

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

Monday, June 25, 2007

7:00 P.M.

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek and Michael D. Page

Absent: Philip R. Cousin Jr.

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow welcomed everyone to the regular meeting of the Board of County Commissioners, Monday, June 25, 2007. She requested that all in attendance rise for the recitation of the Pledge of Allegiance.

Motion to Excuse

Commissioner Cheek moved, seconded by Commissioner Page, to excuse Commissioner Cousin from the June 25 meeting, as he was out of town.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Motion Resulting from the 4:00 Closed Session

Chairman Reckhow announced that the Board met in closed session from 4:00 to 6:00 p.m. with four officials to review performances and determine salary increases. The Commissioners agreed that the officials had performed in an excellent manner during the past year. The recommended salary increases follow:

Ken Joyner, Tax Administrator	\$109,000
Sheriff Worth Hill	\$116,000
Register of Deeds Willie Covington	\$103,000
County Attorney Chuck Kitchen	\$160,000

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the salary recommendations.

The motion carried with the following vote:

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

Agenda Adjustments

Chairman Reckhow added an appointment to the Downtown Durham Inc. Board. She noted the addition of consent agenda item, "FY2006-07 Nonprofit Grant Amendment for the American Red Cross," which had been placed at each Commissioner's station.

Minutes

Commissioner Page moved, seconded by Commissioner Cheek, to approve as submitted the June 4, 2007 Worksession and the June 11, 2007 Regular Session Minutes of the Board.

The motion carried with the following vote:

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

Resolution Requesting the Budget for the State of North Carolina to be approved by July 1, 2007

North Carolina General Statute 159-8(b) requires counties to adopt a balanced budget ordinance each year by July 1. To assist Durham County in completing its budget according to State Statutes, the Board of Commissioners was requested to approve a resolution requesting that the Governor of North Carolina has the State's budget approved by July 1.

Chairman Reckhow recognized Vice-Chairman Heron to read the resolution.

Vice-Chairman Heron read the following resolution into the record:

RESOLUTION REQUESTING THE BUDGET FOR THE STATE OF NORTH
CAROLINA TO BE APPROVED BY JULY 1, 2007

WHEREAS, General Statute 159-8(b) requires counties to adopt a balanced budget ordinance each year by July 1; and

WHEREAS, the State of North Carolina hands down mandates yearly that must be funded by local governments as well as other legislation directly affecting county budgets; and

WHEREAS, there are still numerous bills in the General Assembly that, if passed, will affect county budgets significantly; and

WHEREAS, counties still do not know the outcome of Medicaid relief or whether there will be any Medicaid relief or how much and if there is any relief whether it will be temporary or permanent; and

WHEREAS, without Medicaid relief, many low-wealth counties will have to either raise taxes or cut employees, programs, and services:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the Governor of North Carolina has the State's budget approved by July 1, 2007 so counties will know how to complete their budgets according to State Statutes.

BE IT FURTHER RESOLVED that this resolution be sent to all 100 counties and to all North Carolina legislators asking for their support of this request.

Adopted this 25th day of June, 2007.

/s/ All Five Commissioners

Consent Agenda

Chairman Reckhow read the consent agenda items into the record.

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

- *a. Durham County Detention Center Planned Maintenance Contract (authorize the County Manager to enter into a \$414,266 contract with Aramark Facility Services to supply planned/preventive maintenance services at the Durham County Detention Center for one year, renewable up to four additional years; the total contract will not exceed \$414,266);
- b. Approval of Contract for Medical Services for the Durham County Detention Facility and the Youth Home (RFP # 07-012) (authorize the execution of a one-year contract with Correct Care Solutions Inc. to provide comprehensive health care services for persons in the custody of the Sheriff and the youth detained at the Youth Home; the contract will be for an amount not to exceed \$2,598,800)

- plus a per diem charge of \$2.78 per inmate for any month with an average daily population greater than 620);
- *c. Budget Ordinance Amendment No. 07BCC000072— Social Services (recognize an increase of \$59,781 from Child Care Services Association to award community scholarship funds for child care related expenses);
 - *d. Street Closing—Set Public Hearing for Valetta Road (SC07-04) (adopt the resolution to set a public hearing for July 23, 2007 to consider the proposed public right-of-way closing);
 - e. Service Contract and Lease for the Operation of the Animal Shelter (authorize the Manager to execute a one-year contract with the Animal Protection Society of Durham Inc. for the operation of the Durham County Animal Shelter for \$571,997 and to extend the Term of the Lease Agreement for one year upon the same terms and conditions of the exiting Lease Agreement);
 - *f. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for May 2007 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
 - g. Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services (approve the Funding Plan which has been incorporated into the Manager's proposed FY 2008 Budget);
 - h. Approve the sale of County Surplus Property—2230 North Oak Ridge Boulevard to Jennifer Cole for \$17,900; 2422 Barry Street to Briscoe Enterprises for \$3,000; 723 Eva Street to Briscoe Enterprises for \$3,000; and 2804 Cannada Avenue to Tewonda Farrar for \$1,000;
 - *j. Budget Ordinance Amendment No. 07BCC000074— Durham County Coordinated Transportation—Approve Gap Funding in the amount of \$26,000 for the Durham County Access Public Transportation Program;
 - *k. Adopt the Resolution to Endorse the Durham County Project Priority List for the FY 2009-2015 Transportation Improvement Program;
 - l. Appointment of Cooperative Extension Services Director (approve the appointment of Ms. Delphine Sellars as Director of Cooperative Extension Services for Durham County effective July 2, 2007);
 - *m. Appointments (approve the recommended appointments to the Juvenile Crime Prevention Council);
 - o. Approve amendments to the three leases for property located at 523 E. Peabody St., 510 E. Peabody St., and 528 E. Main St., which would extend the leases through

- July 31, 2007, and authorize the Manager to execute the lease amendments;
- p. Approve the closing of the Equipment Leasing Fund; forgive any remaining payments to the fund by the departments; transfer the capital outlay to the fund in which the departments reside that purchased and used the assets; and transfer the remaining equity to the General Fund;
 - *q. Budget Ordinance Amendment No. 07BCC000075 and Capital Project Amendment No. 07CPA000010—Official Closing of Completed Capital Projects and the Closing of the Related General Ledger Capital Project Funds;
 - r. Durham Public Schools—Construction Contract for Lowe’s Grove Middle School (approval to enter into a contract for the renovation of Lowe’s Grove Middle School with DeVere Construction Co. Inc. for \$7,620,000);
 - *t. Capital Project Amendment No. 07CPA000009—Creation of Mental Health Crisis Center Renovation Project (47302635-DC091) and Execution of Architectural Design Service Contract with DTW Architects and Planners Ltd. for the Renovation of the Oakleigh Building (authorize the renovation project with a budget of \$500,000 from Duke University funds, and the execution of an architectural design contract in the amount \$195,000 plus additional services and reimbursable expenses estimated at \$2,000 for a combined total of \$197,000); and
 - u. FY2006-07 Nonprofit Grant Amendment for the American Red Cross (approve the redistribution of the \$5,000 grant to the American Red Cross for FY2006-2007 for use in their fire assistance program and authorize an amendment to their current contract with the County).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. a. Durham County Detention Center Planned Maintenance Contract (authorize the County Manager to enter into a \$414,266 contract with Aramark Facility Services to supply planned/preventive maintenance services at the Durham County Detention Center for one year, renewable up to four additional years; the total contract will not exceed \$414,266).

PROPOSAL TABULATION
REQUEST FOR PROPOSALS
 Maintenance Services for the Durham County Detention Center
 (RFP #07-015)

Proposer	Name of Contact	Proposed Cost
Aramark Correctional Services 2300 Warrenville Rd Downers Grove, IL 60515 Tel: 630-271-2000 Fax: 630-271-5758	Terry Pinnix	\$414,266.00
Meridian Management Corporation 818 AIA N Ste. 300 Ponte Vedra Beach, FL 32082 Tel: 904-285-3400 Ext 3314 Fax: 904-280-9838	T.R. Brownfield	\$455,065.00
CGL Engineering Inc. 795 E Lanier Ave. Fayetteville, GA 30214 Tel: 770-716-0081 Fax: 770-716-9081	Joe E. Lee	\$437,674 Reimbursable material markup: 5%
Keith & Keith Corrections 5935 Carnegie Blvd, Suite 200 Charlotte, NC 28209 Tel : 704-319-8144 Fax: 704-365-0733	G Michael Cox	\$422,421.00

Consent Agenda Item No. c. Budget Ordinance Amendment No. 07BCC000072—Social Services (recognize an increase of \$59,781 from Child Care Services Association to award community scholarship funds for child care related expenses).

DURHAM COUNTY, NORTH CAROLINA
 FY 2006-07 Budget Ordinance
 Amendment No. 07BCC000072

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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	\$1,773,648	\$59,781	\$1,833,429

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$390,274,965	\$59,781	\$390,334,746

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

This the 25th day of June, 2007.

Consent Agenda Item No. d. Street Closing—Set Public Hearing for Valetta Road (SC07-04) (adopt the resolution to set a public hearing for July 23, 2007 to consider the proposed public right-of-way closing).

RESOLUTION DECLARING THE INTENT OF
THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DURHAM
TO CONSIDER PERMANENTLY CLOSING 250 LINEAR FEET OF VALETTA
ROAD (SC07-04)
AND CALLING A PUBLIC HEARING THEREON.

Whereas, the County Clerk of the County of Durham has received a petition to close 250 linear feet of Valetta Road, on the west side of Koback Drive, north of Torredge Road and south of Palimino Lane,

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 250 linear feet of Valetta Road, on the west side of Koback Drive, north of Torredge Road and south of Palimino Lane.
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 23rd day of July, 2007 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

gress 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 four 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 25th day of June, 2007.

Consent Agenda Item No. f. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for May 2007 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, etc., the report details releases and refunds for the month of May 2007.

Releases & Refunds for 2007 Taxes:

Real Estate	\$73,800.88
Personal	\$ 127.91
Registered Vehicles	\$ 1,116.02
Vehicle Fees	\$ 50.00
Total for 2007 Taxes and Fees	\$ 75,094.81

Releases & Refunds for 2006 Taxes:

Real Estate	\$ 17,633.60
Personal	\$ 1,598.24
Registered Vehicles	\$ 33,721.46
Vehicle Fees	\$ 745.00
Total for 2006 Taxes and Fees	\$ 53,698.30

Prior years' (2002-2005) releases and refunds for May 2007 are in the amount of \$3,359.41. The total current year and prior years' releases and refunds amount to \$132,152.52.

Consent Agenda Item No. j. Budget Ordinance Amendment No. 07BCC000074—Durham County Coordinated Transportation—Approve Gap Funding in the amount of \$26,000 for the Durham County Access Public Transportation Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000074

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Budget Ordinance is hereby amended to reflect budget adjustments.

Expenditures:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$390,334,746	\$26,000	\$390,360,746
Other	\$ 24,947,046	- \$26,000	\$ 24,921,046

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

This the 25th day of June, 2007.

Consent Agenda Item No. k. Adopt the Resolution to Endorse the Durham County Project Priority List for the FY 2009-2015 Transportation Improvement Program.

RESOLUTION ENDORSING DURHAM COUNTY PROJECT PRIORITY LIST
FOR THE FY 2009-2015
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

WHEREAS, The Board of County Commissioners recognizes the importance of transportation to the economic and social well-being of the community; and

WHEREAS, A Transportation Improvement Program which identifies transportation projects scheduled for State and federal funding over the next seven years is prepared biannually (every two years) by the N.C. Board of Transportation and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, The North Carolina Board of Transportation and the Transportation Advisory Committee solicit input for identifying transportation projects of local and regional importance to be included in the 2009-2015 TIP; and

WHEREAS, The identification of locally important transportation projects includes both partially funded and unfunded projects in the FY 2007-2013 TIP and additional priority projects to be included in the 2009-2015 TIP; and

WHEREAS, The Board of County Commissioners strongly encourages extensive and meaningful public participation in the design and construction of all programmed transportation projects; and

WHEREAS, The Board of County Commissioners strongly encourages the provision of bicycle and pedestrian facilities and protection of residential neighborhoods as transportation improvements are designed and implemented; and

WHEREAS, The Board of County Commissioners strongly supports additional funds for transportation improvements, including the identification of additional state

funding and new innovative sources of funds such as impact fees, land transfer taxes, and other local option revenue sources.

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

1. The Board of County Commissioners endorses the project priority list of transportation projects to be considered for inclusion in the FY 2009-2015 TIP;
2. The Board of County Commissioners urges the N.C. Department of Transportation and the Durham-Chapel Hill-Carrboro Transportation Advisory Committee (TAC) to fund the priority project requests before funding other projects in the urban area; and,
3. The Board of County Commissioners urges the N.C. Department of Transportation and the Durham-Chapel Hill-Carrboro Transportation Advisory Committee (TAC) to fully fund the partially funded highway projects in the FY 2007-1013 TIP.

/s/ Ellen Reckhow

Chairman

Board of County Commissioners

Consent Agenda Item No. m. Appointments (approve the recommended appointments to the Juvenile Crime Prevention Council).

- Rachel B. Larsen—District Attorney or Designee
 - Sgt. Tom McRae—Local Sheriff or Designee
 - Donald Pinchback—Chief Court Counselor or Designee
 - Jerry E. Yount—Chief of Police
 - Gayle B. Harris—Local Health Director or Designee
 - Michelle Zechmann—Director, AMH/DD/SA or Designee
 - Judge James T. Hill—Chief District Court Judge or Designee
 - Gudrun Parmer—County Manager or Designee
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Consent Agenda Item No. q. Budget Ordinance Amendment No. 07BCC000075 and Capital Project Amendment No. 07CPA000010—Official Closing of Completed Capital Projects and the Closing of the Related General Ledger Capital Project Funds.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000075

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 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>DEBT SERVICE FUND</u>			
Other Financing Sources	\$39,352,890	\$270,711	\$39,623,601

Expenditures:

<u>Function</u>			
<u>DEBT SERVICE FUND</u>			
Other	\$ 39,675,612	\$270,711	\$39,946,323

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

This the 25th day of June, 2007.

DURHAM COUNTY, NORTH CAROLINA
 FY 2006-07 Capital Project Ordinance
 Amendment No. 07CPA0000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Open Space Matching Grants	\$323,609	\$9,875	\$313,734
Housing Projects	\$68,109	\$68,109	\$ -0-
Carmichael Building Renovation	\$1,142,723	\$66,564	\$1,076,159
Animal Shelter Renovation	\$1,201,771	\$15,592	\$1,186,179
Judicial Building Annex	\$2,611,705	\$549	\$2,611,156
HeadStart/YMCA Building	\$1,112,250	\$6,648	\$1,105,602
Register of Deeds Automation	\$1,210,444	\$6,254	\$1,204,190
Little River Land Acquisition	\$82,426	\$174,675	\$647,751
Eligibility Building	\$20,000	\$1,920	\$18,080
County ERP Software Project	\$3,465,000	\$72,655	\$3,392,345
Fingerprinting Area Project	\$80,000	\$36,903	\$43,097
Whitted School Project	\$280,000	\$36,702	\$243,298
Bond Issuance Costs	\$1,049,679	\$1,049,679	\$ -0-
Homeless Shelter Renovation	\$1,982,895	\$78,251	\$1,904,644
TOTAL	\$15,370,611	\$1,624,376	\$13,746,235

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

This the 25th day of June, 2007.

Consent Agenda Item No. t. Capital Project Amendment No. 07CPA000009—Creation of Mental Health Crisis Center Renovation Project (47302635-DC091) and Execution of Architectural Design Service Contract with DTW Architects and Planners Ltd. for the Renovation of the Oakleigh Building (authorize the renovation project with a budget of \$500,000 from Duke University funds, and the execution of an architectural design contract

in the amount \$195,000 plus additional services and reimbursable expenses estimated at \$2,000 for a combined total of \$197,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Capital Project Ordinance
Amendment No. 07CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2006-07 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Mental Health Crisis Center Renovation Project	\$0	\$500,000	\$500,000

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

This the 25th day of June, 2007.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. i. Federal Farm and Ranchlands Protection Grant Agreement (approve the Cooperative Agreement between Durham County and the United States by and through the Commodity Credit Corporation for receipt of \$927,109 towards permanent farmland conservation easements).

Chairman Reckhow expressed excitement that Durham County has received this grant. She read the following:

“Durham County has received notification that its grant request submitted in April 2007 for the Little River Farm in Northern Durham has been awarded \$927,109, the largest farm and ranchlands grant awarded to Durham County so far. But in addition, the \$927,109 also represents the largest federal farm and ranchland grant awarded in the state of North Carolina to date under the program, and is a large percentage of the \$1.5 million available in the state of North Carolina this 2007 cycle.”

Chairman Reckhow stated that Durham County received approximately 2/3 of all the grant money available in the state of North Carolina. “This is huge.” She thanked Jane Korest, Open Space and Real Estate Manager, who led the effort.

County Manager Mike Ruffin recognized Ms. Korest for an exceptional job in securing grants for our open space and farmland preservation programs. County Manager Ruffin surprised Ms. Korest with an “On the Spot” award, while stating that her keen knowledge of state and federal grants for open space and farmland preservation efforts has saved the

taxpayers hundreds of thousands of dollars.

Ms. Korest thanked the County Manager and the Commissioners for the award. She stated that she appreciates working in a county that has the commitment to open space preservation that Durham County does. Her accomplishments could only be achieved with the support of farmers and landowners who are indebted, appreciative, and supportive of preserving their farmland in perpetuity. She stated that she would keep up the hard work in order to make “great things happen for open space”.

Chairman Reckhow again thanked Ms. Korest for all her efforts.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the Cooperative Agreement between Durham County and the United States by and through the Commodity Credit Corporation for receipt of \$927,109 towards permanent farmland conservation easements.

The motion carried with the following vote:

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

Consent Agenda Item No. n. Approve the License Agreement by and among Durham County, the Durham County Stadium Authority, and Shaw University for the use of 80,000 sq. ft. of open space adjacent to the Memorial Stadium for use as a practice field through September 1, 2008.

Commissioner Cheek removed this item to state that he is not changing his position about Durham County Stadium. He expressed his opinion that the use of the property for a stadium is not the highest and best use of the property. Although he opined that the property would be better utilized as a campus for various medical facilities, he would vote for approval of the license agreement, because if the Stadium is to be used, its use must be maximized by as many persons or organizations as possible.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve the License Agreement by and among Durham County, the Durham County Stadium Authority, and Shaw University for the use of 80,000 sq. ft. of open space adjacent to the Memorial Stadium for use as a practice field through September 1, 2008.

The motion carried with the following vote:

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

Consent Agenda Item No. s. Approve the Amendment to the Sublease and the form of the Release for Durham Regional Hospital subject to final revisions by the County Attorney.

Chairman Reckhow asked that this item be removed from the consent agenda so she could provide more than a brief explanation to the public about this item. The Commissioners have been working for several months to obtain the Oakleigh facility (which is on the Durham Regional Hospital Campus) for the Crisis Access Center. "This is truly a win/win situation." Duke University Health System will realize a reduction in their future lease payments of \$300,000 a year, but has agreed to donate half of that amount for the next ten years to enhance substance abuse and mental health services for the community. The space for the Access Center will be doubled with the move to the Oakleigh facility and will allow for significant expansion of services for substance abuse treatment. In addition, the County is also obtaining a site on the Durham Regional Hospital campus that can be a future site for the City of Medicine Academy, which is on the proposed ballot for a bond referendum this fall. Chairman Reckhow thanked Duke University Health System, Durham Regional Hospital Board, the County Manager, and the County Attorney for their work on this. "This is a great situation for the community and the Commissioners are pleased that this is being brought to fruition."

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Amendment to the Sublease and the form of the Release for Durham Regional Hospital subject to final revisions by the County Attorney.

The motion carried with the following vote:

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

Introduction of the County's New Cooperative Extension Services Director

Chairman Reckhow invited Ms. Delphine Sellars, newly appointed Director of Cooperative Extension Services, to the podium to say a few words.

Ms. Sellars stated that it was her pleasure to accept the position as the new Cooperative Extension Director. She assured Durham County citizens and staff that Extension will continue with above-level service that the County is traditionally accustomed to experiencing. Ms. Sellars was pleased to announce that the mandates and initiatives are directly in-line with those of the County. Cooperative Extension looks forward to providing more enriched services to make sure that the quality of life for all is increased and enhanced.

Commissioner Page thanked Teresa Clark for filling in at Cooperative Extension for the past few months during Cheryl Lloyd's absence.

Chairman Reckhow also thanked Ms. Clark for her wonderful service to the community and wished her well in her upcoming retirement on July 1.

Public Hearing—Proposed Secondary Road Construction Program for Durham County (2007-2008)

Chairman Reckhow called Tasha Johnson, P.E., District Engineer for the North Carolina Department of Transportation, Division of Highways, Division Five, forward to present the item.

Ms. Johnson introduced Division Engineer Wally Bowman, P.E., Division Maintenance Engineer Brandon Jones, P.E., Durham County Maintenance Engineer Joe Ing, and Assistant District Engineer Michelle Farmer. Ms. Johnson stated that she was at the meeting to present the Secondary Road Improvement Program in accordance with General Statute 136-44.8. The roads are rated every four years with consideration given to the number of homes, schools, businesses, and amount of traffic. The roads were last evaluated in 2005 and will be re-evaluated in 2009. Approximately \$1.4 million dollars is expected to be received for the 2007-08 program. With those funds, the Department plans to completely fund Harris Chapel Road, pave Rigsbee Road and Angier Avenue, and completely fund through Priority #5 which includes Cassum Road and Southview Road. Approximately \$600,000 is being set aside to make improvements to secondary paved roads and approximately \$120,000 for surveying, contingencies, overdrafts, etc. Through this construction season, Durham has paved approximately 1.7 miles of roads and expects to pave 6.5 miles at the end of the construction season. Seven roads are currently on the unavailable right-of-way list; should right of way become available on any road, the road will be moved to the front of the following year's priority system. The paving of roads can be affected by environmental permitting processes. For the 2007 season, Durham expects to build a total of 3.73 miles with the money allocated for 2007-08.

Vice-Chairman Heron emphasized the importance of widening roads for bikeways or/and pedestrian ways as a safety feature.

Chairman Reckhow opened the public hearing that was properly advertised.

Tom Freeman, 1818 Southview Road, Durham, NC 27703, supported the paving of the southern section of Southview Road.

Rebecca Freeman, 1818 Southview Road, Durham, NC 27703, urged the Commissioners to continue to support the paving of Southview Road.

Angelo Harris, 1811 Southview Road, Durham, NC 27703, expressed his desire to have Southview Road paved.

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

Chairman Reckhow asked questions of Ms. Johnson regarding Southview Road and why it was not paved since it was on last year's priority list.

Ms. Johnson responded that the road was at the bottom of last year's list and was not paved due to a late start; however, it is slated to be paved this year.

Mr. Freeman requested to speak again.

Commissioner Page asked that the Commissioners permit Mr. Freeman to speak. Commissioner Page expressed concern that the paving of Southview has been delayed.

Chairman Reckhow stated that the Freemans have expressed their concerns. She could not understand why the northern and southern sections of Southview Road would not be paved simultaneously.

Mr. Bowman explained the process of obtaining right-of-ways. He made a commitment to pave both sections if he could obtain the right-of-ways within a relatively close timeframe.

Commissioner Cheek questioned whether the right-of way had been obtained on the southern section.

Ms. Johnson stated that the right-of-way has not been obtained but they are confident that getting it should not be a problem.

Commissioner Cheek was puzzled as to why it has taken so long to begin right-of-way acquisition.

Ms. Johnson explained that they were waiting on the plans which have recently been received; right-of-way acquisition could now begin.

Chairman Reckhow stated that the consensus of the Board is that Southview Road be paved as quickly as possible.

Chairman Reckhow expressed an interest in having George King Road (on the unavailable right-of-way list) paved since it is near one of the County's elementary schools and near two or three new subdivisions. She requested that the road be revisited.

Mr. Bowman explained the process of revisiting a road on the unavailable right-of-way list.

Commissioner Page requested that an update regarding Southview Road be provided by September 30.

Mr. Bowman agreed.

Vice-Chairman Heron asked questions about obtaining a right-of-way for a road.

Ms. Johnson and Mr. Bowman explained the process.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Secondary Road Construction Program for Durham County (2007-2008).

The motion carried with the following vote:

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

Public Hearing—Plan Amendment—South Lowell Road Open Space (A07-02)

Frank M. Duke, AICP, City-County Planning Director, acknowledged for the record that he has the required certifications that notice was afforded for all of the planning items as required by NC statutes.

Mr. Duke stated that this item is a plan amendment for South Lowell Road Open Space (A07-02) to change the land use designation on 42+ acres of land located on the west side of South Lowell Road and south of the south fork of the Little River on the Future Land Use Map of the *Durham Comprehensive Plan* from Rural Density Residential (0.5 DU/Acre or less) to Recreation/Open Space, reflecting the Board's acquisition of development rights for open space purposes. The Planning Department recommended approval, based on the justification and meeting the four criteria for plan amendments. The Planning Commission recommended approval, 12-0, May 8, 2007, based on the staff recommendation and request from the Board of Commissioners.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Plan Amendment—South Lowell Road Open Space (A07-02).

The motion carried with the following vote:

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

Public Hearing—Plan Amendment—Hollow Rock Open Space (A07-03)

Frank M. Duke, AICP, City-County Planning Director, stated that this item is a plan amendment for Hollow Rock Open Space (A07-03) to change the land use designation for 32 acres of land located on the Orange County line, south of Erwin Road, on the Future Land Use Map of the *Durham Comprehensive Plan* from Very Low Density Residential (2 DU/Ac. or Less) to Recreation/Open Space, based on the Board of Commissioners' acquisition of the development rights. The Planning Department recommended approval, based on the justification and meeting the four criteria for plan amendments. The Planning Commission recommended approval, 11-0, May 8, 2007, based on the staff recommendation and request from the Board of Commissioners.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve Plan Amendment—Hollow Rock Open Space (A07-03).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Public Hearing—Plan Amendment—Tilley Farm Agriculture (A07-04)

Frank M. Duke, AICP, City-County Planning Director, stated that this plan amendment is similar to the previous two plan amendments. In this case, the acquisition by the County was development rights for the preservation of agriculture on a little less than 94 acres of land located adjacent to Tilley Farm Road in northern Durham County. Staff recommended approval to change the land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* from Rural Density Residential (0.5 DU/Ac. or Less) to Agriculture. The Planning Commission recommended approval, May 8, 2007 (12-0), based on the staff recommendation and request from the Board of Commissioners.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Plan Amendment—Tilley Farm Agriculture (A07-04).

The motion carried with the following vote:

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

Public Hearing—Plan Amendment—Angier Haven (A07-05)

Frank M. Duke, AICP, City-County Planning Director, stated that this is a request by Tony M. Tate on behalf of Tony M. Tate Landscape Architecture to change land use designation on the Future Land Use Map of the *Durham Comprehensive Plan* on 8½ acres of land from Commercial to Low-Medium Density Residential (4-8 DU/Ac.). City-County Planning Department recommended approval based on the justification and meeting the criteria for plan amendments. The Planning Commission recommended approval, 12-0, May 8, based on information provided in the staff report and the previous Planning Commission action to approve a similar request; and 11-1 that, if this plan amendment is approved, the Board of Commissioners should initiate a plan amendment for the land on the east side of Angier Avenue between these two sites from Commercial to a more appropriate residential use.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Plan Amendment—Angier Haven (A07-05).

The motion carried with the following vote:

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

Vice-Chairman Heron moved, seconded by Commissioner Page, to direct staff to proceed as recommended by the Planning Commission to initiate a plan amendment for the land on the east side of Angier Avenue between these two sites from Commercial to a more appropriate residential use.

The motion carried with the following vote:

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

Public Hearing—Unified Development Ordinance (UDO) Text Change—Outdoor Lighting Standards (TC06-13)

Frank M. Duke, AICP, City-County Planning Director, stated that this proposed ordinance revision came out of a private sector effort to amend the lighting standards in the UDO. Staff met with the interested parties several times over the past year. Their primary concern was that the allowed lighting levels for some uses did not meet Crime Prevention Through Environmental Design (CPTED) standards. The Planning Department recommended approval. The Planning Commission also recommended approval after holding a public hearing on this item. City Council adopted the ordinance at its June 18 meeting.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Unified Development Ordinance (UDO) Text Change—Outdoor Lighting Standards (TC06-13).

The motion carried with the following vote:

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

AN ORDINANCE TO AMEND ARTICLE 7 OF THE UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE REQUIREMENTS FOR OUTDOOR LIGHTING

WHEREAS, the Durham County Board of Commissioners wishes to amend the Unified Development Ordinance (UDO), and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO promote the health, safety, and general welfare of the community.

NOW, THEREFORE, be it ordained that Article 7 of the Unified Development Ordinance is amended to make the following changes:

SECTION 1

Make the changes described below to Section 7.4.

Sec. 7.4 Outdoor Lighting

7.4.1 Purpose

The purpose of these standards is to assure that adequate exterior lighting is provided for nonresidential and multi-family developments to facilitate crime prevention, security, and

safe passage, and that exterior lights be shielded so that the light cast beyond the property line does not exceed the limits in accordance with these standards.

7.4.2 Applicability

- A. Adequate lighting shall be provided in nonresidential and multifamily developments conforming to professional engineering standards.
- B. Parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of property and to facilitate the safe passage of persons using the roads, sidewalks, and parking lots after dark. However, measures shall be provided to minimize light spillover onto adjacent properties and glare toward motor vehicle operators. The measures used to minimize the spillover of light and glare shall be indicated on the site plan.
- C. The following shall be exempt from these provisions:
 - 1. Outdoor lights used for a temporary event; permitted through a temporary use permit.
 - 2. Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the light fixtures are located at least 100 feet from any adjacent residential use and the event or function meets all other applicable zoning requirements. Such lighting shall not be illuminated between the hours of 12:00am and 8 a.m. and between 1:00 a.m. and 8 a.m. Friday and Saturday except in the UC District and the Downtown Tier.
 - 3. Outdoor lighting exempted pursuant to 1 and 2 above shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

7.4.3 Standards

- A. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area:

Type of Lighting	Minimum At Any Point	Maximum At Any Point
Architectural Lighting	0.0	5.0
Canopy Area Lighting	2.0	24.0
Multifamily Parking Lot	0.5	8.0
Nonresidential and Multifamily Entrances	1.0	15.0
Nonresidential Parking Lot	0.5	10.0
Storage Area (security lighting)	0.5	10.0
Vehicle Sales and Display	0.5	24.0
Walkways, Landscape or Decorative Lighting	0.2	5.0

B. The maximum illumination permitted at the edge of a property line shall be as set forth below. Where a development is unified with shared parking or other measures shown on a site plan, the maximum illumination levels shall apply only to the exterior lot lines of the project (any interior lot lines shall be exempt from this paragraph).

1. The maximum illumination at the edge of the property line adjacent to a residential zoning district shall be 0.5 foot-candles.
2. The maximum illumination at the edge of the property line adjacent to nonresidential zoning district shall be 5.0 foot-candles.
3. The maximum illumination at the edge of the property line adjacent to a street shall be 5.0 foot-candles.

C. Adjustments to Maximum Illumination

The approving authority may adjust the standards for the maximum illumination at the edge of a property adjacent to a nonresidential use if the approving authority determines that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination.

D. Full-Cutoff Lighting

The maximum height for directional or full cut-off lighting fixtures (fixtures designed to ensure that no light is emitted above a horizontal line parallel to the ground) shall be 30 feet above grade.

E. Non-Directional Lighting

The maximum height for non-directional lighting fixtures (fixtures designed to allow light to be emitted above a horizontal line parallel to the ground) shall be 15 feet above grade. Non-directional lighting fixtures shall be translucent or have baffles to prevent views of the light source. Non-directional lighting fixtures are not recommended for lighting sidewalks, streets, or parking areas. The upward direction of light provided by non-directional lighting may be found to be

unacceptable by the approving authority because the off-site effects may be incompatible with the surrounding neighborhood.

Commentary: Non-cutoff lighting fixtures are not recommended for lighting sidewalks, streets, or parking areas. The upward light emitted by non-directional lighting may be found to be unacceptable by the approving authority because the off-site effects may be incompatible with the surrounding neighborhood.

F. Canopy Lighting

Under canopy lighting shall be restricted to lighting fixtures (including lenses) that do not project below the bottom of the canopy.

G. Glare

Lighting shall be oriented not to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

H. Accent Lighting

Lighting fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

I. Blinking or Flashing Lights

Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers) or permitted as part of a sign in accordance with Article 11, Sign Standards.

J. Non-Conformities

Lighting fixtures existing as of June 12, 2000 may remain, and shall be considered nonconforming structures. Modifications, replacement, or expansions, shall conform with the standards of this Ordinance.

SECTION 2

That the Unified Development Ordinance may be renumbered as necessary to accommodate these changes.

SECTION 3

That this amendment to the Unified Development Ordinance shall become effective upon adoption.

Public Hearing—Unified Development Ordinance (UDO) Text Change—Technical Changes III (TC06-18)

Frank M. Duke, AICP, City-County Planning Director, stated that the revisions are intended for technical reasons to correct inconsistencies or errors within the UDO (not intended to change policy issues). The ordinance will amend the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 9, Landscaping and Buffering; and Article 16, Definitions. The Joint City-County Planning Committee determined the revisions to be technical in nature; therefore, they initiated the changes. The Planning Commission held a public hearing on May 8 and subsequently recommended approval. Planning staff also recommended approval. City Council adopted the ordinance at its June 18 meeting.

Mr. Duke responded to questions by Vice-Chairman Heron related to *Planning Commission Deadlines, Home Occupations, and Updated Forestry Best Management Practices Document Title*.

Chairman Reckhow opened the public hearing that was properly advertised. As no one requested to speak on the item, Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Unified Development Ordinance (UDO) Text Change—Technical Changes III (TC06-18).

The motion carried with the following vote:

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

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE CONCERNING PLANNING COMMISSION DEADLINES, HOME OCCUPATIONS, DIMENSIONAL STANDARDS, BUILDING HEIGHT, AND FORESTRY BEST MANAGEMENT PRACTICES

WHEREAS, the Durham County Board of Commissioners wishes to amend certain provisions regarding Planning Commission deadlines, home occupations, dimensional standards, building height, and forestry best management practices in the Unified Development Ordinance (UDO); and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO promote the health, safety, and general welfare of the community and procedural and substantive regulatory efficiency and consistency.

NOW, THEREFORE, be it ordained that Article 3, Applications and Permits, Article 5, Use Regulations, Article 6, District Intensity Standards, Article 9, Landscaping and Buffering, and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes:

SECTION 1

Modify Section 3.4.6, Action by the Planning Commission, and Section 3.5.9, Action by the Planning Commission, as set forth in the in the strike-outs and underlining below.

3.4.6 Action by the Planning Commission

- E. The Planning Commission shall make its recommendation within three consecutive regular Commission cycles (approximately 90 days total) of its initial public hearing on the amendment.

3.5.9 Action by the Planning Commission

A. General Procedures

3. Except in the case of expedited hearings pursuant to Sec. 3.5.9C, Expedited Hearings, the Commission shall make its recommendation within three consecutive regular Commission cycles (approximately 90 days total) of its initial public hearing. The time period for a recommendation may be altered, as in the case of significant modifications, in which case three additional consecutive regular cycles shall be granted before the case shall go to the governing body.

SECTION 2

Modify Section 5.4.4, Home Occupations, and Section 16.3, Defined Terms, as set forth in the in the strike-outs and underlining below.

5.4.4 Home Occupations

B. Rural Home Occupations

The following requirements shall apply to all home occupations located on properties zoned Residential Rural District (RR) containing at least 10 contiguous acres in addition to the provisions of paragraph A. above:

2. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling.

D. Telecommuting

Telecommuting shall not be considered a home occupation.

16.3 Defined Terms

Telecommuting: A work arrangement in which an employee uses technology to perform assigned duties at home or at another site away from the traditional work site during some or all of regularly scheduled work hours, reducing or eliminating the employee's commute or travel to and from the traditional work site.

SECTION 3

Modify Section 6.9.1, Dimensional Standards, as set forth in the strike-outs and underlinings below.

6.9.1 Dimensional Standards

- A. Nonresidential development in residential districts shall comply with the dimensional standards in the following table:

Development Standard	RURAL		SUBURBAN		URBAN		COMPACT	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	3 ac.	---	15,000	---	5,000	---	5,000	---
Lot Width (feet)	100	---	90	---	50	---	50	---
Open Space (% of gross area)	---	---	10	---	3	---	---	---
Downtown	---	---	---	---	---	---	1.0	---
Core Area	---	---	---	---	---	---	1.0	---
Support Area	---	---	---	---	---	---	3.0	---
Street Yard (feet)	50	---	25	---	15	---	8	---
Build-To Line								
Feet from ROW	---	---	---	---	---	20 ¹	---	15 ¹
% of Frontage	---	---	---	---	60	100	80	100
Side Yard (feet)								
Min Each Side	12	---	10	---	6	---	0	---
Min Both Sides (total)	30	---	24	---	15	---	0	---
Rear Yard (feet)	25	---	25	---	25	---	25	---
Building Coverage (%)	--	9 ²	---	60 ²	---	70 ²	---	70 ²
Height (feet)	---	45	---	45	---	45	---	45

¹ Build-to line may be modified subject to Sec. 6.8.3A, Street Yards.

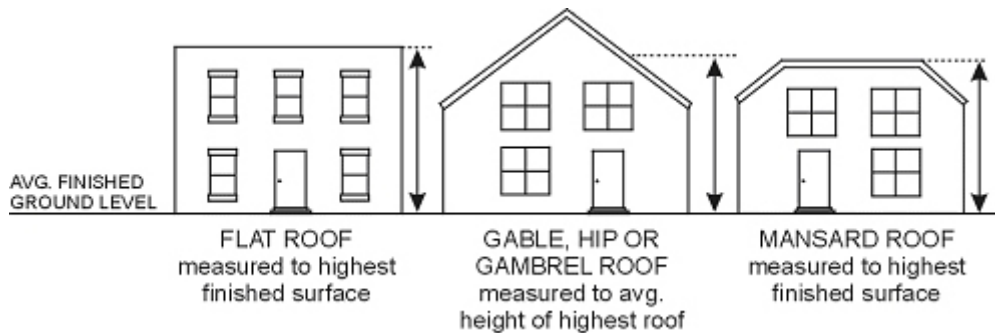
² May be further restricted by watershed regulations in accordance with Sec. 8.7.2B, Impervious Surface Limits.

SECTION 4

Modify Section 6.12.1, Height, and Section 16.3, Defined Terms, as set forth in the strike-outs, underlinings, and current and revised illustrations below.

6.12.1 Height

- A. Height shall be determined by the vertical distance from the average of the finished ground level to the finished roof surface of a flat roof or the point at the average height of a roof having a pitch, except for mansard roofs, which shall be measured to the highest finished surface. Height for any building with multiple roof levels shall be determined by the highest roof level.



16.3 Defined Terms

Building Height: The vertical distance from the average of the finished ground level to the finished roof surface of a flat roof, or to the point at the average height of a roof having a pitch, except for a mansard roof, to the highest finished surface. Height for any building with multiple roof levels shall be determined by the highest roof level.

SECTION 5

Modify Section 9.5.2, Exemptions, as set forth in the in the strike-outs and underlining below.

9.5.2 Exemptions

Forestry activities conducted in conformance with a Forest Management Plan that uses the current best management practices set out in “North Carolina Forestry Best Management Practices Manual To Protect Water Quality,” as amended, as adopted by the North Carolina Department of Environment and Natural Resources shall not require a land disturbance buffer; however, if required buffers are not provided consistent with the requirements of Sec. 8.3.4, Clear Cutting, development of the site shall be prohibited for a period of five years (in the City) or three years (in the County) from the date of forestry activities.

SECTION 6

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 7

That this amendment of the Unified Development Ordinance shall become effective upon adoption.

Adoption of FY2007-2008 Budget Ordinance

Chairman Reckhow announced that the Durham County Manager is presenting the FY2007-2008 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. (This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.)

Chairman Reckhow called forward the following two citizens who signed up to speak on the FY 2007-08 Annual Budget Ordinance:

E. Lavonia Allison, representing the Durham Committee on the Affairs of Black People, PO Box 428, Durham, NC 27702, spoke about citizens not having the opportunity to provide meaningful input to the Durham Public Schools Board of Education.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham, NC 27701, requested that the County Commissioners not vote on the economic development portion of the budget.

Commissioner Cheek expressed appreciation for all the hard work by the County Manager, staff, and County Commissioners regarding the “excellent” budget.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Adoption of the FY2007-2008 Budget Ordinance.

Chairman Reckhow echoed Commissioner Cheek's comments. She thanked staff and fellow Board members for their work. She was pleased that the tax rate increase was reduced from 3.9 cents to 2.5 cents. Chairman Reckhow stated that she would have liked to avoid a tax increase entirely; however, the huge pressure on County governments across the state due to paying 5.6 cents out of every Medicaid dollar, the communities' infrastructure needs, and education costs have necessitated the increase. Durham County has and is continuing to work to garner additional revenue sources to take the pressure off of the property tax rate, but has not been successful. The good news is that there is more momentum for the General Assembly to work towards additional revenue sources for counties' infrastructure needs and to relieve county governments of the Medicaid burden.

Vice-Chairman Heron thanked County Manager Ruffin and staff for all their work and for keeping the Board informed during the budget preparation process. She urged Durham County citizens to contact the legislators for its assistance in relieving the County's tax burden.

The motion carried with the following vote:

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

ANNUAL BUDGET ORDINANCE

Durham County
North Carolina
FY 2007-08

WHEREAS, the proposed budget for FY 2007-08 was submitted to the Board of Commissioners on May 21, 2007 by the Durham County Manager and filed with the Clerk to the Board on that date pursuant to G.S. 159-11;

WHEREAS, on June 11, 2007, the Durham County Board of Commissioners held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 25, 2007, the Durham County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED by the Durham County Board of Commissioners that for the purpose of financing the operations of Durham County, North Carolina for the fiscal year beginning July 1, 2007 and ending June 30, 2008, there are hereby appropriated from taxes and other revenues the following by function and fund:

Section 1. Summary of Appropriations by Fund and Function - FY 2007-08							
Function	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Total Appropriation
General Government	\$30,988,093	---	---	---	---	---	\$30,988,093
Public Safety	\$46,101,830	---	---	\$4,688,838	---	---	\$50,790,668
Transportation	\$12,500	---	---	---	---	---	\$12,500
Environmental Protection	\$3,413,785	---	---	---	---	---	\$3,413,785
Economic & Phys. Development	\$4,380,168	---	---	\$585,872	---	---	\$4,966,040
Human Services	\$414,917,246	---	---	---	---	---	\$414,917,246
Education	\$102,687,849	---	---	---	---	---	\$102,687,849
Cultural and Recreation	\$11,258,150	---	---	---	---	---	\$11,258,150
Utilities	---	---	---	---	---	\$9,379,754	\$9,379,754
Other	\$27,483,401	\$517,443	\$37,140,036	\$1,412,285	\$40,122,121	---	\$106,675,286
Total Appropriations	\$641,243,022	\$517,443	\$37,140,036	\$6,686,995	\$40,122,121	\$9,379,754	\$735,089,371

Section 2. Summary of Appropriations by Fund and Function - FY 2007-08							
Category	General Fund	Swap Fund	Capital Financing Fund	Special Revenue Funds	Debt Service Fund	Enterprise Fund	Total Appropriation
Taxes	\$234,903,747	---	\$12,072,781	\$5,164,362	---	---	\$252,140,890
Licenses & Permits	\$832,000	---	---	---	---	\$473	\$832,473
Intergovernmental	\$361,782,723	---	---	---	---	---	\$361,782,723
Contributions & Donations	\$909,829	---	---	---	---	---	\$909,829
Investment Income	\$2,000,000	---	\$99,998	\$10,201	\$50,000	\$440,000	\$2,600,199
Rental Income	\$1,552,373	---	\$407,730	---	\$26,717	---	\$1,986,820
Service Charges	\$14,894,298	---	---	\$1,274,211	\$237,731	---	\$16,406,240
Enterprise Charges	---	---	---	---	---	\$8,349,515	\$8,349,515
Sewer Connection Fees	\$656,000	---	---	---	---	\$490,640	\$1,146,640
Other Revenues	\$743,900	\$517,443	---	---	---	\$10,400	\$1,271,743
Other Financing Sources	\$22,968,152	---	\$24,559,527	\$238,221	\$39,807,673	\$88,726	\$87,662,299
Total Revenue	\$641,243,022	\$517,443	\$37,140,036	\$6,686,995	\$40,122,121	\$9,379,754	\$735,089,371

Section 3. For purpose of raising revenues to finance appropriations for the foregoing expenditures, the following ad valorem taxes are hereby levied on all property subject to ad valorem taxes within the county on January 1, 2007 at an anticipated collection rate of 98.3 percent. Rates are per \$100.00 of assessed valuation of taxable property.

District	Rate	District	Rate
Durham County-countywide	\$.8340	Lebanon Fire District	\$.1000
Bahama Fire District	\$.0600	New Hope District	\$.0675
Bethesda Fire District	\$.0850	Parkwood Fire District	\$.1100
Eno Fire District	\$.0570	Redwood Fire District	\$.1150

Section 4. There is hereby levied a tax at the rate shown below, per \$100.00 valuation of property listed for taxes as of January 1, 2007, for property located within the Durham County portion of the Durham-Wake Counties Research Triangle Park Research and Production Service District for the raising of revenue for said district. The anticipated collection rate is 98.3 percent.

	Tax Rate	Appropriation
Research & Production Service District	\$.0374	\$585,872

There is hereby appropriated to the Durham-Wake Counties Research and Production Service District from the net proceeds of this tax the amount of \$585,872 for use in said district in such manner and for such expenditures as is permitted by law from the net proceeds of this tax. In the event the actual net proceeds from the tax levy of the Research and Production Service District exceed the appropriated amount, the actual net proceeds from the tax shall constitute the appropriation from said tax levy.

Section 5. Charges for services and fees by county departments, excluding those established by state statute, are levied in the amounts set forth in the attached Fee Schedules. (See Attachment 1)

Section 6. The following authorities shall apply to transfers and adjustments within the budget:

- a. The County Manager may authorize transfers within a function up to 15% cumulatively without report to the Board.
- b. The County Manager may transfer amounts up to \$20,000 between functions of the same fund with a report to the Board of Commissioners at the subsequent regular meeting of the Board.
- c. The Budget Officer may approve intradepartmental transfer requests between appropriation units and between departmental programs within the limits of the approved budget.
- d. The County Manager may enter into the following agreements within funds:
 - Form and execute grant agreements within budgeted appropriations;
 - Execute leases of up to \$15,000 for normal and routine business within budgeted appropriations;
 - Enter consultant, professional, maintenance, or other service agreements of up to \$40,000 within budgeted appropriations;
 - Approve renewals for service and maintenance contracts and leases;
 - Purchase of apparatus, supplies, materials or equipment and construction or repair work not requiring formal bids by law;

- Reject any and all bids and readvertise to receive bids;
 - Waive any bonds or deposits, or performance and payment bonds requirements when authorized or permitted by applicable law.
- e. County Manager can transfer between functions, and/or funds for merit, pay plan adjustments, health benefits, and reclassifications.
- f. Transfers between funds and transfers from the contingency account may be executed **only** by the Board of Commissioners.

Section 7. In accordance with North Carolina General Statute 115D-54, the following appropriations are made to Durham Technical Community College. All accumulated and unexpended and unencumbered amounts at the end of the fiscal year shall be reported to Durham County within 30 days of the completion of the external audit.

Current Expense Fund	\$3,863,586
Capital Outlay Fund	<u>\$732,892</u>
Total Appropriation	\$4,596,478

Section 8. In accordance with G.S. 115C-429(b), the following appropriations are made to the Durham Public Schools. The budget resolution adopted by the Durham Public Schools Board of Education shall conform to the appropriations set forth in the budget ordinance. The total local appropriation for Durham Public Schools for FY 2007-08 is as below:

Current Expense	\$95,627,705
Capital Outlay	<u>\$2,370,000</u>
Total Appropriation	\$97,997,705

- a. In addition, the Durham Public Schools budget should reflect local appropriations by purpose, function, and project. Once adopted, such resolution shall not be amended without the prior approval of the Board of Commissioners if the cumulative effect of such amendment would be to increase or decrease the amount of county appropriations allocated by purpose, function, or project by 15 percent or more.
- b. The Board of Commissioners and the County Manager shall be informed in writing of the audited fund balance amounts within 30 days of completion of the external audit.
- c. Transfers between capital outlay and current expense shall be approved by the Board of Commissioners.
- d. Durham Public Schools is authorized to use Public School Building Capital Funds and Public School Building Bond Funds for capital outlay requests, with the approval of the Board of Commissioners.

Funding (including debt service) exceeds the required merger agreement rate of \$1,960 per pupil.

Section 9. In addition, it is the intent of the Durham County Board of Commissioners in appropriating these funds that the Board of Education allocates sufficient funds to continue

the teacher supplement at a rate of 12.5 percent for teachers with less than 10 years experience; 13.5 percent for teachers with 10-20 years experience; and 14.5% for teachers with 20 years or more experience.

Section 10. In accordance with G.S. 159-13.1, the following financial plans for intragovernmental service funds are hereby approved.

RISK MANAGEMENT FUND

Estimated Revenue	\$2,296,170
Estimated Expense	\$2,296,170

CAFETERIA PLAN FUND

Estimated Revenue	\$13,750,000
Estimated Expense	\$13,750,000

Section 11. In accordance with G.S. 159-14, the following trust funds are established and the proceeds are estimated as follows:

Law Enforcement Officers Trust Fund	\$154,924
George Linder Memorial Fund	\$250
Community Health Trust Fund	\$7,787,358

Section 12. This ordinance incorporates an amendment in the capital financing policy to designate County Contribution at 15.48% of dedicated revenues for pay-as-you-go projects instead of 20%.

Section 13. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the County Manager, the Finance Officer, the Clerk to the Board, and the County Tax Administrator.

Adopted this the 25th day of June 2007.

ATTACHMENTS

<u>Department</u>	<u>Type of Fee</u>	<u>FY 2006-2007 Adopted Fees</u>	<u>FY 2007-2008 Adopted Fees</u>
All Departments	8 1/2" x 11" paper copies	\$.05 per page	\$.05 per page
Animal Control			
	Impoundment:		
	1st Offense + boarding fee + civil penalty	\$25	same
	2nd Offense + boarding fee + civil penalty	\$60	same
	3rd Offense + boarding fee + civil penalty	\$95	same
	4th Offense & subsequent offenses	\$150	same
	Boarding:		same

	Dogs	\$12/day	same
	Cats	\$8/day	same
	Civil Penalties:		
	1st Offense	\$50/Offense	same
	2nd Offense	\$100/Offense	
	3rd Offense and Subsequent Offense	\$150/Offense	same
	License Fee:		
	Unaltered animals	\$75/animal	same
	Altered Animals	\$10/animal	same
Elections			
	Reports - Letter Size	\$.01 per page	same
	Diskettes and CDs - Processing Fee	\$25	same
	Labels - Duplex on 8 1/2 X 11 paper	\$.01 per page	same
	Copies	\$.05 per page	same
	Street Index (Address + Precinct Information)	\$12.50	same
	Certificates	\$1	same
	Maps:		
	- 8 1/2 X 11	\$2	same
	- 34 X 42	\$10	same
Fire Marshal	see attached detail		
General Services			
	Solid Waste Management Fee (County)	\$80.00/year	same
	Solid Waste Management Fee (City)	\$60.00/year	same
	Solid Waste Management Fee: (Out-of-county users)	\$120.00/year	same
Library			
	Overdue fines on all materials (books, DVDs, CDs, etc)		same
	Overdue fines:		
	0-40 days (excluding juvenile books)	25 cents/day maximum \$6/book	same
	over 40 days (including juvenile books)	\$10/book	same
	Legal Notice Fee	\$15/account at time of notification 60 days	same
	Video tapes, filmstrip viewers	\$1.10/day up to \$20/item when 20 days overdue	same
	AV rental equipment	\$5.10/day per item no maximum	same
	Bookmobile adult collection	25 cents/day maximum charge of \$10 (begins at 5 cents on 8th day)	same
	Duplicating	10 cents/page	same
	Out-of-county users	\$45	same
	Meeting room refreshments fee	\$25	same
Environmental Land Disturbance Plan Review Fees			
Engineering	Land Disturbance Plan Review, per acre charge	\$ 75	same
	Land Disturbance Fees		
	Permits, 12,000 sq. ft. to 1 acre (per job charge)	\$235	same
	Permits for 1 acre to 10 acres (per acre charge)	\$490	same
	Permits for more than 10 acres (per acre charge)	N/A	\$735
	Re-Inspection Fee	\$200	same

2nd Re-Inspection Fee	\$400	same
Unauthorized Land Disturbance Activities:		
Permits, 12,000 sq. ft. to 1acre (per job charge)	\$470	same
Permits for 1 acre to 10 acres (per acre charge)	\$980	same
Permits for more than 10 acres (per acre charge)	N/A	\$1,470
Stormwater Plan Review:		
Stormwater Plan Review 21,780 sq. ft. to 1 acre (per job charge)	\$200	same
Stormwater Plan Review more than 1 acre (per acre charge)	\$300	same
Stream Delineation Cape Fear River Basin	\$600 Base Fee + \$25/acre	same
Stormwater Permit Renewal Fee		
27,780 sq./ft. to 1 acre	N/A	\$100
Greater than 1 acre	N/A	\$150 per disturbed acre
Re-Issuance of Revoked Permits:		
Permits (per acre charge)	\$490	same
Permits, 12,000 sq. ft. to 1 acre (per job charge)	\$235	same
Extensions:		
Permits 12,000 sq. ft. to 1acre (per job charge)	\$58.75	same
Permits for 1 acre to 10 acres (per acre charge)	\$122.50	same
Permits for more than 10 acres (per acre charge)	N/A	\$183.75

Utilities

Monthly Service Fees (County customers with City Water) \$2.59/hundred cubic feet
 \$2.75/hundred cubic ft.

Monthly Service Fees (County customers without City Water):

1 or 2 Bedrooms	\$13.99	\$14.89
3 Bedrooms	\$31.48	\$33.52
4 or more Bedrooms	\$53.35	\$53.81
Plan Review Fee (per submittal)	\$65	same
Inspection/Management Fee (per linear foot)	\$1.00	same
Re-inspection Fee (per inspection)	\$100	same
Lateral Fee (per service)	\$2,400	same

Capital Recovery Charges:

Single Family (Min. 2 Bedrooms)	\$592 each	\$610 each
Single Family (Each Bedroom above 2)	\$296/Bedroom	\$310/Bedroom
Multi-Family Units (Apartments, Duplexes, etc.; Min. 2 Bedrooms)	\$592 each	\$621 each
Multi-Family Units (Apartments, Duplexes, etc.; Each Bedroom above 2)	\$296/Bedroom	\$310/Bedroom
Multi-Family (Motels, Hotels)	\$296/Room	\$310/Room
Multi-Family (Motels, Hotels with cooking facilities in room)	\$433/Room	\$454/Room
Nursing/Rest Home	\$148/Bed	\$155/Bed
Nursing/Rest Home with Laundry	\$296/Bed	\$310/Bed

Utilities

Office - per shift	\$61/Person	\$64/Person
Factory - per shift	\$61/Person	\$64/Person
Factory with Showers - per shift	\$86/Person	\$90/Person
Store, Shopping Center, Mall	\$296/1000 s.f.	\$310/1000 s.f.
Store, Shopping Center, Mall with Food Service (ADD)	\$99/Seat	\$104/Seat
Restaurant (Greater of Per Seat or Per 15 s.f. of dining area)	\$99	\$103

Restaurant - 24 Hour Service	\$124/Seat	\$130/Seat
Restaurant - Single Service	\$61/Seat	\$64/Seat
School - Day with Cafeteria, Gym, Showers	\$37/Student	\$38/Student
School - Day with Cafeteria Only	\$30/Student	\$31/Student
School - Day with neither Cafeteria nor Showers	\$26/Student	\$27/Student
School - Boarding	\$148/Person	\$155/Person
Church (not including Food Service, Day Care, Camps)	\$6/seat	same
Miscellaneous (based on Daily Average Flow)	\$2.461/Gallon	\$2.584/Gallon

SURCHARGE FEES:

BOD (Biochemical Oxygen Demand) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 250 mg/L if not permitted
 \$349.18 per 1,000 pounds BOD same

TSS (Total Suspended Solids) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 180 mg/L if not permitted.
 \$60.44 per 1,000 pound TSS same

TKN (Total Kjeldahl Nitrogen) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 40 mg/L if not permitted.
 \$0.50 per pound TKN same

TP (Total Phosphorous) Surcharge is applied for discharges greater than limit included in Industrial Pretreatment Permit, Or for discharge concentrations greater than 5 mg/L if not permitted.
 \$3.31 per pound TP same

Emergency Medical Services (EMS)

Basic Life Support (BLS) Service Fee + Mileage	\$400 + \$7 per mile	same
Advance Life Support #1 (ALS #1) Service Fee + Mileage	\$475 + \$7 per mile	same
Advance Life Support #2 (ALS #2) Service Fee + Mileage	\$525 + \$7 per mile	same
Extra Attendant	\$50 per transport	same
Special Event Coverage (3 hour minimum)	\$100 per hour	same
Waiting Time (After initial 30 minutes)	\$75 per 30 minutes	same
Treatment (without transport)	\$250	same
Bike Team Services	\$50 per hour	same

2008 Revaluation Schedule of Values

Ken Joyner, Tax Administrator, stated that per North Carolina General Statute 105-317(c)(1), the Tax Administrator “must submit schedules, standards, and rules to the board of county commissioners not less than 21 days before the meeting at which they will be considered by the board. On the same day that they are submitted to the Board for its consideration, the assessor shall file a copy of the proposed schedules, standards, and rules in his office where they shall remain available for public inspection.” The proposed schedule of values, standards, and rules will be available in the Tax Administrator’s office, as well as all public libraries in Durham County throughout the process.

Mr. Joyner then stated that per NCGS 105-317(c)(2), “upon receipt of the proposed schedules, standards, and rules, the board of commissioners shall publish a statement in a newspaper having general circulation in the county stating:

- a. That the proposed schedules, standards, and rules to be used in appraising real property in the county have been submitted to the board of county commissioners and are available for public inspection in the assessor's office; and
- b. The time and place of a public hearing on the proposed schedules, standards, and rules that shall be held by the board of county commissioners at least seven days before adopting the final schedules, standards, and rules.”

Mr. Joyner proceeded with a PowerPoint presentation to provide additional information regarding the Schedule of Values:

STATE OF NORTH CAROLINA
UNIFORM SCHEDULES OF VALUES, STANDARDS, AND RULES

The Schedules of Values

- By statute, N.C.G.S. 105-317(b)(1), referred to as “Uniform schedules of values, standards, and rules.”
- Intended to be prepared in sufficient detail to permit the appraisal staff to “uniformly” appraise all real property at market value and present-use value.
- Assessor responsible for their preparation, content, and application.
- Board of County Commissioners responsible only for their adoption, not for their content or application.

Should:

- contain all base rates to be applied against property and/or property characteristics.
- explain basics of the mass appraisal methodology used by the Assessor.
- be sufficiently broad enough in scope to permit reasonable adjustments and narrow enough to ensure uniformity and equity.

Adoption Process:

- The Assessor shall submit a copy of the *proposed* schedules to the Board of County Commissioners not less than 21 days before the meeting at which they will be considered by the Board, and on the same date shall make a copy available in the Tax Office for public inspection.
- Upon receipt of the schedules, the Board of County Commissioners shall publish a notice in a local newspaper stating that the *proposed* schedules are available for public inspection and stating the time and place for a public hearing on the *proposed* schedules.
- The public hearing (July 23) held by the Board of County Commissioners must take place at least 7 days before official adoption (August 13) of the schedules by the Board.
- Upon adoption, the Board shall issue an order of adoption, a copy of which is to be published in a local newspaper.
- The order shall be published once a week for 4 successive weeks, with the last publication occurring not less than 7 days before the last day for challenging the validity of the schedules by appeal to the North Carolina Property Tax Commission (PTC).

- The order of adoption shall state that the schedules have been adopted and are open to examination in the Assessor's office, and that any property owner may except to the order by appealing to the PTC within 30 days of the 1st publication of the order of adoption.

Typically, Market Value Schedules...

- Schedules are prepared utilizing sales data over a 2-3 year period.
- They are modified as more recent sales activity indicates appropriate.
- They should be adopted and successfully moved through conclusion of the challenge period prior to January 1 (2008) of the reappraisal year.
- The schedules for present-use value are prepared under more restrictive legislative direction, and are based solely on the ability of the soil to produce income from the commercial production of agricultural, horticultural, or timber products.

Durham County

- General Reappraisal Effective Date – January 1, 2008

Mr. Joyner responded to questions by Chairman Reckhow. He stated that the Schedules are complete when presented to the Board; however, information from the public hearing will be considered before the Schedules are brought forward for approval on August 13. Appropriate adjustments are made to calculate the market value as of January 1, 2008 by considering the growth of the market over the last two or three years.

Vice-Chairman Heron requested information about the appraisal of vacant land.

Mr. Joyner responded that land is taxed at market value. Each property and each area must be considered individually. Property is not valued at present use. Property is appraised at its highest and best use to equitably distribute the tax base amongst all the tax payers based on the value at the appraisal date.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to receive the proposed schedule of values, standards, and rules from the Tax Administrator; schedule the public hearing on the proposed schedule of values, standards, and rules for July 23; and to direct staff to publish the proper advertisements of the public inspection and public hearing times in the Durham Herald-Sun.

The motion carried with the following vote:

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

Chairman Reckhow thanked Mr. Joyner and his staff for all of their work.

Introduction of Bond Orders

Chairman Reckhow introduced the agenda item by stating that the Board is considering three bonds orders: \$194,240,00—School; \$8,680,00—Community College (Durham Tech); and \$4,180,000—Museum (Life and Science), totaling \$207,100,000. She requested that the County Attorney provide additional information.

County Attorney Chuck Kitchen stated that the Board of Commissioners is requested to introduce the three proposed bond orders for a possible referendum for this November. The actual projects for which the bonds are to be issued were attached to the preliminary bond resolution which was passed at the Board's last meeting. The Board is further requested to set the public hearing on the proposed bond orders for its regular meeting to be held on July 23, 2007. George Quick, Finance Director, has prepared and filed the sworn statement of debt with the Clerk to the Board.

Chairman Reckhow requested that the two signed speakers come forward to speak on the bond orders.

E. Lavonia Allison, representing the Durham Committee on the Affairs of Black People, PO Box 428, Durham, NC 27702, voiced strong opposition to the bond referendum.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham, NC 27701, expressed concerns about the bonds for the Museum of Life and Science and for Durham Technical Community College. She requested that more monies be provided to vocational training centers.

Chairman Reckhow thanked Dr. Allison and Ms. Peterson for their comments. She addressed Ms. Peterson's concerns by responding that the Holton School project would hopefully respond to the need for additional vocational training in Northeast Central Durham. The project is a joint venture between the City, the County, and the school district. In response to Dr. Allison's comments, she urged her to look at the full list of school projects, which is a very balanced list in terms of the geography of where the money will be spent. It includes inner-city school renovations and additions.

Commissioner Page asked if the Hillside cafeteria project is included in the school bond.

Chairman Reckhow replied in the affirmative.

Dr. Allison stated that the Hillside cafeteria project has been deferred since 2003.

Chairman Reckhow responded that a commitment was made to fund the new Hillside High School band room for approximately ½ million dollars through the purchase of the old Lowe's Grove School site, but no money was designated for the Hillside cafeteria.

Commissioner Page expressed that he thought the cafeteria project had been completed.

Chairman Reckhow asked for the cost of the Hillside High cafeteria expansion.

County Attorney Chuck Kitchen replied that the cost is projected at \$1,016,513.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to introduce the proposed bond orders, receive the sworn statement of debt, and set the public hearing as requested.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Commissioner Page asked if monies were left over from the 2003 bond referendum for the Hillside High cafeteria project.

Chairman Reckhow replied that some of the later projects that are still underway are coming in higher than the bond estimates because of the increase in construction costs. She expressed doubt that a commitment could be made for the cafeteria project until all of the projects are complete.

Commissioner Page directed that staff find out if monies are remaining from the 2003 bond referendum. Commissioner Page stated that he remembered the cafeteria issue being discussed by the Board because the lunch shifts were very crowded.

Chairman Reckhow stated that she remembered a discussion but the Board was unable to come up with a financial solution at the time.

**ORDER AUTHORIZING
\$194,240,000 SCHOOL BONDS**

WHEREAS, The Durham Public Schools Board of Education has certified to the Board of Commissioners for the County of Durham, North Carolina, a resolution passed by said Board of Education on February 22, 2007 showing that adequate school facilities are not now available in the Durham Public Schools Administrative Unit to comply with the requirements of Section 2 of Article IX of the Constitution of North Carolina for the maintenance of schools at least nine months in every year and that it is necessary, in order to maintain such term as required by said Section 2 of Article IX of the Constitution, to provide additional school facilities in said Unit by 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;

WHEREAS, said resolution requests said Board of Commissioners to take all necessary steps, by the issuance of bonds or otherwise, in order that funds may be provided for such school facilities; and

WHEREAS, said Board of Commissioners has carefully examined the facts and has determined and does hereby find as a fact that the statements made in said resolution are true and that it has become the duty of said Board of Commissioners, acting as an administrative agent of the State of North Carolina in providing a State system of public schools, to order the issuance of bonds of the County of Durham so that the school facilities mentioned in said resolution and in paragraph 1 of this order may be provided in order to maintain the school term in the County of Durham as required by Section 2 of Article IX of the Constitution; now, therefore,

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 \$194,240,000 for the purpose of providing funds, with any other available funds, for 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.

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 when approved by the voters of said County at a referendum as provided in said Act.

**ORDER AUTHORIZING \$8,680,000
COMMUNITY COLLEGE BONDS**

WHEREAS, The Trustees of Durham Technical Community College have submitted to the Board of Commissioners for the County of Durham a resolution passed on April 24, 2007 pursuant to the provisions of Chapter 115D of the General Statutes of North Carolina requesting said Board of Commissioners to call an election in the County of Durham upon the question of approving bonds for the purpose of providing funds, with any other available funds, for expanding and improving the facilities for Durham Technical Community College;

WHEREAS, said resolution requests said Board of Commissioners to take all steps necessary for the issuance of such bonds, including the calling of an election on the question of approving such bonds, in order to provide for local financial support of Durham Technical Community College; and

WHEREAS, said Board of Commissioners has carefully examined the facts and has determined and does hereby find as a fact that it has become the duty of said Board Commissioners to order the issuance of bonds of the County of Durham so that the facilities

mentioned in said resolution and in paragraph 1 of this order may be provided; now, therefore,

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

1. That, pursuant to Chapter 115D of the General Statutes of North Carolina and 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 Community College Bonds in an aggregate principal amount not exceeding \$8,680,000 for the purpose of providing funds, with any other available funds, for expanding and improving the facilities for Durham Technical Community College, including the acquisition of land and a building and the expansion and renovation of buildings and other facilities to provide additional and improved teaching, parking, storage and other related facilities 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 when approved by the voters of said County at a referendum as provided in said Act.

ORDER AUTHORIZING

\$4,180,000 MUSEUM 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 Museum Bonds in an aggregate principal amount not exceeding \$4,180,000 for the purpose of providing funds, with any other available funds, for enlarging and improving visitor facilities, exhibits, administrative, storage and maintenance facilities and landscaping at the North Carolina Museum of Life and Science.

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 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 \$194,240,000 SCHOOL BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$8,680,000 COMMUNITY COLLEGE BONDS" was passed on first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$4,180,000 MUSEUM BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 7:00 P.M. on July 23, 2007, in the County 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.

Commissioner Appointment to Downtown Durham Inc. Board

Vice-Chairman Heron moved, seconded by Commissioner Page, to appoint Commissioner Cheek to the Downtown Durham Inc. Board of Directors.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Board and Commission Appointments

Chairman Reckhow noted that several applicants have served more than the maximum amount of terms; however, the Commissioners may extend the terms if they chose based on public interest. She asked for the pleasure of the Board.

Commissioner Cheek requested that the Commissioners vote tonight on the applicants before them but that in the near future the Board examine the issue of term limits. His preference was to remove term limits because it is difficult to find citizens who are willing to serve. The Board is doing a disservice if it excludes people who have served and have experience.

Vice-Chairman Heron mentioned that there are a few board and commission members who are not doing their share of work. How would they be removed without term limits?

Commissioner Page stated he could understand both Vice-Chairman Heron's and Commissioner Cheek's points of view. He asked if the Commissioners could come up with a more creative way to recruit citizens.

Commissioner Cheek requested that the subjects of recruitment and term limits be placed on a Worksession agenda for discussion.

Chairman Reckhow directed that the discussion be placed on the August Worksession agenda.

Vonda Sessoms, Clerk to the Board, distributed ballots to the Board to vote on appointments to the following boards and commissions (incumbents are underlined):

Bicycle & Pedestrian Advisory Committee
Diane Daniel (Youth/Child Advocacy)

Board of Adjustment
Daniel Edwards (Regular)

Citizen's Advisory Committee
Donn Graves

City-County Appearance Commission
Lesley Stobert (Recommended by JCCPC)

EMS Advisory Council
Cary D. Cain II (NC Highway Patrol)
Dennis Tingen (Duke Life Flight)

Environmental Affairs Board
Reuben Jones (Engineer)
Deborah Luecken (Air Resources)

Industrial Facilities & Control Pollution Authority
Randy Pickle

Jury Commission
Robert Shoaf

Juvenile Crime Prevention Council

Pauletta B. Bracy (Citizen)
Mickey Brown (Citizen)

Johnny D. Hawkins (Citizen)
Keith Howard (Citizen)
Julie Linehan (Juvenile Defense Attorney)
Ann Lee Mosley (Citizen)
Angela Nunn (Citizen)
Crystal Todd-Yelverton (Citizen)

Nursing Home Community Advisory Board
Barbara Lofton (Recommended by NCHAC)

Open Space & Trails Commission
LaDawna Summers (Oak Grove Township; Recommended by JCCPC)

Planning Commission
Robert P. Womack (Lebanon Township)

Public Health Board
Nicholas A. Tise (At-large)

Women's Commission
Kimberly Monroe
Stephanie V. Watson

Workforce Development Board
Sammy R. Haithcock (Public Sector)
Sharon McCormick (Private Sector; Recommended by WDB)
Jessie Pickett-Williams (Public Sector)

Vice-Chairman Heron asked Mr. Duke how much of Latta Road is in the city limits and how much is in the county.

Chairman Reckhow responded that a city resident can be appointed by the County as the Lebanon Township representative to the Planning Commission.

Mr. Duke informed the Board that the Interlocal Agreement for Planning stipulates that the County representative can live in the city or in the county, but must live within the Planning jurisdiction.

Closed Session

Commissioner Cheek moved, seconded by Commissioner Page, that the Board adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

The motion carried with the following vote:

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

Reconvene to Open Session

Chairman Reckhow announced that the Board gave direction to staff in closed session; no action was taken.

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Vonda Sessoms, CMC
Clerk to the Board