

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

Monday, January 22, 2007

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioner Philip R. Cousin Jr.

Absent: Commissioners Lewis A. Cheek and Michael D. Page

Presider: Chairman Reckhow

State of the County Address

County Commission Chairman Ellen Reckhow delivered the County's First Annual State of the County Address chronicling the accomplishments of County Government in 2006 as follows:

First Annual State of the County Address

Good Evening. Fellow Commissioners, County Manager Ruffin, Durham County Staff, Invited Guests, and My Fellow Citizens:

I have the distinct honor of presenting the first annual State of the Durham County Address. I will report our achievements during 2006 and highlight some of the emerging issues and challenges that we face in 2007.

In April of 2006, we celebrated the County's 125th anniversary and unveiled a new County flag. The flag highlights that we are a **County of MERIT which stands for Medicine, Education, Research, Industry, and Technology – the linchpins of the Durham economy.**

2006 was a year of great accomplishment for Durham County. I will highlight a few key areas, beginning with the financial health of our organization.

Financial Vitality

For many years, Durham County has been a member of a select group of local governments that hold the coveted AAA bond ratings from both Standard and Poors and Moody's rating agencies. Some 44 counties across the nation, and 4 in the state of NC... Mecklenburg,

Wake, Forsyth, and Durham are in that listing. **That puts us in the top 1% of counties nationwide** – certainly an elite group.

During this past year, the Board was able to unanimously approve the FY 2006 -2007 budget without a tax increase, holding the countywide tax rate at \$80.9 cents. Durham County was also able to lower its tax ranking from fifth, to its current position of 19th according to a survey of the state's 100 counties. One reason that we were able to hold the line on the tax rate was the outstanding work of our Tax Office. Thanks to Tax Administrator Ken Joyner's leadership, **Durham County posted its highest tax collection rate to date.....98.5%, placing us 4th highest among the state's 100 counties.**

The tax office also made significant renovations to its website, making it more user friendly. Residents may now pay their tax bills online via check or credit card and add multiple bills to a "shopping cart" and pay them all at one time.

Economic Development

2006 was an outstanding year in the area of economic development. Late in the year, Quintiles Transnational Corporation announced the expansion of its global headquarters and drug development operations in Durham County. Quintiles' decision to expand, doubling the current workforce by adding 1,000 more jobs over the next five years, represented the state's second largest economic development announcement last year.

In addition to Quintiles, a major expansion at Eisai, Inc. and Merck, along with new firms such as United Therapeutics, Parata Systems and Steifel Research Institute, have helped round out significant growth in the Biotechnology Cluster during the year. Durham County has over 40% of all the biotech jobs in the state.

The total number of new jobs announced during 2006 is 2,902 with \$415 Million in capital investment – making 2006 a banner year for economic growth.

These economic development accomplishments did not happen by accident. We have a winning team. I'd like to recognize and thank Carolyn Titus, Deputy County Manager, Libby Barnes, and Ted Conner from the Greater Durham Chamber of Commerce, and Dr. Phail Wynn from Durham Technical Community College.

Safety

Durham County invested many resources and started new programs during 2006 to enhance safety in our community.

We provided significant local funding to the Court System...a function normally funded by state government. As an example, Durham County provided \$75,000 for audio/video recording equipment for our 7 district courtrooms. For the past 18 months, we funded a position in the Youth Treatment Court to assist with the growing caseloads. The County also funds a number of positions for the Clerk of Court, District Attorney, and Public Defender.

Durham County implemented a pretrial services program in January 2006. The goal of the program is to ease potential overcrowding in the county jail and to provide judges with better information. Now judges have information about inmate records, highlighting prior convictions and other charges, helping them in setting appropriate bonds. I would like to recognize Gudrun Parmer, Director of the Criminal Justice resource Center for her leadership in starting the Pretrial Services Program.

We thank Sheriff Worth Hill and his staff for implementing the "Truancy Hotline". This is a program that seeks the public's assistance in reporting children that should be attending school. Two phone numbers are publicized to allow citizens to call and speak directly to an officer. Durham Public Schools has placed special emphasis on attendance and works collaboratively with two of our full-time deputies assigned to investigate truanancies. The good news is that **school attendance improved during the last school year** and our goal is to continue the upward trajectory.

The Fingerprinting project included the addition of a modular facility to the Durham County Detention Center. This allows law enforcement agencies to fingerprint misdemeanants in addition to those persons charged with felonies. **The number of persons being fingerprinted since July has grown substantially**, as the slide indicates, and more crimes are being solved through better information.

We joined with the City of Durham in 2006 to authorize a study by two nationally recognized gang experts to develop a comprehensive gang strategy. The information will enable us to make informed decisions about how to most effectively address gangs and enhance safety. As the slide shows the number of verified gang members in the community is increasing. We have formed a Citizens Advisory Committee that will be co-chaired by Wendell Davis, Deputy County Manager, and Ted Voorhees, Deputy City Manager.

Environmental Stewardship

The protection of our environmental resources is a priority of our Board. In 2006, Durham County protected another 102 acres in northern Durham County through a farmland conservation easement working with Mr. Roger Tilley.

Durham County also received federal farmland grant funds of \$466,000 to go toward the first phase of preservation of the 918 acre Little Mountain farm in Rougemont.

Durham County has continued to make progress in the New Hope Creek Corridor preservation effort. An Interlocal Agreement was signed this fall by Durham County, Orange County, the City of Durham and the Town of Chapel Hill, who have worked together to acquire and preserve the Duke University property at the corner of Erwin and Pickett Roads. I would like to thank Wendy Jacobs and the Erwin Area Neighborhood Group for their vision and dedication to this project.

Durham County has worked with Wade and Carolyn Penny to place another 29 acres under permanent conservation easement adjacent to this future park and the New Hope Creek corridor. We will honor Mr. and Mrs. Penny later in this meeting for their generosity.

With this additional donated easement, Durham County has reached an important milestone – we have protected **over 1000 acres** of open space through acquisition or with permanent conservation easements. I'd like to recognize Jane Korest from our Durham County Engineering staff for her leadership in coordinating these efforts.

The Durham Comprehensive Bicycle Plan, which was recently approved by both the City and County, is part of an effort to address transportation alternatives. The goal is to provide improved transportation and recreational opportunities throughout Durham County. Thanks to the members of the Pedestrian and Bicycle Commission for their dedication and hard work.

System of Care

System of Care is a coordinated and comprehensive program that helps improve outcomes for children and their families. It provides wrap-around services and case management to help families access the services they need for their children. I'd like to recognize Ellen Holliman, Brian Letourneau, Sammy Hitchcock, Carl Harris, Martha Kauffman, Adele Spitz Roth, Judge Elaine Bushfan, and Judge Marsha Morey for their leadership on this effort.

Public and private agencies and organizations work together in Durham's System of Care, decreasing duplication and ultimately reducing costs. The good news is that Durham County has saved close to \$2 million per year by virtually eliminating court-ordered out of home placements for youth, and has reinvested resources into the development of community-based services

The Durham County Community Collaborative announced the launch of the *Durham System of Care Web site*: (durhamsystemofcare.org) during 2006. The Web site includes the Network of Care - a community service and resource listing that is an invaluable resource for our citizens.

System of Care has received a bevy of awards in 2006 including national and state recognition.

Durham System of Care continues to expand its reach to more children and their families. We are **now serving over 1200 children and families – triple the number two years ago.**

Capital Improvements

It takes a great deal of long range planning to bring new structures online. As we develop capital projects, **we are working to design environmentally friendly structures or "green" buildings** meeting Leadership in Energy and Environmental Design (LEED)

certification requirements. This reduces operational costs for our buildings and helps reduce greenhouse gas emissions.

Durham County significantly expanded our library system during 2006. In June, the first 25,000 square foot regional library was opened just off Highway 98. We have developed this East Branch, and several other facilities to come, using a prototype design that will allow future expansions. Next week, we will celebrate the grand opening of the North Regional Branch on Milton Road.

The historic Stanford L. Warren Branch Library was reopened in September following a substantial renovation and expansion. This branch houses a significant African American collection, along with new computers, self checkout for patrons, and additional facilities for hosting community meetings.

The Durham Center for Senior Life, which opened in the spring of 2006, is a 35,180 square foot facility. It is home to the Durham Council for Senior Citizens, the Senior PharmASSIST program, Meals on Wheels and an Adult Daycare Program. Programming at the Center continues to expand.

Plans for our future Human Services Complex, which will house our Social Services, Public Health and Mental Health Center took shape this fall. Our Board approved the design for the facility that will be located on East Main Street. This \$78 million project will consolidate our human services in one building and greatly improve overall service delivery. My special thanks to our County Engineer Glen Whisler for his strong efforts keeping our capital projects moving forward.

Two bond projects for Durham Public Schools were completed in 2006. The new W. G. Pearson Elementary School opened in August replacing the old school that was built in 1928. Hillside High School's new Band Suite provides more adequate space for that school's award winning band program. Progress continues on other school projects around the county.

The Museum of Life and Science continued its expansion with exciting new outdoor exhibits that opened thanks to Durham County's \$11 million in bond support.

In May, the Museum opened "*Explore the Wild*", a six-acre woodland and wetland site. This spring we can look forward to "*Catch the Wind*", a new four-acre outdoor experience.

Results Based Accountability

For several years, the city and county have engaged in a process known as Results Based Accountability which recognizes that no one entity can make progress alone, but instead broad and coordinated action across the community is required. In 2006, we published our second annual progress report with results in 8 outcome areas.

The full report can be found on our website, but I'll quickly touch on just two of the outcomes:

All Children are ready for and succeeding in school - The 2006 report of this committee included a focus on Quality child care - star ratings and 8th grade end of grade scores as indicators of progress towards Children Ready for and Succeeding in school. There has been steady progress in both areas.

The second report is **Durham Enjoys a Prosperous Economy**. Indicator 1 shows a healthy increase in our tax base from 1999-2006, clearly supporting the strong economic growth numbers mentioned earlier. Indicator 2 which tracks poverty shows mixed results with movement both up and down indicating that more work is needed to address this issue.

If you are not already serving on one of our 8 Results Based Accountability Committees, please consider joining us.

Future Challenges

As we move forward in this New Year, I would like to briefly touch on five challenges that lie ahead.

1. A major challenge is to increase our **high school graduation rate**. At a time when we are celebrating the wealth of new jobs coming into our county, it is vital that we make sure that our students complete high school and attain skills that will allow them to be more competitive in this global economy. In our Durham County Legislative Agenda, we have asked for support to phase in an increase of the compulsory school attendance age from 16 to 18. The City Council and School Board have joined us in this legislative initiative.

As the slide shows, in 2004 -2005, the last year that we have comparative data for the counties in the state, Durham has the highest dropout rate among the major urban districts. The good news is that the data for this past school year, which were just released a few days ago, indicate a reduction from 2005. While that is positive and is a credit to the many efforts underway, we are still above the state average with **over 500 students dropping out per year**. More work and focus on this area is essential, if we are to make progress in substantially reducing poverty, gang involvement, and crime in our community.

Durham Public Schools has engaged the community to coalesce around this issue with its *"High School Completion Plan for Durham*. This plan calls for, among other things: aligning vocational/technical programming with workforce development; and creating more business partnerships to expand mentoring, internships, summer employment, and service learning. I challenge the community to come together and help the school system implement the strategies in the Plan.

Last year both the Mayor and I urged expansion of tutoring and mentoring support. At the beginning of the 2006 school year, we announced a partnership between the City, the County, and Durham Public Schools to allow local government employees to have paid

leave to volunteer in the schools. We felt it was important for government to lead the way.

Now, we hope to involve a large number of private individuals and businesses. I would like our business community to consider adopting a school and encouraging their employees to mentor a student.

The Durham Chamber of Commerce and the Volunteer Center of Durham have come together to coordinate efforts to ensure that the mentoring needs of Durham youth are met. A summer program called RIL spearheaded by the Mayor and Judge Bushfan had a successful inauguration last summer. In 2007, new initiatives for summer programs are underway, along with expansion of mentoring support.

I'd like to recognize Dr. Carl Harris, School Board Chair Minnie Forte Brown, the Mayor, Judge Bushfan, Kathy Hoffmeier, Steven Raburn, and Barker French and many others for their efforts to engage our community in meeting the challenge of increasing the high school graduation rate and look forward to more progress in the upcoming year.

2. A second challenge involves expanding our **workforce development efforts** and aligning training with new jobs opportunities. To realize our full potential, we must close the circle and enable more of our residents to benefit from the great jobs coming to Durham County. This will require a retooling of our schools so that more students complete their education and are prepared for today's economy. More apprenticeships and internships with businesses and cooperative programming with Durham Technical Community College and the Workforce Development Board are also critical.
3. The County is currently working on an update of our **Capital Improvement Plan (CIP)**, incorporating the long range facilities plan recently adopted by the Durham Public Schools. The staff is reviewing project requests that amount to \$931 Million over the next 10 years. Of that total, the Durham Public Schools have requested \$551 Million with a short term need for approximately \$176 Million. Our Board will consider the updated CIP this spring and consider a bond referendum for school and other projects for the fall of 2007 that could approach \$200 Million.
4. **Revenue flexibility** continues to pose a challenge for Durham County. As with most counties in our state, we need to fund the ever increasing cost of services and new facilities. We continue to seek alternative sources of revenues to reduce the pressure on the property tax rate. In the AAA report cited earlier, one common trait for most "triple A" counties is the ability to generate alternative revenues. It has been our Board's goal to seek a menu of revenue options. While it may be an uphill battle, we plan to work closely with the members of our local delegation to the General Assembly on this initiative. The 1 % restaurant meals tax that we are pursuing would fund: implementation of the Cultural Arts Master Plan; improvement and expansion of visitor attractions and community amenities; marketing; workforce development; community cleanup and appearance; and health and human services including funds for Lincoln Community Health Center, child

care subsidies and after school programs. **40% of the tax would be paid by visitors to the community.**

5. There have been growing calls across the community to **broaden the Durham System of Care** best practice approach to benefit more of Durham's citizens. Efforts to expand System of Care to benefit adults, as well as children, are now underway. The Ten Year Plan to End Homelessness already incorporates System of Care as a key strategy. Partners across the community are currently working together to form a broad-ranging Adult System of Care to assist individuals with complex needs. This is an exciting initiative that should lead to more effective care of our most vulnerable adults.

Closing

As we look ahead, we will continue to have both opportunities and challenges in Durham County. I assure you that your Board of County Commissioners is committed to working in effective partnerships with community leaders and organizations to meet the current and future needs of our residents. When we focus on an issue as a priority and bring resources to bear, we can make significant progress.

We are also blessed with an excellent staff in County government led by our able County Manager, Mike Ruffin. In addition, I want to recognize and thank our citizens who serve on boards and commissions providing invaluable volunteer support. Durham is indeed a very participatory democracy – and that is a good thing. Many of our accomplishments would not be possible without the work of you here tonight and many others across this community.

The Durham Convention and Visitors Bureau adopted a slogan this year for **Durham – Where Great Things Happen. 2006 was indeed a great year for Durham County Government.**

On behalf of the Board of County Commissioners, thank you for allowing us to serve and for all that you do for Durham County.

Chairman Reckhow announced a ten-minute break prior to the opening of the regular meeting.

Opening of Regular Session

Chairman Reckhow welcomed all persons to the January 22, 2007 Regular Session of the Board and requested that everyone rise for the Pledge of Allegiance.

She announced that at the January 8 Regular Session of the Board, Commissioner Page had been excused from the meeting. Commissioner Cheek had been unexpectedly called out of town on business; he had made a request via email to be excused from the meeting.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to excuse Commissioner Cheek from the January 22, 2007 Regular Session of the Board.

The motion carried with the following vote:

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

Agenda Adjustments

Chairman Reckhow added an agenda item to appoint Commissioner Michael Page to the Carolina Theatre Board.

Announcements

Vice-Chairman Heron announced:

- The public is invited to attend the Animal Shelter Open House on Saturday, February 17, from 10:00 a.m. to 4:00 p.m. She asked all citizens to consider adopting a cat or dog.

Chairman Reckhow made the following announcements:

- Please join Durham County Library for the grand opening of the North Regional Library located at 221 Milton Road on Tuesday, January 30, 2007, at 4:00 in the afternoon. She encouraged residents, particularly those in Northern Durham, to join in the grand opening.
- The North Carolina Department of Transportation will give a presentation on the results of the alternatives analysis for the East End Connector project. The next public meeting is scheduled for January 30, 2007 from 4:00 to 7:00 p.m. at Living Waters Church at Lynn Road and US 70. She encouraged persons interested in the project to attend.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as submitted the January 2, 2007 Worksession Minutes of the Board.

The motion carried with the following vote:

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

Resolution of Appreciation for Wade and Carolyn Penny

Chairman Reckhow announced that the Board was requested to adopt a resolution in appreciation for Wade and Carolyn Penny's significant contribution to the New Hope Creek effort. On December 29, 2006, the Pennys donated permanent conservation easements on 29 acres of land they own adjacent to the New Hope Creek Corridor. The easements place severe restrictions on any further development and impervious surfaces for their properties, which helps to protect the water quality and habitat values of the New Hope Creek Corridor that is considered regionally significant by the State of North Carolina. The easements also require the mature woodland to be preserved on the property adjacent to the land that is being acquired by Durham and Orange Counties on the north. The donation of these easements helps to preserve the scenic views in the area and from the future park, and therefore enhances the investment that Orange and Durham Counties are making in this area at no additional up-front cost to the two counties.

Vice-Chairman Heron read the resolution into the record.

RESOLUTION

WHEREAS, Wade and Carolyn Penny played a leadership role in the community during the consideration of whether to purchase the Duke University tract for public park purposes; and

WHEREAS, Wade and Carolyn Penny volunteered to sell at a low, "bargain-sale" price 26 acres they own that had frontage on New Hope Creek if the Duke tract located to the north was publicly acquired; and

WHEREAS, in addition, Wade and Carolyn Penny also volunteered to donate conservation easements on other land that they owned adjacent to the Duke tract in order to preserve additional open space in the vicinity; and

WHEREAS, Wade and Carolyn Penny followed through on their pledge by donating permanent conservation easements on 29 acres they own on December 29, 2006; and

WHEREAS, the Penny conservation easements will permanently protect the current scenic view of the Penny lands from both sides of Pickett Road, a public road used by both cars and pedestrians; and

WHEREAS, the Penny conservation easements contain land adjacent to the New Hope Creek riparian corridor, and by protecting the undeveloped nature of their property, the easements will help protect the natural area and wildlife habitat associated with this regionally significant wildlife corridor; and

WHEREAS, the Penny conservation easements will prohibit development adjacent to the lands being purchased by Durham and Orange Counties for parkland and doing so will provide scenic and visual enhancement to the public lands at no additional cost to Durham or Orange Counties; and

WHEREAS, by donating these conservation easements, Wade and Carolyn Penny have provided permanent legacy to the New Hope Creek Corridor open space effort:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners do hereby express our deep appreciation for the donation and environmental leadership shown by the Penny Family.

This is the 22nd day of January, 2007.

/s/ All Five Commissioners

Mr. Penny stated that he and his wife were very appreciative of the recognition, but were “more appreciative of the way the community stepped forward to exercise its stewardship over the beautiful, natural world that Durham County citizens are privileged to enjoy. The entire project at Hollow Rock and the protection of the portion of New Hope Creek would not have occurred without the leadership of the Durham County Board of Commissioners, its Chairman, and an amazing response by the community at large. Of all the public projects which I have been involved in, this was the most challenging, and at the same time, most satisfying.”

Resolution Recognizing Martha Carlson Kaufman

Chairman Reckhow stated that a resolution was prepared in recognition of Martha Carlson Kaufman, a leading pioneer of Durham’s System of Care (which Chairman Reckhow highlighted earlier in her Address). Ms. Kaufman has worked tirelessly over the past five years to help change the way Durham’s network of community resources works with families and children.

Chairman Reckhow thanked both Ms. Kaufman and Ms. Adele Spitz-Roth for their efforts.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, Martha Carlson Kaufman has devoted her life’s work to helping North Carolina’s children and their families; and

WHEREAS, in the spring of 2002, Ms. Kaufman began her work in Durham County to develop and implement a System of Care, the national standard of Best Practice for planning and delivering services to children with complex needs; and

WHEREAS, Ms. Kaufman was instrumental in convening key leaders in Durham’s human service organizations, educational system, and juvenile justice agencies to form a

collaborative group focusing on working together to develop an effective community wide system of care; and

WHEREAS, under her visionary leadership, the concept of a coordinated network of resources for families has grown from a little known concept to a strong and vibrant system, including a Community Collaborative, a Directors Group, a System of Care Council, Child and Family Teams, and Care Review Teams, all working with children and their families to provide comprehensive, flexible, and effective support; and

WHEREAS, Durham's System of Care has been recognized throughout the State and Nation as being a model of collaborative, coordinated, and effective services to children and families with multiple needs; and

WHEREAS, Ms. Kaufman has constantly and consistently displayed a passionate commitment of care for others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

MARTHA CARLSON KAUFMAN

for her sincere dedication and service on behalf of the children and families of the Durham community.

This the 22nd day of January, 2007.

/s/ All Five Commissioners

Chairman Reckhow stated that unfortunately for Durham County, Ms. Kaufman will be moving to join her family in Texas. She wished her well, stating that she would definitely be missed.

Ms. Kaufman expressed deep appreciation for the Commissioners' recognition and for their tremendous support for System of Care (SOC). She recognized Ms. Spitz-Roth for her behind-the-scenes leadership and hard work, members of the SOC Council, and Ms. Cheryl Lloyd. She mentioned the leadership of the Durham Directors and their key role in promoting System of Care across Durham. Ms. Kaufman thanked Ms. Ellen Holliman and Mr. Rob Robinson for their being the "best bosses a person could have. Living and working in Durham has been a wonderful experience."

Chairman Reckhow requested that persons who were mentioned by Ms. Kaufman stand and be recognized.

The Commissioners presented the resolution along with best wishes and sincere thanks for Ms. Kaufman's outstanding service to Durham County.

Resolution in Recognition of Cooperative Extension Director Cheryl Lloyd

Chairman Reckhow conveyed that a resolution had been prepared in recognition of Cooperative Extension Director Cheryl Lloyd who provided visionary, innovative leadership in her position as Director for the past 10 years and in the Cooperative Extension Office for over 25 years.

Chairman Reckhow asked Commissioner Cousin to read the resolution honoring Ms. Lloyd.

RESOLUTION

WHEREAS, Durham County Extension Director, Cheryl Lloyd, has demonstrated a dynamic form of leadership that encourages excellence in programming, leadership by example, and continued professional development; and

WHEREAS, Ms. Lloyd's leadership and vision have been catalysts in helping North Carolina Cooperative Extension develop innovative programs and partnerships to address the rapidly evolving needs of citizens and government leaders in urban counties; and

WHEREAS, Ms. Lloyd is recognized in this community as an outstanding leader. She has been recognized nationally for urban vision as a member of ECOP Urban Task Force. Her awards and recognitions include: 1999 Charles Brickhouse Award; 1996 NCSU Systems Leadership Institute Scholar; 1993 Epsilon Sigma Phi Mid-Career Award; and the 1993 George and Virginia Hyatt Award-Scholarship; and

WHEREAS, as Extension Director in Durham, one of North Carolina's largest counties, Ms. Lloyd has developed programs designed to bring the knowledge and resources of Cooperative Extension to increasingly diverse audiences. She has helped to create a multi-faceted urban system that including traditional and non-traditional programming and funding streams serving more than 4,000 people monthly; and

WHEREAS, in addition to providing leadership for Durham's Extension staff, Ms. Lloyd is also a recognized and effective leader in her community. She has served as Chair of the Durham Partnership for a Healthy Durham; member of the Durham Infant Mortality Taskforce, the Durham Kids Vote Taskforce and the Human Services Merger Work Group; and on the Board of Directors for PHARMassist, Durham Communities in Schools, Women In Action for the Prevention of Violence and Its Causes and the Durham Day Care Council; and

WHEREAS, over the last 10 years, Ms. Lloyd has done an excellent job developing innovative programs designed to address the rapidly evolving needs of citizens and government leaders in urban counties:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

MS. CHERYL LLOYD

for her sincere dedication and service to the Durham County Government and the citizens of the Durham community for 10 years.

This the 22nd day of January, 2007.

/s/ All Five Commissioners

Ms. Lloyd thanked the Commissioners for the resolution. She stated that it is certainly an honor; but the greatest honor is to have been some small service to the Durham community. She moved to Durham about 27 years ago with the anticipation that she would be here for a very short time; however, she stated that Durham has become her home. "I love it dearly." Ms. Lloyd expressed gratitude to the Commissioners, County Manager, and Deputy County Managers, because they allowed Cooperative Extension to expand and to grow a vision. She also thanked members of the community because they have given Cooperative Extension opportunities to serve in places that no other Cooperative Extension Service has been serving. She expressed thanks to County Department Heads who found a way to support and help. "As a result, Durham has a Cooperative Extension program that is certainly an example across the state and country." Ms. Lloyd recognized her talented and innovative staff; she asked that they stand and be acknowledged.

Proclamation in Recognition of National Mentoring Month in Durham County

Chairman Reckhow announced a proclamation had been prepared in recognition of National Mentoring Month.

Chairman Reckhow read the proclamation as follows:

PROCLAMATION

WHEREAS, Durham County is committed to helping its young people reach their full potential; and

WHEREAS, hundreds of youth in Durham County are in need of positive adult role models and can greatly benefit from a mentoring relationship; and

WHEREAS, the future condition of Durham rests on the choices its children and youth make today; and

WHEREAS, research shows that youth involved in mentoring are 52 percent less likely to skip school, 46 percent less likely to start using drugs, and 27 percent less likely to start drinking; and

WHEREAS, mentors help teach important skills that are necessary for a healthy, successful life and help shape the character of young people; and

WHEREAS, by providing leadership and guidance, mentors can inspire young people to set high goals and help them achieve a bright future; and

WHEREAS, mentor programs that are supported by schools, businesses, government, law enforcement, service clubs, social service organizations, and the media give youth a better chance to become contributing members of society; and

WHEREAS, National Mentoring Month provides an opportunity to recognize and commend the efforts of adult volunteers who give generously of their time to help youth reach their goals and dreams and encourage other responsible adults to become mentors:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim January 2007 as

“NATIONAL MENTORING MONTH”

in Durham County. I further urge all citizens of Durham County to continue to mentor and be active in the lives of our youth.

This 22nd day of January, 2006.

/s/ Ellen W. Reckhow, Chairman

Chairman Reckhow recognized Stephen Raburn, Executive Director at the Volunteer Center of Durham.

Mr. Raburn gave the following comments:

“Good evening. Thank you, Ms. Reckhow, Commissioners. I’m Stephen Raburn, Executive Director at the Volunteer Center of Durham. I appreciate the opportunity to address you this evening.

I’m here to make two announcements: (1) that January is National Mentoring Month. I appreciate the County acknowledging it.

The positive impact of mentoring is well documented. Nationally, research shows that youth involved in mentoring are 52 percent less likely to skip school, 46 percent less likely to start using drugs, and 27 percent less likely to start drinking alcohol. Obviously, an hour or so a week can make a huge difference. But it’s not one-sided. I’ve heard so many stories of adults who claim that they get as much if not more out of their mentoring relationship as the child does.

The Volunteer Center runs a number of mentoring programs for your Department of Social Services, so we see first hand everyday the kind of influence a positive, adult role model can make in the lives of young people, many of whom are at high risk of dropping out of school, using drugs and entering the juvenile justice system. Many of these young people have a number of adults associated with them: social workers, counselors, therapists; many who come and go through the years. But, oftentimes, the relationship the child has with his or her mentor is the most stable, most significant. These other professionals certainly play an important role, but mentors are different. Mentors spend time with a child for no other reason than they want to... they get to know the child and care about him and teach him new skills. And they have a lot of fun together. See, the mentor isn't getting paid to be there...and that makes a difference in the eyes of the child.

I encourage everyone in the audience who cares about our children and have just a little extra time on their hands to consider being a mentor. We have dozens of excellent programs throughout the city. Feel free to contact the Volunteer Center at **688-8977** to find out about some of them. Or, go to our website www.thevolunteercenter.org

We need more mentors, which leads me to the second announcement:

(2) The launching of the Greater Durham Mentoring Alliance, a partnership between the County, the City, the Chamber of Commerce, the Police Chief, the faith community and the Volunteer Center. The Alliance is the result of a work group who has been meeting at the Chamber for the past several months to address the need for a more comprehensive strategy for meeting the mentoring needs of Durham youth.

The purpose of the Alliance is to bring the approximately 50 identified programs in Durham who utilize mentors under one umbrella in the interest of sharing resources, maximizing efficiency and identifying gaps in service. The Alliance will offer a one-stop portal of entry for prospective volunteer mentors: anyone interested in mentoring will be able to call one number or visit the website and be matched with an appropriate program, which we think will be a big help. Another function of the Alliance will be to promote and publicize the need for mentors with the ultimate goal being a highly qualified, well-trained, well-screened mentor for every Durham youth and adult who needs one. An ambitious goal, but we think this is a step in the right direction in meeting that goal.

The Volunteer Center is presently securing funding and looking to hire a staff person to manage the Alliance and get the program off the ground within the next couple months. In the meantime, I welcome input from stakeholders. We're really excited about the Alliance. You'll be hearing much more about it in the coming months.

I truly appreciate Ms. Reckhow's endorsement of the Alliance, as well as the support of the County.

I'll leave you with this thought: Durham is undoubtedly a wonderful, prosperous, generous community; it's a city on the rise, but there are a lot of kids out there who are in trouble. So it's going to take *a lot of us* rolling up our sleeves and getting to work if we're going to make a difference. I've spent many years working with children in a variety of programs across the country, and I can't think of any one effort that has more potential to help an at-risk young person make it and survive and ultimately succeed than a good mentor—an adult who can snatch up a kid and take him under his wing and look him in the eye and say to him 'you are too valuable to let go to waste.'

If you agree with me, then National Mentoring Month would be a good time to join the cause. Thank you."

Consent Agenda

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

- *a. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for November 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for December 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *c. Budget Ordinance Amendment No. 07BCC000039—Turner Business Appraisers Inc.—Contract Amendment (authorize the Manager to amend the contract and approve the amendment to recognize additional tax revenue in the amount of \$60,000);
- *d. Budget Ordinance Amendment No. 07BCC000040—Durham County Library (recognize grant revenue from the State Library of North Carolina in the amount of \$15,000 for strategic planning);
- *e. Budget Ordinance Amendment 07BCC000041—Recognize Additional Revenue for the Department of Social Services (approve an increase of \$386,548 for Crisis Intervention payments);
- *f. Budget Ordinance Amendment 07BCC000042—County Tax Service Inc.—Contract Amendment (approve in the amount of \$75,000 and authorize the Manager to amend the contract);
- g. left blank intentionally

- h. Contract with Cox & Company (approve the contract to enhance the ability of the software to provide efficient form processing for the Tax Administration Department; not to exceed \$49,500);
- *i. Resolution to Change the Trustee for the Durham County Commissioners Governmental Retirement Plan (approve the Resolution appointing Marqueta Welton, Human Resources Director, as Successor Trustee to the County's 401(a) Money Purchase Governmental Retirement Plan);
- j. Declaration of 2415 State Street as Surplus Property (determine that the property is no longer needed for County purposes, declare the property surplus, and direct the staff to solicit offers for private purchase via the upset bid process);
- *k. Offer to Purchase County Surplus Properties (2230 North Oak Ridge Boulevard and 1206 Linwood Avenue) (pursue the upset bid process for the sale; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- l. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize execution of the contract with Keystone Crossings, LLC to extend the County sanitary sewer system to serve Keystone Crossings Subdivision—Phases 2 through 7); and
- *m. Amendment to Policy for Conveying Real Property for Affordable Housing (approve the proposed change in the Board's policy on conveying certain surplus property to nonprofit organizations for affordable owner-occupied housing and affordable rental housing to special needs populations).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for November 2006 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 November 2006.

Releases & Refunds for 2006 Taxes:

Real Estate	\$ 58,927.29
Personal	\$ 66,115.53
Registered Vehicles	\$ 32,569.76
Vehicle Fees	\$ 600.00
Solid Waste	\$ 160.00
Total for 2006 Taxes and Fees	\$158,372.58

Prior years' (2002-2005) releases and refunds for November 2006 are in the amount of \$9,614.54. The total current year and prior years' releases and refunds amount to \$167,987.12.

(Recorded in Appendix A in the Permanent Supplement of the January 22, 2007 Minutes of the Board.)

Consent Agenda Item No. b. Property Tax Releases and Refunds for Fiscal Year 2006-2007 (accept the property tax release and refund report for December 2006 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 December 2006.

Releases & Refunds for 2006 Taxes:

Real Estate	\$ 19,505.16
Personal	\$ 26,653.16
Registered Vehicles	\$ 39,230.81
Vehicle Fees	\$ 805.00
Solid Waste	\$ 560.00
Total for 2006 Taxes and Fees	\$ 86,754.13

Prior years' (2001-2005) releases and refunds for December 2006 are in the amount of \$36,293.83. The total current year and prior years' releases and refunds amount to \$123,047.96.

(Recorded in Appendix A in the Permanent Supplement of the January 22, 2007 Minutes of the Board.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 07BCC000039—Turner Business Appraisers Inc.—Contract Amendment (authorize the Manager to amend the

contract and approve the amendment to recognize additional tax revenue in the amount of \$60,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000039

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>			
Taxes	\$199,969,438	\$60,000	\$200,029,438

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$ 29,337,988	\$60,000	\$ 29,397,988

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

This the 22nd day of January, 2007.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 07BCC000040—Durham County Library (recognize grant revenue from the State Library of North Carolina in the amount of \$15,000 for strategic planning).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000040

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>			
Intergovernmental	\$321,118,525	\$15,000	\$321,133,525

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Cultural & Recreation	\$ 10,991,404	\$15,000	\$ 11,006,404

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

This the 22nd day of January, 2007.

Consent Agenda Item No. e. Budget Ordinance Amendment 07BCC000041—Recognize Additional Revenue for the Department of Social Services (approve an increase of \$386,548 for Crisis Intervention payments).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000041

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>			
Intergovernmental	\$321,133,525	\$386,548	\$321,520,073

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$395,757,139	\$386,548	\$396,143,687

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

This the 22nd day of January, 2007.

Consent Agenda Item No. f. Budget Ordinance Amendment 07BCC000042—County Tax Service Inc.—Contract Amendment (approve in the amount of \$75,000 and authorize the Manager to amend the contract).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000042

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>			
Taxes	\$200,029,438	\$75,000	\$200,104,438

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$ 29,397,988	\$75,000	\$ 29,472,988

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

This the 22nd day of January, 2007.

Consent Agenda Item No. i. Resolution to Change the Trustee for the Durham County Commissioners Governmental Retirement Plan (approve the Resolution appointing Marqueta Welton, Human Resources Director, as Successor Trustee to the County's 401(a) Money Purchase Governmental Retirement Plan).

Resolution to Appoint a Trustee for the Durham County Commissioner's Money Purchase Governmental Retirement Plan

WHEREAS, the Board of County Commissioners adopted a Resolution dated June 22, 1998 appointing Jacqueline S. Knight, the then current Human Resources Director, as Trustee to the County's 401(a) Money Purchase Governmental Retirement Plan; and

WHEREAS, Ms. Knight has since retired and there is a need for a new Trustee to be appointed for the Plan.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH RESOLVE:

- 1) That the Durham County Human Resources Director, Marqueta Welton, is hereby appointed as Trustees of the County's 401(a) Money Purchase Governmental Retirement Plan # 0000 DURH00NC00P1 (the Plan).
- 2) That said Trustee is hereby authorized and directed to receive all necessary reports, notices, etc. regarding the Plan and to take such actions and to execute and deliver such documents as may be necessary to administer said Plan.
- 4) This Resolution is effective on its adoption.

This the 22nd day of January, 2007.

Consent Agenda Item No. k. Offer to Purchase County Surplus Properties (2230 North Oak Ridge Boulevard and 1206 Linwood Avenue) (pursue the upset bid process for the sale; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and which is described as follows:

2230 North Oak Ridge Boulevard
PIN #0820-13-14-9987
Parcel ID #124073

WHEREAS, Ms. Jennifer Cole has made an offer to the County to purchase the above property for \$5,200 and has made a bid deposit in the amount of \$260, which is not less than 5% of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on January 22, 2007.

/s/ Vonda Sessoms
Clerk to the Board

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Durham County, North Carolina and which is described as follows:

1206 Linwood Avenue
PIN #0831-17-21-1343
Parcel ID #117995

WHEREAS, Mr. Sampson Harrell has made an offer to the County to purchase the above property for \$1,380 and has made a bid deposit in the amount of \$69, which is not less than 5% of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

10. Publication of the Notice of Sale;
11. Upset bids must be received within ten days after the date the notice is published;
12. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
13. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
14. When the bid has been successfully raised (upset), the new bid becomes the current offer;
15. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
16. When the bid has been successfully raised (upset), the procedure is repeated;
17. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
18. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on January 22, 2007.

/s/ Vonda Sessoms
Clerk to the Board

Consent Agenda Item No. m. Amendment to Policy for Conveying Real Property for Affordable Housing (approve the proposed change in the Board's policy on conveying certain surplus property to nonprofit organizations for affordable owner-occupied housing and affordable rental housing to special needs populations).

AMENDMENT TO THE DURHAM COUNTY POLICY
FOR CONVEYING REAL PROPERTY FOR AFFORDABLE HOUSING

WHEREAS, the Board of County Commissioners (hereinafter the "Board") has found that the support and encouragement of affordable housing throughout the County of Durham is both necessary and expedient; and

WHEREAS, pursuant to N.C.G.S. 153A-378(3), the County is authorized to convey property by private sale to non-profit organizations providing affordable housing to persons of low or moderate income; and

WHEREAS, pursuant to N.C.G.S. 105-376(b), real property which the County acquires through foreclosure may be sold at such price as the governing body approves; and

WHEREAS, this Policy establishes uniform procedures and standards for the conveyance of real property, acquired by the County through foreclosure, to eligible non-profit entities for the purpose of providing Affordable Housing.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DO TH RESOLVE:

1. The conveyance of real property by the County under this Policy may be made to organizations which meet the following eligibility criteria:

- A. The organization is a 501(c)(3) nonprofit organization which develops Single-Family Affordable Owner-Occupied Housing. For purposes of this Policy, Single-Family Affordable Owner-Occupied Housing is defined as single-family housing developed for home buyers with family incomes at or below 80% of the HUD published area median income for the Durham, North Carolina MSA, OR
- B. The organization is a 501(c)(3) nonprofit organization which develops Affordable Rental Housing and creates and maintains a relationship with the Durham System of Care Housing Committee to provide rental housing to the County's Special Needs population.
- C. The organization shall agree to accept the property via a Non-Warranty Deed, which shall contain a reverter clause to the effect that all right, title, and interest to the land and any improvements thereon shall revert to the County of Durham as a matter of law if the Grantee fails to construct Affordable Housing pursuant to this Policy on the property within the first three years after delivery of the Deed to Grantee, with construction beginning within two years.

2. Definitions. For purposes of this Policy the following definitions shall apply:

- A. Affordable Rental Housing means rental housing developed for renters with family incomes at or below 80% of the HUD published area

median income for the Durham, North Carolina MSA and having a Special Need.

- B. Special Need(s) means those persons with a disability including (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such impairment; and (3) individuals with a record of such impairment.
- C. Durham System of Care is an integrated network of community services and resources to help individuals with serious/complex behavioral, academic, social, and/or safety needs.
- D. Durham System of Care Housing Committee is a component of Durham's System of Care and is made up of a group of individuals representing the disability community, with a focus on housing issues. The purpose of this group is to utilize a System of Care approach to ensure that housing needs are met for Durham Center consumers by reducing the number of individuals that are or at risk of becoming homeless and reducing the number of individuals that are inappropriately housed.

3. The following procedure shall be used for conveying real property, acquired by the County through foreclosure, to an eligible non-profit:

- A. The County Manager shall determine which foreclosure property is available to eligible non-profits under this Policy taking into consideration marketability and property value. A list of such property will be made available by the County to the City of Durham and any interested party.
- B. A written request for a certain parcel of County real property shall be submitted to the County's Real Estate Manager on an application provided by the County. The application will set forth the eligibility requirements and list the necessary information needed to make a determination such as proof of non-profit status, history of affordable housing projects developed by the non-profit, relationships with the System of Care Housing Committee agencies and anticipated plans for development of the property.
- C. The County will evaluate the application to ensure that the organization meets the required criteria and that the intended use of the property is consistent with this Policy.
- D. The proposed conveyance shall be brought before the Board for consideration and approval. It is in the Board's sole discretion to approve or reject the recommended conveyance.
- E. Once the conveyance is approved by the Board, the organization and the County will enter into a contract to purchase which will provide the closing instructions, require the organization to maintain the property and any structures thereon in a manner consistent with City of Durham minimum housing code, including but not limited to mowing the grass, and keeping the property free of debris while under the ownership of the non-profit organization, and require that the organization provide

the County with copies of building permits, Certificate of Completion and financial information of the potential home buyer, as well as specify any reporting requirements necessary for rental housing.

- F. The County will sell the property to the approved organization via Non-Warranty Deed with the above described reverter clause included therein for the purchase price of \$10.00.

4. This Policy shall be re-evaluated and revised as may be deemed necessary on or before January 2008.

This the 22nd day of January, 2007.

Advance Public Hearing on the FY 2007-2008 Budget

County Manager Mike Ruffin stated that this is the first opportunity for the public to comment on the FY 2007-2008 Budget. As County staff begins the preparation of the Fiscal Year 2007-2008 Budget, public comment is being solicited on issues which may need to be addressed during the budget process.

Chairman Reckhow stated that no one had signed up to speak on the budget. She asked if anyone in the audience wished to speak.

Ms. Victoria Peterson requested to speak.

Chairman Reckhow opened the public hearing that was properly advertised.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27701, expressed her opinion that the County desperately needs to set aside money in the budget to open a vocational center for adults in the community who have no high school diploma and/or who have no training or skills.

Chairman Reckhow remarked that she agreed with many of Ms. Peterson's comments. Durham Public Schools, the City, and the County have been working to put Holton School back into service and make it a vocational center. Work on the project is anticipated to begin this spring.

Chairman Reckhow closed the public hearing. She stated that the County Manager has devised an ambitious budget schedule. The capital improvement plan to be worked on this spring will have implications for the budget. There is much work to be done over the next five months.

Vice-Chairman Heron had questions about the schedule regarding individual budget worksessions with the Board.

County Manager Ruffin assured Vice-Chairman Heron that the schedule is satisfactory. Individual budget worksessions are scheduled for the period May 22 (the day after the County Manager's Recommended FY 2008 Budget is presented to the Board) - June 18,

2007. Final adoption of the FY 2007-08 Budget Ordinance is scheduled for Monday, June 25, 2007. County Manager Ruffin stated that he feels comfortable with the process, which is very similar to the process over the past few years.

Public Hearing—Unified Development Ordinance (UDO) Text Change—RS-M Revisions (TC06-16)

Frank Duke, AICP, City-County Planning Director, stated that, for the record, he has the required certification that notice was afforded for this public hearing as required by North Carolina statute. The Board was requested to receive public comments on Text Change—RS-M Revisions (TC06-16) and adopt an ordinance amending the Unified Development Ordinance (UDO), incorporating revisions to Article 6 to revise open space requirements for RS-M developments. This is a relatively simple modification to the UDO correcting an oversight when the ordinance was originally established. This particular change establishes minimum open space requirements for apartment developments utilizing the RS-M or suburban residential multi-family zoning designation. Under the UDO, as currently written, apartment complexes have no required open spaces. This ordinance change recognizes that apartments should also be providing open space. The Planning Commission held a public hearing on this case on December 12, 2006 and unanimously recommended approval. City Council held its public hearing on January 16, 2007 and voted unanimously to adopt this ordinance change. Staff also recommended approval.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve Unified Development Ordinance (UDO) Text Change—RS-M Revisions (TC06-16).

The motion carried with the following vote:

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

**AN ORDINANCE TO AMEND ARTICLE 6 OF THE UNIFIED DEVELOPMENT
ORDINANCE CONCERNING RS-M REQUIREMENTS**

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 6 of the Unified Development Ordinance is amended to make the following changes:

SECTION 1

Make the changes described below to Section 6.3

Sec. 6.3 Residential Suburban (RS) Development Intensity

6.3.1 Development Standards

Dimensional Standards

All residential development in the RS Districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)	---	2.0 ¹	---	3.5 ¹	---	5.0 ¹	---	10.5 ^{1,2}
Open Space(% of gross area) ³								
Conventional Subdivision	---	---	15	---	15	---	18 ⁵	---
Cluster Subdivision	---	---	15 ⁴	---	15 ⁴	---	18 ^{4,5}	---
Useable Open Space	---	---	5	---	5	---	6	---
Site Area (acres)								
Conventional Subdivision	---	---	---	---	---	---	4	---
Cluster Subdivision	4	---	4	---	4	---	4	---
Site Width (feet)	---	---	---	---	---	---	200	---
Lot Area (square feet)								
Conventional Single-Family Detached	20,000 ⁵	---	10,000 ⁵	---	8,000 ⁵	---	5,000 ⁵	---
Other Housing Types	See Sec. 7.1, Housing Types							
Height (feet)	---	35 ⁶	---	35 ⁶	---	35 ⁶	---	35 ⁷

¹ Density may be increased in accordance with Sec. 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Density Bonus. Other than these options the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot requirements.

² Projects proposing densities greater than eight units per acre shall require the approval of a development plan meeting the requirements of Sec. 3.5.6, Development Plan.

³ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

⁴ Minimum open space; cluster lot size reduction would be added to this percentage.

⁵ These open space requirements also apply to the development standards for apartments.

⁶ Lot area may be reduced in accordance with Sec. 6.3.3C, Lot Averaging.

⁷ Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided; however, in no event shall the additional height be more than 10 feet.

⁸ Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided, if shown on a development plan meeting the requirements of Sec. 3.5.6, Development Plan.

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.

Hold the First “Needs” Public Hearing for the FY 2007-2008 Annual Action Plan

Mike Barros, Director of the City of Durham’s Department of Community Development, gave a brief update about the programs of the past year shared by the City and the County. The Eastway Village Project, formerly referred to as Barnes Avenue, is up and running; houses will soon be sold; the first closing will be with a County employee. On February 14, the Department will go back to the City Council with the 2nd \$100,000 for The Durham Center.

Mr. Barros introduced Federal Programs Coordinator Karmisha R. Wallace.

Ms. Wallace stated that the U.S. Department of Housing and Urban Development (HUD) requires participating jurisdictions to submit an Annual Action Plan. The Annual Action Plan describes how the City of Durham and the Durham County Consortium will utilize funding and resources to address priority needs identified in the “2005-2010 Five-Year Consolidated Plan.” Those priority needs identified were: 1) neighborhood stabilization and revitalization; 2) special needs housing; 3) homeownership; and 4) housing rehabilitation and repair. A Citizen Participation Plan was included in the “2005-2010 Five-Year Consolidated Plan” and requires two public hearings be conducted prior to submitting the Annual Action Plan to HUD.

The Annual Action Plan is also the City’s application for HUD’s Community Development Block Grant (CDBG) funds, Emergency Shelter Grant (ESG) funds, and Home Investment Partnerships Program (HOME) funds. The Annual Action Plan must be prepared in accordance with the process prescribed by HUD, which requires opportunity for citizen comment and citizen participation.

The purpose of the first public hearing is to receive citizen comments on how CDBG, ESG, and HOME funds can be used to address housing and community development needs in Durham. Comments received from the public hearing will be incorporated into the draft FY 2007-2008 Annual Action Plan. The second public hearing will allow citizens the

opportunity to comment on the City's proposed use of CDBG, ESG, and HOME funds during fiscal year 2007-2008. The FY 2007-2008 Annual Action Plan will be brought before the Durham City Council and Durham Board of County Commissioners for adoption in April 2007. The Plan must be submitted to HUD no later than May 15.

Durham has received an average of \$1,500,000.00 in CDBG funds each year since 1975, an average of \$83,000.00 in ESG funds since 2005, and an average of \$900,000.00 in HOME funds each year since 1992. HOME funds have been primarily used for housing activities in Durham with a special focus on target neighborhoods, including existing homeowner rehabilitation and new homebuyer rehabilitation activities. HUD requires HOME funds to be matched by 25% of non-federal dollars.

Chairman Reckhow opened the public hearing that was properly advertised.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27701, shared new statistical information about the race and population of Durham County Detention Center inmates. She asked that \$60,000 to \$70,000 of the HUD funds be used for research to determine why so many African-American males and females are in the County jail.

Mr. Rich Lee, Executive Director, Durham Affordable Housing Coalition, 1302 Green Street, Durham, 27705, spoke to the ongoing need for rental housing, especially for special needs populations, because the Durham housing market is not affordable for many citizens. He asked the Commissioners to double their efforts to expand rental housing opportunities for folks with extremely low incomes.

Lorisa Seibel, with Durham Affordable Housing Coalition, 331 W. Main Street, Durham 27705, shared good news that within the last few weeks, eight handicap ramps have been completed; one more will be completed this month; two more next month; one more to be built, then all 12 will be done. She thanked the County Commissioners, especially Commissioner Page, for their support in this effort. Affordable Housing is applying to continue its volunteer home repair program that repairs about 25 homes of elderly and disabled homeowners throughout the City of Durham. The program builds approximately 12 ramps per year; the number of ramps to be built per year has already doubled. Affordable Housing hopes to partner with the County in 2007 to build even more ramps. Thomas Poole, the co-facilitator of District I Partners Against Crime (PAC), is partnering with Durham Affordable Housing Coalition and SWOOPS (Strong Women Organizing Outrageous Projects) for a community workday on Saturday, March 11 to repair homes of the elderly and disabled in east Durham. They hope to receive private donations to assist renters who have disabilities with handrails and other small handicap-accessibility improvements. Affordable Housing wishes to expand this program to other neighborhoods; therefore, application has been made for an additional grant under the Community Development Block Grants, a neighborhood mini-grant program, to not only repair homes, but also provide an opportunity for volunteers from the neighborhoods, the PAC groups, youth groups, faith-based organizations, businesses, and other people throughout the community to come together and

work with each other. In addition to repairing homes, relationships will be developed that Affordable Housing believes will continue to help Durham improve.

Chairman Reckhow thanked Ms. Seibel for all her efforts in ramp construction associated with the MLK event.

Chairman Reckhow closed the public hearing and referred the matter back before the Board.

Chairman Reckhow addressed Ms. Peterson's comments by stating that creating stronger, more stable, more vibrant communities will help as it relates to crime and safety in the Durham community. Hopefully, it will ultimately reduce the pressure on our jail. Obviously, housing is a component and should be planned to support safety in a community.

Mr. Barros added to Chairman Reckhow's comments. He answered Ms. Peterson's comments about eligibility for studies. Of the three types of programs—Community Development Block Grants, HOME, and Emergency Shelter Grants—funding for studies is eligible only under the Community Development Block Grants. The issue is trying to find out why young people do not consider education as imperative. Efforts must be doubled to address persons with the greatest needs, because they are the ones placing the burden on our system, not only for support but in the incarceration system, as well.

Mr. Barros expressed excitement about the Durham Affordable Housing Coalition and the activities of Mr. Poole. The Housing Department is in the process of evaluating proposals which have been submitted, one of which was the mini-grant. What is exciting about the mini-grant is that it leverages other monies, it pays for materials, and it offers a reason for people in a community to come together and do a project.

Chairman Reckhow stated that the comments received tonight would be taken under advisement as the plan is developed. She thanked Mr. Barros for his remarks.

Public Hearing—Unified Development Ordinance (UDO) Text Change—Swimming Pool Fencing (TC06-12)

Frank Duke, AICP, City-County Planning Director, stated that the Board is requested to receive public comments on Text Change—Swimming Pool Fencing (TC06-12) and adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5 to amend the enclosure requirements for swimming pools on residential lots. This particular text change codifies an interpretation that Mr. Duke made as the Planning Director that if a swimming pool is located within a yard that is enclosed by a fence, it does not require a second fence specifically around the swimming pool. The other changes are more technical in nature to bring terminology into line with the terminology in the remainder of the ordinance. The Planning Commission held a public hearing on this item on December 12, and voted to recommend approval by a vote of 7 – 3. City Council heard this item on January 16 and voted unanimously to adopt the change. In addition, staff recommended approval.

Mr. Duke responded to a question by Chairman Reckhow, stating that Sec. 5.4.9, A.3—“be replaced” means that the existing **pool** could be replaced with a new pool. If the existing fencing is replaced, the use of self-latching and self-closing gates must be maintained. But if that is taken down, the resident must comply with the greater standards for swimming pool enclosures that have been approved.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve Unified Development Ordinance (UDO) Text Change—Swimming Pool Fencing (TC06-12).

The motion carried with the following vote:

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

AN ORDINANCE TO AMEND ARTICLE 5 OF THE UNIFIED DEVELOPMENT
ORDINANCE CONCERNING REQUIREMENTS FOR SWIMMING POOL FENCING

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 5 of the Unified Development Ordinance is amended to make the following changes:

SECTION 1

Make the changes described below to Section 5.4

Sec. 5.4 Accessory Uses and Structures

5.4.9 Swimming Pools

When allowed, in-ground and above ground swimming pools that have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

A. Private Pools

1. Private swimming pools (as well as the decking and equipment associated with the pool) located on any residential lots with the

exception of those described in Section B below shall not be located in the street yards and not be closer than five feet to any property line.

2. The pool shall be located within an enclosure that completely surrounds the pool, such as an opaque wall or fence, incorporating self-closing and self-latching gates on any external entrances directly into the pool area, and prevents off-site views of the pool and pool area. If any portion of the pool or pool decking is within 20 feet of a property line, the enclosure shall be at least six feet in height. If the pool is more than 20 feet from the property line, the enclosure shall be at least four feet in height.
3. Existing pools that are not located in an enclosed area shall provide an enclosure as described in paragraph A.2 above prior to April 1, 2007. Existing pools that are located within an enclosed area that does not permit views of the pool area from off-site may continue and be replaced so long as all external entrances directly into the pool area are secured through use of self-latching and self-closing gates.

B. Outdoor Community Pools, Private Club Pools, or Townhouse, Mutiplex and Apartment Pools

1. Outdoor pools including decking shall be located at least 100 feet from any property line adjacent to a single family residential district or use, and at least 50 feet from any property line adjacent to any other district or use.
2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.
3. All outdoor pools shall be enclosed by a fence that is at least four feet in height. The exterior walls of buildings may be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates.

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 Text Change—Technical Changes II (TC06-06)

Frank Duke, AICP, City-County Planning Director, stated that the Board is requested to receive public comments on Unified Development Ordinance Text Change—Technical Changes II (TC06-06) and to approve UDO Text Change—Technical Changes II (TC06-06). This particular ordinance revision encompasses a series of 16 separate ordinance revisions designed to address technical issues throughout the UDO, such as inconsistencies between various sections and word terminology. The biggest change is the revisions to the provisions dealing with wireless communication facilities, which are being reorganized to better conform to the format of the existing UDO. This item was heard by the Planning Commission at a public hearing on October 10; the Commission unanimously recommended approval. Staff also recommended approval.

Mr. Duke explained for Vice-Chairman Heron that no changes were being made to the provisions dealing with wireless communication facilities; they are simply being reorganized.

Chairman Reckhow opened the public hearing that was properly advertised.

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

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve Unified Development Ordinance Text Change—Technical Changes II (TC06-06).

The motion carried with the following vote:

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

(Recorded in Ordinance Book _____, page _____.)

Commissioner Appointment to the Carolina Theatre Board

Chairman Reckhow conveyed that Commissioner Cheek requested to be removed from the Carolina Theatre Board because of conflicts with the meeting schedule. Commissioner Page agreed to serve in his stead.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to appoint Commissioner Page to the Carolina Theatre Board.

The motion carried with the following vote:

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

Commissioner Cousin moved, seconded by Chairman Reckhow, to appoint Vice-Chairman Heron to the Farmland Protection Advisory Board.

The motion carried with the following vote:

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

Meeting Announcement for Land Use Considerations

Chairman Reckhow announced that the Commissioners have been invited to a planning meeting for Camp Butner and the surrounding area to look at land use considerations. The meeting is being held on Tuesday, January 30, from 1:00 to 3:00 p.m. by the Department of Defense, Office of Economic Adjustment, with a presentation on the joint land use program.

Chairman Reckhow informed County Manager Ruffin that a staff member may be requested to attend the meeting if no Commissioner is available to attend.

Closed Session

Vice-Chairman Heron moved, seconded by Commissioner Cousin to adjourn to closed session to consult with an attorney and preserve the attorney-client privilege and to discuss County v. Mansour, 6CVS 6649, DOT v. County, 04 CVS 6391, and In Re MK, 02J87; to discuss matters relating to the location of businesses in the area served by the County; and to instruct staff concerning the position to be taken in negotiating the terms for the potential acquisition of real properties pursuant to N.C.G.S. §§ 143-318.11(a)(3), (4), and (5).

(The properties and owners are: North Triangle Realty, owner of 7321 Matthews Road; James and Robert E. Lee, owner of 0 Johnson Mill Road; Mishew and Alton B Smith Jr., owner of 8211 Johnson Mill Road, and John and Marjorie Oxaal, owner of 0 Becky Drive.)

The motion carried with the following vote:

Ayes: Cousin, Heron, and Reckhow

Noes: None
Absent: Cheek and Page

Reconvene to Open Session

Chairman Reckhow announced that in Closed Session the Board discussed a settlement proposal for the Mansour property related to the Human Services Complex.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve the settlement proposal as discussed regarding Mansour 6CVS 6649.

The motion carried with the following vote:

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

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 11:06 p.m.

Respectfully submitted,

Vonda Sessoms
Clerk to the Board