

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

Monday, February 11, 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: Vice-Chairman Michael D. Page, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Becky M. Heron

Absent: Chairman Ellen W. Reckhow (Excused)

Presider: Vice-Chairman Page

Opening of Regular Session—Pledge of Allegiance

Announcements

Commissioner Heron stated that she, along with County Attorney Chuck Kitchen and former Durham County Tax Administrator Ken Joyner, attended the NCACC Taxation and Finance Steering Committee meeting last week where school adjustment was discussed. She asked County Attorney Chuck Kitchen to keep the Board updated.

Commissioner Heron announced that a public hearing will be held regarding the Transportation Improvement Program on Wednesday, February 13, 2008, at 7:00 p.m., in the Durham City Council Chambers.

Vice-Chairman Page informed the public that a ribbon cutting ceremony for the Durham County Tax Administration's Tax Payment Kiosk will be held on Tuesday, February 12, 2008, at 10:00 a.m. at Northgate Mall (in front of the DMV), 1058 West Club Boulevard, Durham.

Minutes

Commissioner Heron moved, seconded by Commissioner Cheek, to approve as submitted the December 20, 2007 BOCC/City Council, January 14, 2008 Regular Session, and January 28, 2008 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Cheek, Cousin, Heron, and Page

Noes: None

Absent: Reckhow

Commissioner Heron referred to Page 15 of the January 14, 2008 Regular Session Minutes. She requested that Mental Health staff provide additional information about the Housing Support Team and submit a progress report at a future Worksession.

Recognition of Shelly Green, COO of Durham Convention and Visitor's Bureau, for her Appointment to the International Board of Directors for DMAP

Vice-Chairman Page recognized Shelly Green, a 19-year veteran in Destination Marketing, with eight years as Chief Operating Officer of Durham's marketing agency—the Durham Convention & Visitors Bureau, for her appointment to the Board of Directors of the Destination Marketing Accreditation Program (DMAP). Ms. Green will serve a three-year term on the 11-member board commencing in February 2008.

Commissioner Heron commended Ms. Green for her dedicated work to the Durham Convention & Visitors Bureau (DCVB). She stated that DCVB was the first in North Carolina to achieve accreditation in June 2007 and among the first 27 in North America.

Ms. Green was not present at the meeting.

Special Award to Sara Houston in Recognition of Work with MADD

Ms. Ollie Jeffers, representing Mothers Against Drunk Driving (MADD), contacted Durham County Manager Mike Ruffin to request time on the agenda to recognize Sara Houston, an employee from Durham County EMS, with a special award.

Ms. Jeffers reported that for the past year and a half, MADD has sponsored a Victim Impact Panel (VIP) which meets on the last Monday of each month in Durham County. This VIP is for first-time offenders who have been ordered by the judicial system to attend. She stated that Ms. Houston has attended monthly when available and has spoken to the offenders from her professional experience in an effort to help deter drinking and driving. Ms. Jeffers expressed appreciation for Ms. Houston's dedication and commitment to VIP's efforts.

Mike Smith, EMS Director, thanked the Board for recognizing Ms. Houston.

Ms. Houston expressed gratitude for the recognition. She accepted the award from Ms. Jeffers.

Recognition of The Durham Center for Receiving Two NC Council of Community Program Awards

Ellen Holliman, Area Director, The Durham Center, introduced this item. Ms. Holliman reported that The Durham Center recently received prestigious Program of Excellence Awards from the NC Council of Community Programs for its leadership in two important initiatives in Durham. The Center was recognized with the Program of Excellence Award in Best Practices for its Easter Seals UCP ASAP Integrated Dual-Disorder Team (IDDT), which provides substance abuse and mental health services, including intensive case management, medication management, psychosocial and substance abuse counseling, nursing services, and community-based services focused on recovery, as well as supported employment for those

with a dual diagnosis of mental illness and substance abuse needs. Ms. Holliman gave an overview of progress made by the IDDT.

Ms. Holliman continued by stating that The Durham Center was also recognized with the Program of Excellence Award in Public Awareness and Advocacy for its Recovery Culture Program, which unites community partners to work to reduce the stigma of substance addiction and to create a culture of recovery in Durham.

Ms. Holliman thanked the following individuals and organizations for their leadership and diligent work: Doug Fuller, Communications Director; Partnership for Healthy Durham; Durham County Health Department; Alcohol and Drug Counseling North Carolina; Urban Ministries; and Duke University Health Systems.

Vice-Chairman Page congratulated Ms. Holliman and the Mental Health staff for receiving the awards.

Consent Agenda

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

- a. Department of Social Services One Source Contract (approve \$146,330 in services to be added to the \$159,425 contract to continue the Document Management Imaging Project; amended total not to exceed \$305,755);
- *c. Street Closing—East Institute Drive (SC07-09) (adopt the resolution to set the public hearing for March 10, 2008 to consider the proposed right-of-way closing)
- *d. Street Closing—Hanes Drive (SC07-07) (adopt the resolution to set the public hearing for March 10, 2008 to consider the proposed right-of-way closing);
- *e. Street Closing—West Institute Drive (SC07-08) (adopt the resolution to set the public hearing for March 10, 2008 to consider the proposed right-of-way closing);
- *f. City-County Appearance Commission—Interlocal Agreement (approve the revision);
- *g. Budget Ordinance Amendment No. 08BCC000058—Social Services—Recognizing Additional Revenue (approve an increase in Child Support Incentive Funds [\$35,023], Crisis Intervention Payments [\$402,320], Home and community Care Block Grant [\$7,288], and Child Welfare Worker Visits [\$28,315], for a total increase of \$472,946);
- i. Advertising of Tax Liens (approve the Interim Tax Administrator's request to begin advertising the 2007 tax liens in the month of March);
- *j. Reimbursement Resolution Relating to the Financing of Certain School Facilities (adopt to establish the intent of the Board to reimburse the County from the proceeds of

one or more issues of the \$194,240,000 School Bonds of the County); and

The motion carried with the following vote:

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

Documents related to these items follow:

Consent Agenda Item No. c. Street Closing—East Institute Drive (SC07-09) (adopt the resolution to set the public hearing for March 10, 2008 to consider the proposed right-of-way closing).

RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DURHAM TO CONSIDER PERMANENTLY CLOSING 338.95 LINEAR FEET OF EAST INSTITUTE DRIVE (SC07-09) AND CALLING A PUBLIC HEARING THEREON

Whereas, the County Clerk of the County of Durham has received a petition to close 338.95 linear feet of East Institute Drive, on the west side of Cornwallis Road, south of Hanes Drive,

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

1. The Board of Commissioners proposes to consider permanently closing 338.95 linear feet of East Institute Drive, on the west side of Cornwallis, south of Hanes Drive and West Institute Drive.
2. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 10th day of March, 2008 at 7:00 p.m. in the Commissioners Chambers, 200 E. Main Street, Durham, North Carolina.
3. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
4. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.
5. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.

6. If it appears to the satisfaction of the Board of Commissioners after said public hearing that the closing of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and egress to his property, the Board of Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.
7. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald Sun once a week for three successive weeks, the first publication to be not less than ten days nor more than twenty-five days before the date fixed for the hearing.

This 11th day of February, 2008.

Consent Agenda Item No. d. Street Closing—Hanes Drive (SC07-07) (adopt the resolution to set the public hearing for March 10, 2008 to consider the proposed right-of-way closing).

RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DURHAM TO CONSIDER PERMANENTLY CLOSING 1,129.05
LINEAR FEET OF HANES DRIVE (SC07-07) AND CALLING A PUBLIC HEARING
THEREON

Whereas, the County Clerk of the County of Durham has received a petition to close 1,129 .05 linear feet of Hanes Drive, on the west side of Cornwallis Road, between East Institute Drive and West Institute Drive,

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

1. The Board of Commissioners proposes to consider permanently closing 1,129.05 linear feet of Hanes Drive, on the west side of Cornwallis, between East Institute Drive and West Institute Drive.
2. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 10th day of March, 2008 at 7:00 p.m. in the Commissioners Chambers, 200 E. Main Street, Durham, North Carolina.
3. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
4. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.
5. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.

6. If it appears to the satisfaction of the Board of Commissioners after said public hearing that the closing of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and egress to his property, the Board of Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.
7. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald Sun once a week for three successive weeks, the first publication to be not less than ten days nor more than twenty-five days before the date fixed for the hearing.

This 11th day of February, 2008.

Consent Agenda Item No. e. Street Closing—West Institute Drive (SC07-08) (adopt the resolution to set the public hearing for March 10, 2008 to consider the proposed right-of-way closing).

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DURHAM TO CONSIDER PERMANENTLY CLOSING 249.59
LINEAR FEET OF WEST INSTITUTE DRIVE (SC07-08) AND CALLING A PUBLIC
HEARING THEREON**

Whereas, the County Clerk of the County of Durham has received a petition to close 249.59 linear feet of West Institute Drive, on the west side of Cornwallis Road, and north of Hanes Drive,

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

1. The Board of Commissioners proposes to consider permanently closing 249.59 linear feet of West Institute Drive, on the west side of Cornwallis, north of Hanes Drive.
2. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 10th day of March, 2008 at 7:00 p.m. in the Commissioners Chambers, 200 E. Main Street, Durham, North Carolina.
3. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
4. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.

5. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.
6. If it appears to the satisfaction of the Board of Commissioners after said public hearing that the closing of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and egress to his property, the Board of Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.
7. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald Sun once a week for three successive weeks, the first publication to be not less than ten days nor more than twenty-five days before the date fixed for the hearing.

This 11th day of February, 2008.

Consent Agenda Item No. f. City-County Appearance Commission—Interlocal Agreement (approve the revision).

Interlocal Agreement
Between the City of Durham and Durham County
Creating a Durham City-County Appearance Commission

Section 1. Creation and Purpose

The Durham City Council and the Durham County Board of Commissioners hereby establish the Durham City-County Appearance Commission in accordance with NCGS 160A-451. The purpose of this Commission is to enhance and improve the visual quality and aesthetic character of Durham City and County.

Section 2. Powers and Duties

The Durham City-County Appearance Commission shall have the following powers and duties:

- A. To initiate, propose and assist in the implementation of programs of general community beautification in Durham City and County.
- B. To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities, and programs bear upon the appearance of Durham City and County.
- C. To provide leadership and guidance in matters of area or community design and appearance, including public safety and crime prevention through environmental design principles.
- D. To make studies of the visual characteristics and problems, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design.
- E. To prepare both general and specific plans for the improved appearance of Durham City and County. The plans may include the entire jurisdictions or part of the jurisdictions.

The plans may set forth desirable standards and goals for the aesthetic enhancement of Durham City or County.

- F. To respond to any requests from the Governing Bodies, public agencies, private entities, developers and Planning Staff to review proposals for buildings, facilities or projects located within Durham City or County. Requests by a Governing Body shall be totally within the discretion of the Governing Body.
- G. To make recommendations regarding the adoption or amendment of ordinances that will serve to enhance the appearance of Durham City or County.
- H. To direct public attention toward situations that may affect the appearance of Durham City and County.
- I. To promote public interest in and an understand of the recommendations, studies and plans which will enhance the appearance of Durham City or County through notification, publication and distribution of materials related to the aesthetic environment of Durham.
- J. To conduct public meetings and educational sessions, which will advance the cause of an improved appearance for Durham City and County.
- K. To establish a process to recognize the achievements and contributions to the community related to appearance and design.
- L. To accept grants to further the purpose of community aesthetics and design.

Section 3. Membership

- A. Appointment. The commission shall consist of fifteen (15) members with eight (8) to be appointed by the Durham County Board of Commissioners and seven (7) to be appointed by the Durham City Council. Members shall reside within the jurisdiction of the appointing authority. While encouraging applicants with expertise in aesthetics, attempts shall also be made to assure that the appointments represent a cross section of the community. All members shall have equal rights regardless of whether the matters at issue are located inside or outside the corporate limits. The Joint City-County Planning Committee may recommend to the governing boards individuals for appointment to the Appearance Commission to ensure that State mandated qualifications are met.
- B. Qualifications. All members of the Commission shall have a demonstrated interest, Competence, or knowledge in community aesthetics, and a majority of the members of the Commission shall have expertise in a design field such as architecture, landscape architecture design, city planning, horticulture, urban design or a related field. The Commission shall include the following professionals:
 - Minimum of three (3) Registered Architects;
 - Minimum of three (3) Registered Landscape Architects;
 - Minimum of two (2) Real estate agents, developers or builders;
 - Minimum of two (2) other design professionals.

Any remaining seats shall include members who may not have the background of the members representing specific professional areas above. In the event that the pool of applicants is insufficient to fill a particular category, then the City and/or the County may appoint individuals with demonstrated expertise and/or experience in one of the other designated categories. If the pool of applicants is still insufficient to fill the required categories, then the City and/or County may make one or more at-large citizen appointments to the Commission. Members shall also meet those general qualifications

specified by the appointing body, which are requirements for all individuals serving on a governmental board or commission.

- C. Tenure. Members shall serve three (3) year terms and may be reappointed for a second term. No member shall serve more than two (2) full consecutive terms. Initial appointments for the creation of the Commission shall be for staggered terms. Three of the County initial appointments shall be for three year terms, three of the County initial appointments shall be for two-year terms, and two of the County initial appointments shall be for one year terms. Three of the City initial appointments shall be for three year terms, two of the City initial appointments shall be for two year terms and two of the City initial appointments shall be for one year terms. Members may continue to serve until their successors have been appointed. Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointed authority as they occur for the period of time of the unexpired term. Appointees filling an unexpired term are eligible for appointment for two (2) additional full terms.
- D. Compensation. Members shall serve without pay but may be reimbursed for expenses.

Section 4. Organization and Meetings

- A. The Commission shall elect a Chairperson and shall create and fill other offices as it may find necessary.
- B. The Commission shall adopt rules of procedure.
- C. The Commission shall meet at least four (4) times per year.
- D. The Commission shall no later than April 15 of each year submit to the Governing Bodies, a written report of its activities, a statement of its expenditures to date for the current fiscal year and its requested budget for the next fiscal year.

Section 5. Receipt and Expenditure of Funds

The Commission may receive contributions from private agencies, foundations, organizations, individuals, the State or federal government or any other source, in addition to any sums appropriated for its use by Durham City or County. The Commission may accept and disburse these funds for any purpose within the scope of its authority. All sums appropriated by the City and County to further the work and purposes of the Commission are deemed to be for a public purpose. Expenditure of funds shall be administered in accordance with the requirements of the Municipal and County Fiscal Control Acts.

Section 6. Support

The City-County Planning Department shall provide staff for the Appearance Commission as specified in the annual Planning Department Work Plan approved by the City and County. Staff shall be responsible for preparing notices and agendas for the Commission's meetings and keeping the record of the Commission meetings, including records of members' attendance. The Commission's budget, if any, shall be established as part of the Durham City-County Planning Department budget each fiscal year, in accordance with the agreement between the two jurisdictions on Department expenditures.

Section 7. Term of This Agreement

This Agreement shall be effective as of January 1, 2008. Unless terminated sooner as provided for in Section 8, below, this Agreement shall be effective on for a term of five (5) years, and shall expire at 12:01 AM, January 1, 2013. This Agreement may be terminated by either party, effective at the beginning of the fiscal year after such notice is given, upon 6 months notice given in writing prior to the start of the fiscal year in which termination is effective.

Section 8. Amendments

This Agreement may be amended at any time upon mutual written agreement of the City and County. The City Council and County Commissioners shall be the final authority in approving all amendments.

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

Consent Agenda Item No. g. Budget Ordinance Amendment No. 08BCC000058—Social Services—Recognizing Additional Revenue (approve an increase in Child Support Incentive Funds [\$35,023], Crisis Intervention Payments [\$402,320], Home and community Care Block Grant [\$7,288], and Child Welfare Worker Visits [\$28,315], for a total increase of \$472,946).

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000058

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>			
Intergovernmental	\$364,048,641	\$472,946	\$364,521,587

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$418,145,813	\$472,946	\$418,618,759

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

This the 11th day of February, 2008.

Consent Agenda Item No. j. Reimbursement Resolution Relating to the Financing of Certain School Facilities (adopt to establish the intent of the Board to reimburse the County from the proceeds of one or more issues of the \$194,240,000 School Bonds of the County).

RESOLUTION OF THE BOARD OF COMMISSIONERS OR THE COUNTY OF DURHAM, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE SAID COUNTY FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES IN CONNECTION WITH CERTAIN SCHOOL FACILITIES

WHEREAS, the County of Durham, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County or The Durham Public Schools Board of Education (the "Board of Education") has paid, beginning no earlier than December 13, 2007, and will pay, on and after the date hereof, certain expenditures in connection with erecting additional school buildings and other school plant facilities, remodeling, enlarging and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, in order to provide additional school facilities in said County to maintain the school term as required by Section 2 of Article IX of the Constitution (collectively the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that certain moneys of the County previously advanced no earlier than December 13, 2007 and to be advanced on and after the date hereof by the County or the Board of Education to pay such expenditures (the "Expenditures") are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings in the form of one or more issues of general obligation School Bonds of the County that were approved at the referendum thereon on November 6, 2007 (collectively the "Tax-exempt Financings");

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County's intent to reimburse the County with the proceeds of the Tax-exempt Financings for the Expenditures made on and after December 13, 2007, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County or the Board of Education so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County or the Board of Education.

Section 3. The maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Project is \$194,240,000.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. b. Execution of Architectural Design Service Contract with DTW Architects and Planners, Ltd., for the Renovations to the Durham County Memorial Stadium (authorize the execution of a \$489,500 contract for basic services, plus additional services and reimbursable expenses estimated at \$156,775, thus totaling \$646,275).

Commissioner Cheek requested to remove this item to vote against the execution of the design contract. He expressed in previous meetings that he is opposed to the usage of funds for this project.

Commissioner Heron, member of the Memorial Stadium Authority, stated that the Authority has received numerous proposals for use of the Stadium. Once improvements are made, more requests for usage of the Stadium are anticipated.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Consent Agenda Item No. b.

The motion carried with the following vote:

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

Consent Agenda Item No. h. Budget Ordinance Amendment No. 08BCC000059—Public Health (recognize \$287,085 in revenue from Duke University’s Center for Child and Family Policy to implement *Durham Connects*, a post-partum home visiting program, and establish 12 new positions [one PHN Supervisor I, one Processing Assistant III, and ten PHN IIs—12.0 total FTEs]).

Vice-Chairman Page removed this item from the consent agenda to allow comments from signed speaker Victoria Peterson.

Ms. Peterson, PO Box 101, Durham 27702, expressed a concern about Duke University representatives visiting homes of women in Durham who have newborns.

Commissioner Heron addressed Ms. Peterson’s concerns. She commented that the program may teach new mothers how to manage a newborn as well as help alleviate mistreatment of children.

Commissioner Cheek clarified for Ms. Peterson that the program involves public health nurses visiting the homes, not Duke University.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve Consent Agenda Item No. h.

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

DURHAM COUNTY, NORTH CAROLINA
FY 2007-08 Budget Ordinance
Amendment No. 08BCC000059

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> Contributions & Donations	\$932,845	\$287,085	\$1,219,930

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$418,618,759	\$287,085	\$418,905,844

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

This the 11th day of February, 2008.

Consent Agenda Item No. k. Approve the Three-Year Ambulance Franchise Renewal with Johnston Ambulance Service.

Vice-Chairman Page called signed speaker Victoria Peterson, PO Box 101, Durham 27702, forward for comments.

Ms. Peterson asked EMS staff to reply to the following questions: 1) how many Durham citizens were transported by Johnston Ambulance Service (JAS); how much money was earned; 2) does JAS pay directly to the County; and 3) does JAS perform an independent audit.

EMS Director Mike Smith addressed Ms. Peterson's questions. He stated that JAS is a non-emergency service that allows Durham County EMS to be available to respond to emergency calls.

A Johnston Representative was present to answer Ms. Peterson's questions. He offered to provide Ms. Peterson with a revenue breakdown at a later date.

Ms. Peterson requested a report on the answers to her previous questions.

Vice-Chairman Page asked Ms. Peterson to put her request in writing and submit it to the County Manager's Office.

Commissioner Heron emphasized the importance of having a transport service such as JAS. She shared a personal experience with JAS.

Mr. Smith praised the service provided by JAS.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. k.

Ayes: Cheek, Cousin, Heron, and Page

Noes: None

Absent: Reckhow

Introduction of Bond Orders

Vice-Chairman Page stated that the Board is requested to introduce the Bond Orders authorizing \$500,000 Library Facilities Bonds, \$4,950,000 Public Buildings Bonds, and \$6,650,000 School Bonds. The Board was also requested to receive the Sworn Statement of Debt of the County from the Finance Officer and approve on first reading the Bond Orders.

County Attorney Chuck Kitchen stated that the bonds will not become authorized for issuance until after the public hearing, a second approval by the Board of Commissioners, and approval by the Local Government Commission. He requested that the Board set the public hearing on the proposed bond orders for its regular meeting to be held on February 25, 2008.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve on first reading the Bond Orders, receive the sworn statement of debt, and set the public hearing for the February 25, 2008 Regular Session meeting.

Ayes: Cheek, Cousin, Heron, and Page

Noes: None

Absent: Reckhow

ORDER AUTHORIZING \$500,000 LIBRARY FACILITIES BONDS

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

1. That, pursuant to The Local Government Bond Act, as amended, the County of Durham, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract,

and in evidence thereof to issue Library Facilities Bonds in an aggregate principal amount not exceeding \$500,000 for the purpose of providing funds, with any other available funds, for improving library facilities of said County, including the acquisition and installation of a system to enhance the circulation of library materials at the Main Library.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. § 159-60 in which event it will take effect when approved by the voters of said County at a referendum as provided in The Local Government Bond Act, as amended.

ORDER AUTHORIZING
\$4,950,000 PUBLIC BUILDING BONDS

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

1. That, pursuant to The Local Government Bond Act, as amended, the County of Durham, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Building Bonds in an aggregate principal amount not exceeding \$4,950,000 for the purpose of providing funds, with any other available funds, for improving, renovating and repairing public buildings and facilities of said County, including the improvement, renovation and repair of the Criminal Justice Resource Center, the Administration Building and the Emergency Medical Services Station No. 1 and the acquisition of necessary furnishings and equipment therefor.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. § 159-60 in which event it will take effect when approved by the voters of said County at a referendum as provided in The Local Government Bond Act, as amended.

ORDER AUTHORIZING
\$6,650,000 SCHOOL BONDS

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

1. That, pursuant to The Local Government Bond Act, as amended, and in order to maintain the school term in the County of Durham as required by Section 2 of Article IX of the Constitution, the County of Durham, North Carolina is hereby authorized to contract a debt in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue School Bonds in an aggregate principal amount not exceeding \$6,650,000 for the purpose of providing funds, with any other available funds, for erecting, remodeling, enlarging and reconstructing school buildings and other school plant facilities and acquiring necessary land, rights of way, furnishings and equipment therefore, including the further renovation of the Holton Middle School to provide a vocational training center for The Durham Public School System in conjunction with a City of Durham Community Center and the acquisition of land for additional school facilities.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. § 159-60 in which event it will take effect when approved by the voters of said County at a referendum as provided in said Act.

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

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

Thereupon the order entitled: "ORDER AUTHORIZING \$500,000 LIBRARY FACILITIES BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$4,950,000 PUBLIC BUILDING BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$6,650,000 SCHOOL BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 7:00 P.M. on February 25, 2008, in the Commissioners' Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, as the hour, day and place for the public hearing upon the foregoing orders and directed the Clerk to the Board of Commissioners to publish each of said orders,

together with the appended statement as required by The Local Government Bond Act, as amended, once in The Herald Sun not later than the sixth day before said date.

COUNTY OF DURHAM, NORTH CAROLINA

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

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

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:			
Public Improvement Bonds.....	\$	187,120,000	
Refunding Bonds.....		<u>60,325,000</u>	\$ 247,445,000
a(2) Bonds authorized by orders introduced on February 11, 2008, but not yet adopted:			
Library Facilities Bonds.....	\$	500,000	
Public Building Bonds		4,950,000	
School Bonds.....		<u>6,650,000</u>	\$ 12,100,000
a(3) Unissued bonds authorized by adopted orders:			
School Bonds (approved in 2003).....	\$	34,090,000	
Community College Bonds		8,680,000	
Museum Bonds.....		4,180,000	
School Bonds.....		<u>194,240,000</u>	\$ 241,190,000
a(4) Outstanding debt, not evidenced by bonds.....	\$		47,008,627
a(5) Installment financing debt authorized but not yet incurred.....	\$		0
(a) GROSS DEBT, being the sum of a(1), a(2), a(3), a(4) and a(5)....	\$		547,743,627

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted	\$	0
b(2)	Funding and refunding bonds authorized but not yet issued.....	\$	0
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. §159-55(b))	\$	0
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water purposes.....	\$	0
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes to the extent that said debt is made deductible by G.S. §159-55(b)	\$	0
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt	\$	0
b(7)	The amount, as estimated by the Finance Director, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt	\$	0
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4)g b(5), b(6) and b(7).....	\$	0

(c) NET DEBT

(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b).....	\$	547,743,627
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(d) APPRAISED VALUE

(d)	APPRAISED VALUE of property subject to municipal taxation before the application of any assessment ratio, being the value fixed in 2007.....	\$	22,035,372,134
(e)	Percentage which the NET DEBT (c) bears to the APPRAISED VALUE (d).....		2.486%

The foregoing statement is true.

/s/ George K. Quick
Finance Director

Adjournment

There being no further business, Vice-Chairman Page adjourned the meeting at 7:40 p.m.

Respectfully Submitted,

Yvonne R. Gordon
Deputy Clerk to the Board