

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

Monday, February 25, 2008

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 Ellen W. Reckhow, Vice-Chairman Michael D. Page, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the Monday, February 25, 2008 Regular Session of the Board of County Commissioners. She requested that persons rise for the recitation of the Pledge of Allegiance.

Chairman Reckhow mentioned the revised agenda, which included an additional announcement.

Agenda Adjustments

Commissioner Cheek requested a motion to be excused from the March 3, 2008 Worksession, if he is not back in town.

Commissioner Cousin moved, seconded by Commissioner Heron, to excuse Commissioner Cheek from the March 3, 2008 Worksession.

The motion carried unanimously.

Announcements

Chairman Reckhow made the following announcements:

- The Durham Board of County Commissioners solicits applicants to fill positions on the Adult Care Home Community Advisory Committee. For additional information, please contact the Clerk to the Board's office at 560-0025 or visit the County's website at www.co.durham.nc.us.
- During its annual report to the community last Thursday morning, the Durham County Cooperative Extension Service presented Durham County with a check for \$1,595,571 to represent all grants received by the agency from June 30, 2006 through

December 2007. A second check for \$260,050 was also presented by Director Delphine Sellars, which represented 15,260 volunteer hours donated from July 1, 2006 through June 30, 2007. The County Commissioners appreciate all of the fine work of the County's outstanding Cooperative Extension Service and its positive impact in the community.

Commissioner Heron invited everyone to visit the Center for Senior Life. A sliding wall has been installed to separate the large room into two rooms.

Minutes

Chairman Reckhow requested that the Clerk note on the Monday, February 11, 2008 Minutes that she had been excused from that meeting at the February 4, 2008 Worksession.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve as submitted the February 4, 2008 Worksession Minutes and as corrected the February 11, 2008 Regular Session Minutes of the Board.

The motion carried unanimously.

Recognition of David Goldston for Academic Achievement with the North Carolina Property Mappers' Association

Chairman Reckhow recognized David Goldston for Academic Achievement with the North Carolina Property Mappers' Association.

Interim Tax Administrator Kim Simpson stated that she was pleased to announce that David Goldston, GIS Supervisor, is the recipient of the 2007 Academic Achievement Award. The North Carolina Property Mappers Association was formed in 1980. Its purpose was to help state and local government officials whose work involved mapping and land records management. As time progressed, it became evident that the importance of qualified mappers was essential to state and local governments. In 1994, North Carolina General Statutes were enacted that required all persons employed by a local government and are responsible for creating and maintaining cadastral maps to be certified through the Office of the Secretary of State. The North Carolina Property Mappers Association has sponsored mapping schools for 28 years. In an effort to recognize those who continue to excel in the field of mapping, the Association implemented the Academic Achievement Award. The purpose of this award is to recognize students in the mapping school who achieve the highest level of academic excellence on the final exam. Mr. Goldston was one of three students who scored the highest grade of 95 on the exam for Certified Mapper.

Mr. Goldston commented that he was greatly humbled by this recognition.

Chairman Reckhow presented Mr. Goldston a plaque and congratulated him for attaining the Academic Achievement Award from the NC Property Mappers Association.

Resolution Celebrating 100 Years of County Unity in Recognition of the North Carolina Association of County Commissioners' Centennial Celebration

Chairman Reckhow announced that this year, the North Carolina Association of County Commissioners has called on all 100 counties to join in celebrating the Centennial Anniversary of the organization's founding. NCACC is an advocacy and service organization representing county commissioners and officials in all 100 counties. The first session of the unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where Craven County Commissioner C.E. Foy was elected as its first president. When the Association was formed in 1908, there were 97 counties and fewer than 300 county commissioners. Counties still elected coroners; commissioners typically served as county managers. Now, there are 572 county commissioners in the state, and almost every county has a full-time, professional manager to lead the day-to-day activities of the county. The group is now led by Executive Director David F. Thompson, who coincidentally is a former Durham County Manager.

Chairman Reckhow read the following resolution into the record:

Joint Resolution Celebrating 100 Years of County Unity in
Recognition of Our Association's Centennial

WHEREAS, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

WHEREAS, the active participation and engagement of all 100 counties have directed, strengthened, and enhanced our Association; and

WHEREAS, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services, and educational programs; and

WHEREAS, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

WHEREAS, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

WHEREAS, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties:

NOW, THEREFORE, BE IT RESOLVED that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate "100 Years of County Unity" in tribute to our Association's Centennial.

FURTHER BE IT RESOLVED, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

FURTHER BE IT RESOLVED, that the Durham County Board of County Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

This the 25th day of February, 2008.

/s/ All Five Commissioners
Durham County Commissioners

Commissioner Heron moved, seconded by Vice-Chairman Page, to approve the “Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association’s Centennial”.

The motion carried unanimously.

Durham County’s 2007 Triangle Business Journal “Space Awards” Recognition for Economic Development Award for Existing Industry

Chairman Reckhow stated that this award has been received in partnership with a number of other organizations. Each year, the Triangle Business Journal honors the Triangle's most innovative commercial real estate leaders and projects. Chairman Reckhow, representing Durham County Government, was among winners of the 2007 Triangle Business Journal Space Awards recognizing Commercial Real Estate Deals of the Year. The presentation was made for the Quintiles Transnational Corporation expansion project (existing industry). Also recognized were Dennis Gillings of Quintiles, Ted Conner of the Durham Chamber of Commerce, and Vivian Powell of the North Carolina Department of Commerce. Chairman Reckhow expressed that, in her opinion, County Manager Mike Ruffin and Deputy County Manager Carolyn Titus deserved awards, also.

Mr. Conner, on behalf of the Durham Chamber of Commerce, stated that it is an honor being recognized by the Triangle Business Journal. The hard work must continue. Success comes from being able to learn from past lessons, reaching out to more residents, and better linking workforce and economic development.

Chairman Reckhow thanked Mr. Conner for his work.

North Regional Branch Library—Presentation of Design with Brick Honor Award

Zena Howard, AIA, The Freelon Group., announced that the Board is requested to accept the 2007 Design with Brick Honor Award, a North Carolina Architectural Competition sponsored by Brick SouthEast for the recently completed North Regional Branch Library project. (The Freelon Group, P.A. provided the architectural design services for this project.

The building was opened to the public on January 30, 2007.) Ms. Howard presented the award to the Commissioners.

Chairman Reckhow announced that the North Regional Branch Library is not only pretty, but is a Silver LEED Certified Building.

The Board accepted the award and recognized the project team for winning the 2007 Design with Brick Honor Award for the North Regional Library.

Consent Agenda

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

- *a. Appointment of the 2008 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, and appoint a Chair and Vice Chair);
- *b. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for January 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- c. EMS—Clinical Patient Data Collection System (authorize the Manager to enter into a service contract with Zoll Data Systems in the amount of \$281,815 and with SunGard Public Sector Inc. [OSSII] in the amount of \$76,911);
- *d. Budget Ordinance Amendment No. 08BCC000060—County Tax Service Inc.—Contract Amendment (approve the budget ordinance amendment to recognize additional tax revenue in the amount of \$400,000 and authorize the Manager to amend the contract);
- f. Animal Control Offices Project—Right-of-Way and Easement Dedication and Plat (approve the right-of-way and easement dedications and corresponding Final Plat to be recorded in the Durham County Register of Deeds Office);
- *g. Resolution Authorizing the Durham County Register of Deeds to Temporarily Transfer Records to Off-Site or Out-of-County Locations for Reproduction, Repair, or Preservation of Real Estate and Vitals Records in Accordance with North Carolina General Statutes §131-8 and §153A-436;
- h. Appoint County Commissioner Lewis A. Cheek to the Project Access Board of Directors; and
- i. Deed Easement at the St. Philip's Episcopal Church for Additional Underground Utility Service at the Durham

County Community Shelter for H.O.P.E. (accept the utility easement from The Wardens and Vestry of St. Philip's Episcopal Church).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Appointment of the 2008 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, and appoint a Chair and Vice Chair).

Commissioner Cheek requested clarification regarding this consent agenda item.

Chairman Reckhow informed Commissioner Cheek that the Commissioners were approving the E & R Board appointments and the Chair and Vice Chair for the special board.

George A. Scott (Chair)
appointed by Vice-Chairman Michael D. Page
(served as 2007 Chair)

Warren Robinson (Vice Chair)
appointed by Commissioner Philip R. Cousin Jr.
(served as 2007 vice chair)

Kelly Matherly
appointed by Chairman Ellen W. Reckhow

Robert E. King Jr., Attorney
appointed by Commissioner Lewis A. Cheek

Martha Ann Traylor
appointed by Commissioner Becky Heron

Consent Agenda Item No. b. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for January 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, the report details releases and refunds for the month of January 2008.

Releases & Refunds for 2008 Taxes:

Personal	\$ 47.52
Total for 2008 Taxes and Fees	\$ 47.52

Releases & Refunds for 2007 Taxes:

Real Estate	\$ 47,291.28
Personal	\$ 18,916.27
Registered Vehicles	\$ 35,564.61
Vehicle Fees	\$ 710.00
Solid Waste	\$ 340.00

Total for 2007 Taxes and Fees \$102,822.16

Prior years' (2001-2006) releases and refunds for January 2008 are in the amount of \$34,960.79. The total current year and prior years' releases and refunds amount to \$137,830.47.

(Recorded in Appendix A in the Permanent Supplement of the February 25, 2008 Minutes of the Board.)

Consent Agenda Item No. d. Budget Ordinance Amendment No. 08BCC000060—County Tax Service Inc.—Contract Amendment (approve the budget ordinance amendment to recognize additional tax revenue in the amount of \$400,000 and authorize the Manager to amend the contract).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>			
Taxes	\$235,628,747	\$400,000	\$236,028,747

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$ 33,495,350	\$400,000	\$ 33,895,350

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

This the 25th day of February, 2008.

Consent Agenda Item No. g. Resolution Authorizing the Durham County Register of Deeds to Temporarily Transfer Records to Off-Site or Out-of-County Locations for Reproduction, Repair, or Preservation of Real Estate and Vitals Records in Accordance with North Carolina General Statutes §131-8 and §153A-436.

Resolution Authorizing the Durham County Register of Deeds to Temporarily Transfer Records to Off-Site or Out -Of-County Locations for Reproduction, Repair, or Preservation in Accordance with North Carolina General Statutes §132-7 and §153A-436

Whereas, N.C.G.S 153A-436 authorizes the removal of county records from their regular repository for up to 24 hours in order to be reproduced, unless the Board of Commissioners authorizes a longer time period; and

Whereas, the 24-hour time constraint does not allow sufficient time to complete the reproduction process; and

Whereas, the Durham County Board of Commissioners by the authority granted in N.C.G.S. § 153A-436 may permit an instrument, document, paper, or other record to be removed from the county for longer than the 24-hour time period, if needed, in order to complete the reproduction process; and

Whereas, N.C.G.S. §132-7 also authorizes removal of such records off-site or out of county if they are in need of repair, restoration, or rebinding, for the length of time required to repair, restore, or rebind them; and

Whereas, the Durham County Register of Deeds has requested permission to remove records in his custody to off-site locations or out of county as necessary for the purposes for reproducing, repairing, and preserving such records; and

Whereas, the Durham County Register of Deeds has specifically requested permission to remove the following records under the following conditions to allow for reproduction, repair, and preservation, as long as the vendor would supply the Register of Deeds with a faxed copy of the image if the public requested it before the book was returned.

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that:

In accordance with N.C.G. S. §132-7 and N.C.G.S. § 153A-436, permission is hereby granted for the temporary transfer of records in the custody of the Register of Deeds to off-site or out of county locations when necessary for reproduction, repair, and/or preservation purposes for an approximate 60-day time period necessary to accomplish such purposes. The Register of Deeds will use his best efforts to ensure that the books are returned to the County within the above-stated time period.

This the 25th day of February, 2008.

/s/ Ellen Reckhow, Chair
Durham County Board of Commissioners

Consent Agenda Item Removed for Discussion

Consent Agenda Item No. e. Budget Ordinance Amendment No. 08BCC000061—Approval of a Grant Agreement with Project Access of Durham County for a Coordinated Specialty Care Access Program for the Uninsured and Appropriate \$112,594 to be transferred from the Community Health Trust Fund to the General Fund to support the start-up and operational costs for March 1, 2008 –June 30, 2008.

Commissioner Heron requested an explanation from the County Manager. She understood that there was full support for the additional \$400,000 that will come into next year's budget; however, her opinion was that the County Manager had a problem with bringing forward \$112,000 in start-up money at this particular time.

County Manager Mike Ruffin stated that as a result of individual discussions with the Commissioners, he had committed, on behalf of the Board, up to \$400,000 for Project Access. The \$112,000 to jump-start the program was over and above the \$400,000. He was not present at the February 4 Worksession when the item was discussed, but he had been told that the Board was agreeable to this amount and requested that it be brought forward to this consent agenda.

Chairman Reckhow stated that she remembered that the Board was agreeable to the start-up money. The full budget for the upcoming year included various miscellaneous costs (transportation, extra fees, etc.); therefore, additional information was requested at the worksession to justify the full year cost. The amount was up to \$400,000, not necessarily \$400,000 exactly.

County Manager Ruffin informed the Board that he plans to get more background for the upcoming discussion as it relates to the FY 08-09 Budget.

Commissioner Cheek concurred with Chairman Reckhow's recollection of the discussion. The \$400,000 is contingent upon the County having in place commitments for the number of visits by specialists, both from Duke University and from the community, which totals 2,400.

Commissioner Heron remarked that she understood this to be a one-year commitment subject to the progress made during the first year.

County Manager Ruffin stated that he intends to request an assessment after the first year to determine whether continued participation in the program would be a worthwhile investment.

Commissioner Heron stated that she was not opposed to the commitment, but she wanted to make sure that she had a correct understanding. The County is providing much money to Lincoln Community Health Center, the Mental Health Department, and the Public Health Department for the people who need these services; however, other needs exist. Commissioner Heron stated that she will be presenting other needs at budget time.

Vice-Chairman Page asked if the \$112, 594 will be a shared cost.

County Manager Ruffin responded that the \$112,594 is solely Durham County's commitment. Other commitments have been made in cash and in-kind services. Duke is contributing quite a bit in the way of in-kind services.

Gayle Harris, Assistant Public Health Director, provided information directly related to a question from Vice-Chairman Page. Ms. Harris stated that the intentions of the department

are to get as many in-kind services from the community as possible to support this effort. Durham Regional Hospital has donated six offices on the Health Services Campus. The position has been advertised. Staff is looking for ways to keep the estimates at a realistic level. Eugene Dauchert and Duncan Yaggy are to meet with the County Manager within the next couple of weeks to examine the \$400,000 budget to determine if changes can be made. Based on the 2,400 episodes of care, staff is expecting a yield of \$12 million in in-kind support between the hospitals and the physicians. "This is a major undertaking. We recognize there are other needs in the community. We plan to be good stewards of your funding. We heard your request to have periodic reports on the progress that is made. We will have another board meeting at 7:30 next Tuesday morning at the Institute of Medicine. I will take the message back to them that you are concerned about the request and that we need to sharpen our pencils and be a little more judicious in our request, if at all possible. We don't know what the cost will be. Duke has committed to 2,000 of those visits, Commissioner Cheek. Dr. Dzau was the person who said he would honor that commitment. I feel very certain that the 2,000 will be forthcoming and the other 400 will be from community physicians. The leadership of the Durham-Orange Medical Society and the Durham Academy of Medicine, Dentistry, and Pharmacy have taken it upon themselves to solicit their professional peers to support this initiative. There is information on their website that will address questions and answers. I am attending meetings with the physicians along with the leadership of the organization to talk about the benefits and to get folk to rally around. We will keep you updated. I am fairly certain that the 2,000, at a minimum, will be available by June."

Commissioner Cheek stated that he recognizes the commitment by Duke; however, there has been a stall on the 400 for a long time, too. He is anxiously awaiting information.

Ms. Harris stated that staff will work on getting the information to the Board.

Commissioner Heron stated that she would like an accounting on how the monies are spent and on others who are contributing to the startup.

Ms. Harris stated that the data will be provided in an itemized fashion.

Commissioner Heron moved, seconded by Vice-Chairman Page, to approve Budget Ordinance Amendment No. 08BCC000061.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2007-08 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>COMMUNITY HEALTH TRUST FUND</u>			
	\$ 7,837,358	\$112,594	\$ 7,949,952
<u>GENERAL FUND</u>			
Other Financing Sources	\$ 40,060,129	\$112,594	\$ 40,172,723

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>COMMUNITY HEALTH TRUST FUND</u>			
	\$ 7,837,358	\$112,594	\$ 7,949,952
<u>GENERAL FUND</u>			
Human Services	\$418,905,844	\$112,594	\$419,018,438

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

This the 25th day of February, 2008.

Public Hearing—Plan Amendment, Epcon Neighborhood (A07-13)

Chairman Reckhow announced that this public hearing was deferred by two agenda cycles at the request of the applicant.

Joe Carley, Planner, City-County Planning Department, summarized the staff report. He certified that all notifications for Planning Department items on tonight's agenda have been carried out per Ordinance requirements and that the affidavits are on file for review. Mr. Carley requested that the Board continue the public hearing on a plan amendment for Epcon Neighborhood (A07-13). The proposed plan amendment would change the Future Land Use Map designation from Low Density Residential (4 DU/Ac. or Less) to Low-Medium Density Residential (4-8 DU/Ac.) for one parcel located west of Farrington Road and south of Creekside Elementary School. The total land area to be affected is 9.92 acres including right-of-way. The associated rezoning case (Z07-26, Epcon Neighborhood) includes two additional parcels to the north that already have the Low-Medium Density Residential (4-8 DU/Ac.) designation. The total land area included in the rezoning request is 32.84 acres. The requested zoning designation is Planned Development Residential 4.5 (PDR 4.5). City-County Planning Department recommended denial based on a more detailed examination of the site, given that ample attention and public process have been devoted to establishing the land use pattern in this area. A number of planning meetings have been held in the area in recent years, including the removal of the suburban transit area on Ephesus Church Road. The public has had the opportunity to voice its opinion on the Future Land Use Map at those meetings. Staff also notes that the request is not justified and does not meet one of the four criteria for plan amendments. *Durham Comprehensive Plan* Land Use Policy 2.2.2b., Demand for Residential Land, indicates that in evaluating plan amendments, the Governing Boards and the City-County Planning Department shall consider the demand

for residential land and the capacity of transportation, water, and sewer systems, and other public facilities and services. NC 54 in this area is over capacity. A joint land use transportation study with the Town of Chapel Hill is on the Planning Department's work program. Staff has evaluated this request for consistency with the Comprehensive Plan utilizing the criteria put forth by the City Council and Board of County Commissioners. Based on this request not being justified and not meeting all four criteria for a comprehensive plan amendment, staff recommends denial. The Planning Commission recommended denial, 5-6, on November 13, 2007, based on information provided in the staff report, the request not being justified, and not meeting one of the four criteria for plan amendments.

Commissioner Cheek asked about the specifics in the case that created the basis for denial by the Planning Department.

Mr. Carley restated that *Durham Comprehensive Plan* Land Use Policy 2.2.2b., Demand for Residential Land, indicates that in evaluating plan amendments, the Governing Boards and the City-County Planning Department shall consider the demand for residential land and the capacity of transportation, water, and sewer systems, and other public facilities and services. In this case, the numbers obtained from the Transportation Department indicated that the adjacent segment of NC 54 was over capacity. Since the Planning Department has a Land Use and Transportation Study of that segment of NC 54 on the work program, staff felt that the request is premature.

Steve Medlin, Interim City-County Planning Director, emphasized Planning staff's two areas of concern with the plan amendment request: (1) the application justification was not founded based on the three criteria that staff has to evaluate those against; primarily, that in this case, the applicant has not put forth any new conditions that are inconsistent with what the staff had already evaluated through the public hearing process that was completed approximately two years ago with the surrounding property owners; and (2) NC 54 is over capacity.

Chairman Reckhow asked Mr. Medlin if he could recall the most recent outreach effort and small area planning process that occurred with neighborhood residents.

Mr. Medlin replied that the most recent process occurred in 2006, but he could not remember the month. At the time, the Planning Department proposed to the community to remove the transit station and keep the land use density consistent with the land use plan. The community's desire was to remove the transit station and leave the land use designations as shown to allow for reasonable activity in the area in the terms of intensity of development related to residential.

Chairman Reckhow emphasized that this area has had more scrutiny related to land use by the residents than just about any other in the Durham community; the residents have met twice in the past four or five years.

Commissioner Cheek stated that part of the property, which is a subject of the rezoning, is already designated for 4 to 8 units per acre. If the plan amendment is approved at 4 to 8 acres, under the development plan, what would the density be?

Mr. Medlin responded that under the development plan, it would be 136 units or 4.5 per acre.

Chairman Reckhow stated that it is important to note that the designation is now 4 or less.

Commissioner Heron stressed that Low-Medium Density Residential is 4 to 8 units per acre.

Chairman Reckhow opened the public hearing that was properly advertised.

Julia Borbely-Brown, 1013 Watts Street, Durham, NC 27701, implored the Commissioners to accept the recommendation and expertise of the Planning Commission and the Planning Department and deny the request. "Agreeing to the request would be setting a dangerous precedent."

Craigie Sanders, 430 Davis Drive, Suite 400, Durham, NC 27709, representing the applicant, requested to follow a specific order of presentation. He introduced Patrick Byker.

Patrick Byker, 2614 Stuart Drive, Durham, NC 27707, representing Epcon Communities, stated his regret in the misunderstanding and misinformation regarding this development. "First, the former Planning Director insisted that any development on Mr. Tilley's farm had to have a density of 4.000 in order to avoid a plan amendment. Due to the fact that the acreage of the Tilley farm is not exactly a whole number, it is mathematically impossible for any project to meet that condition. So, common sense dictated that we amend the Future Land Use Map for the portion of the Tilley farm that is less than 10 acres, rather than the portion that is over 25 acres. Second, we were prevented from including any age-restriction on the development plan, even though Epcon desired to have an 80% age restriction from the beginning. It proved to be a complex undertaking to devise language that was acceptable to the County Attorney and the current Planning Director. We worked hard and accomplished that last week, so this project can be the template for future age-restricted projects in Durham. I hope we have clarified how we reached this point."

Tom Tilley, 4920 Farrington, Chapel Hill, NC 27517, asked the Board to approve the request to amend the land use plan.

Dan Jewel, 111 W. Main Street, Durham, NC 27701, landscape architect, spoke to the Commissioners about the fact that fewer school children will be generated by this proposal than would occur under the existing zoning of the property. He also stated that there would be a decrease in morning peak-hour trip generation than that under the current zoning designation.

Annette Montgomery, 1 Citation, Durham, NC 27713, spoke about how the sewer line would be of benefit to the Leigh Farm Park. The State Historic Preservation Office submitted a

letter agreeing with the assessment of DOST that the sewer line will be no harm to the Leigh Farm property.

Terry Rolan, 987 W. L. Moore Road, Maxton, NC 28364, provided his opinion that the number of housing units would insignificantly affect the water demand.

Curtis Booker, 5419 Farrington Road, Chapel Hill, NC 27514, voiced his approval of the project. He stated that the plan amendment meets the needs of the community in terms of its impact on Farrington Road and the people who surround it. He opined that the amendment meets the spirit of the intent of the citizens who attended the public meetings regarding the land use plan.

Craigie Sanders, 430 Davis Drive, Suite 400, Durham, NC, representing the applicant, expressed the following reasons the Commissioners should approve the project:

“First, it will provide at private sector expense and with no public funds, the sewer infrastructure needed to serve 270 acres in Durham's suburban tier. For some residents within this 270-acre basin, it is critical that sewer service be provided soon.

Second, on a related point, this project will provide sewer for Leigh Farm Park, as Ms. Montgomery shared with you.

Third, it will virtually eliminate school age children from residing on these 35 acres. If Mr. Tilley's farm were developed under the as-of-right zoning, with 57 single-family houses on relatively large lots, think of how many school children that would create.

Fourth, Durham's water supply is moving in the right direction, as described to you by Mr. Terry Rolan.

Fifth, this development will be a good fit for this area, as Mr. Curtis Booker shared, and he should know given his keen grasp on the history of this section of Durham.

Sixth, the traffic projections for this development, with the 90% age restriction we have committed to, are actually a slight decrease from the as-of-right zoning for peak hour trips.”

In closing, Mr. Sanders thanked County Attorney Kitchen, Interim Planning Director Medlin, and all five Commissioners for looking long and hard at this project.

Melissa Rooney, 301 Spring Garden Drive, Durham, NC, expressed environmental concerns if the amendment is approved. She spoke primarily about the water supply and overcrowding at Creekside Elementary School.

Barbara Post, 104 St. Andrews Place, Chapel Hill, NC 27517, requested that the Commissioners uphold the Comprehensive Plan and honor the process which produced the plan.

Phil Post, 104 St. Andrews Place, Chapel Hill, NC 27571, representing Oak's Three Homeowners' Association, asked the Board to deny the plan amendment. The most important point he wished to convey was the potential for increased traffic.

As no one else requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Chairman Reckhow suggested that the developer reduce the number of units by five so that the plan amendment would not be necessary. She also opined that there is room for improvement in the development plan. There is no commitment to a landscape buffer, and Farrington Road is a key gateway into Durham from the south. Also, the amenities shown on the plan are not committed elements.

Mr. Byker responded to Chairman Reckhow's comments. He explained why it would not be mathematically feasible to build the number of units that would not require a plan amendment.

Commissioner Heron reminded everyone that the property was zoned Low Density Residential because a transit station was to be located on the land. The current density should be considered. The request tonight is not appropriate for this particular piece of land. Commissioner Heron asked the County Attorney about the legality of age restrictions.

County Attorney Kitchen informed the Commissioners that the age restriction issue is not to be considered until the rezoning is discussed (the next item on the agenda). The plan amendment is what is now being considered.

Commissioner Cousin stated his opinion that the entire parcel should be consistent in terms of the designation.

Commissioner Cheek commented that issues raised about rezoning are valid points to be considered at the time the item comes before the Board.

Commissioner Cheek gave his opinion that the requested increase from 4 to 4.5 units per acre on one-third of the property (two-thirds of the property already allow 4.5 units) is a very small increase in density. This would also bring sewer service to a park and to parcels that would not get it otherwise. Traffic counts will be reduced (minimally) at peak hours as opposed to what is currently in place as a matter of right with 57 single-family detached housing units. The impact on Creekside Elementary School will decrease from 17 students to 1.7. This area was considered in the Comprehensive Plan when the transit station was removed; the decision was made not to change the plan other than to remove the station. Decisions should be made according to each item that comes before the Board. This Board and future Boards should not allow precedents to be set; individual requests should be considered based on the merits, not based on a past argument. Commissioner Cheek stated that he feels the plan amendment is appropriate, and he intends to vote in favor of it.

Vice-Chairman Page asked for clarity from Mr. Medlin relative to school and traffic impact. He asked whether the Planning Commission had been privy to the new information which had been presented at tonight's meeting.

Mr. Medlin explained the figures relating to school and traffic impact. He responded to Vice-Chairman Page that the Planning Commission had not been given the information regarding the age restriction.

Chairman Reckhow mentioned that the Epcon website does not show anything about an age restriction.

Commissioner Heron stated that the website states that the development is a "Chapel Hill development". Durham was not mentioned.

Commissioner Heron stated that she was interested in hearing the County Attorney's evaluation of the age restriction and how the enforcement would be carried out.

Vice-Chairman Page asked County Attorney Kitchen to speak to the restrictive covenant.

County Attorney Kitchen responded that Mr. Byker will record the restrictive covenant prior to the time the land is annexed. The covenant will be a committed element. If it is not approved and not recorded, there would be a zoning violation.

Chairman Reckhow questioned how it would be enforceable since the 55+ age restriction is not at 100%.

The consensus of the Board was to speak to Chairman Reckhow's question during the rezoning issue (the next item on the agenda).

Commissioner Cheek moved, seconded by Vice-Chairman Page, to approve Plan Amendment, Epcon Neighborhood (A07-13).

The motion carried with the following vote:

Ayes: Cheek, Cousin, Page

Noes: Heron and Reckhow

BOARD OF COMMISSIONERS RESOLUTION
AMENDING DURHAM COMPREHENSIVE PLAN
Epcon Neighborhood (A07-13)

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Durham County Board of Commissioners has adopted a resolution that requires that the Board consider changes to adopted land use plans when requested rezoning substantially conflicts with the adopted land use plan.

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the Future Land Use map of the *Durham Comprehensive Plan* be amended by designating as Low-Medium Density Residential (4-8 DU/Ac.), the following parcel, as shown on the attached map: 0709-03-21-4287.

SECTION 2

This change shall become effective upon the adoption of this resolution.

This 25th day of February, 2008.

Public Hearing—Zoning Map Change—Epcon Neighborhood (Z07-26)

Scott Whiteman, Planning Supervisor, City-County Planning Department, summarized the staff report. He certified that all notifications for Planning Department items on tonight's agenda have been carried out per Ordinance requirements and that the affidavits are on file for review. He noted the request for a zoning map change for a 32.84-acre site located on the west side of Farrington Road, south of Ephesus Church Road, and north of Wendell Road. The proposed use is 136 multi-family units. Request: RS-20 to PDR 4.500. Mr. Whiteman read the following committed elements of the development plan:

1. Maximum number of units is 136.
2. Dedicate five feet of additional right-of-way along Farrington Road prior to the issuance of a building permit.
3. A left turn lane will be constructed on Farrington Road at each project entrance.
4. Widen Farrington Road for the frontage of the site, with curb and gutter on project site to provide a three-lane section with bicycle lane on west side.

(The following two committed elements were proffered by the applicant subsequent to the continuance of the item at the January 28 Regular Session of the Board, when the item was before the Board and continued.)

5. Subject to the approval of the City of Durham Public Works Department, a noise abatement buffer of trees (cedar, holly, myrtle, and other native non-deciduous plantings in a triple-deep arrangement) shall be planted in the Leigh Farm Park sewer easement as close as allowable to its intersection with the interstate.
6. Prior to annexation, the applicant will record the restrictive covenant enforcing the 90% age restriction. Such restrictive covenant will be reviewed by the County Attorney and a certified copy will be presented to the Planning Department prior to the submittal of the final plat.

Mr. Whiteman stated that Planning staff now recommends approval because of the prior action of the Board to approve the plan amendment. The proposed zoning is now consistent

with the Comprehensive Plan. The Planning Commission recommended denial by a vote of 5-7 on December 11, 2007. The Commission recommended denial based on problems with traffic congestion and inadequate transportation infrastructure.

Chairman Reckhow noted deficiencies in the plan—the clubhouse, pool, walking path, and extra open space beyond the requirement are not committed elements and the tree replacement will not necessarily provide a landscape buffer. Chairman Reckhow expressed concern about the appearance of the 1,800 feet along Farrington Road.

Mr. Patrick Byker stated that the clubhouse area, pool, walking trails, 20% open space, and the tree replacement area will be committed elements, as well as any items on DP 2.0.

Chairman Reckhow stated that the tree replacement area is not sufficient to provide an adequate buffer along Farrington Road.

Chairman Reckhow opened the public hearing that was properly advertised.

Julia Borbely-Brown, 1013 Watts Street, Durham, NC 27701, expressed her opinion that the plan is not good for the County or for the community. Resources in the area are inadequate for the future. If the Commissioners consider approval of the rezoning, she urged them to lock in as many committed elements as possible.

Craigie Sanders, 430 Davis Drive, Suite 400, Durham, NC 27709, representing the applicant, requested that the Commissioners support the rezoning request.

Phil Post, 104 St. Andrews Place, Chapel Hill, NC 27571, represented Oak's Three Homeowners' Association, explained why he believed that the traffic analysis and the number of parking spaces on the plan were confusing. He urged the Commissioners to deny the rezoning because of the inadequate infrastructure to support the development and the inadequate buffer along Farrington Road.

As no one else requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Chairman Reckhow pointed out that the Planning Director had urged her, prior to tonight's meeting, to follow the guidelines adopted by the Board which call for a deferral in the vote when changes are made to committed elements.

Commissioner Heron mentioned that the daily trip analysis was done in 2005 and is inaccurate for today. She stated that two-car garages for a 55+ population makes no sense.

Mr. Byker explained that research shows that the development will create peak-hour traffic less than the as-of-right zoning; the peak-hour traffic is what appears to cause the traffic issues in the area.

Commissioner Cousin interjected that two years ago, his request for a traffic light at the corner of Farrington Road and Ephesus Church Road was denied.

Dan Jewel, landscape architect for the developer, asked the Commissioners for specifics regarding the type of buffer they desire on Farrington Road. He noted that the front of the units will face Farrington Road.

Commissioner Cheek requested consideration involving the landscape buffer. He agreed with Chairman Reckhow that the language should be prepared and in place, including the amended language of the restrictive covenant regarding the age restriction, prior to voting on the request.

Commissioner Cheek moved, seconded by Commissioner Cousin, to continue the public hearing for two weeks, until the March 10, 2008 Regular Session of the Board.

Chairman Reckhow suggested that Commissioner Cheek's motion be suspended so that the public hearing could be reopened.

Commissioner Cheek moved, seconded by Commissioner Cousin, to reopen the public hearing.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Page, and Reckhow
Noes: Heron
Absent: None

Commissioner Cheek restated his motion as follows:

Commissioner Cheek moved, seconded by Commissioner Cousin, to continue the public hearing for two weeks, until the March 10, 2008 Regular Session of the Board.

The Commissioners discussed whether to send the item back to the Planning Commission once the recommended changes are made.

Steve Medlin, Interim City-County Planning Director, informed the Board of significant modifications, per the UDO, which would require that items be resubmitted to the Planning Commission. Augmentation to committed elements is acceptable without Planning Commission review.

Commissioner Heron stated that the only way she would consider voting in the affirmative for the project is if the number of units is reduced to four per acre and if the 55+ age restriction applies to 100% of the units.

Mr. Byker stated that the applicant is not willing to reduce the number of units, primarily because of the cost to cover the sewer line extension.

Chairman Reckhow stated that the majority of the Board is willing to support 136 units.

Mr. Byker informed the Board that the applicant will not increase the age restriction from 90 to 100% of the units. "This is very common and enforceable across the county." Mr. Byker stated that he has researched whether other jurisdictions had wrestled with the issue of enforceability of age restriction as a zoning condition; his research indicated that 90% is very enforceable; it would be maintained in perpetuity.

Chairman Reckhow voiced concern that Epcon is not marketing its projects to the senior population.

A lengthy discussion ensued about how the age restriction would be enforced.

County Attorney Chuck Kitchen informed the Board that the Planning staff determines an average increase in the number of students generated by a development.

Vice-Chairman Page reiterated his concerns about the age restriction and student population enforceability.

Mr. Byker stated that the design of the overall community is to discourage children. The increase in student population is not compared to 90% to 100% age restricted; the Epcon project with a 90% age restriction is compared to 57 single-family detached houses on this property with relatively large lots, which would be a magnet for school children.

Commissioner Cheek stated that he has reviewed the original proposed restrictive covenant. He requested that it be tightened to ascertain enforceability. The homeowners' association will have an obligation to keep up with the age restrictions and to prosecute in court, if violated. It also gives the surrounding community the ability to do the same.

Commissioner Cheek informed Commissioner Heron that the restrictive covenant cannot be amended to eliminate the age restriction; it will be in place in perpetuity and enforceable in perpetuity.

The Commissioners discussed the possibility that the 136 units may generate a greater number of children due to various circumstances, i.e. older persons having children, grandparents raising their grandchildren.

Vice-Chairman Page and Chairman Reckhow restated their concern about the potential for an increased student population at Creekside.

Commissioner Cheek stated that the likelihood that as many children will be generated from a 90% age restricted townhouse community is much less than the likelihood that they will be generated out of 57 single-family residences.

Chairman Reckhow agreed with Commissioner Cheek.

Commissioner Heron contended that the sewer line extension cost would not be significantly increased per unit if the number of units was reduced by five.

Mr. Byker stated that other factors, such as the clubhouse and swimming pool, must be defrayed over the cost of the units. Also, the project cannot be reduced by five units given the architecture of the Epcon project. Carrying costs of a project are complicated; the sewer line is only one of the infrastructure needs that must be carried by the unit count.

Commissioner Heron expressed concern that the Board is dismissing the recommendations of Planning staff and the Planning and Zoning Commission.

Commissioner Cheek disagreed with Commissioner Heron's comments about the Board dismissing the recommendations.

Chairman Reckhow restated the committed elements proffered this evening. She requested a recommendation from Mr. Medlin regarding the proffered landscape buffer along the length of Farrington Road to create an attractive entranceway into Durham.

Mr. Medlin explained an opaque buffer as opposed to trees, shrubs, and under-story materials to address the aesthetics of the roadway.

Mr. Jewel suggested a buffer with a combination of deciduous trees (2½ inches), under-story trees, and shrubs. He would work with Planning staff to come up with language to create a nice gateway to Durham.

Chairman Reckhow suggested large evergreens for screening in the winter and to reduce the traffic noise. She recommended that a design with specifications be submitted and attached to the development plan.

Mr. Medlin concurred with the recommendations of Chairman Reckhow.

Mr. Byker informed Vice-Chairman Page that a final version of the restrictive covenant would be forwarded to the Commissioners within the next day or two.

Chairman Reckhow announced that the rezoning request would be back on the March 10 Regular Session agenda.

County Manager Mike Ruffin requested that the vote be taken to defer the item.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Page, and Reckhow
Noes: Heron

Absent: None

Public Hearing—Plan Amendment—Hebron Road/Elementary School E (A07-17)

Chairman Reckhow announced that the Board of County Commissioners initiated this plan amendment.

Joe Carley, Planner, City-County Planning Department, requested that the Board conduct a public hearing on a plan amendment for Hebron Road/Elementary School E (A07-17). He summarized the request, stating that the proposed plan amendment would change the Future Land Use Map designation for three parcels at the southwest corner of the intersection of Hebron Road and Old Oxford Highway. The proposed plan amendment would change the Future Land Use Map designation from Industrial to Institutional for the eastern parcel and from Industrial to Recreation/Open Space for the two western parcels. The three parcels are approximately 83 acres in size.

The applicant states that, “the proposed plan amendment stems from changed conditions in the area due to the purchase of the parcels in 2006 and 2007. The Durham Public School Board purchased the eastern parcel in August of 2006 for The Trust for Public Land and the State of North Carolina subsequently purchased the two western parcels for open space purposes.”

“The Joint City-County Planning Commission adopted a resolution directing staff to bring forward a plan amendment to redesignate this site at their October 3, 2007 meeting. The Commission noted that they hoped to redesignate the parcels in advance of the construction of the school so that the Future Land Use Map would more accurately account for the future uses of these parcels. This is consistent with Policy 2.3.6a., Updates, of the *Durham Comprehensive Plan*, which indicates that the City-County Planning Department “shall ensure that the Future Land Use Map is updated over time to reflect the best available information.”

The applicant further states, “redesignating the site to Recreation/Open Space and Institutional establishes a transitional use between the Industrial uses to the south of the site and the residential uses across Hebron Road from the site. The resulting land use pattern would be much more compatible with the character of the neighborhoods to the north of Hebron Road, than if this site was developed with industrial uses.”

The City-County Planning Department recommended approval based on the justification and meeting the criteria for plan amendments.

The Planning Commission recommended approval, 13-0, January 8, 2008, based on information provided in the staff report, the justification, and meeting the criteria for plan amendments.

Chairman Reckhow opened the public hearing that was properly advertised.

As no one requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Heron moved, seconded by Vice-Chairman Page, to approve Plan Amendment A07-17.

The motion carried unanimously.

BOARD OF COMMISSIONERS RESOLUTION
AMENDING DURHAM COMPREHENSIVE PLAN
Hebron Road/ Elementary School E (A07-17)

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Durham County Board of Commissioners has adopted a resolution that requires that the Board consider changes to adopted land use plans when requested rezoning substantially conflicts with the adopted land use plan.

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the Future Land Use map of the *Durham Comprehensive Plan* be amended by designating as Recreation and Open Space, the following parcels, as shown on the attached map: 0833-02-69-4318 (partial); 0833-02-79-1620; and by designating as Institutional, the following parcel, as shown on the attached map: 0833-02-79-9797

SECTION 2

This change shall become effective upon the adoption of this resolution.

This 25th day of February, 2008.

Chairman Reckhow thanked the Planning staff for moving this item forward in an efficient manner.

Public Hearing—Plan Amendment—Page Road Corporate Center (A07-16)

Joe Carley, Planner, City-County Planning Department, requested that the Board conduct a public hearing on a plan amendment for Page Road Corporate Center (A07-16) and approve

the requested change from Medium Density Residential (6-12 DU/Ac.) to the Office land use designation on the Future Land Use Map of the *Durham Comprehensive Plan*.

The City-County Planning Department recommended approval based on the justification and meeting the criteria for plan amendments.

The Planning Commission recommended approval, 13-0, January 8, 2008, based on information provided in the staff report, the justification, and meeting the criteria for plan amendments.

Chairman Reckhow opened the public hearing that was properly advertised.

Bob Zumwalt, 2905 Meridian Parkway, Durham, NC 27713, representing Page Corp. Partners, explained the requested plan amendment and asked the Board for approval.

As no one else requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Vice-Chairman Page moved, seconded by Commissioner Heron, to approve Plan Amendment—Page Road Corporate Center (A07-16).

The motion carried unanimously.

BOARD OF COMMISSIONERS RESOLUTION
AMENDING DURHAM COMPREHENSIVE PLAN
Page Road Corporate Center (A07-16)

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, to help guide the future development of land within the County's jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Durham County Board of Commissioners has adopted a resolution that requires that the Board consider changes to adopted land use plans when requested rezoning substantially conflicts with the adopted land use plan.

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the Future Land Use map of the *Durham Comprehensive Plan* be amended by designating as Office, the following parcel, as shown on the attached map: 0747-01-97-5179 (partial).

SECTION 2

This change shall become effective upon the adoption of this resolution.

This 25th day of February, 2008.

Public Hearing on General Obligation Bond Orders

Chairman Reckhow recognized County Attorney Chuck Kitchen.

County Attorney Kitchen requested that the Board of Commissioners hold the public hearing on the Orders authorizing school bonds, library facilities bonds, and public building bonds. The initial orders were adopted by the Board at its February 5, 2008 meeting. The bond orders, along with the notice of the public hearing, were duly advertised in accordance with law. Following the public hearing, each of the bonds is proposed to be approved by the Board.

Chairman Reckhow opened the public hearing that was properly advertised.

As no one requested to speak on the agenda item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Thereupon, upon motion of Commissioner Page, seconded by Commissioner Heron and carried, the order introduced and passed on first reading on February 11, 2008 entitled: "ORDER AUTHORIZING \$500,000 LIBRARY FACILITIES BONDS" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was:

The motion carried unanimously.

Chairman Reckhow then announced that the order entitled: "ORDER AUTHORIZING \$500,000 LIBRARY FACILITIES BONDS" had been adopted.

Thereupon, upon motion of Commissioner Cousin, seconded by Commissioner Heron and carried, the order introduced and passed on first reading on February 11, 2008, entitled: "ORDER AUTHORIZING \$4,950,000 PUBLIC BUILDING BONDS" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was:

The motion carried unanimously.

Chairman Reckhow then announced that the order entitled: “ORDER AUTHORIZING \$4,950,000 PUBLIC BUILDING BONDS” had been adopted.

Thereupon, upon motion of Commissioner Cousin, seconded by Commissioner Page and carried, the order introduced and passed on first reading on February 11, 2008 entitled: “ORDER AUTHORIZING \$6,650,000 SCHOOL BONDS” was read and a second time by title and placed upon its final passage. The vote upon final passage of said order was:

The motion carried unanimously.

The Chairman then announced that the order entitled: “ORDER AUTHORIZING \$6,650,000 SCHOOL BONDS” had been adopted.

Adjournment

Chairman Reckhow welcomed County Manager Ruffin back, as he had been on a three-week medical leave of absence.

There being no further business, Commissioner Reckhow adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Vonda Sessoms, CMC
Clerk to the Board