004 Budget Ordinance Adoption

The Durham County Manager will formally present the FY 2003-04 annual budget to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director, Budget & Management Services

County Manager's Recommendation: The County Manager recommends that the Board approve the FY 2003-2004 Budget Ordinance.

Chairman Reckhow recognized two persons signed to speak on this agenda item: Delores S. Eaton, 126 Masondale Avenue, Durham 27707, representing the African-American community, spoke regarding the denial of the Holloway Street proposal (regarding a community school application).

Jack Steer, 2416 Dawn Trail, Durham 27712, spoke regarding the Durham Public Schools and its need for the \$3.6 million that was cut from the budget. He stated that the Commissioners proposed to recoup part of that from a property tax increase. He expressed an opinion that \$1.9 million of the money could have been taken from the County's fund balance without jeopardizing the County's AAA bond rating.

Chairman Reckhow thanked the staff for a smooth budget process and for bringing the budget to the Commissioners two weeks earlier this year. This made the budget deliberation less hectic. She stated that the decision to raise taxes was not made easily. Regarding using the fund balance, Chairman Reckhow said a conscious decision to increase the level of the fund balance above minimum has been made due to the expectations of the bond rating agencies. The Chairman remarked that the County might have been able to do what was suggested, but the failure of the jail security system in June made for a crisis situation. The \$1.5 million unexpected expense for remediation and overtime pay to deputies was taken from fund balance. The result was that the County did not have the latitude alluded to by the speaker.

County Manager Mike Ruffin thanked the Commissioners for their work and devotion to finalize the budget since its presentation on May 12, 2003. He stated that after these past three financially tough years, he was proud of the County's current financial position that was brought about by all County personnel working together.

County Manager Ruffin stated that the Budget Ordinance before the Board included all the changes addressed since May 12. He described the major changes. The Budget Ordinance reflects a one-cent tax rate increase. It also reflects an increase to Eno Fire District of 1.5 cents and to New Hope Fire District of 2 cents. One involves the construction of a new substation; the other involves additional staff. These districts include portions of Orange County with which there is an interlocal agreement. A change was made to add \$100,000 to the Durham Public Schools budget. This funding is to provide \$25,000 to each of the four lower-performing schools to employ teaching assistants (Bethesda, Eastway, Lakewood, and W. G. Pearson). Superintendent Ann Denlinger has agreed to this requirement.

The County Manager stated that he and Budget Director Pam Meyer were present to address any questions or concerns of the County Commissioners regarding the Budget Ordinance before them.

The County Commissioners held a lengthy discussion on the proposed budget.

Jacobs asked what happened to the Durham Literacy Council's GED program.

Vice-Chairman Bowser thanked the Commissioners and staff for working with him on the Budget and in particular Commissioners Jacobs and Cousin for their support in maintaining a good pay plan and the longevity benefit in the employee compensation package. He commented that the funding needs of the school system necessitated the tax rate increase this year. Vice-Chairman Bowser expressed his great disappointment that a proposed community tutorial and mentoring project was not funded (Holloway Street Achievement School). He stated that he had considered voting against the budget for this reason, but could not because it was most important to support the interests of the County employees.

Commissioner Heron clarified the work and funding of the Animal Control Department. The Animal Protection Society (APS) operates the Durham County Animal Shelter under a contract with the County. She advised that the County's funding for the Animal Shelter is not sufficient; the APS subsidizes the operation of the Shelter by about \$100,000 per year through fund-raising efforts. She commented that the Animal Shelter and the Animal Control Department would not be necessary if animal owners were responsible, did not let their animals run loose, and would neuter their animals.

Commissioner Heron stated that this has been a tough budget to finalize. She stated she had hoped that the maximum tax rate increase would be one-half cent. The major source of revenue for Durham County is property tax; many other counties have other sources of revenue. Their legislators have given them the authority to set a menu of local options subject to a local referendum. These other revenue sources ease the pressure of property taxes. Commissioner Heron stated she appreciated the comments and suggestions from citizens. She thanked the County Manager and staff who worked very hard to bring forth a workable budget.

Commissioner Jacobs stated this is her first budget as a County Commissioner. She stated she has kept in mind the goals set by the Commissioners at the retreat January 28-29, 2003. She advised she supported returning the longevity benefit to the compensation package to address employee morale, with which she is very concerned. She thanked Commissioners Bowser and Cousin for joining her in striving to keep longevity in place. Commissioner Jacobs stated she had received numerous phone calls and emails from employees urging her to seek its retention. She stated she regretted that the one-cent tax increase was necessary. It will address those needs relayed by the Commissioners to the County Manager during their meetings. This includes increased funding to the Durham Public Schools.

Commissioner Cousin stated he also supported the proposed budget. The process was difficult, but the best possible budget has been presented. He said that the longevity benefit was fair and important to County employees. The proposed budget is also fair to the Durham Public Schools, in helping the school system recover from the deficit placed on it. Unforeseeable costs, including jail security, caused the need for the tax increase. The majority of the one-cent property tax increase will go to the school system.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to adopt the FY 2003-2004 Budget Ordinance.

The motion carried unanimously.

The Budget Ordinance for FY 2003-2004 follows:

ANNUAL BUDGET ORDINANCE
 Durham County
 North Carolina
 FY 2003-04

WHEREAS, the proposed budget for FY 2003-04 was submitted to the Board of Commissioners on May 12, 2003 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on May 27, 2003, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 23, 2003, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2003 and ending June 30, 2004, there are hereby appropriated from taxes and other revenues the following by function and fund:

Section 1. Summary of Appropriations by Fund and Function - FY 2003-04							
	General Fund	Debt Service Fund	Special Revenue Funds	Capital Financing Fund	Enterprise Fund	Enterprise Debt Service Fund	Total Appropriation
General Government	\$22,606,954	---	\$100,000	---	---	---	\$22,706,954
Public Safety	\$35,224,651	---	\$4,339,121	---	---	---	\$39,563,772
Transportation	\$12,500	---	---	---	---	---	\$12,500
Environmental Protection	\$2,603,753	---	---	---	---	---	\$2,603,753
Economic & Phys. Development	\$2,919,461	---	\$148,851	---	---	---	\$3,068,312
Human Services	\$353,932,701	---	---	---	---	---	\$353,932,701
Education	\$78,662,943	---	---	---	---	---	\$78,662,943
Cultural and Recreation	\$7,762,726	---	---	---	---	---	\$7,762,726
Other-Nondeptl/ Transfers	\$18,870,958	\$32,214,704	\$812,875	\$31,304,001	\$2,234,987	\$2,059,053	\$87,496,578
Utilities	---	---	---	---	\$4,211,468	---	\$4,211,468
Total Appropriations	\$522,596,648	\$32,214,704	\$5,400,847	\$31,304,001	\$6,446,455	\$2,059,053	\$600,021,708
Less: Other Financing Sources*	(\$2,343,486)	(\$31,856,983)	(\$100,000)	(\$17,098,646)	---	(\$2,047,956)	(\$53,447,071)
Net Appropriations	\$520,253,162	\$357,721	\$5,300,847	\$14,205,355	\$6,446,455	\$11,097	\$546,574,637

*Includes Transfers From Other Funds and Reimbursements

Section 2. Summary of Revenues by Fund and Revenue Category - FY 2003-04							
	General Fund	Debt Service Fund	Special Revenue Funds	Capital Financing Fund	Enterprise Fund	Enterprise Debt Service Fund	Total Appropriation
Property Taxes	\$134,881,065	---	\$3,265,843	\$14,065,335	---	---	\$152,212,243
Licenses & Permits**	\$45,332,301	---	\$1,434,762	---	\$455	---	\$46,767,518
Intergovernmental Revenues	\$294,435,349	---	---	---	---	---	\$294,435,349
Service Charges	\$30,889,899	---	---	---	\$10,000	---	\$30,899,899
Miscellaneous Income	\$3,721,967	---	---	\$140,020	\$246,000	\$11,097	\$4,119,084
Enterprise Charges	\$7,400	\$269,848	---	---	\$6,190,000	---	\$6,467,248
Total Revenue	\$509,267,981	\$269,848	\$4,700,605	\$14,205,355	\$6,446,455	\$11,097	\$534,901,341
Other Financing Sources*	\$10,985,181	\$87,873	\$600,242	---	---	\$0	\$11,673,296
Total Resources	\$520,253,162	\$357,721	\$5,300,847	\$14,205,355	\$6,446,455	\$11,097	\$546,574,637
*Includes only Fund Balance Appropriated							
** Includes Sales Taxes							

Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2003 at an anticipated collection rate of 97 percent. Rates are per \$100.00 of assessed valuation of taxable property.

<u>District</u>	<u>Rate</u>	<u>District</u>	<u>Rate</u>
Durham County-countywide	\$.7630	Lebanon Fire District	\$.0590
Bahama Fire District	\$.0600	New Hope District	\$.0650
Bethesda Fire District	\$.0550	Parkwood Fire District	\$.0900
Eno Fire District	\$.0640	Redwood Fire District	\$.0750
Special Park District	\$.0187		

Section 4. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules. (See Attachment #1)

Section 5. The following authorities shall apply to transfers and adjustments within the budget:

- a. The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b. The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c. The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d. The County Manager may enter into the following agreements within funds:
 - Form and execute grant agreements within budgeted appropriations;
 - Execute leases of up to \$30,000 for normal and routine business within budgeted appropriations;

- Enter consultant, professional, maintenance or other service agreements of up to \$20,000 within budgeted appropriations;
 - Approve annual renewals for service and maintenance contracts;
 - Purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;
 - Reject any and all bids and re-advertise to receive bids;
 - Waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e. County Manager can transfer between functions, and/or funds for merit, pay plan adjustments, health benefits, and reclassification of funds.
- f. Transfers between funds and transfers from the contingency account may be executed **only** by the Board of Commissioners.

Section 6. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated and unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

Current Expense Fund	\$2,983,716
Capital Outlay Fund	<u>\$ 408,795</u>
Total Appropriation	\$3,392,511

Section 7. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance.

The total local appropriation for Durham Public Schools for FY 2003-04 is as below:

Current Expense	\$ 73,649,932
Capital Outlay	<u>1,500,000</u>
Total Appropriation	\$75,149,932

- a. In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b. The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c. Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.

- d. Durham Public Schools is authorized to use Public School Building Capital Funds and Public School Building Bond Funds for capital outlay requests, with the approval of the Board of Commissioners.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 8. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocates sufficient funds to continue the teacher supplement at a rate of 12 percent for teachers with less than 10 years experience; and 12.5 percent for teachers with 10 years or more experience.

Section 9. In accordance with G.S. 159-13.1, the following financial plans for intragovernmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue \$1,855,651
Estimated Expense \$1,855,651

EQUIPMENT LEASING FUND

Estimated Revenue \$ 1,147,853
Estimated Expense \$ 1,147,853

CAFETERIA PLAN FUND

Estimated Revenue \$7,867,222
Estimated Expense \$7,867,222

Section 10. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund	\$146,505
George Linder Memorial Fund	\$250
Community Health Trust Fund	\$530,611

Section 11. This ordinance incorporates an amendment in the capital financing policy to designate County Contribution at 4.5 % of dedicated revenues for pay-as-you-go projects instead of 20%.

Section 12. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Adopted this the 23rd day of June 2003.

**FY 2003-2004
 FEE SCHEDULE**

Department	Type of Fee	FY 2002-2003 Adopted Fees	FY 2003-2004 Adopted Fees
Animal Control	Impoundment		
	1st Offense + boarding fee + civil penalty	\$25	same
	2nd Offense + boarding fee + civil penalty	\$60	same
	3rd Offense + boarding fee + civil penalty	\$95	same
	4th Offense & subsequent offenses	\$150	same
	Boarding		same
	Dogs	\$9/day	same
	Cats	\$6/day	same
	Civil Penalties		same
	1st Offense	\$25/Offense	same
	1st Offense/after 72 hours	\$50	same
	2nd Offense	\$50/Offense	same
	2nd Offense/after 72 hours	\$75	same
	Registration		
	Unaltered animals	\$25/animal	75/animal
	Altered Animals	\$5/animal	10/animal
Elections	Reports - Letter Size	\$.01 per page	same
	Diskettes and CDs - Processing Fee	\$25	same
	Labels - Duplex on 8 1/2 X 11 paper	\$.01 per page	same
	Copies	\$.05 per page	same
	Street Index (Address + Precinct Information)	\$12.50	same
	Certificates	\$1	same
	Maps:		
	- 8 1/2 X 11	\$2	same
	- 34 X 42	\$10	same
Fire Marshal	see attached detail		
General Services	Solid Waste Management Fee	\$65.00/year	same
Register of Deeds	Copy Fees - uncertified copies	\$.25 /page from Copier; \$.10 /page from Computer	same
	Instruments in General	\$14 1st page (\$3 each additional page)	same
	Deeds of Trust & Mortgages	\$14 1st page (\$3 each additional page)	same
	Non-Standard Document	\$25 plus recording fee	same
	Probate	\$2	same
	Plats	\$21 (plus \$5 for certified copy)	same

Register of Deeds (continued)	Right of Way Plans	\$21 (\$5 each additional page)	same
	Certified Copies	\$5 1st page (\$2 each additional page)	same
	Comparison of copy for certification	\$5	same
	Notary Public Qualification	\$10	same
	Marriage Licenses:		same
	Issuing a license	\$50	same
	Issuing a delayed certificate w/one certified copy	\$20	same
	Proceeding for correction w/one certified copy	\$10	same
	Certified Copies of Birth, Death and Marriages	\$10	same
Public Health	Well Permit (includes one water sample)	\$215	\$250
	Water Sample	\$47	\$50
	Well & Septic Tank Reports	\$140/report	\$200
	Septic System Improvement Permits:		
	Conventional Systems	\$115	\$140
	Low Pressure System Installation (includes monitoring)	\$520	\$525
	Pump conventional permit	\$260	\$275
	Reconnection Permit	\$100	\$100
	Type V System (plan review)	\$11/connect	\$15
	Type V System (inspection)	\$115	same
	Type V System (monitoring)	\$6/connect/annual	\$10
	Application for Improvement Permit 0-2 acres	\$150	\$175
	Application for Improvement Permit 2-5 acres	\$175	\$200
	Application for Improvement Permit 5+ acres	\$190+\$10/acre	\$225+\$10/acre
	Appeal Charge 0-2 acres	\$75	same
	Appeal Charge 2-5 acres	\$100	same
	Appeal Charge 5+ acres	\$125+\$10/acre	same
	Appeal of Permit Condition	\$100	same
	Individual Swimming Pool Fee	\$150/year	same
	Each additional swimming pool per complex	\$75	same
	Wading Pool or Spa Permit	\$40	same
	Pool Plan Review (includes initial permit)	\$200	same
	Tattoo Artist Permits	\$100	same

Library	Overdue fines:		
	0-40 days(excluding juvenile books)	15 cents/day, maximum \$6/book	25 cents/day, maximum \$6/book
	over 40 days (including juvenile books):	\$6/book	\$10/book
	Legal Notice Fee	\$15/account at time of notification 60 days	\$15/account at time of notification 60 days
	Video tapes, filmstrip viewers	\$1.00/day up to \$20/item when 20 days overdue	\$1.10/day up to \$20/item when 20 days overdue
	AV rental equipment	\$5.00/day per item, no maximum	\$5.10/day per item, no maximum
	Bookmobile adult collection	5 cents/day, maximum charge of \$10	15 cents/day, maximum charge of \$10
		(begins at 5 cents on 8th day)	(begins at 5 cents on 8th day)
	Duplicating	10 cents/page	10 cents/page
	Out-of-county users	\$35	\$35
NOTE: Library also charges for lost & damaged books as well as overdue penalties and equipment rents.			
Environmental Engineering	Permits, one acre or less (per job charge)	\$205	same
	Permits for more than 1 acre (per acre charge)	\$425	same
	Reinspection Fee	\$100	same
	2nd Reinspection Fee	\$200	same
	Unauthorized Land Disturbance Activities		
	Permits for more than 1 acre (per acre charge)	\$850	same
	Permits, one acre or less (per job charge)	\$390	same
	Reissuance of Revoked Permits		
	Permits for more than 1 acre (per acre charge)	\$425	same
	Permits, one acre or less (per job charge)	\$205	same
	Extensions		
	Permits for more than 1 acre (per acre charge)	\$107	same
	Permits, one acre or less (per job charge)	\$52	same
	Plan Review, per acre charge	\$65	same
Utilities	Monthly Service Fees (County customers with City Water)	\$2.15 per hundred cubic feet	\$2.15 per hundred cubic feet
	Monthly Service Fees (County customers without City Water):		
	1 or 2 Bedrooms	\$11.65	\$11.65
	3 Bedrooms	\$26.22	\$26.22
	4 or more Bedrooms	\$44.43	\$44.43
	Plan Review Fee (per submittal)	\$65	\$65

Utilities (continued)	Inspection/Management Fee (per linear foot)	\$1.00	\$1.00
	Re-inspection Fee (per inspection)	\$100	\$100
	Lateral Fee (per service)	\$1,500	same
	Capital Recovery Charges:		
	Single Family (Min. 2 Bedrooms)	\$457	\$548 each
Environmental Engineering— Utility Division	Sewer Fees		
	COUNTY LINE FRONTAGE FEES (for direct connections to lines built by the County)		
	A. Single Family - first 150' or less frontage	\$2,063.00	Same
	Each foot over 150'	\$20.63	same
	B. Multi-family		
	Motels, Hotels, per unit	\$985.00	same
	Apartments, Duplexes, Condominiums, per unit	\$1,239.00	same
	C. Nursing Homes - every two (2) beds	\$413.00	same
	D. Trailer Camps, per space	\$413.00	same
	E. Office Building, each square foot	\$0.70	same
	F. Retail Stores, every square foot	\$0.30	same
	G. Manufacturing Building, every square foot	\$0.30	same
	H. Warehouse Space, each square foot	\$0.10	same
	I. "Mixed Use" (combination of uses), each square foot	\$0.50	same
	DEVELOPER LINE FRONTAGE FEES		
	A. Single Family Homes, per unit	\$413.00	same
	B. Multi-family		
	Motels, Hotels, per unit	\$276.00	same
	Apartments, Duplexes, Condominiums, per unit	\$276.00	same
	C. Nursing Homes - every two (2) beds	\$138.00	
	D. Trailer Camps, per space	\$276.00	same
	E. Office Building, each square foot	\$0.46	same
	F. Retail Stores, every square foot	\$0.10	same
	G. Manufacturing Building, every square foot	\$0.10	same
	H. Warehouse Space, each square foot	0.07	same
	I. "Mixed Use" (combination of uses), each square foot	0.28	same

Environmental Engineering—Utility Division (continued)	CAPITAL FACILITIES FEE (PLANT):		
	<u>Water Meter Size</u>		
	5/8"	\$385.00	same
	3/4"	\$770.00	same
	1"	\$1,926.00	same
	1 & 1/2"	\$5,777.00	same
	2"	\$11,553.00	same
	3"	\$27,918.00	same
	4"	\$56,799.00	same
	6"	\$126,111.00	same
	8"	\$209,865.00	same
	10"	\$308,058.00	same
	over 10"	1.94 per GPD	same
	Inspection/Management fee per linear ft	\$0.59	same
	Acreage fee per acre-Stirrup Creek basin only	\$1,477.00	same
	Monthly sewer service per 100 cubic ft	\$1.61	same
	Monthly sewer fees for customers without city water:		
	1 or 2 bedrooms	\$8.74	same
	3 bedrooms	\$19.66	same
	4 or more bedrooms	\$33.31	same
	Single Family (Each Bedroom above 2)	\$228 per Bedroom	\$274 per Bedroom
	Multi-Family Units (Apartments, Duplexes, etc.; Min. 2 Bedrooms)	\$457 each	\$548 each
	Multi-Family Units (Apartments, Duplexes, etc.; Each Bedroom above 2)	\$228 per Bedroom	\$274 per Bedroom
	Multi-Family (Motels, Hotels)	\$228 per Room	\$274 per Room
	Multi-Family (Motels, Hotels with cooking facilities in room)	\$333 per Room	\$400 per Room
	Nursing/Rest Home	\$114 per Bed	\$137 per Bed
	Nursing/Rest Home with Laundry	\$228 per Bed	\$274 per Bed
	Office - per shift	\$47 per Person	\$56 per Person
	Factory - per shift	\$47 per Person	\$56 per Person
	Factory with Showers - per shift	\$67 per Person	\$80 per Person
	Store, Shopping Center, Mall	\$228 per 1000 Square Feet (s.f.)	\$274 per 1000 s.f.
	Store, Shopping Center, Mall with Food Service	\$76 (additional per seat)	\$91 per Seat

Environmental Engineering—Utility Division (continued)	Restaurant (Greater of Per Seat or Per 15 s.f. of dining area)	\$76	\$91
	Restaurant - 24 Hour Service	\$96 per Seat	\$115 per Seat
	Restaurant - Single Service	\$47 per Seat	\$56 per Seat
	School - Day with Cafeteria, Gym, Showers	\$28 per Student	\$34 per Student
	School - Day with Cafeteria Only	\$23 per Student	\$28 per Student
	School - Day with neither Cafeteria nor Showers	\$20 per Student	\$24 per Student
	School - Boarding	\$114	\$137 per Person
	Church (not including Food Service, Day Care, Camps)	\$5 per Seat	\$6 per seat
	Miscellaneous (based on Daily Average Flow)	\$1.901 per Gallon	\$2.281 per Gallon
Emergency Medical Services (EMS)	Basic Life Support (BLS) Service Fee + Mileage	\$375 + \$6 per mile	\$375 + \$6 per mile
	Advance Life Support #1 (ALS #1) Service Fee + Mileage	\$425 + \$6 per mile	\$425 + \$6 per mile
	Advance Life Support #2 (ALS #2) Service Fee + Mileage	\$475 + \$6 per mile	\$475 + \$6 per mile
	Extra Attendant	\$25 per transport	same
	Special Event Coverage (3 hour minimum)	\$75 per hour	\$75 per hour
	Waiting Time (After initial 30 minutes)	\$25 per 30 minutes	same
	Treatment (without transport)	\$200	\$200
	Bike Team Services	\$50 per hour	same

DURHAM COUNTY FIRE PREVENTION & PROTECTION CODE		
Adopted Fee Schedule for Inspections, Permit Services and Violations		
	Fiscal Year 2003-2004	
	Effective July 1, 1993	
	<i>PENALTIES & FEES</i>	
Ordinance Code #	Description of Violation	Amount of Penalty
401.4.1	Permit not posted or kept on premises	\$50.00
501	Unpermitted open Burning (Immediate)	\$500.00
502.5.1	Careless use of lighted object (Immediate)	\$500.00
504, 706	Use of non-approved heating appliance	\$50.00
504.7.1	Breach in fire wall/firestops	\$50.00

504.7.3	Fire or exit door inoperative	\$200.00
504.7.4	Fire tower door open (Immediate)	\$500.00
506.1.2	"No Smoking" signs not posted where required	\$50.00
506.3.3	Smoking in prohibited areas (Immediate)	\$500.00
603.2	Sprinkler or fire alarm inoperable	\$200.00
Section 13	Fire hydrants not complying with code	\$50.00
603.8	Sprinkler/standpipe not complying with code	\$50.00
603.9	Standpipe not complying with code	\$50.00
603.15.6	Sprinkler heads blocked/covered (Immediate)	\$500.00
603.17	Street address numbers not posted	\$50.00
603.17	Street address numbers not visible	\$50.00
603.18	Sprinkler/standpipe needs testing	\$50.00
603.18	Fire alarm system needs testing	\$50.00
802	Storage in fire tower or access (Immediate)	\$500.00
802	Blocked egress (Immediate)	\$500.00
802.1.1, 3101.5.3	Locked exit doors (Immediate)	\$500.00
802.2, 3101.13.1	Overcrowding (Immediate)	\$500.00
802.3, 3101.6.6	Fire exit or aisle blocked (Immediate)	\$500.00
802.4	Storage in or on fire escape (Immediate)	\$500.00
803	Exit or egress door needs repair	\$50.00
805.2.1	Blocked stairwells or stairways (Immediate)	\$500.00
807, 3101.12	Exit illumination and marking	\$50.00
807.2	No required exit directional signs	\$50.00
809.2	Approved fire evacuation plan required	\$50.00
809.3	Fire drill performance not acceptable	\$50.00
809.3.2	No monthly fire drill reported	\$50.00
901	Improper use of flammable liquids (Immediate)	\$500.00
901	Flammable liquid not stored according to code	\$50.00
901.7	Improper dispensing of flammable liquid (Immediate)	\$500.00
902.2	Aboveground tanks not diked	\$50.00
902, 903	Tank installation not according to code	\$50.00
904, 905	Tank storage not according to code	\$50.00
1002	Spray painting in non-approved area	\$50.00
1002.2	Spray booth not complying to code	\$50.00
1503	Compressed gas cylinders not secured	\$50.00
2201.2	No hazardous materials permit	\$50.00

2201.3	Chemical storage is not according to code	\$50.00
3101.13.2	Maximum occupancy not posted	\$50.00
3101.14	Use of open flame cooking device	\$50.00
	Failure to get tank work permit prior to work	\$200.00
	Failure to obtain permits required by code	\$200.00

	All other violations of the code	\$50.00
<i>NOTE: The term "Immediate" as it appears above means that the Fire Marshal's Office may issue a citation immediately and the violation must be corrected by the violating party immediately.</i>		

<i>FIRE PREVENTION PERMIT FEES</i>		
Section 1: The fees set forth in this section are fixed for the issuance of the permits required by the Fire Prevention Code. Such permits, unless stated otherwise on the face of the permit, shall be valid for a period of one year from the date of issue, subject to revocation for failure to comply with the fire Prevention Code. Renewal of permits shall be subject to fees in effect for the period of renewal. Less than five (5) permits issued upon a single, concurrent inspection shall be subject to a total maximum fee of \$200.00; five (5) or more permits issued upon a single, concurrent inspection shall be subject to a total maximum fee of \$275.00.		
Technical Code #	Description of Activities Requiring Permits	Fee
402.1	Airports, Heliports and Helistops	\$50.00
402.2	Bowling Pin & Alley Resurfacing & Refinishing	\$50.00
402.3	Cellulose Nitrate Motion Picture Film	\$50.00
402.4	Cellulose Nitrate Plastic (Pyroxylin)	\$50.00
402.5	Combustible Fibers	\$50.00
402.6	Compressed Gases	\$50.00
402.7	Crude Oil Production	\$50.00
402.8	Cryogenic Fluids	\$50.00
402.9	Dry Cleaning Plants	\$50.00
402.10	Explosives, Blasting Agents, Ammunitions (storage only) <i>This is a 90 day permit</i>	\$100.00
402.10	Blasting (explosives) <i>This is a 90 day permit</i>	\$100.00
402.11	Flammable and Combustible Liquids (per site or service station)	\$50.00
402.12	Flammable Finishes	\$50.00
402.13	Fruit Ripening Processes	\$50.00
402.14	Fumigation & Thermal Insecticide Fogging	\$50.00
402.16	High Piled Combustible Stock	\$50.00
402.17	Liquefied Natural Gas (LNG)	\$50.00
402.18	Liquefied Petroleum Gas	\$50.00
402.19	Lumber Storage	\$50.00
402.20	Magnesium	\$50.00
402.21	Mechanical Refrigeration	\$50.00
402.22	Motion Picture Projection	\$50.00
402.23	Organic Coatings	\$50.00
402.24	Ovens	\$50.00
402.25	Pipelines for Flammable or Combustible Liquids	\$50.00

402.23	Places of Assembly	\$50.00
402.27	Pulverized Particles (Dust)	\$50.00
402.28	Repair Garages	\$50.00
402.29	Tank Vehicles for Flammable/Combustible Liquid	\$50.00
402.30	Erection of Tents and Air Supported Structures (per site plus \$10.00 per Tent)	\$50.00
402.31	Tire Rebuilding Plant	\$50.00
402.32	Wrecking Yards, Junk Yards, Waste Handling Plants	\$50.00
502.3	Storage of Readily Combustible Materials	\$50.00
502.6	Manufacture and Storage of Matches	\$50.00
902.5	Installation, abandonment, removal or retrofitting of any AGST or UGST (per site)	\$150.00
2002.1.1	Manufacture of fireworks allowed by state law	\$50.00
2002.1.2	Sale, possession, use and distribution of fireworks for display outside	\$250.00
2006.1	Discharge of fireworks inside a building	\$500.00
<i>All other permit fees required by the Technical Code and not listed shall be \$50.00</i>		
USER FEES		
Plans Review:		Fee
	Subdivision (plus \$20 per fire hydrant required)	\$30.00
Building - New and Renovations:		
	Building less than 5,000 s.f.	\$50.00
	Building 5,000 - 10,000 s.f.	\$90.00
	Building 10,000 s.f. or more (plus \$20 per 5,000 s.f. over 10,000 s.f.)	\$90.00
Hazardous Chemicals:		
	Class A - 55 gals. or 500 lbs.	\$50.00
	Class B - 55 to 550 gals. or 550 to 5,000 lbs.	\$200.00
	Class C - 550 to 5,500 gals. or 5,000 to 50,000 lbs.	\$300.00
	Class D - 5,500 gals. or 50,000 lbs.	\$400.00
INSPECTION FEE SCHEDULE		
All owners or tenants of buildings in Durham County, which are required to be inspected by the Durham County Fire Marshal's Office are subject to the following inspection fee schedule:		
Inspection Activities:		Fee

	Periodic Inspection	None
	First inspection pursuant to permit application	None
	First re-inspection for non-compliance if code requirements are met	None
	First re-inspection for non-compliance if code requirements are NOT met	\$100.00
	Second and subsequent re-inspections for non-compliance	\$200.00

DURHAM CITY-COUNTY INSPECTIONS DEPARTMENT BUILDING PERMIT FEE SCHEDULE FISCAL YEAR 2003-2004	
Effective July 30, 2000	
Schedule/Description	FY 2003-04 Proposed Fee
<i>SCHEDULE A</i>	
New Residential Dwellings (One and Two Family, including Townhouse unit ownership)	
Up to 1200 s.f. (gross area)	\$146.00
1201 to 1800 s.f.	\$260.00
1801 to 2400 s.f.	\$302.00
2401 to 3000 s.f.	\$343.00
3001 to 3600 s.f.	\$404.00
3601 to 4200 s.f.	\$463.00
4201 to 5000 s.f.	\$532.00
5001 s.f. and over	\$579.00
<i>SCHEDULE B</i>	
New Multifamily Residential Buildings (apartments, condominiums, triplex and fourplex)	
1 st unit	\$250.00
Each additional unit, per building	\$94.00
<i>SCHEDULE C</i>	
Accessory Buildings	
No footing	\$40.00
footing	\$80.00

<i>SCHEDULE D</i>	
Residential Renovations and Additions	
Additions: 0 - \$10,000 - no footing	\$83.00
Additions: \$10,000 & over - no footing	\$166.00
(add \$40.00 if footing required)	
Interior Renovations: 0 - \$10,000	\$83.00
Interior Renovations: \$10,000 & over	\$166.00

<i>SCHEDULE E</i>	
Nonresidential Buildings (based on cost of construction using the latest publication of Southern Building Code "Building Valuation Data", referencing type of construction and occupancy group with adjustment factor for North Carolina)	
0 - \$5000	\$104.00
\$5001 to \$50,000	\$104.00
	Plus \$7.80 per thousand or fraction thereof over \$5000
\$50,001 to \$100,000	\$456.00
	Plus \$6.60 per thousand or fraction thereof over \$50,000
\$100,001 to \$500,000	\$786.00
	Plus \$4.32 per thousand or fraction thereof over \$100,000
Over \$500,000	\$2,513.00
	Plus \$1.25 per thousand or fraction thereof over \$500,000
<i>SCHEDULE F</i>	
Miscellaneous:	
Mobile Home (unit installation and foundation)	\$125.00
Modular Home (unit installation and foundation)	\$166.00
Moving permit (including new foundation)	\$83.00
Demolition Permit:	
Up to 5,000 s.f.	\$42.00
Over 5,000 s.f. (no additional cost per thousand)	\$83.00
Demolition associated with forthcoming permit	\$42.00
Residential Re-roofing (addition)	\$42.00
Commercial Roofing/Re-roofing	
0 to \$20,000	\$83.00
Over \$20,000	\$125.00
Residential Decks (single and two family)	\$83.00

Change of Occupancy permit (if no building permit is otherwise required/no construction necessary)	\$42.00
Reinspection Fees:	
Not ready for inspection	\$100.00
8 or more code violations found	\$100.00
2 nd reinspection	\$100.00
3 rd reinspection	\$200.00
4 th reinspection	\$300.00
Search and duplication fee for past permit, inspection and Certificate of Compliance records (no cost to homeowner)	\$10.00/ page
Address change on permit:	
Detached single-family and duplex	\$10.00
Multiple units (cost per building)	\$25.00
Issuance of duplicate placard	\$3.00
Work begun without permit	Double Fee
Voiding of permits (no maximum)	15% of permit cost
Homeowner's Recovery Fund	\$5.00
Change of contractor (no maximum)	15% of permit cost
Stocking Permit	\$40.00
Partial Occupancy	\$40.00
Posting of Occupancy (not associated with a permit)	\$40.00

Consent Agenda

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

- * (b) Budget Ordinance Amendment No. 03BCC000070— Social Services—Accept Additional Revenue (approve the budget ordinance amendment to recognize additional energy administration funding in the amount of \$188,889);
- * (c) Budget Ordinance Amendment No. 03BCC000071— Social Services—Workforce Investment Act (WIA) Grant (approve the budget ordinance amendment to

- recognize \$100,000 for the Workforce Investment Act grant);
- * (d) Budget Amendment No. 03BCC000072—Social Services—Recognizing Additional Subsidy Child Care Revenue (approve budget ordinance amendment to recognize additional intergovernmental revenue in the amount of \$415,692 for child care subsidy funds);
 - * (e) Budget Ordinance Amendment No. 03BCC000073—Mental Health (approve the budget ordinance amendment to appropriate funds in the amount of \$37,692 to support costs associated with conversion to IPRS and local activities for the new State MHDDSAS Plan implementation);
 - * (f) Budget Ordinance Amendment No. 03BCC000074—Social Services—To Recognize Additional Smart Start Revenue (approve the budget ordinance amendment to recognize additional intergovernmental revenue in the amount of \$500,000 for Smart Start funds);
 - * (h) Capital Project Ordinance Amendment No. 04CPA000002—County Computer Replacement Project (approve the capital project amendment to establish a new County computer replacement project with a total budget of \$3,100,000);
 - (i) Appointment—2003 NACo Annual Conference Voting Delegate (appoint County Attorney Chuck Kitchen as the voting delegate for the conference);
 - (k) Service Contract for the Operation of the Animal Shelter (approve the execution of a one-year service contract with the Animal Protection Society of Durham Inc. for the operation of the Durham County Animal Shelter, not to exceed \$365,998.00);
 - (l) Tax Interlocal Agreement with City of Durham (approve the renewal of the Tax Interlocal Agreement);
 - * (m) Multi-Jurisdiction Cooperation Resolution (adopt the resolution to include Morrisville and Cary);
 - (n) Lease Modification Agreement—2000 Chapel Hill Road, Shoppes at Lakewood (Welcome Baby) (approve the lease amendment and authorize the County Manager to execute the lease amendment);
 - (o) Lease Amendment—706 Rigsbee Avenue (Lifespan) (approve the amendments to the lease agreement and authorize the County Manager to execute the lease amendment);

- (r) Final Offer to Purchase County Property (2001 Brocton Place) (accept the purchase offer of \$160,000.00 for 2001 Brocton Place); and

- (u) Appointments to the Downtown Durham Inc. Board of Directors and Carolina Theatre Board (appoint Commissioner Jacobs to Downtown Durham Inc. Board of Directors and Commissioner Cousin to the Carolina Theatre Board).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 6(b). Budget Ordinance Amendment No. 03BCC000070—Social Services—Accept Additional Revenue (approve the budget ordinance amendment to recognize additional energy administration funding in the amount of \$188,889).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000070

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$325,725,174	\$188,889		\$325,914,063
<u>Revenues</u>				
Intergovernmental Revenues	\$262,641,031	\$188,889		\$262,829,920

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

This the 23rd day of June, 2003.

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

Consent Agenda 6(c). Budget Ordinance Amendment No. 03BCC000071—Social Services—Workforce Investment Act (WIA) Grant (approve the budget ordinance amendment to recognize \$100,000 for the Workforce Investment Act grant).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000071

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$325,914,063	\$100,000		\$326,014,063
<u>Revenues</u>				
Intergovernmental Revenues	\$262,829,920	\$100,000		\$262,929,920

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

This the 23rd day of June, 2003.

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

Consent Agenda 6(d). Budget Amendment No. 03BCC000072—Social Services—Recognizing Additional Subsidy Child Care Revenue (approve budget ordinance amendment to recognize additional intergovernmental revenue in the amount of \$415,692 for child care subsidy funds).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000072

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$326,014,063	\$415,692		\$326,429,755
<u>Revenues</u>				
Intergovernmental Revenues	\$262,929,920	\$415,692		\$263,345,612

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

This the 23rd day of June, 2003.

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

Consent Agenda 6(e). Budget Ordinance Amendment No. 03BCC000073—Mental Health (approve the budget ordinance amendment to appropriate funds in the amount of \$37,692 to support costs associated with conversion to IPRS and local activities for the new State MHDDSAS Plan implementation).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000073

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Mental Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$326,429,755	\$37,692		\$326,467,447

Revenues

Intergovernmental Revenues	\$263,345,612	\$37,692	\$263,383,304
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of June, 2003.

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

Consent Agenda 6(f). Budget Ordinance Amendment No. 03BCC000074—Social Services—To Recognize Additional Smart Start Revenue (approve the budget ordinance amendment to recognize additional intergovernmental revenue in the amount of \$500,000 for Smart Start funds).

The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000074

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$326,467,447	\$500,000		\$326,967,447
<u>Revenues</u>				
Intergovernmental Revenues	\$263,383,304	\$500,000		\$263,883,304

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

This the 23rd day of June, 2003.

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

Consent Agenda 6(h). Capital Project Ordinance Amendment No. 04CPA000002—County Computer Replacement Project (approve the capital project amendment to establish a new County computer replacement project with a total budget of \$3,100,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Capital Projects Ordinance
Amendment No. 04CPA000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the County Computer Replacement Project.

COUNTY COMPUTER REPLACEMENT PROJECT

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
County Computer Replacement Project	\$0	\$3,100,000		\$3,100,000

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

This the 23rd day of June, 2003.

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

Consent Agenda 6(m). Multi-Jurisdiction Cooperation Resolution (adopt the resolution to include Morrisville and Cary).

The resolution follows:

A RESOLUTION EXPRESSING THE INTENT OF THE FOLLOWING NORTH CAROLINA JURISDICTIONS TO COOPERATE ON PLANNING IN THE RESEARCH TRIANGLE AREA: DURHAM COUNTY; WAKE COUNTY; THE CITY OF DURHAM; THE CITY OF RALEIGH; THE TOWN OF MORRISVILLE; AND THE TOWN OF CARY

WHEREAS, the governing bodies of Durham County and Wake County, NC; the City of Durham, NC; the City of Raleigh, NC, the Town of Morrisville, NC and the Town of Cary, NC desire to foster good relations; and

WHEREAS, all six governing bodies and their staffs wish to engage in a process of mutual dialog to obtain a better understanding of the need and goals of each community; and

WHEREAS, all six governing bodies seek to have appropriately planned development of their respective areas; and

WHEREAS, all six governing bodies acknowledge the urbanization potential of properties in the center of the Research Triangle Region and consequently the need to coordinate land use, development, service delivery, and annexation issues that arise in this general vicinity.

NOW, THEREFORE BE IT RESOLVED that in order to foster and maintain a system of sound land use planning and regulation which can be relied upon by the public and private owners of land as a basis for investment decisions, the protection of the environment and a climate conducive to the healthy economic and social growth and development of our six jurisdictions, by mutual consent it is agreed by these governing bodies that:

- 1) The administrative staffs of the jurisdictions shall coordinate with each other on a timely basis in order to mutually exchange and review zoning requests, special use permits, subdivisions, site plans, and annexations requested for land in the center of the Research Triangle Region.
- 2) The administrative staffs of each jurisdiction shall pursue cooperative efforts to coordinate plans and development regulations for land in the center of the Research Triangle Region. The objectives of this cooperation are to:
 - a. Seek compatible uses of land and natural resources;
 - b. Achieve a smooth transition between areas of development within each jurisdiction;
 - c. Provide an appropriate entryway into each jurisdiction from the other;
 - d. Encourage orderly development and the efficient delivery of urban services which will maintain and enhance property values in each jurisdiction; and
 - e. Provide appropriate connectivity between jurisdictions.
- 3) This resolution shall be effective upon its adoption by all of the listed jurisdictions.

Adopted by the City of Raleigh: (Date) _____
/s/ Mayor – City of Raleigh

Adopted by the City of Durham: Date) _____
/s/ Mayor – City of Durham

Adopted by the County of Wake: Date) _____
/s/ Wake Board of Commissioners
Chairperson

Adopted by the County of Durham: Date) _____
/s/ Durham Board of Commissioners
Chairperson

Adopted by the Town of Morrisville: (Date) _____
/s/ Mayor – Town of Morrisville

Adopted by the Town of Cary: (Date) _____
/s/ Mayor – Town of Cary

Consent Agenda Items Removed for Discussion

The Consent Agenda items pulled were discussed by the Commissioners and involved staff.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Consent Agenda items 6(a), (g), (q), (s), and (t).

The motion carried unanimously.

Consent Agenda 6(a). Property Tax Releases and Refunds for Fiscal Year 02-03 (May 2003) (accept the property tax release and refund report 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 May 2003.

Releases & Refunds for 2002 Taxes:

Real	\$	29,703.44
Personal	\$	5,672.01
Registered Vehicles	\$	23,118.74
Vehicle Fees	\$	<u>445.00</u>
Total for 2002 Taxes and Fees	\$	58,939.19

Prior Years (2000-2001) releases and refunds for May 2003 are in the amount of \$5,373.07.

Total Current Year and Prior Year Releases and Refunds \$64,312.26.

(Recorded in Appendix A in the Permanent Supplement of the June 23, 2003 Regular Session Minutes of the Board.)

Vice-Chairman Bowser stated he pulled this agenda item to ask a few questions to gain an understanding of the refund report. Tax Administrator, Kenneth L. Joyner, explained the breakdown of the releases and refunds for the month of May 2003, which included delinquent taxes from previous years.

Consent Agenda 6(g). Budget Ordinance Amendment No. 03BCC000075—Sheriff's Office and Emergency Medical Services (to move unspent appropriations of \$614,000 from the nondepartmental function as follows: \$286,000 to the cost center for the Sheriff's Detention Center; \$98,000 to the Sheriff's Law Enforcement budget; and \$230,000 to the Emergency Medical Services department. These funds are for anticipated personnel services coverage for current Fiscal Year 2002-2003).

Commissioner Heron stated she pulled the agenda item due to her concern that the department's budget was overspent and that the Commissioners were not made aware earlier of the budget problems.

Marcia Margotta, Administrative Officer II, Durham County Sheriff's Office, explained the personnel funds deficit. One of the biggest contributors was overtime pay for jailers for the Detention Center for the high-risk pod (potential suicides, and high-security federal prisoners). Another major contributor was a miscalculation (unknown increase) of the LEO separation allowance discovered around February, which accounted for about \$88,000 of the personnel funding deficit.

Mickey Tezai, EMS Director, stated that his department was in good shape for the first six months of the fiscal year. Then, extremely serious staffing difficulties resulted from various long-term FMLA illnesses and injuries. During this period of time, two ice storms necessitated unexpected overtime pay. Also, recent military call-up and two more long-term injuries have added to unplanned personnel costs. The intent was to staff positions to continue to provide the same level of service. Mr. Tezai expressed his intent to try to correct this in the coming fiscal year. He plans to work with Human Resources, Finance, Budget, and Information Technology to develop new reporting mechanisms to provide earlier and more specific notification about any funding problems.

County Manager Mike Ruffin added that unexpected problems necessitating overtime pay do happen occasionally some years and come to light in the month of June. He stated he was made aware two weeks ago that there was a problem. In this case, unspent funds in the General Fund Non-Departmental function set aside for pay plan adjustments have been identified as a funding source for the requested Budget Ordinance Amendment. The Fund Balance remains between 14.5% and 15% at the end of the current fiscal year.

County Manager Ruffin stated that an after-assessment has been made and measures are being developed to prevent a reoccurrence of such a funding deficit in the future. The Budget Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Budget Ordinance
Amendment No. 03BCC000075

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Budget Ordinance is hereby amended to reflect budget adjustments for the Sheriff's Office and Emergency Medical Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$34,172,242	\$614,000		\$34,786,242
Other	\$20,639,282	(\$614,000)		\$20,025,282
<u>Revenues</u>				

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

This the 23rd day of June, 2003.

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

Consent Agenda 6(q). Approval of Federal Aviation Administration (FAA) Grant Offer to the Raleigh-Durham International Airport (accept the grant offer).

Vice-Chairman Bowser stated he pulled the agenda item due to his concern that the Airport Authority should treat the Durham taxicab drivers with fairness. There had been discussion of holding back the funding for the flight memorial until the Airport Authority would address the taxicab concern.

County Manager Mike Ruffin stated there is an interlocal agreement pending for the County to provide \$50,000 annually in the next two fiscal years for its share of the memorial funding. The Airport Authority was advised that Durham County would not consider the interlocal agreement until issues raised by Durham taxicab drivers were addressed. The County Manager stated that he had spoken with Jim Tatum, attorney for the Airport Authority, and that a meeting would be set to discuss the concern further.

Consent Agenda 6(s). Cancellation of the Board of Commissioner meetings (cancel the July 7 Worksession and July 14 Regular Session).

Commissioner Heron pulled this agenda item for a clarification.

Consent Agenda 6(t). Approval of Construction Contract for the Renovation of the Agriculture Building on Foster Street. Project No: DC068-48; Bid No: IFB 03-009 (authorize execution of a contract with Zehia Corporation of North Carolina in the amount of \$350,000.00 for phase-one renovations and execution of any change orders or related contracts, if necessary, not to exceed a project cost of \$368,195.00).

Vice-Chairman Bowser pulled this agenda item to ask about minority participation on this project.

Yolanda Moore-Gaddy, Business Development Manager, Purchasing Department, stated that Zehia Corporation had reported 19.02% African-American-owned and 6.73% Hispanic-owned company participation in the renovation project. Additional MWBE participation is being recruited for the project. The County is meeting its MWBE goal and may exceed it.

Consent Agenda 6(j). Adoption of Fiscal Years 2004-2013 Capital Improvement Plan (approve the 2004-2013 Durham County Capital Improvement Plan).

Vice-Chairman Bowser stated he pulled this agenda item due to his concern that the Bragtown Branch Library had been removed from the FY 2004-2013 Recommended Capital Improvement Plan. Vice-Chairman Bowser asked if the County Manager had made contact with the Library Director to relay his concern.

County Manager Mike Ruffin replied that he had not communicated directly with Library Director Philip Cherry regarding inclusion of this project in the CIP. The Bragtown Branch Library had been removed because, in changing to a regional library system, a previous board had voted to no longer include neighborhood libraries in the County's CIP.

Chairman Reckhow added that the concept of moving to regional library branches led to considering distances between branches. The rationale for creating a regional branch at Bragtown was not present due to its proximity to the Main Library downtown. Bragtown will remain open as a branch, but will not be rebuilt as a major library facility. The Stanford L. Warren Branch Library is kept due to the historical significance of that structure, even though it is closer to downtown than the Bragtown Branch Library.

Budget Director Pam Meyer, in answer to Vice-Chairman Bowser's question about funding for the Stanford L. Warren Branch Library, explained that its funding was reflected in the 2001 bond funds. Those funds are not shown in the new CIP.

Following additional discussion, the following motion was made:

Commissioner Heron moved, seconded by Chairman Reckhow, to approve the FY 2004-2013 Durham County Capital Improvement Plan.

No vote was taken on the motion.

Vice-Chairman Bowser stated that the Bragtown Library was needed due to its proximity to a low-income neighborhood, and that many of its citizens without an automobile can walk there. It should be enlarged at its present site and have better materials to serve the neighborhood.

Vice-Chairman Bowser wanted an amended motion to address his request regarding Bragtown Branch Library.

Chairman Reckhow moved, seconded by Commissioner Cousin, to adopt the 2004-2013 Durham County Capital Improvement Plan with a direction to staff that they look at an addition to the Bragtown Branch Library and bring the Board the information in August.

No vote was taken on the motion.

Vice-Chairman Bowser requested that the motion include plans to expand the building and increase the scope of services provided by the library. He stated he wanted to go back to the original plan for the Bragtown Branch Library.

Commissioner Jacobs suggested that there be two separate motions.

Commissioner Jacobs moved, seconded by Vice-Chairman Bowser, to adopt the FY 2004-2013 Capital Improvement Plan with the exception of the Bragtown Branch Library.

The motion carried unanimously.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to instruct the County Manager to revisit the original plans for Bragtown Branch Library adopted for capital needs (in 2001) to include expansion and to bring the information back to the Board by August 2003.

The motion carried unanimously.

New Durham Justice Center Parking Deck

County Manager Ruffin answered Vice-Chairman Bowser's question regarding the new Justice Center parking deck. None of the 1,100 parking spaces would be dedicated to the American Tobacco Project use. However, if a theater or event center is built on the project site, parking spaces could perhaps be used after court hours.

County Engineer Glen Whisler stated that the Justice Center parking deck would be dedicated for citizens involved in court business, court employees, and building occupants such as the Sheriff.

The County's investment in the American Tobacco Project will be recovered through parking revenue from the south deck and property taxes from the developer. The County should recover all but about \$500,000.

Public Hearing—Proposed Secondary Road Construction Program for Durham County (2003-2004)

Mr. Battle Whitley, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2003—2004). Assistant District Engineer Mike Harris, Division Engineer Jon Nance, Deputy Division Engineer Wally Bowman, Division Maintenance Engineer Ricky E. Greene Jr., and County Maintenance Engineer Steve Winstead will accompany Mr. Whitley.

Resource Person(s): Battle Whitley, P.E., North Carolina Department of Transportation, Division of Highways, Division Five

County Manager's Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Construction Program and hold the public hearing. The Board had been given a copy of the statutes outlining the Board's responsibility and authority for the Secondary Road Program. Note that any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

Chairman Reckhow opened the item by thanking the North Carolina Department of Transportation for its exemplary efforts to work with the leadership and citizens of Durham County to help solve some difficult issues. The results include the Club Boulevard Elementary School soundwall (to shield noise from the I-85 expansion project), the recent decision made regarding a bridge project, and the resolution of the Eno Drive issue. The community appreciates these efforts and the cooperation and working relationship with the NCDOT representatives from Durham.

Chairman Reckhow recognized Mr. Ty Cox, who represents the counties of Durham, Person, Wake, Warren, Franklin, Vance, and Granville for the NCDOT. Mr. Cox

commented that Senate Bill 1005 was passed several years ago to strengthen and perform pavement restoration and preservation across the state. The seven counties in the Division received about \$30 million, of which about \$11 million (37 percent) was utilized in Durham County. Most of the resulting contracts are underway.

With the 2003-2004 proposal, Durham County has about \$1.325 million available for the NCDOT Secondary Road Construction Program. Of that, about \$725,000 is from the Secondary Road Construction allocation and about \$600,000 is for the Highway Trust Fund allocation.

Vice-Chairman Bowser asked Mr. Cox to investigate what could be done to repair Cook Road between Fayetteville Road and Martin Luther King Boulevard and the railroad crossing at Angier Avenue.

Mr. Battle Whitley, P.E., NCDOT District Engineer, gave the full presentation of the Secondary Road Construction Program. Mr. Whitley covers Durham, Person, and Granville Counties. He presented the Commissioners with the Proposed Secondary Road Construction Program—to pave a list of roads currently unpaved in the county, in accordance with N.C.G.S. § 136-44.8. The NCDOT, each year, works to pave roads in their order on the priority listing. Priority is set based on the number of homes, schools, churches, or businesses on the road or whether it is a thoroughfare, etc. The roads proposed for paving in FY 2003-2004 total 8.5 miles at an estimated cost of \$1,109,000. This leaves a total unpaved system of 26.82 miles in Durham County.

Commissioner Heron asked Mr. Whitley to investigate whether a proposed new development would encompass Riley Road. This could allow the NCDOT to delete Riley Road from the priority list and add another road.

Commissioners Heron and Reckhow addressed the need for bike lanes to be added on roadways included in the regional bike plan. These should be added when these roads are repaved.

The Commissioners added their various concerns to Mr. Whitley and Mr. Cox for investigation.

Chairman Reckhow opened the Public Hearing, which was properly advertised. She recognized Dr. Allison, who had signed to speak on this agenda item.

Dr. E. Lavonia Allison, Chairman of the Committee on the Affairs of Black People and regional vice chairman of the NC Black Leadership Caucus, stated the opinion that the NCDOT had, on several occasions, been discriminatory in its salary and promotional behavior. She said she hoped that the Board of County Commissioners would seek to find out what goes on with the NCDOT that is unfair, unjust, and unequal.

There being no other persons wishing to speak, Chairman Reckhow closed the Public Hearing.

Mr. Cox responded to Dr. Allison's comments. He advised that the NCDOT was in the process of addressing issues of discrimination and equal opportunity. He advised he would continue to be an advocate for improvement.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve the Proposed Secondary Road Program.

The motion carried unanimously.

Public Hearing—Proposed Financing Agreement for American Tobacco

The Board is requested to hold a public hearing on the proposed financing agreement with Bank of America in an amount not to exceed \$15,000,000 with a 15-year fixed rate of 4.415% for the construction of the South Deck of the American Tobacco Project. The public hearing is not on the issue of whether to do the project, as the County has already approved and entered into a contract with ACL to build the project, but on the financing itself.

Resource Person(s): Chuck Kitchen, County Attorney, and George Quick, Finance Officer

County Manager's Recommendation: The County Manager's recommendation is that the Board hold the public hearing and approve the financing, if appropriate, after hearing all comments.

County Attorney Chuck Kitchen introduced the item.

Chairman Reckhow opened the Public Hearing, which was properly advertised. She introduced the persons signed to speak on this agenda item.

Anne Peele, Vice-President of Governmental Relations, Greater Durham Chamber of Commerce, introduced her colleagues: Beth Paine with Workforce Development, Chuck White with Economic Development, and Carrie Green with Research. Ms. Peele spoke to support financing of the American Tobacco Project. This project, with 330,000 square feet of pre-leased space, will provide new jobs and increase the tax base in Durham. She advised that the Chamber looks forward to working on this project which will help to revitalize the downtown area.

Victoria Peterson, P.O. Box 101, Durham 27702, citizen—spoke against the financing proposed. She asked the County Commissioners not to support the financing. She questioned approval of the project's contract before financing was approved. She expressed the opinion that \$15 million was excessive for a parking deck considering that

programs to address crime were underfunded. She also considered the level of minority participation to be inadequate.

Dr. E. Lavonia Allison, Durham Committee on the Affairs of Black People—asked questions regarding the interest rate secured. She wanted to know if the interest rate secured could be renegotiated if interest rates decline, and what control the Commissioners would have over the next 15 years concerning MWBE once the money is turned over for construction.

Chuck White, Economic Development Associate, Greater Durham Chamber of Commerce—spoke of the Chamber's support for the American Tobacco Project, and commented that this would be a solid investment in the future growth of Durham. It will increase the tax base, provide jobs, and bring vitality to the downtown area.

There being no other persons wishing to speak, Chairman Reckhow closed the Public Hearing and returned the item to the Board. She asked the County Attorney and County Manager to respond to the questions and concerns raised during the Public Hearing.

County Attorney Kitchen addressed this item in place of Durham County Finance Officer George Quick, who was absent due to a death in his family. He commented that Mr. Quick played a considerable role in developing this financing and that his department secured this financing. The need for a financing agreement has been anticipated all along as this project has been considered. General Statutes require a public hearing. The financing rate was secured through a formal bid process involving banks and other financial institutions. The 15-year fixed rate of 4.415% offered by Bank of America was much better than a 20-year rate of 7% which had been anticipated. The MWBE status has been addressed. The contract with ACL (American Campus LLC) and Capital Broadcasting Company Inc. requires them to comply with the County's MWBE Ordinance in the construction of this parking garage. The MWBE compliance will be monitored by County Engineer Glen Whisler and Yolanda Moore-Gaddy, Business Development Manager, Purchasing Department.

At the request of Vice-Chairman Bowser, Ms. Moore-Gaddy, Business Development Manager within the Purchasing Department, explained what is done to bring minorities into this project. She stated that she meets each Wednesday at 10:00 a.m. with representatives from American Tobacco/Capital Broadcasting, the City of Durham, and the NC Minorities Council to discuss the County's MWBE efforts. There is a briefing of any bids going out to the general public. She contacts all MWBE businesses on her vendor list and actively seeks out additional MWBE businesses in the County for work on all aspects of this project. Minority businesses are being recruited and instructed in matters of bonding, bidding, etc.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the financing agreement.

The motion carried unanimously.

The proceedings regarding the financing agreement follow:

The Chairman of the Board of Commissioners for the County of Durham, North Carolina (the "County") announced that this was the hour, day and place fixed for the public hearing for the purpose of considering whether the Board of Commissioners for the County should approve a proposed installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$15,000,000, with any other available funds, for the construction and other accomplishment of the Project hereinafter described. The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in a portion of the Project and certain related property.

The County, American Campus, LLC and Capitol Broadcasting Company, Incorporated have negotiated a Development Agreement on redeveloping the former American Tobacco Complex facilities located in the downtown area of the City of Durham, North Carolina (the "Development Agreement"). The County is obligated pursuant to the Development Agreement to fund the cost of a project consisting of the design, development and construction of certain off-street parking facilities, containing approximately 1,140 parking spaces and called the South Garage, and the acquisition of land therefor as described in the Development Agreement (the "Project").

Notice of this public hearing was published in The Herald Sun not less than 10 days before the date of this public hearing.

The Finance Director of the County then described the Project as currently proposed and the current plan of the County to finance the cost of the Project.

The Finance Director of the County then presented and described a proposal to finance the cost of the Project in an amount not to exceed \$15,000,000, dated June 2, 2003, which the County had received from Bank of America, N.A. in response to the County's request for such a proposal which it had sent to a number of financial institutions. Such proposal appears to be the most appropriate of the proposals received by the County to meet its needs under existing circumstances and constitutes the proposed agreement that is the subject of this public hearing.

The Chairman of the Board of Commissioners for the County (the "Board of Commissioners") then announced that the Board of Commissioners would immediately hear anyone who might wish to be heard on such matters.

(The statements made by the persons signed to speak appear earlier in the text. Those persons making statements were Anne Peele, Victoria Peterson, Dr. E. Lavonia Allison, and Chuck White.)

All of the foregoing statements were duly considered by the Board of Commissioners.

Thereupon, upon motion of Commissioner Jacobs, seconded by Commissioner Heron, the Board of Commissioners determined to proceed with the proposed financing of the cost of the Project and approve on a preliminary basis such proposed agreement to finance the cost of the Project in an amount not to exceed \$15,000,000 substantially as presented. Such motion was approved by the following vote:

Ayes: Chairman Ellen W. Reckhow, Vice Chairman Joe W. Bowser, and Commissioners Philip R. Cousin, Becky M. Heron, and Mary D. Jacobs

Noes: None.

Thereupon, the Chairman of the Board of Commissioners announced that the public hearing was closed.

Capital Project Ordinance Amendment No. 04CPA000001—Approve Appropriation for American Tobacco Project—South Garage

The public hearing for the financing for the American Tobacco Complex Redevelopment Project is being held at 7:00 p.m. on June 23, 2003 in the Durham County Commissioners' Meeting Room in the Durham County Government Administrative Complex. Following this public hearing, it will be necessary to set up the Capital Project appropriation for the South Garage portion of the American Tobacco Project. In accordance with the Development Agreement between the County of Durham, American Campus, LLC, and Capital Broadcasting Company Inc., the County shall pay a maximum amount not to exceed \$14,435,514 for the capital cost of the South Parking Garage, which amount includes sales taxes, land acquisition, architectural and engineering fees, utility relocation costs other than for electric, and necessary testing, including geo-technical investigations (but not including the County's independent project inspection, if any).

The installment financing agreement for funding this project will provide funds in an amount not to exceed \$15,000,000.

Resource Person(s): George Quick, Finance Director, and Pam Meyer, Director Budget & Management Services

County Manager's Recommendation: The County Manager recommends approval of Capital Project Amendment No. 04CPA000001 for the American Tobacco Project—South Garage—in the amount of \$15,000,000.

Chairman Reckhow recognized Ms. Victoria Peterson, who had signed to speak.

Victoria Peterson, P.O. Box 101, Durham 27702, voiced her concern over the amount of money to be involved by the County in the project and whether it would involve

adequate minority participation in construction and employment. She stated she had also asked the Chamber of Commerce for a report of the minority hiring and promotional practices of companies to which the County had offered monetary incentives to locate in the area. This was not available. She requested an end-of-year report of the number of African-Americans being hired or contracted with companies coming into the community.

Chairman Reckhow asked the County Manager to provide Ms. Peterson a detailed report on the companies involved and the level of minority participation in the American Tobacco Project. Also to be provided is a periodic report on the minority participation of County projects for which it receives bids. The percentages will indicate how well the County is meeting its MWBE goals.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve Capital Project Amendment No. 04CPA000001 for the American Tobacco Project—South Garage—in the amount of \$15,000,000.

The motion carried unanimously.

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Capital Projects Ordinance
Amendment No. 04CPA000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the American Tobacco Project.

AMERICAN TOBACCO PROJECT

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
American Tobacco Project	\$125,000	\$14,875,000		\$15,000,000

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

This the 23rd day of June, 2003.

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

Request to Approve Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services

The Home and Community Care Block Care Grant (HCBG), as authorized in G.S. 143B-181.1 (a)(11), is designed to improve the planning and coordination of in-home and community-based services provided to North Carolina's older adults. It is also intended to promote the visibility of aging programs at the local level by giving counties increased flexibility with respect to funding aging services available through the Block Grant. The majority of funding comprising the HCCBG is authorized by the federal Older Americans Act. Federal mandates and priorities are established by the Older Americans Act; however, the legislation provides for state and local discretion in the funding of particular services and programs.

The Durham County Department of Social Services and the Council for Senior Citizens are co-lead agencies for receiving the funds and administering the programs. The goal of services provided under this grant is to enable recipients to stay at home longer, receiving the care and services they need in their own homes, thus reducing the necessity for out-of-home placement. Services provided are Adult Day Care Services, Congregate Meals, Senior Center Operations, Information and Case Assistance, Transportation, Home Delivered Meals, and In-Home Aide Services.

Durham's total grant for FY 2004 is \$955,154. The Council for Senior Citizens' grant is \$551,645. Social Services' grant is \$403,509 with a County match of \$40,350. The funding has been incorporated into the FY 2003-2004 budget.

Resource Person(s): Diane Wright, Chairperson, Durham County Keeping in Step Committee; Joan Pelletier, Executive Director, Durham Council for Senior Citizens; and Sarah Fields, Home Centered Care Unit Supervisor, Adult Services for Durham DSS

County Manager's Recommendation: The County Manager recommends approval of the Home and Community Care Block Grant Funding Plan as presented. Funding for the plan has been incorporated into the Manager's proposed FY 2003-2004 Budget.

Diane Wright, Chairman of "Keeping in Step," explained that this is Durham County's task force for senior citizens, which also serves as the United Way senior issues team. She thanked the County for receiving and matching this grant which funds Meals on Wheels, home aide services, and other senior services. She introduced Joan Pelletier of the Durham Council for Senior Citizens, and Sarah Fields of the Department of Social Services for questions from the Commissioners

Commissioner Jacobs expressed her appreciation for the goal of these services, which allow older adults to remain in their homes longer before the necessity of out-of-home placement.

Chairman Reckhow agreed with Commissioner Jacobs and thanked the committee for its continued good work. The plan looks excellent.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the Home and Community Care Block Grant Funding Plan as presented.

The motion carried unanimously.

Little River Regional Park and Natural Area Site Plan Presentation and Capital Project Ordinance Amendment No. 03CPA000011

The 391-acre Little River Regional Park and Natural Area is jointly owned by Orange and Durham Counties and will be managed by both Orange and Durham Counties. Both County Boards of Commissioners reviewed the preliminary park concept and allowed uses for the park development. The elements approved included the entrance road and parking area, picnic shelters, restroom facilities, children's play area, restricted group camping, and a trail system to include walking/hiking, mountain biking, and equestrian trails. Staff, the Little River Advisory Board, and the design team have been working through the fall and winter to incorporate the approved uses, public comments, and environmental constraints into the final site plan. In January 2003, the Board reviewed the preliminary site plan, which depicted the approved design elements, and directed staff to work with the design team and proceed with further plan refinements.

The anticipated budget for the site construction is estimated at \$625,000 to be funded by a combination of grants and additional funds to be approved by each county. Since the elements involved in this portion of the park are all in Orange County, Durham's approval of this site plan will allow the formal process to be initiated through Orange County's planning and site review processes. Durham County's portion of anticipated site construction costs will be funded using a combination of previously approved "pay as you go" funds and existing park and recreation bonds (this amendment) moved from the Open Space Acquisition Project.

Resource Person(s): Frank M. Duke, AICP, Planning Director, and Mike Giles, Open Space Land Manager

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Little River Park and Natural Area site plan and Capital Project Ordinance Amendment No. 03CPA000011 to increase the Little River Regional Park capital project from \$632,012 to \$711,376.

Mike Giles, Open Space Land Manager, introduced the agenda item. In preparing the final site plan, a detailed survey of the property had been made by Orange County Environmental Health as required for the septic fields in the park. The remainder of an archaeological survey and research had been done to meet the requirements of the land

and water conservation fund grant. Mr. Giles stated that the site plan brought forth included three elements not in the original site plan.

Those elements not in the original site plan included: 1) relocation of the caretaker's residence to the site; 2) a small park office where Orange County Park and Recreation staff would direct the park's operations; and 3) utilization of two historic structures at the park as part of the park infrastructure. The design team had also developed a construction estimate cost for the park. By considering alternatives in the design, the estimated cost for site construction has been reduced to \$625,000. Also, Mr. Giles asked that staff, with the County Attorney's assistance, be directed to relocate the park access easement to follow the lines of the park easement when the site survey is final and construction documents are drawn. Therefore, if Durham County should ever "divorce" from Orange County in this project, Durham County would have a constructed access easement to the park.

Chairman Reckhow asked if the children's play area, which was deleted due to cost, could be bid as an alternate when the project is bid. Then, if the total 10% contingency is not needed, the money could fund this alternate item.

Mr. Giles responded that this was the plan. If needed, a grant could be sought to fund additional items.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the Little River site plan and the Capital Project Ordinance Amendment to increase the capital project from \$632,012 to \$711,376.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2002-03 Capital Projects Ordinance
Amendment No. 03CPA000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Open Space Acquisition and Development project and the Little River Acquisition project.

OPEN SPACE ACQUISITION AND DEVELOPMENT

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Open Space Acquisition and Development Project	\$687,642		\$79,364	\$608,278

LITTLE RIVER REGIONAL PARK

<u>Expenditures</u>				
Little River Regional Park	\$632,012	\$79,364		\$711,376

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

This the 23rd day of June, 2003.

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

Little River Regional Park Interlocal Agreement with Orange County

The Little River Regional Park and Natural Area is a 391-acre park jointly owned by Durham and Orange Counties (Durham County owns 255 acres and Orange County owns 136 acres). The park will be managed by Orange County in conjunction with Durham County. An Interlocal Agreement is needed between the two counties to address budgetary issues, management decisions, and day-to-day park operations.

The term of the Interlocal Agreement is four years with the intent that the parties will continue the agreement annually thereafter. The parties will share expenses and revenues equally.

Resource Person(s): Jane Korest, Senior Planner, and Carol W. Hammett, Assistant County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board approve the Draft Interlocal Agreement.

Jane Korest introduced the agenda item. The park is projected to be open in nine to ten months from now. The Commissioners were asked to approve the joint interlocal agreement with Orange County for the operation and the management of the park. Available for Commissioner questions was Carol Hammett, the Assistant County

Attorney involved with finalizing provisions in the agreement, having worked closely with the Orange County Attorney's office.

Commissioner Jacobs asked Ms. Hammett if the County would carry liability insurance. Ms. Hammett said that Durham County would not carry liability insurance, only property insurance.

County Attorney Chuck Kitchen added that any claims would be handled through the County's Risk Management Department, as are all other claims.

In answer to Chairman Reckhow's question regarding the advance notice needed for termination of the agreement, Ms. Korest stated that the one-year requirement was included to encourage resolution of any differences between the two parties and to avoid termination of the partnership.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the Draft Interlocal Agreement.

The motion carried unanimously.

Introduction of Bond Orders for Proposed School Bonds, Community College Bonds, Museum Bonds, Library Facilities Bonds, and Setting a Public Hearing Thereon

The Board is requested to have introduced the Bond Orders on the proposed School Bonds, Community College Bonds, Museum Bonds, and Library Facilities Bonds. The Board is then requested to receive the Sworn Statement of Debt of the County from the Finance Officer, and finally to approve on first reading the Bond Orders. The public hearing on the bonds is proposed for July 28, 2003. The bonds will not become authorized for issuance until after the public hearing, a second approval by the Board of Commissioners, approval by the Local Government Commission, and approval by the voters.

Resource Person(s): George Quick, Finance Officer, and Chuck Kitchen, County Attorney

County Manager's Recommendation: Introduce the Bond Orders, receive the Sworn Statement of Debt, and approve on first reading the Bond Orders.

County Attorney Chuck Kitchen introduced the agenda item. The Finance Officer had provided a sworn Statement of Debt. After the first reading of the Bond Orders, the Board would set the required Public Hearing. At a later date, on the second reading of the Bond Orders, the Board would decide whether to have the referendum in November.

Chairman Reckhow recognized Dr. E. Lavonia Allison, who had signed to speak on this agenda item.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, 27702, representing the Durham Committee on the Affairs of Black People, spoke regarding funding for inner-city schools. Taxes will be levied to pay the principal and interest of any bonds approved by referendum. She called for making inner city schools larger to accommodate their communities and staffing needs. She stated that public hearings are not adequate to discuss needs and equality. The 1993 bond referendum did not adequately address inner city schools.

Chairman Reckhow stated that the Commissioners received the report from 1993 and insisted that the school board address every issue in an inner city school. She suggested that she, Commissioner Cousin, the appropriate school personnel, and Dr. Allison meet to answer Dr. Allison's questions. A time would be set after this evening's Regular Session.

Commissioner Heron moved, seconded by Commissioner Jacobs, to introduce the Bond Orders, receive the Sworn Statement of Debt, approve the first reading of the Bond Orders, and set a Public Hearing for July 28, 2003.

The motion carried unanimously.

The four orders authorizing bonds follow:

ORDER AUTHORIZING
\$105,315,000 SCHOOL BONDS

WHEREAS, The Durham Public Schools Board of Education has certified to the Board of Commissioners for the County of Durham, North Carolina, a resolution passed by said Board of Education on April 24, 2003 showing that adequate school facilities are not now available in the Durham Public Schools Administrative Unit to comply with the requirements of Section 2 of Article IX of the Constitution of North Carolina for the maintenance of schools at least nine months in every year and that it is necessary, in order to maintain such term as required by said Section 2 of Article IX of the Constitution, to provide additional school facilities in said Unit by erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, the estimated cost of which is at least \$105,315,000; and

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

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

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

1. That, pursuant to The Local Government Bond Act, as amended, and in order to maintain the school term in the County of Durham as required by Section 2 of Article IX of the Constitution, the County of Durham, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue School Bonds in an aggregate principal amount not exceeding \$105,315,000 for the purpose of providing funds, with any other available funds, for erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, in order to provide additional school facilities in said County.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.
4. That this order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

**ORDER AUTHORIZING \$8,345,000
COMMUNITY COLLEGE BONDS**

WHEREAS, The Trustees of Durham Technical Community College have submitted to the Board of Commissioners for the County of Durham a resolution passed on June 3, 2003 pursuant to the provisions of Chapter 115D of the General Statutes of North Carolina requesting said Board of Commissioners to call an election in the County of Durham upon the question of approving bonds for the purpose of providing funds, with any other available funds, for expanding and improving the facilities for Durham Technical Community College; and

WHEREAS, said resolution requests said Board of Commissioners to take all steps necessary for the issuance of such bonds, including the calling of an election on the question of approving such bonds, in order to provide for local financial support of Durham Technical Community College; and

WHEREAS, said Board of Commissioners has carefully examined the facts and has determined and does hereby find as a fact that it has become the duty of said Board of Commissioners to order the issuance of bonds of the County of Durham so that the facilities mentioned in said resolution and in paragraph 1 of this order may be provided; now, therefore,

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

1. That, pursuant to Chapter 115D of the General Statutes of North Carolina and The Local Government Bond Act, as amended, the County of Durham, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue Community College Bonds in an aggregate principal amount not exceeding \$8,345,000 for the purpose of providing funds, with any other available funds, for expanding and improving the facilities for Durham Technical Community College at its main campus in the City of Durham, including the construction of an additional building and additional parking facilities and sidewalks, the expansion and improvement of an existing building, the improvement of other facilities and the acquisition of necessary furnishings and equipment therefor.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.
4. That this order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

ORDER AUTHORIZING
\$5,280,000 MUSEUM BONDS

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

1. That, pursuant to The Local Government Bond Act, as amended, the County of Durham, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue Museum Bonds in an aggregate principal amount not exceeding \$5,280,000 for the purpose of providing funds, with any other available funds, for enlarging and improving exhibits, parking facilities, visitor facilities, offices and maintenance facilities at the North Carolina Museum of Life and Science and acquiring any necessary furnishings and equipment therefor.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.
4. That this order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

ORDER AUTHORIZING
\$4,725,000 LIBRARY FACILITIES BONDS

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

1. That, pursuant to The Local Government Bond Act, as amended, the County of Durham, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue Library Facilities Bonds in an aggregate principal amount not exceeding \$4,725,000 for the purpose of providing funds, with any other available funds, for providing additional library facilities of said County, including the construction of a branch library in the southern area of said County and the acquisition of necessary furnishings and equipment therefor.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.
4. That this order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

The Board of Commissioners thereupon designated the Finance Director of the County as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond orders have been introduced and before the public hearing thereon.

Thereupon the Finance Director filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$105,315,000 SCHOOL BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$8,345,000 COMMUNITY COLLEGE BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$5,280,000 MUSEUM BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$4,725,000 LIBRARY FACILITIES BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 7:00 P.M. on July 28, 2003, in the County Commissioners' Meeting Room in the

Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, as the hour, day and place for the public hearing upon the foregoing orders and directed the Clerk to the Board of Commissioners to publish each of said orders, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Herald Sun not later than the sixth day before said date.

The Sworn Statement of Debt follows:

COUNTY OF DURHAM, NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT
TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, George K. Quick, Finance Director of County of Durham, North Carolina, having been designated by the Board of Commissioners for said County to make and file with the Clerk to the Board of Commissioners a statement of the debt of said County pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

Public Improvement Bonds.....	\$	<u>82,318,409</u>	
Refunding Bonds		<u>109,015,000</u>	
Water and Sewer Bonds.....		<u>6,396,591</u>	
Other bonds	0 \$		<u>197,730,000</u>

a(2) Bonds authorized by orders introduced on June 23, 2003 but not yet adopted:

School Bonds	\$	105,315,000	
Community College Bonds.....		8,345,000	
Museum Bonds		5,280,000	
Library Facilities Bonds.....		<u>4,725,000</u>	
	\$		<u>123,665,000</u>
a(3) Unissued bonds authorized by adopted orders:			
School Bonds	\$	0	
Library Facilities Bonds.....		0	
Museum Bonds		1,000,000	
Recreational Facilities Bonds		4,550,000	
Health Care Facilities Bonds		<u>700,000</u>	
	\$		<u>6,250,000</u>
a(4) Outstanding debt, not evidenced by bonds	\$		<u>65,638,820</u>
a(5) Installment financing debt authorized, but not yet incurred	\$		<u>15,000,000</u>
(a) GROSS DEBT, being the sum of a(1), a(2), a(3),a(4) and a(5)	\$		<u>408,283,820</u>
(b) DEDUCTIONS			
b(1) Funding and refunding bonds authorized by orders introduced but not yet adopted.....	\$		<u>0</u>
b(2) Funding and refunding bonds authorized but not yet issued	\$		<u>0</u>
b(3) The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. §159-55(b))	\$		<u>0</u>
b(4) Bonded debt included in gross debt and incurred, or to be incurred, for water purposes	\$		<u>0</u>
b(5) Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes to the extent that said debt is made deductible by G.S. §159-55(b)	\$		<u>0</u>
b(6) Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt	\$		<u>0</u>

b(7)	The amount, as estimated by the Finance Director, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt	\$	<u>0</u>
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4)g b(5), b(6) and b(7)	\$	<u>0</u>
(c) NET DEBT			
(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b)	\$	<u>408,283,820</u>
(d) APPRAISED VALUE			
(d)	APPRAISED VALUE of property subject to municipal taxation before the application of any assessment ratio, being the value fixed in 2002	\$	<u>19,457,580,480</u>
(e)	Percentage which the NET DEBT (c) bears to the APPRAISED VALUE (d)		<u>2.098%</u>

The foregoing statement is true.

/s/ George K. Quick
 Finance Director

STATE OF NORTH CAROLINA
 COUNTY OF DURHAM

Subscribed and sworn to before me this 24th day of June, 2003.

/s/ Kimberly M. Connally
 Notary Public

My commission expires 2-3-2008

I, Garry E. Umstead, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the Board of Commissioners for said County held on June 23, 2003, after the introduction and before the public hearing on four orders authorizing bonds of said County, and that said statement is open to public inspection in my office as the Clerk to the Board.

WITNESS my hand and the corporate seal of said County, this the 23rd day of June, 2003.

/s/ Garry E. Umstead
Clerk to the Board of Commissioners

Agenda Item Added—Property Insurance Renewal

County Attorney Chuck Kitchen added an item to the agenda, “Property Insurance Renewal.” The County’s property insurance policy expires June 30, 2003. County Attorney Kitchen stated that with a proposed rate increase to property insurance, the County was advised to go outside for a better quote. Under the current carrier, the policy cost without terrorism coverage would increase from \$102,900 to \$129,561. With terrorism coverage, it would increase to \$146,672. Similar coverage under Alliance Insurance Company, to include terrorism coverage, would be \$117,698. Alliance is the property insurer for the City of Charlotte, Mecklenburg County, the County of Wake, and the City of Durham.

County Attorney Chuck Kitchen recommended that the Board of County Commissioners accept the proposal of Alliance Insurance Company with the terrorism coverage, and renew at \$117,698.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve insuring with Alliance.

The motion carried unanimously.

Adjournment

There being no further business, the meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board