

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

Monday, April 22, 2013

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners, Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Fred Foster, Jr.

Opening of Regular Session—Chairman Foster asked everyone to join in the Pledge of Allegiance.

Agenda Adjustments

There were no adjustments to the agenda.

Announcements

Chairman Foster made the following announcements:

- “In Touch with Durham County,” the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk’s Office at 919-560-0025, visit the County’s website, or email Clerk@dconc.gov for more information. Please note that all City and County taxes must be current at the time of application.
- The Durham County Department of Social Services’ office hours will be changing. Effective June 24, 2013 the agency’s operating hours to the public will be 7:30 am - 5:30 pm;
- The new Durham Diabetes Coalition television show, “Living Healthy” is currently airing nightly at 7:00 pm on Durham Government Television, Time Warner Cable Channel 8. The 30-minute program features segments on topics such as nutrition, physical activity, local resources, diabetes information, and personal stories of Durham residents living with

type 2 diabetes. The purpose of the show is to give residents tips and tools to live a healthy lifestyle and help people manage their diabetes successfully;

- On Tuesday, April 23, the Durham County Coordinated Transportation Program is hosting a public workshop to identify the transportation needs of individuals with disabilities, older adults, and people with low incomes based on personal and professional experiences, and to provide strategies for meeting the local needs. The workshop will take place at the Durham County Cooperative Extension office, 721 Foster Street from 8:30am -11:30am. For more information, contact Margaret Scully at Durham County Cooperative Extension at mscully@dconc.gov or (919) 560-8757.

Minutes

Vice-Chair Howerton moved, seconded by Commissioner Page, to approve as submitted the April 8, 2013 Regular Session Minutes and the February 25, 2013 Regular Session Minutes of the Board.

The motion carried unanimously.

Recognition of General Services Solid Waste for Receiving the Carolina Recycling Association's Spotlight Award

Chairman Foster recognized Ms. Motiryo Keambiroiro, Director of General Services, who introduced the item.

Ms. Keambiroiro introduced staff members Brian Haynesworth, Waste Reduction Program Manager and Margaret Koroivui, Waste Reduction Supervisor. She requested that the Board recognize the Department of General Services and the Solid Waste Division for receiving the Carolina Recycling Association's (CRA) Spotlight Award for the Recycling Ambassador Volunteer Program. Mr. Haynesworth provided a brief background on the award. Ms. Koroivui then elaborated on the two Durham County waste reduction and recycling programs that merited the award. She also acknowledged the Recycling Ambassadors who participated in the programs. The Board then extended congratulations to the General Services Solid Waste Division for their accomplishments.

Recognition of Retiring President of Downtown Durham, Inc. Bill Kalkhof

The Board was requested to proclaim the last week of April as Bill Kalkhof Week. This recognition was an opportunity to acknowledge Mr. Kalkhof's 20 years of service to the Durham community as the first President of Downtown Durham, Inc.

Chairman Foster read the proclamation into the record as follows:

BILL KALKHOF WEEK

WHEREAS, Bill Kalkhof is President of Downtown Durham Incorporated, and over the past 20 years he has led the remarkable downtown revitalization efforts of well over \$1.3 billion dollars; and

WHEREAS, following 20 years of tireless advocacy for downtown Durham Incorporated, Bill will be retiring on April 30th leaving his mark as one of the great leaders in Durham and the Triangle; and

WHEREAS, upon announcing his retirement at Downtown Durham Incorporated's Annual meeting, he celebrated how far the "collective we" in Durham have come since 1993, noting that "Durham is no longer the so-called "ugly stepchild" of the Triangle, and downtown Durham is no longer "moribund" as described by the press for years;" and

WHEREAS, downtown Durham now receives national attention and recognition as home to the Durham Performing Arts Center, one of the top-performing theaters in the world, and has a growing reputation for being one of the creative class hot spots in the country; and

WHEREAS, among his many accomplishments, Bill was instrumental in brokering the catalytic public-private partnerships that proved essential to the success of downtown Durham's revitalization, including the Durham Bull's Athletic Park, the American Tobacco renovation, the West Village complex, the Downtown Streetscape renovation, and the Durham Performing Arts Center; and

WHEREAS, Bill has also been involved in the recruitment of almost every major downtown tenant including McKinney, Duke, Burt's Bees, James Scott Farrin and more; and

WHEREAS, anyone who knows Bill, knows that one of his favorite sayings is "Always leave a party while it still is a good party." With national accolades pouring in about downtown Durham, a half dozen new major development projects announced, and a growing reputation for being one of the entrepreneurial and creative class hot spots in the country, it's safe to say that the party in downtown Durham is in full swing; and

WHEREAS, his colleagues at Downtown Durham, Incorporated would like to thank Bill for his tireless work and commitment to Durham and to the downtown area for the past 20 years. Bill has helped change the face and image of Downtown Durham for a generation, a feat few thought possible back in 1993, and he has much to be proud of:

NOW, THEREFORE, BE IT RESOLVED that I, Fred Foster Jr., Chairman of the Durham County Board of Commissioners, do hereby proclaim the last week in April as

BILL KALKHOF WEEK

in Durham, and hereby urge all citizens to go out and Find Your Cool in Downtown Durham in honor of Bill Kalkhof's 20 years of tireless work for Downtown Durham.

This the 22nd day of April, 2013.

Fred Foster, Jr., Chair
Durham Board of County Commissioners

Mr. Kalkhof gave brief remarks thanking the Board and the Durham community for allowing him to serve as the President of Downtown Durham, Inc. He commented on several of his experiences while working in this capacity. Mr. Michael Ruffin, County Manager, and the Board then extended congratulations to Mr. Kalkhof for his achievements and wished him well in his retirement.

Proclamation - May 6-12 as Children's Mental Health Awareness Week

Commissioner Page read the following proclamation into record:

CHILDREN'S MENTAL HEALTH AWARENESS WEEK
May 6-12, 2013

WHEREAS, there is a need to promote awareness of positive mental health, well-being and development for all children, youth and young adults ages birth through 26 years in North Carolina; and

WHEREAS, the leadership in Durham, North Carolina recognizes that mental health needs and treatment should be on par with medical needs and treatment; and

WHEREAS, families should not feel stigma and shame to seek treatment for their children and youth and be able to discuss openly their need for help without public retribution; and

WHEREAS, children's mental health promotion needs to be available to everyone. Education on the identification and use of child strengths to support success and promote mental health as well as anti-stigma, inclusion and social skills education should be available to all citizens of North Carolina; and

WHEREAS, available school based mental health programs and positive behavior, interventions and supports should be considered as best practice, and be encouraged to be practiced in every Durham, North Carolina public school; and

WHEREAS, children are recognized for having unique needs for recovery from mental health, emotional, behavioral and substance abuse issues, and not being combined with the adult mental health population for treatment; and

WHEREAS, effective mental health treatment services to strengthen families, youth leadership development and family partner/peer supports results in children and youth overcoming trauma and becoming successful, contributing Durham, North Carolina citizens in their homes, schools and communities; and

WHEREAS, The County of Durham, North Carolina, North Carolina Mental Health Planning and Advisory Council, National Federation of Families for Children's Mental Health, Alliance Behavioral Healthcare, NAMI-NC, NC Families United, the NC State Children's Collaborative and the families and communities who have children, youth and young adults struggling with emotional and behavioral health issues join to recognized Children's Mental Health Awareness week and safety:

NOW, THEREFORE, BE IT RESOLVED that I, Fred Foster Jr., Chairman of the Durham County Board of Commissioners, do hereby proclaim May 6-12, 2013, as

CHILDREN'S MENTAL HEALTH AWARENESS WEEK

in Durham County, North Carolina, and commend its observance to our citizens.

This the 22nd day of April, 2013.

Fred Foster, Jr., Chair
Durham Board of County Commissioners

Ms. Ellen Holliman, Chief Executive Officer, Alliance Behavioral Healthcare; and Ms. Teka Dempson, Lead Family Partner Coordinator were present to accept the proclamation.

Ms. Holliman thanked the Board for the recognition and announced that the Making a Difference Breakfast would take place on May 9, 2013 at 8:30 a.m. at the Durham Armory.

Ms. Dempson commented on the Memorandum of Agreement that addressed children with mental illness and their families. She thanked the Board for their leadership, and in particular for providing information regarding mental health services to Vice-President Biden in the wake of the New Town, Connecticut tragedy.

Commissioner Page presented the proclamation to Ms. Holliman and Ms. Dempson.

2013 Strategic Plan Progress Report

County Manager Ruffin noted that this was the first annual Strategic Plan Progress Report. He thanked the Board, the Strategic Plan Goal Champions, employees and citizen volunteers for their support of the Strategic Plan.

Mr. Michael Davis, Strategic Initiative Manager, provided a PowerPoint presentation that highlighted key achievements of the Durham County Strategic Plan to date:

- Review
- Board Expectation/Desires
- Durham County Strategic Plan Implementation
- Strategic Plan Goals
- Goal Achievements
- Initiatives for Goal One: Community and Family Prosperity and Enrichment
- Initiatives for Goal 2: Health and Well-being for All Initiatives for Goal 3: Safe and Secure Community
- Initiatives for Goal 4: Environmental Stewardship
- Initiatives for Goal 5: Accountable, Efficient and Visionary Government Partnerships
- Web Presence
- Next Steps
- Recognition

Mr. Davis thanked the Board, the Strategic Plan Goal Champions, staff and community partners for their contributions to the Strategic Plan Team.

Chairman Foster thanked Vice-Chair Howerton for her leadership in bringing the Strategic Plan concept before the Board.

Consent Agenda

Chairman Foster asked the Commissioners if they desired to pull any items from the Consent agenda.

Commissioner Reckhow stated that she would like to pull item “r.”

Commissioner Jacobs stated that she had a question regarding items “h” and “i.” Referencing the Board of Adjustment report, she commented on the difficulty that the board has experienced filling membership vacancies. Commissioner Jacobs noted the responsibilities of being a member of this particular board member and the lack of a stipend. Commissioner Jacobs expressed concern

regarding the current vacancy and asked that the Board revisit the issue of providing a stipend for its members.

Commissioner Reckhow commented that she communicated with the Clerk to the Board recently regarding filling the Board of Adjustment vacancy. She concurred with Commissioner Jacobs regarding the Board should explore reinstating stipends for the Board of Adjustment. She suggested that the Board request that the Clerk to the Board survey other comparative counties as to the stipend amounts for their Boards of Adjustment.

Vice-Chair Howerton inquired as to how many individuals are seated on the Board of Adjustment. Mr. Lowell Siler, County Attorney responded stating that there are seven regular members and two alternate members.

Vice-Chair Howerton asked if the Board would consider providing stipends for the alternate members as well. Commissioner Jacobs stated that should be a consideration because the alternate members are also required to attend the board meetings.

Commissioner Jacobs praised the Open Space and Trails Commission for the detailed report that was submitted to the Board. Referencing the report, she noted a \$2500 funding request to print maps. Commissioner Jacobs then inquired if the requested amount would be shared with the City of Durham. Commissioner Reckhow stated that traditionally Durham County and the City of Durham have evenly shared the cost.

Commissioner Jacobs expressed concern regarding the bicycle and trail map. She noted that there was difficulty with the size of the map. Commissioner Jacobs then suggested that there be one-page maps that are specific to certain neighborhoods or localities within Durham to promote ease of use.

Commissioner Reckhow stated that there is an interactive website that provided detailed information on specific areas, but that future plans entail providing application software for smartphone users.

Vice-Chair Howerton moved, seconded by Commissioner Jacobs, to approve the following consent agenda items (9a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, s, t, u, v):

- a. *Accept the property tax release and refund report for February, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- b. *Accept the property tax release and refund report for March, 2013 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
- c. Receive the Durham Environmental Affairs Board 2012 Report;
- d. Receive the 2012 Historic Preservation Commission's Annual Report;
- e. Receive the 2012 Design District Review Team Annual Report;
- f. Receive and accept the City-County Planning Commission Annual Report for 2012;

- g. Receive the 2012 Durham City-County Appearance Commission Annual Report;
- h. Receive and accept the Board of Adjustment Annual Report for 2012;
- i. Receive the Durham Open Space and Trails Commission 2012 Annual Report;
- j. *Approve Budget Ordinance Amendment No. 13BCC000064 to amend the AnimalKind budget. The amendment would increase the contract amount to allow the reimbursement of \$3,345 from NC Department of Agriculture and Consumer Services Spay/Neuter Program to Durham County to be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- k. *Approve Budget Amendment 13BCC000065 appropriating \$16,437 of damage liability funds to support the purchase of an undercover vehicle;
- l. *Amend the contract with Tax Management Associates Inc. for business personal property audit services as proposed and approve Budget Ordinance Amendment No.13BC000066 in the amount of \$250,000 and authorize the Tax Administrator to execute said amendment;
- m. *Amend the contract with Turner Business Appraisers for business personal property audit services as proposed and approve Budget Ordinance Amendment No. 13BC000067 in the amount of \$150,000, and authorize the Tax Administrator to execute said amendment;
- n. *Amend the contract with County Tax Services, Inc. for business personal property audit services as proposed and approve Budget Ordinance Amendment No. 13BCC000068 in the amount of \$300,000, and authorize the Tax Administrator to execute said amendment;
- o. *Approve the attached Interlocal agreement between the County and Triangle Transit regarding administration of the Commute Trip Reduction Ordinance and authorize the County Manager to execute it;
- p. *Approve Capital Project Amendment No. 13CPA000011 transferring \$621,200 from the General Services (General Fund) operating budget to a new Administration Building Elevator Modernization Capital Project (41904200DC072);
- q. *Approve Budget Ordinance No. 13BCC000069 to recognize and appropriate grant funds in the amount of \$62,500 to Durham County Emergency Management;
- s. *Approve Budget Ordinance Amendment No. 13BCC000071 in the amount of \$2500 from the State of North Carolina for the Refugee Health Program;
- t. *Approve Budget Ordinance No. 13BCC000072 in the amount of \$1,500 from the National Association of Local Boards of Health;

- u. *Approve the requested Budget Amendment No. 13BCC000073 to the Lincoln Community Health Center Foundation and authorize the Manager to execute a grant agreement on behalf of the County;
- v. *Approve the proposed revised Commute Trip Reduction Ordinance.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of February, 2013.

Releases & Refunds for 2013 Taxes	
Personal	\$ 460.00
Total for 2013 Taxes and Fees	\$ 460.00

Releases & Refunds for 2012 Taxes	
Real Estate	\$ 1,489.38
Personal	\$124,945.39
Registered Vehicles	\$ 37,881.24
Vehicle Fees	\$ 1,305.00
Solid Waste	\$ 330.00
Total for 2012 Taxes and Fees	\$ 165,951.01

Prior year's (2002-2011) releases and refunds for February, 2013 are in the amount of \$24,970.19. The current year and prior year's releases and refunds amount to \$190,921.20.

Consent Agenda Item No. b.

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of March, 2013.

Releases & Refunds for 2013 Taxes	
Personal	\$124,148.99
Total for 2013 Taxes and Fees	\$124,148.99

Releases & Refunds for 2012 Taxes	
Real Estate	\$ 49,752.45
Personal	\$ 35,958.04
Registered Vehicles	\$ 68,436.33
Vehicle Fees	\$ 1,335.00

Total for 2012 Taxes and Fees \$ 155,481.82

Prior year's (2005-2011) releases and refunds for March, 2013 are in the amount of \$11,144.52. The current year and prior year's releases and refunds amount to \$290,775.33.

Consent Agenda Item No. j.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000064

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$53,349,081	\$3,345	\$53,352,426

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$47,239,460	\$3,345	\$47,242,805

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

Approved April 22, 2013

Consent Agenda Item No. k.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000065

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Revenue	\$368,917	\$16,437	\$385,354

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$47, 242,805	\$16,437	\$47,259,242

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

Approved April 22, 2013

Consent Agenda Item No. 1.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000066

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources		\$22,167,301	\$250,000
\$22,417,301			

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$85,844,444	\$250,000	\$86,094,444

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

Approved April 22, 2013

Consent Agenda Item No. m.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000067

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$22,417,301	\$150,000	\$22,567,301

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$86,094,444	\$150,000	\$86,244,444

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

Approved April 22, 2013

Consent Agenda Item No. n.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000068

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$22,567,301	\$300,000	\$22,867,301

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$86,244,444	\$300,000	\$86,544,444

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

Approved April 22, 2013

Consent Agenda Item No. o.

**County of Durham and Triangle Transit Interlocal Agreement
For Administration of Commute Trip Reduction Ordinance**

This Interlocal Agreement ("Agreement") made and entered into this the _____ day of _____, 2013 by and between the County of Durham, a political subdivision of the State of North Carolina (hereinafter "County"), and Research Triangle Regional Public Transportation Authority, d/b/a Triangle Transit ("TTA"). County and TTA may be referred to individually as "Party" and collectively as "Parties." The term "Governing Bodies" shall mean the Board of County Commissioners of Durham County and the Board of Trustees of Triangle Transit.

WHEREAS, the Durham County Board of Commissioners ("Durham BoCC") first passed a Commute Trip Reduction Ordinance in 2000 to reduce vehicle miles traveled and improve air quality, and

WHEREAS, the Durham BoCC recommitted to the principles of commute trip reduction through adoption of a revised, renewed Commute Trip Reduction Ordinance passed on Sept. 10, 2012 ("Ordinance"), and

WHEREAS, the ordinance continues to require certain activities and an annual financial fee ("Annual Fee") from all employers with 100 or more employees stationed inside Durham County ("Subject Employer"), and

WHEREAS, Triangle Transit operates, plans for, and promotes public transportation throughout the Triangle in many of the ways required and countenanced in the Ordinance,

NOW THEREFORE, pursuant to the authority granted in §153A-445(a)(1) and 160A-461 of the North Carolina General Statutes, County and TTA for and in consideration of the mutual covenants contained herein and the mutual benefits to result therefrom, agree as follows:

Section I. Purpose

The County and TTA find that interlocal cooperation in the implementation of Durham County's Commute Trip Reduction Ordinance will facilitate its implementation and improve public education regarding the benefits of reducing or eliminating peak hour commuting. It will thereby help improve the environment and public health in Durham and the Triangle region. This coordination is therefore important to the public interest, and to this end, Durham County and Triangle Transit agree to establish this Agreement.

Section II. Term

This Agreement shall be effective as of July 1, 2012 as soon as it is approved and executed by the Governing Bodies. This agreement shall renew annually without further action by the Parties unless terminated as provided for in Section V, below.

Section III. Funding

All Annual Fees collected pursuant this Ordinance shall be remitted to TTA in consideration of TTA's work to implement the Ordinance and to provide associated public education. Additional companies brought into compliance with the Ordinance represent more revenue and a corresponding increase in workload. TTA shall make reasonable efforts to collect the funds for each fiscal year within the first six months of that year.

Section IV. Scope of Work / Statement of Respective Responsibilities

The scope of work and statement of respective responsibilities is attached hereto as Exhibit A and is incorporated herein as if set out in full.

Section V. Termination

Either the County or Triangle Transit may terminate this agreement by giving written notice of such termination to the other party at least ninety (90) days prior to the beginning of the fiscal year in which termination will take effect. Upon termination of this Agreement for any reason, (i) all outstanding invoices received for expenses incurred or obligated by Triangle Transit or the County on or before the date of termination shall be paid, and (ii) Triangle Transit's and the County's obligations hereunder shall be immediately terminated.

Section VI. Dispute Resolution

In the event a dispute arises among the Parties, they agree to bargain in good faith towards a mutual resolution. If after honest good faith negotiations, the Parties cannot reach a mutually agreeable resolution, then either Party may adjudicate their dispute as allowed by North Carolina State Laws.

Section VII. Amendments

This Agreement may be amended at any time upon mutual written agreement of the Governing Bodies.

Section VIII. Entire Agreement

This document and Exhibit A contains the entire agreement of the Parties, and there are no additional terms or conditions except those reflected herein. This Agreement supersedes all prior understandings and agreements relating to the subject matter hereof.

Section IX. Governing Law

This Agreement shall be governed by the laws of the State of North Carolina and all actions regarding the Agreement shall be brought in the General Court of Justice in the County of Durham.

Section X. Agreement Not Divisible

This Agreement is not divisible. The obligations exchanged by the Parties constitute consideration for each and every part of this Agreement.

IN WITNESS WHEREOF, the County and Triangle Transit have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date first written above.

ATTEST:

COUNTY OF DURHAM

Michael M. Ruffin, County Manager

Michelle Parker-Evans, Clerk to the Board

This instrument has been pre-audited in the manner required by
the Local Government Budget and Fiscal Control Act.

County of Durham Finance Officer

ATTEST:

RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY

David King, General Manager

This instrument has been pre-audited in the manner required by
the Local Government Budget and Fiscal Control Act.

Saundra Freeman, Triangle Transit Finance Officer

Approved as to legal form:

Wib Gulley, General Counsel, Triangle Transit

Consent Agenda Item No. p.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Capital Project Ordinance
Amendment Number 13CPA000011

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 capital project ordinance is hereby amended to reflect budget adjustments
for the following projects.

Project	Current Budget	Inc./Dec.	Revised Budget
Admin. Building Elevators Modernization Project (41904200DC072)	\$0	\$621,200	\$621,200

Adopted this the 22nd day of April, 2013.

Consent Agenda Item No. q.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000069

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$53,352,426	\$62,500	\$53,414,926

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$47,259,242	\$62,500	\$47,321,742

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

Approved April 22, 2013

Consent Agenda Item No. s.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000071

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$53,614,926	\$2,500	\$53,617,426

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$87,032,361	\$2,500	\$87,034,861

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

Approved April 22, 2013

Consent Agenda Item No. t.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000072

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$53,617,426	\$1,500	\$53,618,926

Expenditures:

<u>Function</u>	
<u>GENERAL FUND</u>	

Human Services \$87,034,861 \$1,500 \$87,036,361

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

Approved April 22, 2013

Consent Agenda Item No. u.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000073

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$22,867,301	\$50,000	\$22,917,301

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$86,544,444	\$50,000	\$86,594,444

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

Approved April 22, 2013

Consent Agenda Item No. v.

Durham County Commute Trip Reduction Ordinance
Code of Ordinances: Chapter 24 – Article V

WHEREAS, traffic congestion in Durham County has created, and will continue to create, highways that are overcrowded and present a danger to the health, safety, and welfare of citizens; and

WHEREAS, major employers, defined as those with 100 or greater employees located in Durham County, represent significant proportion of all Durham County employees and therefore contribute significantly to vehicle miles traveled (VMT) and emissions within Durham County; and

WHEREAS, managing and reducing single-occupancy vehicle (SOV) commutes and associated VMT by employees of major employers therefore represents a significant opportunity to improve our environment and public health; and

WHEREAS, Session Law 1999-328 set a goal for the State of North Carolina to reduce emissions of nitrogen oxides from all sources by at least 25% by July 1, 2009 and to reduce the growth of vehicle miles

traveled in the State of North Carolina by at least 25% of that growth that would otherwise occur by July 1, 2009; whose goals have since been achieved;

WHEREAS, The Durham Greenhouse Gas Emissions Inventory and Local Action plan was created in 2007 in a concerted effort to reduce greenhouse gasses in the City and County of Durham, North Carolina, and was adopted by the Durham City Council and Durham County Board of County Commissioners; and

WHEREAS, Durham County is responsible through the City-County Sustainability Office, for the implementation of the Local Action Plan for Emissions Reduction, in accordance with the Inter-local Agreement between the City and County of Durham; and

WHEREAS, the Durham County Greenhouse Gas Emissions Inventory and Local Action Plan is a joint effort of the City of Durham, Durham County, and the DCHC MPO, and whereas these organizations have established a community target to reduce community greenhouse gas emissions by 30% from 2005 levels by the year 2030; and

WHEREAS, the Transportation Demand Management Advisory Committee developed a 7-year Long-Range Regional TDM Plan in 2007 for the purpose of achieving and maintaining the goal of reducing regional growth in VMT by 25% between 2007 and 2015, through a moderate package of TDM strategies that encourage alternative commute mode use;

WHEREAS, pursuant to N.C.G.S. 153A-121 and 153A-134, the Board of Commissioners has the authority to regulate businesses and employers located in the County of Durham; and

WHEREAS, the Board of Commissioner has determined that it is necessary to mitigate the impact of traffic by requiring businesses to mitigate the impact of their employees' commutes and;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM
DOTH ORDAIN:**

Article V. of Chapter 24 of the Durham County Code of Ordinances is hereby amended to read:

Article V. Commute Trip Reduction (CTR) Program

Sec. 24-116. Continuation of the Commute Trip Reduction Program

1. Significant levels of traffic are caused by commuters traveling to and from work, and therefore, the Board of Commissioners has created a program to address the issue of traffic congestion in Durham County through the Commute Trip Reduction Ordinance and may contract with another governmental or quasi-governmental agency to provide for the efficient and effective provision of services and reviews as set out hereafter.
2. Durham County will track the progress of this program through regular reviews and provide updates and report progress made in congestion mitigation and reduction in vehicle miles traveled to Durham employers.
3. The purpose of the program shall be to provide education and consultative services to businesses, industries, and the general public on alternatives to single occupancy vehicle (SOV) travel for commuting to and from work; to provide information on travel demand reduction strategies which are designed to reduce congestion on the roadways of Durham County; to gather statistical data on transportation usage; to set goals on reduction of single occupancy vehicle use, non-peak commute trips and commute trip reduction in vehicle miles traveled per employee; and to provide, to the extent practical, a program of incentives, including yearly recognition, for

businesses and industries which excel in reducing traffic congestion by implementing exceptional travel demand management programs.

Sec. 24-117. Commute Reduction Goals

It is recognized that the reduction of single occupancy vehicle (SOV) use, especially during peak hours, is an important goal for Durham County in order to reduce congestion on the highways and to reduce the levels of ozone in the air. The following goals are therefore adopted:

2011-2020 Proposed Ordinance Community Goals											
% Alt mode use for commute			% Non-peak commute trips (ALL)			Daily commute trip VMT per			% VMT Avoided by use of alt modes*		
Yea	Goa	Achiev	Year	Goal	Achiev	Year	Goal (miles)	Achiev	Year	Goa	Achiev
201	21%	21.2%	2011	n/a	21%	2011	n/a	29.4	2011	19%	18.6%
201	22%		2013	21.2%		2013	29.1		2013	20%	
201	23%		2015	21.4%		2015	28.8		2015	21%	
201	24%		2017	21.6%		2017	28.5		2017	22%	
201	25%		2019	21.8%		2019	28.2		2019	23%	
202	26%		2020	21.9%		2020	27.7		2020	24%	
Congestion						Pollution					

Sec. 24-118. Requirements for Major Employers (100 employees or more) in Durham County:

This ordinance shall apply to all major employers (with 100 or more employees) who work in Durham County. Those employers shall be responsible for the following activities:

1. Provide each full time, part-time, contract, or other employee with information on alternate commute mode options and required travel reduction measures and related incentives. This may include, but is not limited to: bus routes and schedules, information on ride share programs and bicycle routes. This information may also be provided to new employees, as described above, at the time of hiring.
2. Conduct employee surveys (The Employee Commuting Survey) and report the results, as directed and scheduled by Triangle Transit staff. All surveys or other reporting efforts as approved by Triangle Transit shall be completed by at least the number of employees as shown in the following table to represent a statistically significant sample size:

*Sample size analysis indicates a 95% confidence level with a confidence interval of +/- 4%- +/-7%.

**Sample Size Requirements for Durham Employee
 Commuting Survey**

Number of Employees	Required Sample	Response Rate	Confidence Level
100 - 124	65	58%	95% ± 7%
125 - 149	77	56%	95% ± 7%
150 - 174	85	52%	95% ± 7%
175 - 199	93	50%	95% ± 7%
200 - 224	115	54%	95% ± 6%
225 - 249	122	51%	95% ± 6%
250 - 274	129	49%	95% ± 6%
275 - 299	136	47%	95% ± 6%
300 - 349	154	47%	95% ± 5.5%
350 - 399	167	45%	95% ± 5.5%
400 - 449	177	42%	95% ± 5.5%
450 - 499	186	39%	95% ± 5.5%
500 - 599	217	39%	95% ± 5%
600 - 699	234	36%	95% ± 5%
700 - 799	248	33%	95% ± 5%
800 - 899	260	31%	95% ± 5%
900 - 999	269	28%	95% ± 5%
1000 - 1249	375	33%	95% ± 4%
1250 - 1499	406	30%	95% ± 4%
1500 - 1749	429	26%	95% ± 4%
1750 - 1999	447	24%	95% ± 4%
2000 - 2499	462	21%	95% ± 4%
2500 - 2999	484	18%	95% ± 4%
3000 - 3499	500	15%	95% ± 4%
3500 - 3999	513	14%	95% ± 4%
4000 - 4499	522	12%	95% ± 4%
4500 - 4999	530	11%	95% ± 4%
5000 - 5999	536	10%	95% ± 4%
6000 - 6999	546	8%	95% ± 4%
7000 - 7999	553	7%	95% ± 4%
8000 - 8999	558	7%	95% ± 4%
9000 - 9999	563	6%	95% ± 4%
10000 - Above	566	6%	95% ± 4%

The results of the survey shall be used to determine single occupancy vehicle use and vehicle miles traveled during both peak and non-peak periods. Triangle Transit shall use the survey results to determine if traffic congestion and reduction targets have been achieved.

3. Prepare and submit a Commute Trip Reduction (CTR) Report to Triangle Transit staff. Triangle Transit staff will assist in preparing the required reports when requested to do so by the employer. Employers shall submit the CTR Report according to a schedule set by Triangle Transit for each participation year. (The Ordinance compliance schedule will be provided to employers annually, in advance.) One report may be submitted for each employer addressing the travel reduction measures for all of their facilities located in Durham County. Each Major Employer can also set its own good faith goals in order to contribute towards achieving the community goals set forth herein.

The CTR Report shall contain the following elements:

- A. The name, address, e-mail address, and phone and fax number of the formally designated Transportation Coordinator,

- B. A description of employee commuter benefits, information programs, and promotion efforts for such programs designed to achieve the designated transportation reduction goals and other travel reduction measures which have been completed to date or during the *previous* year.
- C. A description of travel reduction measures to be undertaken by the employer in the upcoming year (12 months). The following measures may be included (but are not limited to):
1. Participate in a commuter ride-matching service to facilitate employee ridesharing for work related commutes
 2. Provision of vans for vanpooling, either independently or through the local transit/vanpool agency
 3. Subsidized carpool or vanpool fees which may include payment for fuel, insurance, or parking
 4. Use of company/fleet vehicles for carpooling
 5. Provision of preferential parking for carpool or vanpool users which may include conveniently located parking or covered parking facilities
 6. Reduction of on-site employees parking or re-designation of existing parking for ride-sharing employees
 7. Subsidized bus fares
 8. Construction of special loading and unloading facilities for transit, carpool, and vanpool participants
 9. Cooperation with the City or County of Durham in construction of sidewalks or bicycle routes for the work-site
 10. Provision of bicycle racks, lockers, and showers for employees who walk or bicycle to and from work
 11. Provision of a special information center, including a web page on the company's intranet site, where information on alternate modes and other travel reduction measures will be available
 12. Establishment of a telecommuting (work from home) program for employees
 13. Establishment of a flex-time schedule of adjustable work hours which may include compressed work weeks. Work hour adjustments should not interfere with or discourage use of ridesharing and transit
 14. Establishment of a program of parking incentives and disincentives; such as a fee for parking and/or Parking Cash Out or "rebate" for employees who do not use the parking facility
 15. Provision of on-site amenities or employer location's proximity to local amenities designed to reduce commute trips, during the work day which can include, but are not limited to day-care facilities, restaurant, or emergency ride home services, dry cleaning and on-site postal services, etc.

The Commute Trip Reduction (CTR) Report shall also meet all the following criteria:

1. Designate an Employee Transportation Coordinator (ETC)
2. Describe methods and processes for routinely distributing information about and promoting alternate commute mode of transportation to and from work to employees
3. Accurately and completely describe current and planned travel reduction measures and commuter benefits offered
4. State the travel reduction goals adopted by the Major Employer, including both alternate mode and non-peak commute trips*, and average commute trip vehicle miles traveled (VMT). ***Non-peak alternate mode commute trips contribute to reduction of peak-hour SOV and VMT, by travel being completed outside of peak commute hours**
5. Signature of the Site Executive or highest ranking officer at the Durham employer location

6. An administrative fee in the amount of two hundred dollars (\$200) shall be submitted annually by December 31st of each calendar year to Triangle Transit upon receipt of an invoice from Triangle Transit.

Sec. 24-119. CTR Report Approval Process

1. After the Major Employer's proposed Commute Trip Reduction Report is received, Triangle Transit shall have 60 days to object to any component of the employer's plan outlined therein, otherwise it is automatically approved. Any such objection shall be based solely on a failure to include a required component or an obvious mistake. If Triangle Transit objects, the plan outlined within the CTR Report is not approved and shall be returned to the employer with appropriate comments for review and revision. The employer will then have thirty (30) work days to re-submit their required report to Triangle Transit.

Sec. 24-120. Ordinance Compliance & Schedule

Compliance Criteria: (A full compliance schedule including due dates will be emailed to employers.)

1. Participation in the biennial Employee Commuting Survey administered by Triangle Transit
2. Annual submission of either the long or short CTR Report to Triangle Transit as determined by the compliance schedule
3. Annual payment of the \$200 ordinance administrative fee to Triangle Transit

Enforcement Action may Include the Following: Any Durham ordinance employer who fails to comply with one or more of the ordinance requirements above shall be referred to the Durham County Manager by Triangle Transit, be notified in writing by the County Manager of non-compliance, and, at the discretion of the County Manager, be notified in writing of potential civil penalties or filing of a collection suit.

1. A civil penalty in the amount of one hundred dollars (\$100.00) per week for each week in which the employer fails to comply up with this provision, up to a maximum of one thousand dollars (\$1,000.00).
2. If the employer fails to pay the civil penalty within a reasonable time as determined by the County Manager or his designee, the County Attorney shall have authority to file a suit for the collection of the civil penalty.
3. The County Manager or his designee shall have authority to assess the civil penalty as provided herein.

Sec. 24-121. Review of Effectiveness of Ordinance

The Durham County Sustainability Office will consult with Triangle Transit and shall report program progress to the Durham County Board of Commissioners.

Durham County Government in partnership with Triangle Transit as Lead Agency will review the effectiveness of this Ordinance biennially, and shall make recommendations for changes in the Ordinance, Ordinance goals or program implementation plan as deemed appropriate.

Sec. 24-122. Definitions

1. Alternate Mode: Any mode of commute and transportation other than the single occupancy motor vehicle, including telecommuting.
2. Carpool: Two-six persons traveling in a light duty vehicle (car, truck, or van) to or from work.

3. Commute Trip and Commute Hours: A trip taken by an employee to or from work.
 - a. Peak Commute Trip: A trip taken by an employee to or from work during peak hours.
 - b. Non-Peak Commute Trip: A trip taken by an employee to or from work outside of peak-hours.
 - c. Peak Hours: The hours between 7:00 AM and 9:00 AM or 4:00 PM and 6:00PM.
4. Commute Trip Reduction Plan: A written accounting of the commute travel reduction measures the employer is utilizing or commuter benefits they do or will offer, in an effort to reduce commuter trips to and from their workplace, reduce traffic congestion, help mitigate harmful emissions and improve the quality of life of employees. Commute reduction measures can include: ridesharing, telework, transit subsidies, but also on-site amenities to reduce travel during the day of practices that the employer will or has implemented at their worksites, which is designed to achieve predetermined reductions in commute trips and vehicle miles traveled through various incentives and disincentives. This Commute Trip Reduction Plan as outlined in the Commute Trip Reduction Report will be submitted by each employer of 100 + employees by the due date specified in writing by Triangle Transit.
5. Employee: A person who works for a Major Employer (see 7a below).
6. Employee Transportation Coordinator (ETC): The person designated by the employer to develop, implement, promote and internally advertise the employer's commuter benefits and Commute Trip Reduction Program as outlined in the Durham Trip Reduction Ordinance as set forth in this document. The Employee Transportation Coordinator shall act as the agent for the employer for purposes of this ordinance.
7. Employer: A sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, either public or private, that employs workers. However, the term "employer" shall not include the State of North Carolina, the United States of America, or any agency thereof.
 - a. Major Employer: An employer operating in Durham County who employs, during a 24 hour period, 100 or more full-time equivalent employees, with at least 50 employees at a work site for at least six months during the year.
 - b. Full-time Equivalent (FTE) Employees: The number of employees, if not clearly determined as greater than 100 regular, full-time employees, can be calculated by dividing the total number of annual work hours paid by the employer, including work hours paid to contract or other workers whether or not considered employees of the major employer, by 2080 work hours (52 weeks x 40 hours/week) in a year.
 - c. Contract Employees: If the contractors work at a Durham employer location, and number 100 or more FTE employees at that Durham employer location, then the contractor shall be subject to this ordinance as a major employer themselves, separate from the business/employer under whom they are contracting. The only exception is if the Durham employer is offering the contractor employees their own employee commuter benefits, in which case the contractor would not be considered a separate major employer.
8. Mode: The type of commute you use, including driving alone in a single occupancy vehicle (SOV) or other than driving alone, referred to as "alternative commute mode" which can include carpooling, vanpooling, transit, bicycle, walking, and also teleworking (or telecommuting).

9. Ride Matching Service: Any system, whether it uses computer or manual methods, which assists in matching employees for the purpose of sharing rides to reduce drive alone travel.
10. Ridesharing: Commuters sharing a ride either via car or vanpool to and from work.
11. Single Occupancy Vehicle (SOV): A single-occupancy vehicle (SOV) is a privately operated vehicle such as an automobile or light duty truck like an SUV, whose only occupant is the driver. SOV drivers typically use their vehicles for personal travel, daily commuting and for running errands. SOVs generally exclude human powered vehicles such as bicycles.
12. Site Executive: The highest ranking officer at the employer. The Site Executive is required to sign the CTR report.
13. Transit Bus or Other Public Transportation System: A shared passenger transportation service, such as a transit bus which is available for use by the general public, but is distinct from modes such as taxi cab, car pooling or hired buses, which are not shared by strangers without private arrangement.
14. Vanpool: Seven or more persons traveling to and from work together in a single van, provided by the employer or other outside vehicle provider (a typical vanpool can hold 7-15 people).
15. Vehicle Miles Traveled (VMT): The average (mean) number of miles traveled by a motor vehicle for commute trips.
16. Work Site: A building or any grouping of buildings located within Durham County which are physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and which are owned or operated by the same employer.

The provisions of this ordinance are severable, and should any section or part hereof be declared unconstitutional or void, the rest and remainder of the ordinance shall remain in full force and effect.

The effective date of this ordinance shall be December 31, 2012.

This the 10th day of September, 2012.

Public Hearing and Approval of the Draft FY 2013-2014 Annual Action Plan

Chairman Foster recognized Mr. Reginald Johnson, City of Durham, who introduced the item.

Mr. Johnson stated the purpose of the public hearing and recognized Ms. Wilmur Conyers, City of Durham, who then provided an overview of the annual action plan and the allocation of Community Development Block Grant, HOME Consortium and Emergency Shelter Grant funds.

Chairman Foster opened the public hearing and recognized citizens who signed up to speak.

Ms. April Johnson, Citizens Advisory Committee (CAC), read a prepared statement indicating that the CAC agrees with the funding recommendations in the draft annual action plan. Ms. Johnson also discussed housing issues and economic opportunities for low-and-moderate income families in Durham County.

Ms. Lanier Blum, The People's Alliance, commented on a lack of affordable housing opportunities for low income individuals in the Durham community. She requested that the Board take an active role regarding this issue.

Chairman Foster closed the public hearing.

Referencing the HOME Consortium funds, Commissioner Reckhow questioned the allocation amount for general program administration. Ms. Conyers explained that the amount listed was a combination of the entitlement amount, in addition to projected program income. Commissioner Reckhow stated that she would like to see more funds go to services than to administration.

Commissioner Reckhow inquired as to how many homes or housing units would be made available through this plan for low income and disabled citizens. Mr. Johnson responded stating that he would forward that information to the Board, but that there would be housing for individuals with special needs in the Southside redevelopment project. He continued to state that the City of Durham is reserving funds to provide tax credits for low income housing developers.

Commissioner Reckhow also questioned if HOME Consortium funds were still being provided as second mortgages to City and County employees below a certain income level. Mr. Johnson clarified stating that the program referenced is being phased out as the funding is being reallocated toward the Southside neighborhood redevelopment.

Commissioner Howerton asked if the Board would receive a report showing the number of residents that are provided with funding over the period of one-year. To clarify, Ms. Conyers stated that the report being referenced was the Consolidated Annual Performance Evaluation Report and that a copy is provided to the Board. Commissioner Howerton requested that a mid-year report be made available for review. Ms. Conyers replied that an informal report could be made available. Mr. Johnson added that performance measures were being developed to evaluate the achievement of program goals.

Commissioner Jacobs commented on the need for affordable housing to be expanded. She then referenced the report submitted to the Board and inquired if the number of people on the waiting list for affordable housing were families or individuals. Mr. Johnson responded stating that the figure listed was generated by the Durham Housing Authority and that he was unclear of the demographics of the waiting list. Commissioner Jacobs then requested clarification on the Home Consortium funds that are accessible by Durham County residents. Mr. Johnson stated that the \$74,000 amount listed in the report were CDBG funds used for homeless services prevention. He continued to state that the \$32,000 funding amount was part of the HOME Consortium and currently under discussion.

Commissioner Jacobs then inquired as to how long funding would be directed toward the Southside neighborhood revitalization project. Mr. Johnson stated that resources were being expended for projects in southwest and northeast central Durham, but that the Southside redevelopment project would be completed in phases over the next five years.

Chairman Foster questioned the function of the administrative cost expenditures for the CDBG and ESG listed in the report. Mr. Johnson stated that the expenditures were an entitlement charge that defrayed the cost of administering the program. Chairman Foster then asked what would happen if the funds designated for projects outside of the Durham City limits were unused. Mr. Johnson stated that the funds would be reallocated to another type of project consistent with the guidelines of the grant.

Commissioner Reckhow moved, seconded by Vice-Chair Howerton to approve the draft FY 2013-2014 Annual Action Plan.

The motion passed unanimously.

Public Hearing - Unified Development Ordinance Text Amendment, Removal of Discretionary Regulations (TC1100007)

Mr. Michael Stock, City-County Planning Department, certified that items 11 and 13 were properly advertised in according to the North Carolina General Statutes and the Unified Development Ordinances. Mr. Stock provided an overview of the case before the Board. Mr. Medlin remarked that the proposed ordinance amendment would modify the discretionary provisions as they relate to site plan approval.

Chairman Foster opened the public hearing and recognized citizens who signed up to speak.

Ms. Donna Rudolph, Homeowners Association of Eagles Point, objected to the ordinance text amendment because of the neighborhood's objection to a proposed Sprint[®] cellular telephone tower that was proposed along Highway 751 South.

Ms. Dolly Fehrenbacher, spoke against the ordinance text amendment and requested that the Board not vote to approve it. She cited concern with section 5.5.3n of the unified development ordinance.

Mr. John Martin, Inter-neighborhood Council, commented that the City-County Planning Department had worked on the issue, but that the process was currently incomplete. He cited several deficiencies within the unified development ordinance.

Chairman Foster closed the public hearing.

Commissioner Reckhow stated that there was a significant amount of public feedback and substantive comments from the Bicycle and Pedestrian Advisory Commission. She continued to say that there were several issues that needed to be addressed prior to the adoption of the amendment and expressed concern regarding cellular telephone towers in residential areas. Commissioner Reckhow requested that action be deferred on this agenda item.

Vice-Chair Howerton discussed a recent Joint City-County Planning Commission meeting involving the issue of public notification. She commented on the amount of uncertainty given the language in the ordinance text amendment.

Commissioner Jacobs stated her agreement with the consensus of the Board. She requested that action be deferred on this agenda item until a detailed response is received from the City-County Planning Department regarding the issues that were raised. Mr. Steve Medlin, City-County Planning Department, responded to Commissioner Jacobs' concerns regarding provisions within the ordinance text amendment. Commissioner Jacobs then express concern regarding citizen input and communication between departments.

Commissioner Reckhow questioned if an advisory group could be established to facilitate communication and advise the planning director prior to proposals being made. Mr. Medlin answered in the affirmative, but added that site plans are administrative and must be approved if they meet the prescribed standards.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to defer action and refer the comments received to staff for response.

The motion passed unanimously.

Public Hearing - FY14 Fee Ordinance: Durham City-County Planning Department and Related Fees

Mr. Medlin provided an overview of the item before the Board. Mr. Medlin remarked that the proposed FY14 fee ordinance was a “companion piece” to the unified development ordinance text amendment. Mr. Medlin requested that this agenda item be referred back to staff for further review.

Commissioner Reckhow questioned why the four percent technology surcharge is still listed. Mr. Medlin stated that the land development office software system was not fully implemented. He added that part of the surcharge is also used for system maintenance, but that the surcharge will be adjusted for future use. Commissioner Reckhow then questioned the history of and specific amounts for surcharges related to advertising, letter notices and signs. Mr. Medlin commented that he had been aware of them for about 18 years and discussed the amounts of the surcharges in question.

Vice-Chair Howerton questioned the use of the money that is collected through surcharges and if Durham County is provided with a regular accounting of the funds. Mr. Medlin responded stating that all revenues collected by the City-County Planning Department are placed into a specialized account or into the City of Durham general fund. Vice-Chair Howerton requested information regarding the interlocal agreement explaining how the revenue received is allocated to Durham County.

Commissioner Reckhow moved, seconded by Vice-Chair Commissioner Reckhow moved, seconded by Commissioner Jacobs to defer action.

The motion passed unanimously.

Public Hearing - Unified Development Ordinance Text Amendment, Farmers’ Markets and Commercial Crop Production (TC1200005)

Mr. Stock provided an overview of the case before the Board. Mr. Stock remarked that the proposed ordinance would amend the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations; Article 7, Design Standards; Article 9, Landscaping and Buffering; Article 10, Off-Street Parking and Loading; and Article 16, Definitions. Mr. Stock explained that the proposed ordinance changes would allow for expanded permissibility for farmers’ markets and crop production.

Chairman Foster opened the public hearing and recognized citizens who signed up to speak.

Mr. Kevin Hamak, spoke in favor of the ordinance and asked that the Board approve the text amendment.

Mr. Peter Schubert, South Durham Farmer's Market, requested that the Board adopt the text amendment. Mr. Schubert also asked that the Board make revising ordinances a priority in the coming year. He commented that approving the revisions would bring Durham to the forefront of urban agriculture.

Ms. Sandy Demeree, Durham Network of Agriculture, spoke in favor of the ordinance and asked that the Board approve the text amendment. Ms. Demeree remarked that her organization would be working with the City-County Planning Department to add language to the ordinance regarding composting and aquaponics.

Mr. Kevin McDonough, spoke in favor of the ordinance and asked that the Board approve the text amendment. Mr. McDonough reiterated that models of successful urban farming are active in cities the country. He commented that urban gardening is a source of nutritious food and positive community development.

Ms. Kathryn Spann, spoke in favor of the ordinance and described how the ordinance amendment would work in conjunction with her farming occupation. Ms. Spann thanked the City-County Planning Department for the work that had been conducted thus far.

Chairman Foster closed the public hearing.

Commissioner Reckhow thanked citizens for bringing this issue before the Board. She expressed her approval of the amendment process and that farmers' markets may now operate in various locations within residential districts.

Commissioner Jacobs thanked citizens for their comments and work on this issue. She asked if there was an issue regarding composting. Mr. Stock stated that there was no issue with residential composting, but that there were discussions about the sale of composted material. Commissioner Jacobs inquired if surrounding counties had ordinances addressing farmer's markets. Mr. Stock responded stating that he was unclear of regulations for farmer's markets, but that there are other jurisdictions that adopted or were entertaining legislation for urban farming.

Vice-Chair Howerton thanked citizens for their comments. Vice-Chair Howerton asked if the issues surrounding composting would have an effect on selling produce and other items to the public. Mr. Stock stated that he was aware of state regulations regarding the generation and sale of composted material.

Ms. Spann clarified that there were two separate issues regarding composting: composted manure and composted vegetable matter.

Vice-Chair Howerton moved, seconded by Commissioner Reckhow to approve unified development ordinance text amendment, Farmers' Markets and Commercial Crop Production.

The motion passed unanimously.

Board Appointments

Chairman Foster requested the Clerk to distribute ballots for the following appointments:

- a. City-County Appearance Commission
- b. Durham County Hospital Corporation Board of Trustees
- c. Emergency Medical Services Council
- d. Farmland Protection Advisory Board
- e. Industrial Facilities/Pollution Control Financing Authority

The Board made the following appointments:

City-County Appearance Commission

Douglas R. Dorney – unanimous

Durham County Hospital Corporation Board of Trustees

Gail M.D. Belvett – Foster, Jacobs, Howerton, Reckhow
Karen Frush – Jacobs, Howerton, Page, Reckhow
Stephen Hancock – Jacobs, Howerton, Page, Reckhow
Theodore N. Pappas – Jacobs, Howerton, Page, Reckhow
Alan Portnoy – Foster, Jacobs, Page, Reckhow

Emergency Medical Services Council

Julie G. Mercer (Eno VFD) – unanimous
Jerry E. Sawyer, Jr. (Bethesda VFD) – unanimous

Farmland Protection Advisory Board

Alicia Butler (Business Representative) – unanimous
Anthony Lopez (Falls & Lick Creek VAD) – unanimous

Industrial Facilities/Pollution Control Financing Authority

Chris Kimaru – unanimous

Reserved for Items Pulled From Consent Agenda

Consent Item 9r. Approve Budget Ordinance Amendment No. 13BCC000070 in the amount of \$200,000 to implement Triple P (Positive Parenting Program) and create 1 provisional FTE program coordinator.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment Number 13BCC000070

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:
That the 2012-13 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$53,414,926	\$200,000	\$53,614,926

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$86,832,361	\$200,000	\$87,032,361

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

Approved April 22, 2013

This item was pulled by Commissioner Reckhow. She questioned the \$182,000 allocated for ancillary supplies. Ms. Gayle Harris, Public Health Director, responded stating that the Department of Public Health would receive approximate \$800,000 over thirty-nine months to complete the project in question. Ms. Harris continued saying that much of the \$182,000 allocation is for materials, which would be purchased in accordance with the project guidelines.

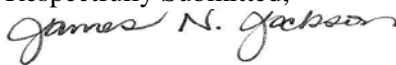
Commissioner Reckhow moved, seconded by Commissioner Jacobs to approve Budget Ordinance Amendment No. 13BCC000070 in the amount of \$200,000 to implement Triple P (Positive Parenting Program) and create 1 provisional FTE program coordinator.

The motion passed unanimously.

Adjournment

Vice-Chair Howerton moved, seconded by Commissioner Reckhow, to adjourn the regular session meeting.

The motion carried unanimously.

Respectfully Submitted,

James N. Jackson
Deputy Clerk to the Board