



Durham County

200 E. Main Street
Durham, NC 27701
(919) 560-0025

Meeting Minutes

Board of County Commissioners

Michael D. Page, Chair
Brenda A. Howerton, Vice Chair
Fred Foster, Jr., Commissioner
Wendy Jacobs, Commissioner
Ellen W. Reckhow, Commissioner

Commissioners' Chambers

Monday, May 9, 2016

7:00 PM

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chairman Page announced that there were no agenda adjustments.

Announcements

- 1) Durham County is holding an artwork contest for children in 1st - 8th grades. Children can submit one (1) picture illustrating the theme "Clean Up After Your Canine or Face a Fine." The deadline for submission is May 27, 2016. The winner will have their artwork featured in the "Clean Up After Your Canine or Face a Fine" campaign. For more information, visit: Durham County Student Art Contest at the Keep America Beautiful website.
- 2) Join us for the Hollow Rock Nature Park Grand Opening on May 21st at 9:30 am, 629 Erwin Road. A shuttle will operate from Forest View Elementary School to the park. For more information, please contact Brendan Moore at brmoore@dconc.gov.
- 3) Registration is now open for the "Aging Well in Durham," a free community event and resource fair to be held Saturday, May 21, 2016 at the Human Services Complex. Come join the discussion of your vision of age-friendly Durham. Learn about reverse mortgages, voter ID, property tax relief programs for the elderly and disabled, etc. Registration is limited and required. For more information, please call 919-560-7393 or email seniors@dconc.gov.
- 4) Healthy Futures clinics at E.K. Powe, George Watts, Glenn, Merrick Moore, and Oak Grove elementary school are now open for children residing in Durham County by the Durham County Department of Public Health, in partnership with Durham Public Schools (DPS) and the Duke Department of Community and Family Medicine. Clinic locations provide immunizations, health check-ups (physicals) for well children from newborn to age 18, kindergarten physicals for school, vision and hearing screenings, dental fluoride treatment, testing for anemia and lead

exposure, and referrals to community resources. For more information call (919) 560-2327 or visit www.dconc.gov/chapp.

- 5) Please contact the Clerk's Office at 919-560-0025 or clerk@dconc.gov to find out about opportunities to serve on one of our volunteer boards or commissions.
- 6) The Chair will hold office hours on Wednesdays. Please contact me at 919-949-4022 to schedule an appointment.
- 7) These announcements may also be found on the County's website or you may call the Clerk's Office at 919-560-0025.

Commissioners Jacobs announced the healthy futures clinics were now open. She informed citizens that the clinics were open to everyone and encouraged them to attend one of the (5) five locations mentioned previously for check-ups, vaccinations and other health needs.

Minutes

Vice Chair Howerton moved, seconded by Commissioner Reckhow to approve the April 16, 2016 PAC-1 Meeting minutes and the April 25, 2016 Regular Session minutes.

The motion carried unanimously.

Proclamation - National Foster Care Awareness Month

Chairman Page read the following proclamation:

FOSTER CARE MONTH | 2016

WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the foundation of our communities and our State; and

WHEREAS, over 400,000 American children are in foster care because their own families are in crisis and unable to provide for their essential well-being; and

WHEREAS, foster families, who open their homes and hearts and offer help to children whose families are in crisis, play a vital role in helping children and families to heal and reconnect and launching children into successful adulthood; and

WHEREAS, in Durham County, there were 235 children and youth in foster care on April 1, 2016 being provided with a safe, secure, and stable home along with the compassion and nurture of a foster family; and

WHEREAS, between January 2013 and December 2015 Durham County has experienced a 47% growth in the number of youth in foster care and a 15 % increase in the last six months; and

WHEREAS, the needs of the foster care population results in a greater call for skilled foster families, community resources and partnerships; and

WHEREAS, the Durham County foster care system depends on the active support and involvement of the Durham community; and

WHEREAS, the Durham County Department of Social Services is joined by numerous individuals, public, and private organizations who work to increase public awareness of the needs of children in and leaving foster care, as well as the enduring and valuable contribution of foster parents, the Durham County Department of Social Services acknowledges that the foster care “system” is only as good as those who choose to be part of it. Therefore, partnerships on the state, county, and community levels are critical to the success of the foster care “system.”

NOW, THEREFORE BE IT RESOLVED, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the month of May 2016 as

“FOSTER CARE MONTH”

I commend this observance to our community and urge all citizens to come forward and do something positive that will help raise hope and foster dreams of children and youth in foster care.

This the 9th day of May, 2016.

Michael D. Page, Chairman
Durham Board of County Commissioners

Michael Becketts, Director of Social Services stated it was important to recognize the community for supporting the needs of abused and neglected children. He added that there were 236 children currently in foster care and stated that number was expected to rise. Mr. Becketts continued to say that the Department of Social Services was actively seeking foster parents to work with children in Durham County and has since rebranded their campaign to bring more attention to the needs of foster children.

Vice Chair Howerton asked Mr. Becketts what were the causes in the spike of foster children. Mr. Becketts responded the data showed that severity in abuse and neglect was one of the leading causes along with the fact that children could not be placed with other family members. Vice Chair Howerton asked was there also an increase in substance abuse. Mr. Becketts stated there as in increase in substance abuse as well as addiction.

Commissioner Jacobs thanked Mr. Becketts and his staff for bringing the awareness to the Board and the community. She asked if the brochures were available in all County buildings. Mr. Becketts responded the brochures were in the libraries and he would ensure they are available in all other County buildings. Commissioner Jacobs inquired about interviewing parents for the In Touch with Durham County show. Sharyn Flood, Program Manager responded a show was conducted last year. Commissioner Jacobs asked what was planned for Foster Care Month. Mr. Becketts responded the department was planning to take the families to a Durham Bulls baseball game.

Commissioner Reckhow mentioned there was a 47% increase in the foster care number from 2015. She thanked Mr. Becketts and his staff for all their efforts to find homes for the County’s foster children.

Chairman Page thanked Mr. Becketts and his staff for all their service to Durham County.

Proclamation - Emergency Medical Services Week

Chairman Page read the following proclamation:

EMERGENCY MEDICAL SERVICES WEEK | 2016

WHEREAS, Durham County’s emergency medical services system provides a vital public service; and

WHEREAS, the members of Durham County’s emergency medical services team are ready to provide lifesaving care to those in need 24 hours a day, 365 days a year; and

WHEREAS, access to quality emergency care in Durham County dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, Durham County’s emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of Durham County’s emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans generally, and Durham County residents, workers and visitors in particular benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate for the Durham Board of County Commissioners to join with other governing bodies across the United States in setting aside the week of May 15-21, 2016 in recognition of the value and the accomplishments of emergency medical services teams systems, by marking the week of May 15-21 as Emergency Medical Services Week;

NOW, THEREFORE BE IT RESOLVED, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the week of May 15-21 2016 as

“EMERGENCY MEDICAL SERVICES WEEK IN DURHAM COUNTY”

And with the theme *EMS STRONG – CALLED TO CARE*, I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

This the 9th day of May, 2016.

Michael D. Page, Chairman
Durham Board of County Commissioners

Chairman Page thanked the EMS staff for the service they provided to the community.

Jacqueline Holmes, EMS Managing Officer II stated she was honored to serve the citizens. She mentioned she would provide the Clerk to the Board with the activities that would be taking place during EMS week.

Proclamation - National Older Americans Month

Chairman Page read the following proclamation:

OLDER AMERICANS MONTH | 2016

WHEREAS, Durham includes a community of 50,000 older Americans who deserve recognition for their contributions to our county, state, and nation; and

WHEREAS, the older residents of Durham County represent a dramatic trend in our nation’s demographic makeup; and

WHEREAS, Durham recognizes that older adults are trailblazers—advocating for themselves, their peers, and their communities—paving the way for future generations; and

WHEREAS, Durham is committed to raising awareness about issues facing older Americans and helping all individuals to thrive in communities of their choice for as long as possible; and

WHEREAS, we appreciate the value of inclusion and support in helping older adults successfully contribute to and benefit from their communities; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social involvement.
- Emphasizing home- and community-based services that support independent living.
- Ensuring community members can benefit from the contributions and experience of older adults.
- Fostering an age-friendly community through the recognition of older adults continued engagement.

NOW, THEREFORE, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim May 2016, as

“OLDER AMERICANS MONTH”

I commend this observance to our residents and urge all citizens, community agencies, faith groups, medical facilities and businesses to join with the Department of Social Services, The Durham Center for Senior Life and Durham’s Partnership for Seniors Committee to honor older adults, and those who care for them, during May and throughout the year. We urge all to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

This the 9th day of May, 2016.

Michael D. Page, Chairman
Durham Board of County Commissioners

Michael Becketts, Director of Social Services stated that his staff not only had the pleasure to serve children but also older adults.

Bob Wallace, Program Manager expressed his appreciation for the support the County provided to the programs. He added with the additional support from the Board, they were able to take 200 people off the waiting list for home delivered meals.

Cathy Stallcup, Executive Director of Durham Center for Senior Life shared a letter of thanks from a care-giver who participated in the adult day care program.

Melissa Black, Project Manager of Durham Partnership for Seniors highlighted the Aging Well in Durham Conference for Older Adults and Care Givers being held on May 21, 2016 at the Human Services Complex from 10am-3:30pm. She stated that this was a free event that would showcase over 30 non-profits that would be exhibiting and providing information to older adults and caregivers.

Commissioners Jacobs and Howerton thanked the staff for all their hard work.

Proclamation - National Drug Court Month

Chairman Page read the following proclamation:

NATIONAL DRUG COURT MONTH | 2016

WHEREAS, for over twenty years Durham Drug Courts have been restoring lives, reuniting families and making communities across North Carolina safer; and

WHEREAS, Drug Courts facilitate community-wide partnerships that bring together criminal justice, public safety and treatment professionals in the fight against substance abuse and criminality; and

WHEREAS, Drug Courts are now recognized as one of the most successful criminal justice interventions in our Nation's history; and

WHEREAS, Drug Courts reduce criminal recidivism; and they save up to \$27 for every \$1 invested and up to \$13,000 for every individual they serve; and

WHEREAS, the Drug Court movement has grown nationwide from the 12 original Drug Courts in 1994 to over 2,900 operational Drug Courts and over the past twenty-five years, Drug Courts have served over 1.4 million individuals nationwide; and

WHEREAS, Durham County is successfully operating an adult program and has helped Durham citizens turn their lives away from drugs to become contributing members of our community; and

WHEREAS, in May, National Drug Court Month celebrates the promise of recovery and restored hope to Drug Court graduates and their families. We invite all residents of Durham, North Carolina to participate in **National Drug Court Month**; and

NOW, THEREFORE BE IT RESOLVED, I, Michael D. Page, Chairman of the Durham Board of County Commissioners and on behalf of the Durham Board of County Commissioners, do hereby proclaim the month of May 2016 as

“NATIONAL DRUG COURT MONTH”

in Durham, North Carolina and call upon the people of Durham, North Carolina to observe this month with appropriate programs, activities, and ceremonies to support this year's theme:

“Criminal Justice Reform in Action!”

This the 9th day of May, 2016.

Michael D. Page, Chairman
Durham Board of County Commissioners

Roshanna Parker, Assistant Director Criminal Justice Resource Center thanked the Board for the recognition. She expressed her excitement for the recognition and introduced the Drug Treatment Court Team.

Judge Fred S. Battaglia thanked the County for funding the program. He stated a graduation would be held on May 20, 2016 for two individuals at the Durham County Courthouse in Courtroom 4D from 3:30-4:30pm. Judge Battaglia also announced that there would be an Adult Drug Treatment Forum on May 23, 2016 on the 9th floor of the Durham County Courthouse.

Chairman Page and Vice Chair Howerton commended the team for their great work.

Commissioner Jacobs stated the program affected the whole family. She thanked the Drug Court Team for creating a family support system for all participants.

Commissioner Foster mentioned the team was made up of infectious people who cared and he thanked them for their contributions.

Consent Agenda

Chairman Page asked the Board if they desired to pull any items from the Consent Agenda. Commissioner Reckhow requested to pull item 16-1060.

Chairman Page asked for a motion to approve the Consent Agenda.

Commissioner Jacobs moved, seconded by Vice Chair Howerton to approve the following items on the Consent Agenda.

*16-1026 Budget Ordinance Amendment No. 16BCC000057 to Recognize USDA Funds for the Youth Home

16-1027 Approval of Closed Session Minutes

*16-1028 Budget Ordinance Amendment No. 16BCC000058 to Recognize CDC Funds for the Youth Home

*16-1029 Capital Project Amendment No. 16CPA000016 - Moving \$555,048.30 of Unspent Lottery funds Between Durham Public School Capital Projects

*16-1037 Budget Ordinance Amendment No. 16BCC000060 - Approve Amendment to the Benefits Plan Fund Budget of \$3,000,000

16-1038 Approve the Contract Amendment between Westaff Temporary Services and the County of Durham

16-1044 Durham City-County Appearance Commission 2015 Annual Report

16-1048 Approval of Interlocal Agreement between the County of Durham and the City of Durham for the International City/County Management Association (ICMA) Local Government Management Fellowship Position

16-1049 Durham Open Space and Trails Commission 2015 Annual Report

16-1050 2015 Board of Adjustment Annual Report

16-1051 2015 Durham Environmental Affairs Board Annual Report

16-1052 2015 Historic Preservation Commission Annual Report

16-1053 2015 Planning Commission Annual Report

*16-1056 Budget Ordinance Amendment No. 16BCC000059_- Appropriate General Fund Fund Balance in the Amount of \$450,668 for the Tooth-Ferry Mobile Dental Unit

16-1057 Approval of the Lifeline Mobile Inc. Contract for the New Tooth-Ferry Mobile Dental Unit

16-1058 Award of Construction Contract with Infax, Inc. for the Digital Docket System for the Durham County Courthouse. RFP No. 16-005

16-1062 Durham County Juvenile Crime Prevention Council Recommendation for FY 2016-2017 DJJ Local Funding Plan

Consent Agenda Item 16-1026

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000057**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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	\$59,054,278	\$5,195	\$59,059,473

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Public Safety	\$58,968,497	\$5,195	\$58,973,692

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

This the 9th day of May 2016.

Consent Agenda Item 16-1028

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000058**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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	\$59,059,473	\$1,250	\$59,060,723

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Public Safety	\$58,973,692	\$1,250	\$58,974,942

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

This the 9th day of May 2016.

Consent Agenda Item 16-1029

**DURHAM COUNTY, NORTH CAROLINA
2015-16 Capital Project Ordinance
Amendment Number 16CPA000016**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2015-16 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Increase/Decrease	Revised Budget
Eno Valley Elementary School (SH202)	\$1,575,145.00	(\$11,398.44)	\$1,563,746.56
Glenn Elementary School (SH205)	\$317,606.64	(\$41,447.36)	\$276,159.34
Brogden Middle School (SH215)	\$524,975.96	(\$3,890.00)	\$521,085.96
Hillside High School (SH221)	\$1,525,585.53	(\$38,994.16)	\$1,486,591.37
Carrington Middle School (SH228)	\$419,139.96	(6,000.00)	\$413,139.96
Hillandale Elementary School (SH229)	\$1,500,000.00	(\$300,000.00)	\$1,200,000.00
Githens Middle School (SH230)	\$431,250.00	(\$153,318.34)	\$277,931.66
Burton Elementary School (SH232)	\$50,000.00	\$555,048.30	\$599,048.30

Adopted this the 9th day of May, 2016.

Consent Agenda Item 16-1037

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000060**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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	\$35,235,519	\$2,560,000	\$37,795,519

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
General Government	\$107,515,009	\$2,560,000	\$110,075,009

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

This the 9th day of May 2016.

**Durham County, North Carolina
2015-2016 Budget Ordinance
Amendment Number 16BCC000059**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2015-2016 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	\$34,784,851	\$450,668	\$35,235,519

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$92,477,177	\$450,668	\$92,927,845

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

This the 9th day of May 2016.

The motion carried unanimously.

Developer-proposed Changes to Timing and Payment of Certain State-mandated Water Quality Nutrient Offset Fees

Dan Jewell, President of Coulter, Jewell, Thames stated the Board was requested to consider Developer-proposed changes to the timing of certain State-mandated Water Quality Nutrient Offset fee payments. He asked the Board if they would consider giving all developers the option of making the payment prior to the first certification of occupancy instead of after site approval. Mr. Jewell continued to say that the Jordan Lake nutrient offset payment was a large expense and to shift it to after site plan, it would be a huge benefit to the cost of the development. He emphasized that none of the funds go to the County and there would no expense to local government.

Chairman Page acknowledged the citizens who were signed up to speak.

Milo Pyne, Eno River Association, expressed his concern that there were no staff members assigned to work on this project. He stated he was opposed to this project and recommended that no action be taken until more discussion was had. Mr. Pyne stated this project was not aligned with any of the County's strategic goals and there was not enough evidence to approve at this time.

Dr. Lavonia Allison, citizen, urged the Board to support this issue. She stated that with this approval, jobs could be provided for the citizens.

Commissioner Reckhow asked was the fee used to offset the loading. Mr. Jewell responded the State mandated that if they needed to get from one point to the other regarding the nutrient control; that a certain amount was required to be done onsite. He added at the option of the developer, the remainder could be done elsewhere with a nutrient offset payment. Mr. Jewell continued to say those funds that go into the nutrient bank were supposed to go back into water projects with the same purpose.

Commissioner Reckhow asked for clarification regarding the money not going to the State. She asked was it going into the bank for mitigation. Commissioner Reckhow also referenced the staff report regarding the “staff concerns” and asked the County Engineer to review his concerns with the Board. Jay Gibson, General Manager of Engineering and Environment Services responded that this was a part of a committed element and long standing practice that fees be paid upfront. He added in terms of additional workload, one concern was how would it be structured and would it create zoning violations. Commissioner Reckhow expressed her concerns about the issues that would arise. She stated by having the money upfront, it offered a better chance to have it available for mitigation as the construction occurs. Commissioner Reckhow continued to say she did not think this issue was ready to be approved tonight and it needed more flexibility.

Commissioner Jacobs inquired about the number of departments this would impact with regards to workflow. Mr. Gibson responded the City and County departments (Planning, Inspections, Stormwater, Public Works and Legal) would all be affected. Commissioner Jacobs stated the request was to change how things were being done. She asked how would it impact the work plan and stated it would also impact the budget. Commissioner Jacobs also asked if this would open the County up to future issues. Patrick Young, AICP from City-County Planning responded he did not think it would open the County up to any issues. Commissioner Jacobs questioned other fees. Mr. Young stated there was a possibility there would be other fees and it would be an ongoing concern.

Commissioner Jacobs mentioned that some land banks were already full. Mr. Jewell concurred and continued to say that it would take time to locate another site. He continued to say it could not be done without State approval. Commissioner Jacobs asked about the number of phases in the project. Mr. Jewell responded at least four (4); however the plan phases were broken into seven (7) or eight (8). Commissioner Jacobs inquired about the estimated cost of the project. Mr. Jewell responded he was unsure of the overall cost. Commissioner Jacobs asked was \$1million dollars just for phase one (1). Mr. Jewell responded yes. Commissioner Jacobs stated she was worried that this was requested due to cash flow issues and added that there was no policy in place.

Directive: Commissioner Reckhow asked if the County could compare themselves with other jurisdictions.

Chairman Page stated he was ready to take action on this item. He mentioned the need to work with developers but added sometimes the County was not “developer” friendly. Chairman Page continued to say the developers had presented themselves over the past five (5) years and he had observed the project in other communities. He stated after seeing nothing but progress moving forward, he would vote to grant this project.

Vice Chair Howerton recalled her first election and the controversy she personally encountered due to this project.

Commissioner Reckhow stated she would hope the Board would consider deferring action to look at using performance bonds. Chairman Page asked if the clients would be open to using performance bonds. Mr. Cunningham responded the bonds would have to get approvals before they were accepted. He added the County had deviated from the practice when the cost increased in 2014. Mr. Cunningham encouraged the Board to accept the request as asked.

Chairman Page asked for the pleasure of the Board.

Commissioner Reckhow questioned the request being made. Mr. Jewell stated the payment would be made prior to the Certificate of Occupancy (CO).

Chairman Page inquired about when the payment would be made. Mr. Jewell responded the payment would be made prior to the first CO.

Commissioner Jacobs recalled her comments about the staff concerns. She stated this was not just about the project, if approved this would impact any County project moving forward. Commissioner Jacobs stated she would feel more comfortable making a decision on this item with a more detailed report from staff.

Chairman Page asked staff why they did not come before the Board with pros and cons. Mr. Gibson responded the staff was responding to the concerns and trying to address the questions. He added there were more cons than pros regarding changes that needed to be made. Mr. Gibson stated that there would be some matters that were outside of the staff's control such as determining if they are commercial or residential CO's. He added when payments are received up front, it makes the process easier.

Chairman Page asked Cal Cunningham, Attorney if any of these issues were brought forward prior to this discussion. Mr. Cunningham responded there was a conversation with the Planning Director in December or January who stated it was a discretionary call by the County's Engineer who could do it at CO or at site plan approval if he desired. He added there was another meeting in February with the County Attorney and County Manager where these particular questions were not brought forward. Mr. Cunningham stated a receipt would be presented from the developer showing that payment was made to the State at which time, would be signed off on the checklist.

Chairman Page entertained a motion for this item.

Commissioner Foster moved, seconded by Vice Chair Howerton to approve the item on requesting changes to State-mandated Water Quality Nutrient Offset fees.

The motion carried and was approved as followed:

Aye: Foster, Howerton, Page

Nos: Jacobs, Reckhow

Items Pulled From Consent Agenda

Amend Sections 20-4, 20-5, 20-16 and add Section 20-18 entitled Public Health Nuisance Abatement to the Durham County Solid Waste Ordinance

Commissioner Reckhow raised a question on the ordinance cost for solid waste to be picked up within a week. She stated that Brian Haynesworth, Solid Waste Program Manager suggested an amendment to Section 20-6 to clarify that recycled items would be removed within 14 days instead of seven (7) days. Commissioner Reckhow stated the amendment was not covered in what was on the agenda and after speaking with the Lowell Siler, County Attorney; he felt it would be appropriate to approve the additional sentence change.

Mr. Haynesworth clarified what was considered solid waste and what was considered recycled materials. He continued to read the additional wording to the ordinance. Commissioner Reckhow clarified that recyclable materials would be removed every other week and thanked the staff for following the direction of the Board as provided at a previous Worksession meeting.

Commissioner Jacobs asked if all the major concerns of the citizens were addressed. Mr. Haynesworth stated he found an appreciation to meeting with the boards and commissions along with the citizens and he felt that the changes suggested met those concerns addressed. Commissioner Jacobs asked how the suggested changes would make things better with the overall process. Mr. Haynesworth responded it would formalize the process. He added this would spell out a line of compliance and it would give a direct line of recovering cost. Bryan Wardell, Senior Assistant County Attorney added that this change would streamline the process and make it easier if it was established in the ordinance what would be done.

Chairman Page asked for the pleasure of the Board.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to approve item 16-1060 along with the following additional language *“Recyclable materials generated from a residence or residual unit shall be removed at least once every other week in a 14 day period”* which amended section 20-6 as read by the Solid Waste Manager.

The motion carried unanimously.

Closed Session

Chairman Page announced that the Closed Session was removed from the meeting.

Adjournment

Vice Chair Howerton moved, seconded by Commissioner Jacobs to adjourn the Regular Session meeting.

The motion carried unanimously.

Respectfully Submitted,



Monica W. Toomer
Deputy Clerk to the Board