

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

Monday, February 14, 2011

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and
Commissioners Joe W. Bowser (arrived at 7:08 p.m.), Becky M. Heron, and
Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session — Pledge of Allegiance

Announcements

Chairman Page 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 daily, 4:00 p.m. on Mondays, and 6:30 p.m. 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.
- The Sixth Annual City-County Martin Luther King, Jr. Observance Program, previously scheduled on January 12, will take place on Wednesday, February 16, at noon at First Presbyterian Church on Main St. The keynote speaker for is Rev. Dr. David C. Forbes, a civil rights pioneer and senior minister and founding pastor of Christian Faith Baptist Church of Raleigh. The first Durham City-County Martin Luther King, Jr. Humanitarian Awards will be presented--one for a City employee and another for a County employee.
- The Board of County Commissioners want to hear from residents and will host three "Conversations with Commissioners" over the next few weeks. The first meeting will be held on February 24 at North Regional Library at 7:00 pm. Subsequent meetings will be held on March 1st at South Regional Library, and March 3rd at our Main Library at 7:00 pm.

Minutes

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to approve as submitted the January 24, 2011 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Heron, Howerton, Page, and Reckhow

Noes: None

Absent: Bowser

Proclamation—Marry Durham Day

Boosters of Durham created a way to honor their city by showing extreme civic pride and at the same time raise funds for five community nonprofit organizations that make the Bull City special. On Saturday, March 19, participants would host a wedding, parade, and a reception at 4:00 p.m. on Rigsbee Avenue near Motorco Music Hall downtown to publically demonstrate their love for the Bull City. During the “Marry Durham” ceremony, citizens would be asked to agree to “vows” that include keeping streets clean and safe, patronizing local businesses, supporting the arts and nonprofits, and more.

Eno River Association, Genesis Home, the Latino Community Development Center, The Scrap Exchange, and Walltown Children's Theatre would be the recipients of all monies raised during the unique event.

Crystal Dreisbach explained the history of “Marry Durham Day” and made brief remarks.

Chairman Page read the following proclamation into the record:

PROCLAMATION

WHEREAS, Durham has a rich and vibrant history and is widely known for its unique characteristics; and

WHEREAS, Durham’s former “rough around the edges” image has been replaced by a variety of national accolades including: “Home to Creative Class”, “Foodiest Small Town”, “Best Place to Retire”, “Best Place to Visit”, “Best Green City”, “Best Place to Start a Business”; and

WHEREAS, Durham is where well-known historians, authors, musicians, chefs, and entrepreneurs live and thrive; and

WHEREAS, Durham is home to more than 40 museums and galleries including the Nasher Museum of Art at Duke University and the N.C. Central University Museum of Art; and

WHEREAS, Durham is passionate about its sports and its dynamic support of its Bulls, Eagles, and Blue Devils; and

WHEREAS, Durham is recognized for its world class medical and research facilities; and

WHEREAS, this unique community sets an example for others to follow by protecting its natural resources and promoting its green spaces, including the American Tobacco Trail, Duke Forest, Eno River, and more; and

WHEREAS, Durham's residents are diverse, unpretentious, and civically engaged in all major issues of the day; and

WHEREAS, those professing a special affinity for Durham are strongly encouraged to dress up, attend this special ceremony, and affirm their commitment to Durham, and to support the fundraiser for five non-profit agencies that make Durham a better place to live:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim March 19, 2011 as

MARRY DURHAM DAY

in Durham County. I urge participants to repeat vows and promise to honor and cherish their beloved Durham by supporting the arts, patronizing local businesses, electing responsible leaders, and keeping the community safe.

This 14th day of February, 2011.

/s/Michael D. Page, Chairman

Chairman Page presented the proclamation to Ms. Dreisbach and Katherine O'Brien.

Consent Agenda

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

- *a. Approve Budget Ordinance No. 11 BOCC000050 with an increase of \$293,050 for the Crisis Intervention Program;
- b. Declare the personal property described herein as surplus; authorize the donation of the personal property to The Cheyenne and Arapaho Tribes EMS on the condition that the said property be used for the Cheyenne and Arapaho Tribes EMS Systems public purpose, and to authorize the County Manager to enter into an agreement which reflects the terms of the conveyance as set forth herein. A notice shall be published summarizing the attached resolution, and no conveyance may be executed until at least 10 days after the day the notice is published;
- c. Approve and award a contract to Infinity Fire Protection, L.L.C. for \$52,600.38 plus an additional contingency not to exceed \$5,260.00 for the installation of a new fire alarm system installation in the Main Library. The total contract is not to exceed \$57,860.38;
- d. Authorize execution of contracts with CareFusion, Claflin Medical Equipment, Fisher Healthcare and Patterson Dental, Inc. for the purchase of Clinical Equipment from the GSA Buying

- Program for Phase I of the Durham County Human Services building, in the total amount of \$702,493.89;
- e. Approve spending \$197,000.00 of the Inmate Welfare Fund Account for the purchase of Detention Kitchen facility equipment;
 - f. Authorize the County Manager to execute encroachment agreements with CSX Transportation Inc., and the North Carolina Department of Transportation (NCDOT) for the installation of a reuse water line in Durham County as part of the reuse water project;
 - g. Authorize the execution of the ERP project's technical upgrade services contract with Adea, Inc. A Division of Valtech for the ERP upgrade to SAP/ERP 6.0, not to exceed 980,580.00 to be paid from the Capital Project Amendment No. 10CPA000015 which appropriated \$2,500,000.00 to the capital project, ERP (Enterprise Resource Planning) Upgrade Project (42001910DC135);
 - *h. Approve Capital Project Amendment No. 11CPA000005 moving \$2,153,867 from two 2007 GO Bond funded DPS capital projects (Club Boulevard Elementary, Neal Middle School) to two other 2007 GO Bond funded DPS capital projects (Jordan High School and Lakeview Secondary School) and one 2009 COPS Bond funded DPS capital project (Lakewood Montessori Middle School);
 - *j. Authorize the proposed amendments to Chapter 24 Article III of the Durham County Code of Ordinances related to Parking; and
 - k. Amend the contract with One Source in the amount of \$132,232 to continue the DMIP Project.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a . Approve Budget Ordinance No. 11BOCC000050 with an increase of \$293,050 for the Crisis Intervention Program.

DURHAM COUNTY, NORTH CAROLINA
 FY2010-11 Budget Ordinance
 Amendment No. 11BCC000050

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

Category	Current Budget	Increase/Decrease	Revised Budget
<u>GENERAL FUND</u>			
Intergovernmental	\$80,194,012	\$293,050	\$80,487,062

Expenditures:

Function

GENERALFUND

HumanServices	\$113,761,763	\$293,050	\$114,054,81	3
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Allordinancesandportionsofordinancesinconfli ctherewithareherebyrepealed.

This14thofFebruary,2011.

ConsentAgendaItemNo.h. Approve Capital Project Amendment No. 11CPA000005 moving \$2,153,867fromtwo2007GOBondfundedDPScapital projects(ClubBoulevardElementary, Neal Middle School) to two other 2007 GO Bond funde d DPS capital projects (Jordan High SchoolandLakeviewSecondarySchool)andone2009 COPSBondfundedDPScapitalproject (LakewoodMontessoriMiddleSchool).

DURHAMCOUNTY,NORTHCAROLINA
 FY2010-11CapitalProjectOrdinance
 AmendmentNo.11CPA000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNT Y that the FY2010-11CapitalProjectOrdinanceisherebyamen dedtoreflectbudgetadjustmentsforthe followingprojects:

	<u>CurrentBudget</u>	<u>Increase/Decrease</u>	<u>RevisedBudget</u>
<u>Expenditures</u>			
NealMiddleSchoolProject (SH122)	\$12,733,761.92	(\$1,452,888)	\$11,320,873.92
ClubBlvd.Elementary Renovation(SH138)	\$5,077,356	(\$700,979)	\$4,376,377
JordanHighSchoolProject (SH125)	\$1,388,333	\$883,243	\$2,271,576
LakeviewSchoolProject (SH149)	\$1,895,229	\$65,878	\$1,961,107
LakewoodMontessoriMS/ YMCA(SH153)	\$9,289,780	\$1,204,746	\$10,494,526

Allordinancesandportionsofordinancesinconfli ctherewithareherebyrepealed.

This14thofFebruary,2011.

ConsentAgendaItemNo.j. Authorize the proposed amendments to Chapter 24 A rticle III of theDurhamCountyCodeofOrdinancesrelatedtoPar king.

ORDINANCEAMENDINGCHAPTER24OFTHE
 DURHAMCOUNTYCODEOFORDINANCES

WHEREAS, the North Carolina Legislature has, through Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to the County the power to regulate by ordinance the stopping, standing, or parking of vehicles in specified parking areas; and

WHEREAS, the Commissioners of the County of Durham, pursuant to their authority granted under Article 6 of Chapter 153A of the North Carolina General Statutes, enacted a Parking Ordinance to regulate parking stopping and standing in specified areas of the County; and

WHEREAS, the Board of County Commissioners wishes to amend the Parking Ordinance to address concerns of the public health, safety and welfare.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DO THOROUGHLY DRAIN:

1) That Chapter 24, Article III, Section 24-48 of the Durham County Code of Ordinances is hereby amended as follows:

Sec. 24-48. -Reserved

2) That Chapter 24, Article III, Section 24-49 of the Durham County Code of Ordinances is hereby amended as follows:

Sec. 24-49. Penalty; presumption.

(a) The violation of this article, or of any regulation enacted pursuant to this article, shall be punishable by a fine of \$10.00, or by the removal of the illegally parked vehicle from the property by the county, or an agent of the county appointed by the County Manager, to a storage area or garage, or both removal and fine.

(b) The owner, as a condition of regaining possession of the vehicle, shall be required to pay to the county all reasonable costs incidental to the removal and storage of the vehicle and any fine or penalty due for the violation.

(c) Violation of this article by a motor vehicle shall be deemed to have been caused by the owner thereof, or at his discretion.

3) That Chapter 24, Article III, Section 24-50 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-50. -Reserved

4) That Chapter 24, Article III, Section 24-64 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-64. Areas adjacent to county libraries, Main Street Library--lot # 4, Bragtown Branch Library--lot # 5, Southwest Branch Library--lot # 6, and Stanford L. Warren Branch Library--lot # 7, South Regional Library--lot # 36.

(a) Areas adjacent to the main library--lot # 4:

(1) The street address is 300 North Roxboro Street.

- (2) Lot #4 is hereby designated as a restricted parking lot.
- (3) Lot #4 is hereby designated for use by the patrons of the library, and for the use of the employees of the county, which have been assigned parking in the lot by the County Manager or his designee. Parking in lot #4 for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in lot #4 is hereby prohibited.
- (5) Four reserved parking spaces near the garage area assigned to library staff and library vehicles in the northwest corner of the parking lot.

(b) *Areas adjacent to the Bragtown Branch Library--lot #5:*

- (1) The street address is 3200 Dearborn Drive.
- (2) Lot #5 is hereby designated as a restricted parking lot.
- (3) Lot #5 is hereby designated for use by the patrons of the library, and for the use of the employees of the county, which have been assigned parking in the lot by the County Manager or his designee. Parking in lot #5 for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in lot #5 is hereby prohibited.

(c) *Areas adjacent to the Southwest Branch Library--lot #6:*

- (1) The street address is 3605 Shannon Drive.
- (2) Lot #6 is hereby designated as a restricted parking lot.
- (3) Lot #6 is hereby designated for use by the patrons of the library, and for the use of the employees of the County, which have been assigned parking in the lot by the County Manager or his designee. Parking in lot #6 for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in lot #6 is hereby prohibited.

(d) *Areas adjacent to the Stanford L. Warren Branch Library--lot #7:*

- (1) The street address is 1201 Fayetteville Street.
- (2) Lot #7 is hereby designated as a restricted parking lot.
- (3) Lot #7 is hereby designated for use by the patrons of the library, and for the use of the employees of the County, which have been assigned parking in the lot by the County Manager or his designee. Parking in lot #7 for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in lot #7 is hereby prohibited.

(e) *Areas adjacent to the South Regional Library--lot #36.*

- (1) The street address is 4505 South Alston Avenue.
- (2) Lot #36 is hereby designated as a restricted parking lot.
- (3) Lot #36 is hereby designated for use by the patrons of the library, and for the use of the employees of the County, which have been assigned parking in the lot by the County Manager or his designee. Unless otherwise permitted by the County Manager, parking in lot #36 for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in lot #36 is hereby prohibited.

5) That Chapter 24, Article III, Section 24-65 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-65. Area immediately east of the health and human services complex--lot #8

- (a) The street address is 414 — 500 East Main Street.
- (b) Lot #8 is hereby designated as a restricted parking lot.

(c) Lot #8 is hereby designated for the use of clients of the mental health, social services and public health departments and visitors to other County offices located in that building, and for use of the employees of the County who have been assigned parking in the lot by the County Manager or his designee. Parking in the lot #8 for any other purpose is hereby prohibited.

(d) Parking in other than designated parking space in the lot #8 is hereby prohibited.

(e) Duly authorized vehicles may stand temporarily while loading or unloading material at the loading dock or the other entrances to the rear of the Health and Human Services Complex provided however, that no vehicle shall block the access to the areas beneath the complex.

6) That Chapter 24, Article III, Section 24-67 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-67. Areas adjacent to the criminal justice resource center and sheriff's annex, formally known as the jail annex--lot #10, Roxboro Street parking--lot # 12, Liberty Street reserved--lot # 13, and Liberty Street County employees--lot #14.

(a) *Areas adjacent to the criminal justice resource center and sheriff's annex, lot #10:*

(1) The street address is 326 East Main Street.

(2) Lot #10 is hereby designated as a restricted parking lot.

(3) Parking in lot #10 is hereby designated for use by the patrons of the criminal justice resource center and sheriff's annex and for the use of the employees of the County, which have been assigned parking in the lot by the County Manager or his designee.

(4) Parking in other than designated parking space in the parking lot #10 is hereby prohibited.

(b) *Roxboro Street parking deck, lot #11:*

(1) The street address is 100 South Roxboro Street.

(2) Lot #11, which includes the entire Roxboro Street parking deck located on South Roxboro Street, is hereby designated as a restricted parking lot.

(3) Parking in the lot #11 is designated for the use of County employees which have been assigned parking by the County Manager or his designee.

(4) Parking in other than designated parking space in lot #11 is hereby prohibited.

(c) *Main Street parking, lot #12:*

(1) The street address is 325 East Main Street.

(2) Lot #12, which includes the entire Main Street parking lot located on East Main Street, is hereby designated as a restricted parking lot.

(3) Parking in lot #12 is designated for the use of County employees which have been assigned parking by the County Manager or his designee.

(4) Parking in other than designated parking space in the Main Street parking lot is hereby prohibited.

(d) *Liberty Street reserved parking, lot #13:*

(1) The street address is 326-A Liberty Street.

- (2) Lot #13, which includes the entire Liberty Street reserved parking lot located on Liberty Street hereby designated as a restricted parking lot.
- (3) Parking in the lot #13 is designated for the use of County employees which have been assigned parking by the County Manager or his designee.
- (4) Parking in other than designated parking spaces in lot #13 is hereby prohibited.

(e) *Liberty Street County employees parking, lot #14:*

- (1) The street address is 326-B Liberty Street.
- (2) Lot #14, which includes the entire Liberty Street County employees parking lot on the corner of Liberty Street and Queen Street is hereby designated as a restricted parking lot.
- (3) Parking in lot #14 is designated for the use of County employees which have been assigned parking by the County Manager or his designee.
- (4) Parking in other than designated parking spaces in lot #14 is hereby prohibited.

7) That Chapter 24, Article III, Section 24-69 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-69. Areas behind the animal shelter, lot # 19 and Animal Control Office, lot # 35.

(a) Areas behind the Animal Shelter, Lot #19.

- (1) The street address is 2117 East Club Boulevard.
- (2) Lot #19, which includes the parking area immediately behind the animal shelter is hereby designated as a restricted parking lot.
- (3) Lot #19 is hereby designated for use by the patrons of the animal shelter, animal shelter employees and employees of the County. Parking in the lots adjacent to the animal shelter for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in the parking lots adjacent to the animal shelter is hereby prohibited.

(b) Areas Adjacent to the Animal Control Office, lot #35.

- (1) The street address is 3005 Glenn Road.
- (2) The parking in lot #35 is hereby designated as a restricted parking lot.
- (3) Lot #35 is hereby designated for use by the patrons of the animal control office and for the use of the employees of the County which have been assigned parking in the lots by the County Manager or his designee. Parking in lot #35 for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in lot #35 is hereby prohibited.

8) That Chapter 24, Article III, Section 24-79 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-79. Foster Street, lot #37.

- (1) The street address is 315 Holland Street located on the 200 block of Foster Street across from the entrance to the Durham Convention Center and adjacent to the Durham Armory.
- (2) Parking in lot #37 is restricted to hourly parking as posted only.

(3) Parking in other than designated parking spaces in lot #37 is hereby prohibited.

9) That Chapter 24, Article III, Section 24-80 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-80. Triangle Waste Water Treatment Plant, lot #38.

(1) The street address is 5926 Highway 55.

(2) The parking in lot #38 is hereby designated a restricted parking lot.

(3) Lot #38 is hereby designated for use by the patrons of the Triangle Waste Water Treatment Plant and employees of the County. Parking in lot #38 for any other purpose is hereby prohibited.

(4) Parking in other than designated parking spaces in lot #38 is hereby prohibited.

10) The Chapter, as amended, is effective upon enactment, this the 14th day of February, 2011.

Reserved for Items Removed from Consent Agenda

Consent Agenda Item No. i. Approve Capital Project Amendment No. 11CPA000006 moving \$1,004,114.63 from three completed projects, one cancelled project, and another close to completion 2003 GO Bond funded DPS capital projects (Spaulding Elementary, Club Boulevard Elementary, Durham School of the Arts, New Middle School 'B' Land, and Pearsontown Elementary) to four other 2003 GO Bond funded DPS capital projects (Lowe's Grove Middle School, Morehead Elementary, Shepard Middle School, and Bacon Street Center).

Chairman Page removed this item from the consent agenda to allow signed speaker Dr. E. Lavonia Allison, representing the Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, to comment.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve Consent Agenda Item No. i.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
 FY 2010-11 Capital Project Ordinance
 Amendment No. 11CPA000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
C.C. Spaulding ES (SH079)	\$9,467,964.64	(\$11,849.52)	\$9,456,115.12
Club Boulevard ES Addition (SH115)	\$2,545,200	(\$276,222)	\$2,268,978

Durham School of the Arts (SH086)	\$6,982,250.37	(\$92,645.65)	\$6,889,604.72
New Middle School 'B' Land (SH084)	\$581,981	(\$539,397.46)	\$42,583.54
Pearson town Elementary (SH105)	\$84,000	(\$84,000)	\$0
Lowe's Grove Middle School (SH097)	\$10,197,400	\$210,280	\$10,407,680
Morehead Elementary (SH108)	\$4,743,304	\$91,184.63	\$4,834,488.63
Shepard Middle School (SH107)	\$9,798,400	\$502,650	\$10,301,050
Bacon Street Center (SH130)	\$1,468,000	\$200,000	\$1,668,000

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

This the 14th of February, 2011.

Durham Public Schools—Purchase of Property for New High School 'A'

On June 17, 2010, the Board of Education approved the selection and purchase of real property for New High School 'A'. The property is located at 2900 Duke Homestead Road, currently owned by Duke University. The proposed site is approximately 58 acres in the eastern portion of the 93+ acres tract. This school project is funded by the 2007 Bond including land acquisition, design, and construction.

On January 28, 2011, the Board of Education approved a request to put the design and construction of New High School 'A' on hold until a detailed review of capital needs and funding for the next several years can be completed. The Board agreed that the purchase of the Duke Homestead property should be completed upon County Commissioner's approval.

The Board of Education requested the County's approval of the purchase price. The purchase price negotiated with Duke University was \$4,100,000. This price was based on a combination of the cost of land and Duke's cost to relocate existing facilities. An MAI appraisal was performed.

Per Commissioner Bowser's request, the discussion of this item was written verbatim into the records as below:

Chairman Page: Tonight, we have Dr. Eric J. Becoats, Superintendent, present, and Hugh Osteen, Assistant Superintendent of Operational Services, as well as Tim Carr, Construction & Capital Planning Program Director, present to introduce this item. I also want to recognize the presence of two School Board members who are present: Natalie Beyer and Nancy Cox. Thank you for being here.

Gentleman, are you ready? I wasn't present at the last meeting, but I understand that this item was not passed, but you have come tonight to bring us additional information.

Dr. Becoats: Good Evening, County Commissioners. Thank you for the opportunity to share some additional information with you. Staff had the opportunity to discuss this item at your last Monday's committee meeting, and since that time, we've had additional conversation with various Commissioners in reference to the process and why we're bringing this item to you for approval. What I would now like to do is just share some additional information, and I think that it's important, not only for the Commissioners but also for the members of our community.

In November 2007, there was almost a 4-1 approval of the bonds, which included this high school. From 2008 through 2010, our staff has worked extensively on trying to identify the appropriate parcel of land. We feel as though that this piece of land, which is located within the city limits, will allow the school district various opportunities for enhancing diversity when the boundary lines are drawn for such school. In June 2010, this past year, the Board of Education did approve the Duke Homestead's land for acquisition, and in January 2011, we followed back up with the Board and shared additional information as it related to acquiring this land. We felt as though at that time, we should proceed with acquiring the land, but we would continue to do further analysis as it relates to the actual construction of the school.

Tonight, we're here seeking approval on the price for this land of \$4.1 million. The question was also asked "why now". And I think several things are important to know, (1) this is an item that was approved by voters in 2007, and in addition to that, the bond has been sold, and it's our understanding that the capital dollars are currently in the bank. We do not believe that this will have a negative economic impact on our County; so, we are respectfully asking the County Commissioners to approve this item so that we can proceed with the business at hand.

Those are the updates that we have for you this evening, and I am available as well as staff to address any questions that you may have.

Chairman Page: Okay, thank you, Dr. Becoats. Are there any questions for staff?

(Commissioner Howerton raised her hand for questions.)

Commissioner

Howerton: Thank you, Chairman Page. I have a couple of things. And first, I have a statement I want to say. Monday, at our work session, we had kind of a rushed meeting, trying to get this approved, and we were coming down to the last minute there trying to rush through it. I think you guys had about 10 minutes to present to us. So, tonight, I'm really wanting that to be

communicated to the public is that when we push back that we did want to approve it on Monday, there was some questions that needed to be answered, and reading the papers the next day, I want the community to know and the people here, I absolutely support the Schools

Our papers sometimes, I'm not sure what they're reporting, but to report that I don't support the schools is absolutely not true. I've spent two wonderful days in the school system this past week—one at Durham School of the Arts and another day at one of the other schools. It was very rewarding to do that, to get to see what the teachers and the principals, just hanging out with the kids for a while. It just kind of upset me too, when I read the paper after we have a session and the first thing I read is that I don't support the schools. I just want the community to know what gets reported and what is really said. And I think it's my job as an elected person, as a leader in this community, to ask the questions that I have some uncertainty about, and to get those questions answered before I vote. So, that's what I do. I ask the questions and expect to get the answers before I make a decision. So, you have answered some of my questions. I've talked with you on the phone, and I've also talked with Minnie Forte and gotten some of the questions answered. Particularly the ones around, we talked about that there was a statement about no more construction for now, that that would be put on hold. I understand that the bond had been voted on, but the question and concern that we had was around given the budget crisis right now and also charter schools and how the charter schools is going to affect building a new school, and what I heard from you is that it's not about building a new school right now; it's land banking. Am I accurate on that?

Dr. Becoats: We are trying to take advantage of the investment. According to the sale price we feel as though we have an 85% of market value, so we feel very strongly about this price and feel as though we have equity in the land. So, at this time, it is about purchasing the land. And we will continue to do further analysis on the need as it relates to construction.

Commissioner
Howerton: Would you also speak on the charter schools, how that would impact or not impact the Durham Public Schools as far as the high schools?

Dr. Becoats: In reference to charter schools, what I would say is this—we know that they exist; we know that the legislation is enabling charter schools to increase throughout the state. That has not been finalized as of yet. But our plan is to make sure we're able to adequately serve the 32,500 students that we have in the district. This is the first year in the last few years that we've seen an increase in our enrollment, and we're expecting that that trend will probably continue... probably not at the rate we may have seen in the past, but we do expect for that to continue. And again, it is our belief that we have to make sure we are addressing the needs of the students that we serve in this community. On a side note, I will share with you that we've also seen evidence that shows that we are seeing increases with the number of

students who are coming out of charters back into public schools, especially at the high school level.

Commissioner

Howerton: If the school is built, which is not going to happen right now, you're saying that the charter schools do open up, it's not going to impact high schools? Is that what you're saying?

Dr. Becoats: Based upon the information we have right now and the plan that we have in place, we do not feel as though that we will experience a negative impact. So, our recommendation is to purchase the land and continue to do analysis on the need for construction.

Commissioner

Howerton: Okay, thank you.

(Chairman Page called on Commissioner Bowser.)

Commissioner

Bowser: Commissioner Howerton, I did not read that article, but certainly, I was one of the ones who spoke against moving forward with his last Monday; and if the paper actually said that, I'm appalled because of the fact that we both have been very supportive of the schools. We can roll back to last budget year, and we both participated in marches. We worked with those who were trying to increase funding in the school system. Out of the five Commissioners up here, I think I saw you most, and I participated in all of them. So, I'm appalled that the paper would say that; but you know, that's the game that they play here in the community. Having said that, I have a couple of questions for Mr. Ruffin.

I spoke with Dr. Becoats this afternoon, and you know, straight up told him that at this point, I'm not in favor of land banking because of our budget crisis we're in. This \$4.1 million—and he's already stated that the money has been borrowed, do we have to spend that money or can we pay it back against those bonds now?

County Manager

Ruffin: You don't have to spend the money. Money's in the bank, and if you choose to dispose of it by returning it to the lender, certainly that would be fine. It doesn't have to be spent. You just have permission to spend it from the voters.

Commissioner

Bowser: Right, the voters gave us that permission. I understand that. Now, when we went out for these bonds, were we specific to the voters that we were going to use these monies to land bank? Was the bond proposed as such that we would move forward with building now?

County Manager

Ruffin: We anticipated that we would get a question on that, so let me recognize Deputy County Attorney Carol Hammett to respond.

Ms. Hammett: I'm glad you've raised these issues. When you talk about land banking and having no purpose for the school right now, it concerns me. When we went out to bid, no, when we went out for the bond in 2007, it was specifically—and I have the order here—for erecting additional school buildings, providing additional school facilities, planned facilities, remodeling, enlarging, reconstructing and acquiring necessary land, furnishings, and equipment therefor; it is not for land banking. The purpose of the bonds was for school purposes. So, you have to have a school purpose in order to expend these funds. Land banking is not something that these funds are proposed for. They can be used for other school purposes; they don't have to be for New High School "A". They can be for administrative buildings; they can be for anything related to a school purpose. So, if there's a school purpose, then the purchase of the site would be proper. If there is no purpose and essentially land banking, as you asked the question, then I think we have a problem with expending the funds for land banking.

Commissioner

Bowser: That has been a trouble spot for me for a while. I remember when this Board purchased the property without my vote over on MLK last year for the middle school—again, land banking. And when we went out to the voters, I remember this very well. When we went out to the voters, we went out to them as if we were going to use this money to erect needed buildings and upgrades to the present facilities, not for land banking. So, I think that the public needs to know that. And it has already been said, it's land banking. It was said last Monday, and it's been said here tonight.

Okay, Mr. Manager, if we expend this \$4.1 million, when do we have to start paying it back? Or are we already paying the money back?

County Manager

Ruffin: I'll let George may be respond about that. We have borrowed funds; we have not yet issued bonds, but we have borrowed funds.

Commissioner

Bowser: I'm specifically talking about the 2007 bonds.

County Manager

Ruffin: I'll let George explain.

Commissioner

Bowser: Include the \$4.1 million that they want to use tonight.

Finance Director

George Quick: The bond funds that will be used for this acquisition are part of the 2007 referendum, and in that particular referendum, the credit facility is structured such that we issue what is bond anticipation notes as the funds are needed. So, these funds are not in the bank; these funds are part of a commitment from the bank that when we need them, we would ask them and they would fund the loan. And once these funds along with other outstandings under our facility reach a level of say \$50 million, then we would go out and do long-term funding. This is exactly what we did earlier this year when we issued \$60 million in Build America bonds and General Obligation bonds. They were used to pay out the outstanding (inaudible statement). We would do the same thing again once we build up a \$50 million mass.

Commissioner
Bowser:

George, since you are there, for the sake of discussion, suppose this item is approved tonight and the month of March 2011, you go ahead and draw down that money, when do you have to start paying it back and how much in debt service would it cost us in each installment?

Mr. Quick:

When we draw that down, we'll be paying something—what we're paying right now—about 1% on the principal. We would not be making any principal payments until probably 2013 when this \$4 million, along with another \$46 million, is advanced, and we get our \$50 million mass, then we will go to the market and issue a 20-year bond and start to repay the principal and interest.

Commissioner
Bowser:

I know that you can't give me an exact figure, some kind of ballpark figure, what would it cost us in debt service on this \$4.1 million?

Let me ask Superintendent Becoats something. I saw this in the paper, something about relocating research facilities. Is that included in this \$4.1 million or is that additional cost we are going to incur—relocating Duke University Research facilities that is on that property?

Dr. Becoats: Yes, it is.

Commissioner
Bowser:

It's included in the \$4.1 million?

Dr. Becoats: Yes.

Commissioner
Bowser:

Okay.

Mr. Quick:

On \$20 million for 20 years, the bonded debt runs about \$75,000 a million. So, if we want to take a 1/5 of that, we're talking about \$15,000 per year for the \$4 million that you're talking about.

Commissioner

Bowser: \$15,000wouldpaythatbackin20years?On \$4.1million?

Mr.Quick: Yes.

CountyManager

Ruffin: It's\$75,000permillionperyear.That'sa roughnumberthatweuse.

Commissioner

Bowser: Ithoughthesaid\$15,000.

CountyManager

Ruffin: Hemisstatedit.

Mr.Quick: It'smorelike\$300,000.

Commissioner

Bowser: Now,wherewouldthat\$300,000comefrom,Mr.Manager?

CountyManager

Ruffin: Wellbasedonthevoterapproval,generalpropertytaxeswouldbeusedtopledgetopaydebtservice.

Commissioner

Bowser: Now, Mr. Superintendent, how many teachers would \$300,000 fund in DurhamPublicSchools?

Vice-Chairman

Reckhow: That'sover20years.

Commissioner

Bowser: I'mjustspeakingforoneyear,andwecan multiplyithowwewantto.

Vice-Chairman

Reckhow: Youwouldhavetodivide\$300,000by20.

Commissioner

Bowser: And you don't have to answer this, Dr. Beco ats, but my point is... Dr.Becoatsstatedtomethisafternoonthatthevo tersapprovedthisin2007. Iknowthat,butwearealsogoingtohavetopayitbackeachyear.And eventhoughit'sborrowedmoney,we'repayingitbackwithgeneralfund money—moneythatweuseto gointothe classroom.Andthisisthepoint I'mtryingtomake.Ifwelandbankthisfund,next year,we'regoingtohave \$300,000lesstoputintothe classroom,andthepeoplearegoingto come afterus,andIdon'tthinkit'sfairduringthese hardeconomic times,andour taxesareteeteringonthebreakofdisaster.

Vice-Chairman

Reckhow: That's \$300,000 over 20 years.

Mr. Quick: What I said is that when we borrow that four and a half million dollars, the cost over the next two, maybe even three, years, if what we're repaying now is any indication of that, it's probably less than 1%.

Commissioner

Bowser: George, you know the public is listening, and we're going to borrow \$4.1 million, there's no way in the world we can put \$15,000 a year towards that and pay it back in 20 years.

Mr. Quick: The question was...the statement that you made was...we'll start the \$300,000 next year, and what I'm suggesting to you is that we will not start it next year. We will not start it the year after that. We will be paying for that money to the tune of 1% for the next couple of years until we get to the \$50 million level, and then when we go out and put it on 20-year basis, then we'll start paying the principal and interest. So, the savings that you're talking about would not be the \$300,000 per year but it will be what amount to about 1% on \$4 million, which would be \$40,000.

Commissioner

Bowser: Anyway, we have the \$4.1 million, and we have to pay it back. It's not different from someone in this audience or people within the sound of my voice, listening to me in TV land, borrowing \$4 million, you're going to have to pay it back, and \$15,000 a year is not going to get it. \$300,000 sounds more like it in 20 years, and that's the point I'm trying to make. Let's just leave it right there. I don't want to debate this any longer. But I'm trying to make a point is, that even though the voters approved bond money to be spent for facilities, we have to pay that money back with general fund money, and we are suffering right now for money. We knew what happened without our school system last year, and the same thing may happen this year. So, it's beyond me that we would bank land and pay expensive price for it when we know we're going to have to pull money out of (inaudible), the same money that goes into the classroom and years to come to pay this money back. So, my point is made, and I'll leave it at that.

(Chairman Page called on Vice-Chairman Reckhow.)

Vice-Chairman

Reckhow: Well, I guess I want to follow up on Commissioner Bowser's comments in the sense that while legally, according to the County Attorney, we did not commit to a high school site or high school. We did send brochures out to every voter in Durham County as an informational item in advance of this referendum, and in the brochure was a list of all of the school projects. Isn't that correct, Deborah? (Assistant County Manager Deborah Craig-Ray nodded in agreement.) So, on the list was a high school, new high school, and in all the public information, it was specifically to help relieve

overcrowding in northern and southern Durham, basically for two high schools, primarily Jordan and Riverside, but that was the word out there. It was covered in numerous newspaper articles, and it was in a brochure. Now, I know legally we're not bound to build a high school; but the citizens of Durham who voted for this went to the polls knowing a list of projects, whether it was Shepard Middle School or whatever the project, there was a list out there. And that's what they thought they were voting on. Now, I know conditions change, and I think that our school board has responded to the changed conditions in a responsible manner. The re has been a flattening out of the growth, and as I understand it, Riverside High School is pretty much where they were a couple of years ago. Jordan's enrollment, but they're still both over capacity. They still have more students than they should have ideally. Now, why would we want to, and let's not use the word "land banking". What we're basically doing is buying a site for a future high school. Why would we want to do that? Well, the school district has been looking for a proper site for over two years. And I remember when they started; they were looking in the fall of the bond referendum because they wanted to get a jumpstart and were hoping the bond would pass, so they were starting to look. So, they've been looking for over two years, and the truth is...it's hard to find 60 acres that are near major roads, that are on bus routes, it doesn't have environmental problems, and you can go on and on. And what did they find? The first site they found had all kinds of problems, and there was a hue and cry in the community; they decided to back off. Now, they found another site, and there's no hue and cry, and everyone seems very comfortable. We never hear from the happy folks; we always hear when people are unhappy. And I haven't heard from one unhappy person about this site. This site happens to be on a newly improved road. The City widened Stadium Drive a number of years ago. It is on that road. It is near a bus route; it is relatively flat; it is a good, solid site. Now, we're not making any new land in this community, and we continue to see development, even in these rough times, which is a good thing. For the school district to just sit and wait and hope that a large well-located site will be available in the future doesn't make sense to me. When we were having the grand opening for the Durham County Memorial Stadium, I did a little research on the stadium site, and it was the first Board of County Commissioners in the 1880s that bought hundreds of acres of land in northern Durham where the hospital and the stadium now stand. Now, those commissioners had some vision. They stepped out and bought property knowing that this brand new County that had just been formed would need facilities. And I would say to you that unless we're going to stop growth and development in Durham, there will be a need for more school facilities. So, buying land for future school facilities is a good thing. And when you spend over two years searching and you finally find a site that everyone is agreeable, now is the time to get it. We're actually getting it at a good time because the market is depressed. If we wait it for the economy to come back, five years from now, you go and do an appraisal, we would have to spend 30% more. My feeling is...you buy the site, the school board has a good plan, reevaluate the situation; I think it's the way to go.

ChairmanPage: Thank you, Commissioner Reckhow. (He then called on Commissioner Heron to comment.)

Commissioner

Heron: Well, I think Ellen pretty well covered the waterfront on some of the things I had on my list here, but I do think that the cost of land is not going to get any cheaper. This particular site was the site that Duke used some years ago to house animals for research. My son and husband, I hate to say, well, I'm not going to say it. They used to go out there a lot and walk the area. It's beautiful land. Utilities are all there; everything is there. And the cost of land, particularly in an area like this, is not going to get any cheaper. And I think it's a good investment for the County and the school system to go ahead and make the effort to buy this land and we will use it, when we need it, but one thing is for sure, every grain of sand on that land is going to be worth more and more as the years come forward here because they're not making any more land, folks. This site is just a good site, and I think the school system is very wise to move forward with this, and we would be even wiser to go ahead and approve this; and if at some time we find out that we don't need the land, the land is not going to get any cheaper. It's an investment. So, I say let's move forward with it at this time because it's just the thing to do, particularly at this time.

ChairmanPage: Thank you, Commissioner Heron.

Dr. Becoats, I want to ask you a question, your staff or whomever. Commissioner Howerton asked you a question about the proposed date of this; I think that was pretty much what she asked you. When do you foresee—and I'm going to take the two questions and bind them together—in terms of planning strategically for growth in our school system? When do you really see a building date for this particular school proposed perhaps?

Dr. Becoats: What I would share with the Commission is that right now, staff is in the process of reviewing our enrollment and our data, and we would expect to bring something back to our board sometime maybe in the next two to three months, and maybe we would be able to give you a better estimate on the actual build out date for this particular land.

ChairmanPage: Can I ask you this—is it more than five years?

Dr. Becoats: It may not be.

ChairmanPage: The research center, and I wasn't there last week, this research center—can somebody speak to that. It's on the property?

Commissioner

Heron: This is where they have had an animal that they used in research years ago.

ChairmanPage: So, that's going to be on this property—not in conjunction?

Vice-Chairman

Reckhow: No.

Commissioner

Heron: No, it's gone now.

ChairmanPage: And then the other question I wanted to ask you in return. I used to work in contingency banking, and it seems like "land banking" is not a good word. Contingency banking... you really could decide later on down the road that you don't want this, even if you invest in it now. The attorney is giving me some eyes, but you have the option to sell it. Basically, you're investing in it now and you know, five years down the road, you can say, this is not really what we want in the right area.

Ms. Hammett: Can I speak to that? There are limitations with the bonds. So, if they bought it and facility needs assessment came back and showed several years down the road, they don't actually need it, they can sell it, but the proceeds would go back into the bond funds and be used for schools. So, it's not an investment that you can flip the property and use it for other needs. It always remains those school bonds, so the purpose needs to remain with those funds.

ChairmanPage: And then my last question goes with one of the comments I think Commissioner Bowser made, I believe. These monies were approved by the voters—bond money, right? If we did not use this, I think whoever spoke regarding the teachers, we could use this money for teachers. We couldn't use this money for teachers—

Commissioner

Bowser: I didn't say that. Let me be clear before you go any further—

ChairmanPage: I'm asking a question.

Commissioner

Bowser: I said that we have to use the money that we fund teachers with to pay this money back. I did not say we would use this bond money for teachers.

ChairmanPage: Commissioner Bowser, could you let me finish? I was asking a question to make sure I understood what you said.

Commissioner

Bowser: You ask me then if you want clarity.

ChairmanPage: Anyhow, so this is totally bond money that would be used for capital needs? Is that correct? (Deputy County Attorney nodded in agreement.) Okay, thank you.

Alright, any other questions? (He called on Commissioner Howerton.)

Commissioner

Howerton: I just have one more thing to say. I want to just thank Dr. Becoats for giving more clarity to this. They think it was just shortsighted on our side as Commissioners that we didn't allow for the time on Monday to have your representatives be able to explain this and give us clarity around the questions. I just want to say "thank you" for coming tonight to give us that—those explanations.

Dr. Becoates: You're welcome.

Chairman Page: Okay. Thank you, Dr. Becoats. I'm going to open—

Commissioner

Howerton: One more thing—and this is for the Manager. As we talk about planning for five years down the road with our strategic plan, I hope we're going to connect with the schools' strategic plans so that it's connecting.

County Manager

Ruffin: Absolutely.

Chairman Page: Thank you, Dr. Becoates. I'm going to open... we have several citizens who have signed up to speak on this item. (He recognized Dr. E. Lavonia Allison, Victoria Peterson, and Jackie Wagstaff for comments and designated three minutes for each person to speak.)

Chairman Page: (Upon completion of the citizens' comments) This matter is now back before the Board.

Commissioner

Bowser: Let me ask Dr. Becoates a question, and it concerns one of the statements that I think Ms. Wagstaff made. Did we ask Duke to donate this property? Did we even approach them from that standpoint? Or did we ask them to give us a better rate on the property?

Dr. Becoates: It's my understanding—I've spoken with Hugh before I came up here—we have been in negotiations with Duke in reference to this specific item.

Commissioner

Bowser: And they weren't willing to donate or give us a better price?

Dr. Becoates: I think we did due diligence and made sure we were getting the land at a price that is definitely less than market value.

Commissioner

Bowser: I know you said 80-85% of market value.

Dr. Becoates: Yes.

Commissioner

Bowser: What about 50%?

I'm going to say this before we vote on this item, and obviously, you know that the majority of the Commissioners are going to vote to move forward with this. I want to look at something else concerning this problem. You will have two high schools within two miles of each other—Riverside and this one. Furthermore, if you look down the road just a little ways, you'll see Northern High School. You will have three high schools clustered up in the area where the population is probably 50-75,000 people, and I don't know how many children that would translate into, but it's obvious that the majority of the children would have to be bused to those schools in order to bring them to any capacity in that area. And I questioned that last Monday, why would we even consider putting one high school up against another. And I tried to look around the state to see if other communities are doing that—of our size, not large communities like Wake County but communities like Durham County and smaller—to see if they are putting high schools together like that. And I just don't see it. And I wonder what the rationale is behind that. I'm sure there is some or one rational effort for doing that, but that is something I want to put on the table tonight and want to make sure that that's a part of the minutes also.

The other thing I want to reiterate is to my Board that when we went to the public, we did not go to them to purchase land to just lay it aside like we did over there at Hillside the last 15 or so years and not have a use for it. The last thing I will say is... someone on this Board has bragged about land is not going to get any cheaper. We're going to have a revaluation here in a few years, and if this economy does not change, and even if my voice I want you to hear this, the value of property is going to go down in Durham big time. It's not going to be small, and many of you who are listening to me know what is happening now. Most properties in Durham, the tax value is higher than the resale value right now simply because we had a revaluation before this recession sank in, and people know this. So, I beg the Commissioner partner who said that.

Vice-Chairman

Reckhow: I wanted to respond to a few points that the speakers made. First of all, the purchase price that we're paying is still even with the relocation cost is still less than the full market value for the land, so we are getting a good deal. And the second point is... I heard the comments on the diversity issue and the bussing, and I agree with you that can be a real concern. I actually think that in this location it is not. The original site—the first site that the Schools picked—I had a concern about that because that was on the edge of our community; it was out in the far west boundary practically of Durham.

County, and I think that there would have been also to extra bussing. There was no bus line out there. And I think diversity would have been more of an issue. In this location, we're pulling in closer to town than Riverside is. We would be a bus route. I think that when district does red the lines, they can make it so families—inner-city families—could have shorter drives to this news school, and that could be a real benefit for our families. So, rather than put a news school site out in a cow pasture on the edge of the community, the district is going with land that's really centrally located, and I think we'll find that school in very good stead, so they won't have to drive five/eight miles out to the school. So, that would be a very good thing.

(Chairman Page left the room; Vice-Chairman Reckhow assumed the role as preside and called on Commissioner Howerton.)

Commissioner

Howerton: The question I have is for Superintendent Becoats. There was a conversation—a question—about need. There was a statement in the paper about a thorough investigation or analysis of the need for construction, and it's been mentioned tonight as well. Has that been done? I have not seen anything on it that would include Southern and Hill side. Has that been done at all?

Dr. Becoats: We're in the process of completing that actual analysis now. I had mentioned that earlier. We had begun to look at our numbers, but we need to do some more work as it relates to the projections for three to five years and then see how that applies to our capacity that we have within the district.

Commissioner

Howerton: Why was this brought out before that an analysis was complete?

Dr. Becoats: Because based upon our projections, we know that there's still a need.

Commissioner

Howerton: Even before you complete the analysis?

Dr. Becoats: That is correct. Riverside and Jordan are still over capacity, just not to the degree they were before.

Commissioner

Howerton: And you don't know about the other schools?

Dr. Becoats: The other schools, we do know that some of the other high schools are under capacity.

Chairman Page: Dr. Becoats, while you're standing there, let me ask you another question. I just saw two other school board members here. I think Dr. Allison raised a point in terms of policies and diversities in schools, and I was listening to

Commissioner Reckhow in the back as well. Is the School Board/Board of Education, have they made any kind of resolution so to speak in regards to this particular school, the diversity of the school, where it's going to draw from and that kind of thing? Has that been talked about?

Dr. Becoats: We have not had specific discussions in reference to the actual attendance line for this school. However, I would say to you that the Board of Education does have guidelines and goals as it relates to diversity, and that is what we follow and that is what we will continue to follow. An example I would use is Sandy Ridge Elementary. The goal was not to create more schools that had high concentrations of students in poverty or to have more schools that were racially isolated, if you will. So, what we did as an establishment, we made sure that that was an open enrollment and it would be a school of choice to allow for diversity. So, I would say that that's one example of the board's commitment to moving forward with that initiative.

Chairman Page: So, this matter is back before the Board.

Vice-Chairman

Reckhow: Mr. Chair, I would move that we approve the purchase of this property at the price negotiated.

Chairman Page: Is there a second?

Commissioner

Heron: I will second it.

Chairman Page: It's been moved by Commissioner Reckhow, seconded by Commissioner Heron, that we purchase the property for the school. All in favor of the motion, please indicate by saying "Aye".

(Heron, Howerton, Page, and Reckhow voted "Aye".)

Chairman Page: All oppose.

(Bowser opposed the motion.)

Chairman Page: The motion carries 4-1 that we will purchase this property. Thank you so much.

Advance Public Comments on the FY 2011-2012 Budget

County Manager Mike Ruffin introduced this item.

The Board was requested to hold an Advance Public Comment session to receive public comments for the FY 2011-2012 Budget. Public input was solicited on issues which may need to be addressed during the budget process. "Conversations with Commissioners" also gives an opportunity for public input into the budget process.

The County Manager's Recommended FY 2011-2012 Budget would be presented to the Board of Commissioners on Monday, May 23, 2011, with individual budget worksessions with the Board to be scheduled for the period May 24–June 15, 2011. Final adoption of the FY 2011-2012 Budget Ordinance is scheduled for Monday, June 27, 2011.

Additionally, comments can also be e-mailed to commissioners@durhamcountync.gov.

Chairman Page called the following signed speakers forward for comments:
Kae Huggins, representing Durham County Nursing Home Community Advisory Committee, 706 Clearview Lane, Durham 27713, requested funding to provide stipends for the NHCAC members.

Chairman Page requested that the County Manager provide to the Board a list of Durham County boards and committees that receive stipends for their members and the amount of each stipend.

A light discussion was held regarding stipends for the Adult Care Community Advisory Committee members.

Commissioner Heron suggested that the Board look into all of the County boards and committees in regard to stipends.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, urged the Board to amend its contract or policy to allow Durham County contractors to receive priority on County projects. She also requested funding for jail improvements.

Jackie Wagstaff, PO Box 52598, Durham 27717, beseeched the Board to scrutinize budget requests from Durham Public Schools and other County organizations and facilities.

The Commissioners asked questions pertaining to the citizens' comments.

Per Commissioner Howerton's request, Chairman Page asked the County Manager to arrange a tour of the Durham County Jail for the Commissioners.

Chairman Page recommended that in preparation of the upcoming budget, the Commissioners should spend a day touring each of the County's facilities. He directed Clerk to the Board Michelle Parker-Evan to poll the Commissioners on potential facilities and dates.

Per request by Commissioner Howerton, County Manager Ruffin consented to following up with Research Triangle Park regarding a tour of its facilities.

Vice-Chairman Reckhow asked the County Manager to follow up on the Board's letter to the Research Triangle Foundation providing feedback on the Foundation's strategic plan presentation.

Vice-Chairman Reckhow expressed desire in the County Manager following up with her email pertaining to conducting a survey on the top 10 counties.

County Manager Ruffin informed Vice-Chairman Reckhow that the report would be available in early to mid April.

Chairman Page reiterated the dates for “Conversations with Commissioners”, budget work sessions, and the County Manager’s Recommended Budget presentation.

2011 Durham County Legislative Agenda

Staff conducted the first discussion of the proposed legislative items with the Board at its February 7 Worksession. The goal was to prepare a strategic, focused package of legislative items that could be aggressively supported by members of the Durham Delegation.

Chairman Page reminded the Board that a breakfast meeting would be held on February 18 at 8:00 a.m. with members of the Durham Delegation to go over the legislative agenda package.

Deborah Craig-Ray, Assistant County Manager, presented the following Durham County local priority goals:

1. Seek legislation to establish a \$10 permit application fee in addition to the \$5.00 fee for each pistol permit issued. (*Submitted by Office of the Sheriff*)
2. Seek legislation promoting utilization of 9-1-1 Centers by Protecting Confidentiality. (*Submitted by Commissioner Reckhow*)
3. Seek legislation to create Enhanced Protection for Victims and Witnesses.
4. Seek legislation to levy a 1% Payroll Tax on Non-Durham Resident Workers. (*Submitted by Commissioner Bowser*)

Commissioner Bowser asked that Item No. 4 be removed from the list as he would not be present at the February 18 breakfast to advocate for the item.

Vice-Chairman Reckhow supported removing Item No. 4 based on data received from staff.

The Board held a discussion about the proposed local priority goals.

Vice-Chairman Reckhow suggested to Ms. Craig-Ray to request that a Sheriff’s Department representative be present at the breakfast to support Item No. 1.

Vice-Chairman Reckhow instructed Ms. Craig-Ray to change “Submitted by Commissioner Reckhow” to “Submitted by the Durham Crime Cabinet” for Item No. 2.

Chairman Page called signed speaker Victoria Peters on, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, forward for comments.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to include Item No. 2. Seek legislation promoting utilization of 9-1-1 Centers by Protecting Confidentiality and Item No. 3. Seek legislation to create Enhanced Protection for Victims and Witnesses in the final agenda package.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to include Item No. 1. Seek legislation to establish a \$10 permit application fee in addition to the \$5.00 fee for each pistol permit issued in the final agenda package, with the option to reconsider at the February 18 Legislative Breakfast.

The motion carried with the following vote:

Ayes: Heron, Page, and Reckhow
Noes: Bowser and Howerton

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to excuse Commissioner Bowser from the February 18 Legislative Breakfast.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:55 p.m.

Respectfully Submitted,



Yvonne R. Jones
Deputy Clerk to the Board