

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

Monday, October 23, 2006

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 Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow noted a revised resolution for Consent Agenda Item No. 1.

Announcements

Chairman Reckhow announced a combined public hearing for the widening of NC Highway 55 (Alston Avenue), from NC Hwy. 147 (I.L. "Buck Dean Freeway) to NC Hwy. 98 (Holloway Street). She stated that the Pre-Hearing Open House would be held on Thursday, November 2, 2006, 4:00 – 7:00 p.m., followed by a Public Hearing at 7:00 p.m. at the Hayti Heritage Center, 804 Old Fayetteville Street, Durham 27701.

Vice-Chairman Heron read an announcement pertaining to Medicare. She stated that Medicare beneficiaries must choose or change Medicare-approved drug plans for 2007 between November 15 and December 31, 2006. She informed that beginning Thursday, November 16, Senior PHARMA*ssist* would be hosting walk-in clinics in the computer lab of the Durham Center for Senior Life to help individuals compare Medicare drug prescription plans. The clinics would be held every Thursday thereafter (except for Thanksgiving) through the end of December from 10 a.m. to 1 p.m.

Minutes

Commissioner Cheek moved, seconded by Commissioner Page, to approve as submitted the October 3, 2006 Worksession Minutes of the Board.

The motion carried unanimously.

Proclamation for November as “Hire-A-Veteran” Month

Chairman Reckhow read the following proclamation into the record to proclaim November as “Hire-A-Veteran” Month in Durham County:

PROCLAMATION

WHEREAS, throughout our history, American armed forces have stood tall against tyranny, offering hope to the oppressed and securing the blessings of liberty for our citizens. Many brave men and women continue to answer the call to service in the face of great personal sacrifice, hardship, and danger. They accept and overcome these challenges with dignity and honor; and

WHEREAS, in 1944 when President Franklin D. Roosevelt signed the G. I. Bill into law, he observed that more than anything else American servicemen and women wanted “the assistance of satisfactory employment upon their return to civilian life”; and

WHEREAS, Durham County recognizes November as “Hire-A-Veteran Month” to honor these military veterans whose courageous service has preserved our freedoms. We are proud that Durham County is home to over 17,000 veterans and it is our duty to remember their commitment to service and recognize their importance to our economic future; and

WHEREAS, as employers and co-workers, it is in our public and economic interest to take advantage of this tremendous resource by providing employment opportunities to our veterans already in the work force, and to the number of veterans who are leaving the military; and

WHEREAS, these men and women who stepped forward to serve our nation bring the same level of commitment and dedication to Durham County’s workforce. They have the training, work ethic, and proven skills to benefit our county’s businesses. As they leave the military and transition to civilian life, they deserve our appreciation and a place in our workforce:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, do hereby proclaim November 2006 as

HIRE-A-VETERAN MONTH

in honor of all the Durham County veterans who have served, and for those that are currently serving. In addition, I encourage all businesses in our County to provide employment opportunities to those who have served in the Armed Forces.

This the 23rd day of October, 2006.

/s/ Ellen W. Reckhow, Chairman

Mr. Linzie Atkins, Veterans Employment Consultant for the NC Employment Security Commission in Durham, gave a description of the program. He stated that the program promotes efforts to help veterans gain and maintain suitable employment in Durham County. He urged communities to help veterans find satisfactory employment once they leave the military and return to civilian life. Mr. Atkins thanked the Board and accepted the proclamation.

Commissioner Cheek discussed the importance of recognizing veterans and their skills. He encouraged citizens to consider the needs of veterans throughout the year.

National Adoption Month Proclamation

Commissioner Page, Board of County Commissioners Liaison to the Social Services Board, read the proclamation into the record:

PROCLAMATION

WHEREAS, the County of Durham recognizes the importance of giving children in foster care permanent, safe, and loving families through adoption; and

WHEREAS, every child deserves the chance to grow up in a loving, stable family; and

WHEREAS, children of all ages need adoptive homes. Forty percent are five and under (few are infants); another 40 percent are between six and twelve years; and 20 percent are between 13 and 18 years. Many of them are siblings and need to be placed together; and

WHEREAS, more than 118,000 children in the United States foster care system are waiting to be adopted; and

WHEREAS, more than 10,000 children in North Carolina are waiting for permanent families; and

WHEREAS, more than 258 children in Durham County, NC are in foster care and of that number, 29 are available for adoption but are not currently in an adoptive placement and are waiting for permanent families; and

WHEREAS, this effort along with similar celebrations in all 50 states around the country will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, do hereby proclaim November 2006 as

“ADOPTION AWARENESS MONTH”.

I commend this observance to our citizens and urge all citizens to join in raising awareness on behalf of the 29+ children in Durham County who are waiting for a loving

family. I further encourage communities, businesses, schools, faith-based organizations, and families to honor the special needs of Durham County's children in hopes of securing a permanent, loving family for each and every child regardless of race, age, gender, healthy, emotional or behavioral condition, and past distress.

This the 23rd day of October, 2006.

/s/ Ellen W. Reckhow, Chairman

Sammy R. Haithcock, DSS Director, thanked the Board for the proclamation.

Jovetta Whitfield, Child Placement and Supportive Services Program Manager, thanked the Board for recognizing November as National Adoption Month for a second consecutive year. She reported that more than 258 children in Durham County are in foster care; 29 children are available for adoption but are not currently in an adoptive placement. Since last November, 14 children have been adopted from the foster care system in Durham. She informed citizens who are interested in fostering and/or adopting a child to call (919) 560-8092 for additional information.

Commissioner Page recognized Janice Williams as the Department of Social Services' Adoption Supervisor.

Chairman Reckhow presented the proclamation to Mr. Haithcock, Ms. Whitfield, and Ms. Williams.

Resolution Recognizing 100 Years of Service of the Greater Durham Chamber of Commerce

Chairman Reckhow read the following resolution honoring the Greater Durham Chamber of Commerce's Centennial Celebration:

RESOLUTION

WHEREAS, the Greater Durham Chamber of Commerce was established 100 years ago to help build a strong business community in Durham; and

WHEREAS, over the years, Durham's economy has evolved from a mostly agricultural and manufacturing economy to become a world class competitor in the areas of medicine, research, technology, and more; and

WHEREAS, as the community has transitioned, the Chamber has provided sound leadership in its efforts to build strong relationships among the business community, government, and the entire community with the goal of maintaining a healthy economy; and

WHEREAS, in this centennial year, the Chamber continues to adhere to its core mission of supporting existing businesses, while growing and recruiting new businesses to be a good match for this community; and

WHEREAS, the Chamber's workforce development initiatives have helped existing and relocating employers access a qualified workforce as well as helping them to identify resources to assist underemployed and unemployed citizens with building a skill set that enables them to find meaningful work; and

WHEREAS, with the visionary leadership of President/CEO Libby Barnes, the Chamber is recognized as the collective, collaborative voice of the business community, seeking input from its members on relevant topics and utilizing its professional staff and volunteers to identify and implement solutions; and

WHEREAS, the Greater Durham Chamber of Commerce will culminate a year of reflection and celebration of its achievements with a Centennial Year Gala on October 28th at Duke's Nasher Museum:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby congratulate

"THE GREATER DURHAM CHAMBER OF COMMERCE"

on the occasion of its Centennial Celebration. We urge all residents of Durham County to join in honoring the organization for providing exemplary service and for making significant contributions to the quality of life in this community, region, and beyond.

This the 23rd day of October, 2006.

/s/ All Five Commissioners

Chamber President and CEO Libby Barnes gave brief remarks. She introduced Dr. Phail Wynn, former Chair of the Durham Chamber of Commerce Board of Directors, and Jerry O'Keefe, Chair-Elect, as attributes to the history and future of the Durham Chamber.

Chairman Reckhow presented the resolution to Ms. Barnes.

Service Recognitions for Longtime Board of Elections Workers

Board of Elections Director Mike Ashe requested that the Board recognize the following longtime Board of Elections' workers for many years of outstanding service to the community by ensuring well-run elections:

Kelly Bryant	54 years of service
Willis Lassiter	44 years of service
Dorothy O'Brien	40 years of service
Durlin Hayes	40 years of service

Lanier McEntire	36 years of service
Connie Hinshaw	36 years of service
Dot Shoaf	35 years of service
Gerry Deloatche	35 years of service
Ellis Allen	32 years of service

Ron Gregory, Chair, Board of Elections, gave introductory remarks and asked Terry McCabe, Secretary, and Mr. Ashe to assist him in presenting timepieces, pins, and certificates to the honorees.

The honorees received a standing ovation.

October Anchor Award Winner—Angela M. McIver

Chairman Reckhow introduced Angela McIver as the October Anchor Award recipient. She praised Ms. McIver for giving outstanding customer service and for continuously going beyond the call of duty while serving as Staff Specialist in the Clerk's Office. Ms. McIver is always available to help Durham County employees and citizens, making sure they receive complete and accurate services. The numerous duties she has voluntarily accepted, such as attending county commissioner board meetings, has helped her develop the skills and expertise of a seasoned employee and allowed her to excel on a daily basis.

Ms. McIver thanked the Board for the recognition. She expressed appreciation to the Clerk to the Board's staff for the supportive and dedicated work environment.

Chairman Reckhow congratulated Ms. McIver and presented her with the Anchor Award and \$200 check.

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 September 2006 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Durham County Detention Center Slider Door Upgrades (authorize the County Manager to enter into a contract with Aramark Facility Services in the amount of \$53,284.35 to replace security slider door hardware on six selected doors at the Durham County Detention Center);
- c. Appointment—Juvenile Crime Prevention Council (JCPC)—(appoint Lt. Elton Lyle O'Neal to the Chief of Police Designee position);

- d. Ambulance Replacement (authorize the Manager to enter into a contract with Southeastern Specialty Vehicles for \$360,783 for the purchase of one replacement vehicle for Bethesda Volunteer Fire/Rescue Department, three for Durham County EMS, and one remount for Durham County EMS);
- *e. Budget Ordinance Amendment 07BCC000015—Social Services—Recognize Additional Revenue (approve an increase in the State Adult Day Care Fund [\$27,502], Adult Care Home Case Management [\$9,394], and Child Care Subsidy – More at Four [\$42,316] for a total increase of \$79,212);
- *f. Budget Ordinance Amendment 07BCC000016—General Services—Recognize \$3,500 in Revenue for the Solid Waste Division for a “Swap Shop” Matching Grant from the Department of Environmental Health and Natural Resources);
- *g. Budget Ordinance Amendment No. 07BCC000017—Cooperative Extension—Postage Allocation (appropriate \$6,525 in federal funding for increasing the efficiency of mail management);
- *h. Budget Ordinance Amendment No. 07BCC000018—Cooperative Extension—4-H Youth Grant to Reduce Substance Abuse Among Youth (appropriate \$15,000 from the Durham Alcoholic Beverage Control Board for the purpose of increasing the involvement of youth in the planning and implementation of alcohol and substance abuse prevention programming);
- *i. Budget Ordinance Amendment No. 07BCC000019—Cooperative Extension—Kids Voting Durham Administration (appropriate \$17,165 from Kids Voting North Carolina for administering the Durham Kids Voting program in cooperation with the program’s partners);
- *j. Budget Ordinance Amendment No. 07BCC000020—Sheriff’s Office—2006 G.R.E.A.T. Grant (approve \$46,641 from the G.R.E.A.T. Grant for gang resistance education);
- *k. Budget Ordinance Amendment No. 07BCC000021—Designated for Risk Management Fund Balance Appropriation (approve the \$375,000 appropriation);
- *m. Resolutions Authorizing Condemnation of Certain Properties (approve the resolutions in order to acquire the property for parking for the Human Services building; the parcels involved are owned by John David Woodall a.k.a. David Woodell, Azem N. Mansour, and Canaday’s Cab Company Inc.);

- n. Little River Community Center Agreement and Deed (approve the quitclaim deed and amendment to the agreement so Little River may lease a portion of the property for a charter school);
- o. Offer to Purchase 515 E. Peabody St., 519 E. Peabody St., 111 S. Dillard Street for the Human Services Complex (approve the purchase of 515 E. Peabody St., 519 E. Peabody St., and 111 S. Dillard Street for a total of \$335,000 from Mr. and Mrs. Ernest Brandt; and to authorize the Manager to execute a lease with Mr. Brandt for 111 South Dillard Street through June 30, 2007); and
- p. Contract Amendment for Borden Real Estate for Acquisition Services related to the Human Services Complex (approve the Contract amendment to authorize the Borden Real Estate firm to provide real estate acquisition services for Durham County up to a maximum of \$78,000 based on the same contract terms entered into on March 15, 2006).

The motion carried unanimously.

*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 September 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 September 2006.

Releases & Refunds for 2006 Taxes:

Real Estate	\$372,119.70
Personal	\$ 12,694.59
Registered Vehicles	\$ 30,304.22
Vehicle Fees	\$ 440.00
Solid Waste	<u>\$ 240.00</u>
Total for 2006 Taxes and Fees	\$ 415,798.51

Prior years' (2001-2005) releases and refunds for September 2006 are in the amount of \$32,950.58. The total current year and prior years' releases and refunds amount to \$448,749.09.

(Recorded in Appendix A in the Permanent Supplement of the October 23, 2006 Regular Session Minutes of the Board.)

Consent Agenda Item No. e. Budget Ordinance Amendment 07BCC000015—Social Services—Recognize Additional Revenue (approve an increase in the State Adult Day Care Fund [\$27,502], Adult Care Home Case Management [\$9,394], and Child Care Subsidy – More at Four [\$42,316] for a total increase of \$79,212).

DURHAM COUNTY, NORTH CAROLINA
 FY 2006-07 Budget Ordinance
 Amendment No. 07BCC000015

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	\$319,346,547	\$79,212	\$319,425,759

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$393,379,396	\$79,212	\$393,458,608

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

This the 23rd day of October, 2006.

Consent Agenda Item No. f. Budget Ordinance Amendment 07BCC000016—General Services—Recognize \$3,500 in Revenue for the Solid Waste Division for a “Swap Shop” Matching Grant from the Department of Environmental Health and Natural Resources).

DURHAM COUNTY, NORTH CAROLINA
 FY 2006-07 Budget Ordinance
 Amendment No. 07BCC000016

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	\$319,425,759	\$3,500	\$319,429,259

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Environmental Protection	\$3,232,526	\$3,500	\$3,236,026

All ordinances and portions of ordinances in conflict herewith are hereby repealed.
This the 23rd day of October, 2006.

Consent Agenda Item No. g. Budget Ordinance Amendment No. 07BCC000017—
Cooperative Extension—Postage Allocation (appropriate \$6,525 in federal funding for
increasing the efficiency of mail management).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000017

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	\$319,429,259	\$6,525	\$319,435,784

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$3,525,140	\$6,525	\$3,531,665

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

This the 23rd day of October, 2006.

Consent Agenda Item No. h. Budget Ordinance Amendment No. 07BCC000018—
Cooperative Extension—4-H Youth Grant to Reduce Substance Abuse Among Youth
(appropriate \$15,000 from the Durham Alcoholic Beverage Control Board for the
purpose of increasing the involvement of youth in the planning and implementation of
alcohol and substance abuse prevention programming).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000018

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	\$319,435,784	\$15,000	\$319,450,784

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical			
Development	\$3,531,665	\$15,000	\$3,546,665

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

This the 23rd day of October, 2006.

Consent Agenda Item No. i. Budget Ordinance Amendment No. 07BCC000019—
Cooperative Extension—Kids Voting Durham Administration (appropriate \$17,165 from
Kids Voting North Carolina for administering the Durham Kids Voting program in
cooperation with the program's partners).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000019

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	\$319,450,784	\$17,165	\$319,467,949

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical			
Development	\$3,546,665	\$17,165	\$3,563,830

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

This the 23rd day of October, 2006.

Consent Agenda Item No. j. Budget Ordinance Amendment No. 07BCC000020—
Sheriff's Office—2006 G.R.E.A.T. Grant (approve \$46,641 from the G.R.E.A.T. Grant
for gang resistance education).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000020

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	\$319,467,949	\$46,641	\$319,514,590

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$47,511,268	\$46,641	\$47,557,909

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

This the 23rd day of October, 2006.

Consent Agenda Item No. k. Budget Ordinance Amendment No. 07BCC000021— Designated for Risk Management Fund Balance Appropriation (approve the \$375,000 appropriation).

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Budget Ordinance
Amendment No. 07BCC000021

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>RISK MANAGEMENT FUND</u>			
Other Financing Sources	\$0	\$375,000	\$375,000

Expenditures:

<u>Activity</u>			
<u>RISK MANAGEMENT FUND</u>			
General Government	\$2,290,433	\$375,000	\$2,665,433

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

This the 23rd day of October, 2006.

Consent Agenda Item No. m. Resolutions Authorizing Condemnation of Certain Properties (approve the resolutions in order to acquire the property for parking for the Human Services building; the parcels involved are owned by John David Woodall a.k.a. David Woodell, Azem N. Mansour, and Canaday's Cab Company Inc.).

RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY OF
CANADAY'S CAB COMPANY, INC.

WHEREAS, the Board of Commissioners for the County of Durham hereby determines that it is necessary and in the public interest to acquire certain property owned by Canaday's Cab Company, Inc. for the construction of a Human Services Complex with related parking facilities; and

WHEREAS, the proper officials of the County of Durham have been unable to acquire the needed interest in this property by negotiated conveyances.

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

1. The County of Durham shall acquire by condemnation, for the purposes stated above, the following described property in fee simple absolute:

All that lot or parcel of land located in Durham Township, Durham County, North Carolina, and described as follows:

BEING that property conveyed in deed recorded in Deed Book 2363 page 869, and further described as all of Lots 33 through 42 inclusive as shown by survey thereof made by Stewart, entitled "Boundary Survey for County of Durham", dated July 10, 2006, and revised July 19, 2006, and recorded in Plat Book ____ page ____, Durham County Register of Deeds, to which reference is hereby made for a more particular description. See also plat recorded in Plat Book 139 page 23, entitled Property of Canaday's Cab Company.

2. The attorneys representing the County of Durham are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

This the 23rd day of October, 2006.

RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY OF AZEM N. MANSOUR

WHEREAS, the Board of Commissioners for the County of Durham hereby determines that it is necessary and in the public interest to acquire certain property owned by Azem N. Mansour for the construction of a Human Services Complex with related parking facilities; and

WHEREAS, the proper officials of the County of Durham have been unable to acquire the needed interest in this property by negotiated conveyances.

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

1. The County of Durham shall acquire by condemnation, for the purposes stated above, the following described property in fee simple absolute:

All that lot or parcel of land located in Durham Township, Durham County, North Carolina, and described as follows:

BEING that property conveyed in deed recorded in Deed Book 2328 page 807, and further described as all of Lots 50 through 55 inclusive as shown by survey thereof made by Stewart, entitled "Boundary Survey for County of Durham", dated July 10, 2006, and revised July 19, 2006, and recorded in Plat Book ____ page ____, Durham County Register of Deeds, to which reference is hereby made for a more particular description.

2. The attorneys representing the County of Durham are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

This the 23rd day of October, 2006.

RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY OF JOHN DAVID WOODALL

WHEREAS, the Board of Commissioners for the County of Durham hereby determines that it is necessary and in the public interest to acquire certain property owned by John David Woodall a.k.a. David Woodell for the construction of a Human Services Complex with related parking facilities; and

WHEREAS, the proper officials of the County of Durham have been unable to acquire the needed interest in this property by negotiated conveyances.

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

1. The County of Durham shall acquire by condemnation, for the purposes stated above, the following described property in fee simple absolute:

All that lot or parcel of land located in Durham Township, Durham County, North Carolina, and described as follows:

BEING that property conveyed in deeds recorded in Deed Book 2930 page 379 and Deed Book 1701 page 667, and further described as all of Lots 43 through 48 inclusive as shown by survey thereof made by Stewart, entitled "Boundary Survey for County of Durham", dated July 10, 2006, and revised July 19, 2006, and

recorded in Plat Book ____ page ____, Durham County Register of Deeds, to which reference is hereby made for a more particular description.

2. The attorneys representing the County of Durham are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

This the 23rd day of October, 2006.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. 1. Second Resolution Amending the Economic Development Investment Fund (adopt the amendment to the Economic Development Fund).

Chairman Reckhow recognized signed speaker Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, to comment.

Commissioner Cheek disagreed with Ms. Peterson's allegation that the resolution is discriminatory against African Americans and small businesses in Durham. He explained that the economic development fund is one of numerous ways that the County offers to support businesses of varying sizes. Its purpose is to help bring jobs to Durham and to improve the employment rate.

SECOND RESOLUTION AMENDING THE ECONOMIC DEVELOPMENT INVESTMENT FUND

WHEREAS, Durham County Economic Development Fund was amended by resolution dated November 7, 2005; and

WHEREAS, it has become apparent that an additional amendment is needed in order for the County to remain competitive in recruiting industry and jobs for its citizens.

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

1. Paragraph 6 of the Resolution Amending the Economic Development Investment Fund is amended to read as follows:

The maximum appropriation which may be made for a company locating in Durham County shall be \$1 million, except that up to an additional \$1 million may be appropriated by the Board of County Commissioners when there are a minimum of 500 new jobs created and when either there is significant additional capital investment by the company or there is a third-party constructing a new facility for the company with a long-term lease.

2. This amendment is effective on its passage.

This the 23rd day of October, 2006.

Consent Agenda Item No. q. Approval of Capital Project Amendment No. 7CPA000002 and contract for the Purchase of Furniture for the Durham County North Regional Branch Library Project No: DC073-48/50 & DC077-50 Bid No: IFB 07-003 (approve Capital Project Ordinance Amendment No. 07CPA000002 increasing the North Regional Library project budget by \$425,000 and decreasing the East Regional Library project budget by \$425,000; and authorize the County Manager to execute contracts with Interior Systems and Alfred Williams for the purchase of furniture for the new North Regional Branch Library, in the total amount of \$283,912.00 [Base Bid plus Alternates] and execution of any other related contracts/services, if necessary, not to exceed the budget of \$305,000).

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, requested to speak on this item. She asked the Board to defer increasing the North Regional Library's budget until repairs to Stanford L. Warren Library are complete.

Chairman Reckhow directed County Manager Mike Ruffin to look into the issues raised and to respond to Ms. Peterson and the Board.

County Engineer Glen Whisler addressed concerns mentioned by Ms. Peterson. He stated that a certificate of occupancy has been issued by the City-County Inspections Department for the Stanford L. Warren Library. As for the hole in the floor (located in lower level meeting room), Mr. Whisler informed that it will be repaired when contractors find a suitable match for the flooring material.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Consent Agenda Item Nos. l and q.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2006-07 Capital Project Ordinance
Amendment No. 07CPA000002

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>			
North Regional Library	\$5,931,087	\$425,000	\$6,356,087
East Regional Library	\$6,708,909	\$425,000	\$6,283,909

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

This the 23rd day of October, 2006.

Public Hearing to Consider Allocating Economic Development Investment Funds to Quintiles Transnational

County Manager Mike Ruffin introduced this item. He reported that Quintiles Transnational is considering an expansion that would include 1,000 new jobs available to Durham citizens. He recommended that the County participate in this economic development project by reimbursing Quintiles Transnational up to \$2,000,000 for the costs of expansion, consolidation, and employee training.

County Manager Ruffin recognized Carolyn Titus, Deputy County Manager, to present additional information.

Deputy County Manager Titus continued the introduction, stating that Quintiles Transnational conducts clinical trials under contract to pharmaceutical and biotechnology firms and is considering expanding its pharmaceutical services operations. Quintiles Transnational was founded in North Carolina in 1982 and maintains its global headquarters in Research Triangle Park. Currently, 1,100 employees are working in Durham County. If Durham were selected, a new facility consisting of approximately 220,000 square feet would be constructed to accommodate this expansion and corporate headquarters. In addition to the capital investment associated with the construction of a building, an investment of approximately \$10.8 million associated with business personal property and up-fit requirements is anticipated. Company officials have stated that incentives are a key consideration in its location decision.

Chairman Reckhow opened the public hearing, which was advertised on Friday, October 13, 2006 as required by NC Statute, and called the following signed speakers to comment:

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, inquired about the number of Durham citizens currently employed by Quintiles.

Libby Barnes, President/CEO, Durham Chamber of Commerce, 304 Culpepper Court, Durham 27712, supported Quintiles locating to Durham and urged the Commissioners to approve the reimbursement contract.

Phail Wynn Jr., President, Durham Technical Community College, 1637 Lawson Street, Durham 27703, outlined the role of technical education in ensuring the future of Durham residents.

Jamie Glass, Dean of Continuing Education and Off-Campus Programs, Durham Technical Community College, 1637 Lawson Street, Durham 27703, discussed proactive measures being taken to help Durham residents obtain jobs offered by Quintiles.

Jerry O'Keeffe, Chair Elect, Durham Chamber of Commerce, discussed the importance of Quintiles expanding to Durham.

John Russell, Executive Vice President/General Counsel & Chief Administrative Officer, Quintiles Transnational, 507 E. Rosemary Street, Chapel Hill 27514, commented on the intentions of Quintiles to expand. He thanked the speakers for their comments.

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

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve entering into the standard reimbursement contract between the County of Durham and Quintiles Transnational in the amount of \$2,000,000 to allow for the reimbursement of costs associated with expansion, consolidation, and employee training.

The motion carried unanimously.

Commissioner Page expressed appreciation for Quintiles' efforts to bring additional jobs to Durham. He requested that the number of Durham citizens that have been employed by Quintiles be reported to the Board.

Chairman Reckhow asked Kathy Hoffmeier, Vice President of Workforce Development, Durham Chamber of Commerce, to communicate to Durham Public Schools the job availability in Durham for youth interested in life sciences and other related fields.

Public Hearing—Plan Amendment—5200 Wake Forest Highway (A06-02)

Frank M. Duke, AICP, City-County Planning Director, requested that the Board open the public hearing, refer the item back to staff, and continue the public hearing for one cycle.

Vice-Chairman Heron thanked Mr. Duke for requesting a deferral in lieu of a denial.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to continue the public hearing to the November 13 Regular Session to allow further review by Planning staff.

The motion carried unanimously.

Preliminary Plat—Quail Ridge Subdivision (D04-644)

Planning Director Frank M. Duke requested that the Board approve a Preliminary Plat for "Quail Ridge Subdivision", submitted by JDavis Architects, PLLC on behalf of Worman Development, L.C., for 86 single-family residential lots on a 91.425-acre site zoned Respectfully Submitted-20. [The property is located south of West Cornwallis Road, east of Kerley Road and north of Erwin Road. PIN 0802-03-40-1503 and 0801-01-38-5292.]

Mr. Duke recapped that this item was referred back to staff by the Board of Commissioners at its September 11, 2006 meeting for a re-review of the stormwater analysis and steep slope delineation. He reported that the re-review had been completed and the preliminary plat revised to reflect the corrected information.

The Development Review Board recommended approval.

Chairman Reckhow called signed speakers forward for public comment.

Attorney Ben Atwater, representing Worman Development, PO Box 629, Siler City 27344, beseeched the Commissioners to approve the preliminary plat.

The following speakers expressed concerns about the plat:

Happy Sayre-McCord, representing Arrowhead Neighborhood, 3301 W. Cornwallis Road, Durham 27705

David Gould, representing Arrowhead Neighborhood, 3993 W. Cornwallis Road, Durham 27705

Judy Martel, 4424 Erwin Road, Durham 27705

Chairman Reckhow asked County Attorney Chuck Kitchen to address the Board's responsibility to approve/deny the preliminary plat.

County Attorney Kitchen explained that according to N.C.G.S. § 153A-330, the Board must approve the plat if it meets the standards in the Unified Development Ordinance (UDO). He read a portion of the statute for additional support: *Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance.*

Commissioner Page inquired about ways to relay the citizens' concerns to ensure that they are considered before the final plan is approved.

Chairman Reckhow asked Mr. Duke if a contact person could be designated to alert the citizens when an amended or final plan becomes available.

Mr. Duke informed the Board that he would have the citizens notified before the plan is presented to the Development Review Board.

Chairman Reckhow outlined impending changes to the UDO that the Planning Department is currently drafting:

- 1) An assessment to determine whether lot sizes for homes with septic tanks need to be increased. *Mr. Duke stated that the Durham Planning Commission recommended at its October meeting that the minimum lot size be increased to one acre; the recommendation would be presented to the Commissioners for approval next month.*
- 2) Staff to initiate a systematic rezoning of the Arrowhead area consistent with the Comprehensive Plan. *Mr. Duke announced that the rezoning of the Arrowhead area from RS-20 to Rural Residential is scheduled to go before the Planning Commission in November. Letters will be mailed within the next few days.*

Chairman Reckhow expressed optimism that once the changes are implemented, residents' current concerns would be alleviated with future projects.

Commissioner Cheek thanked the Arrowhead residents for communicating their concerns to the Commissioners.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the Preliminary Plat—Quail Ridge Subdivision (D04-644).

Vice-Chairman Heron read a personal statement for the record opposing the plat:

“I will not be voting for the approval of the Worman preliminary Plat. How can we be forced, by law or otherwise, to approve a project that will adversely impact the health, welfare, and safety of our citizens. This project is totally opposed by the surrounding community. The density of the project is inconsistent with the neighborhood. It appears that the developer is trying to squeeze the last dollar out of these 91.425 acres by building on small lots where there are serious environmental problems. Durham County staff and outside consultants provided information that clearly shows that this project is not in the best interest of the community. The west fork of Mud Creek, a perennial stream, and three intermittent streams run through the middle of the site; and several lots encroach into the stream buffers. There are steep slopes that must be considered. The 30,000-square foot lots must fit into the stream and slope patterns. Each must have a well, constructed a certain distance from the house, and the septic system must have a repair area. It will nearly be impossible to take all of these factors into consideration on a 30,000-square-foot lot. In addition, we have no information as to the soil-perk conditions. No analysis has been done of the hydrology of the area. Assuming daily water consumption of 250 gallons per household, 80 plus houses would require 22,000 gallons per day or 8 million gallons annually. Without a hydrologic analysis, it is foolhardy to allow this project. As water and sewer problems develop, Worman Development will be back in Fredericksburg, Virginia, and the taxpayers of Durham County will have to clean up the mess. This project is clearly not in the best interest of the county and the residents of the neighborhood. Further, a project of this nature sets a dangerous precedent for future requests. We have not even considered the project’s impact on schools, traffic, wildlife, Duke Forest, and the nearby downstream New Hope Creek open space that the County just spent \$1.5 million to preserve. Our first priority of County Commissioners is to protect the health, the welfare, and the safety of our citizens. I do not understand why we are required to vote for this project when we know it will impact the health, the welfare, and the safety of our citizens. I don’t think there is a single person in this community that would object to a good quality development on this land. And Commissioners, this is not a quality development. I will not be supporting this.”

County Attorney Kitchen reiterated the Board’s responsibility to approve/deny preliminary plats. He explained that the Board must approve based on zoning decisions the Board has already made in the UDO.

Chairman Reckhow concurred with Vice-Chairman Heron’s comments about the poor quality of the plan; however, the Board’s duty is to approve the plan based on its compliance with the UDO. She expressed hope that the soil-perk sites will be limited, according to the Health Department, and that the plan would have to be redesigned.

Vice-Chairman Heron informed the Board that the Arrowhead neighborhood has two other developers, both with one-acre plus lots. Residents have no objections and have been supportive of the developers. She requested that Worman Development redesign the plan to other development plans in the area.

The motion carried with the following vote:

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

Final Work First Block Grant Plan for 2007-2009

Jim Polk, Chairman of the Work First Planning Committee, introduced this item. He defined Work First as the primary program in North Carolina for administering the Temporary Assistance for Needy Families (TANF) program. Since Work First is administered locally in each county, North Carolina law (NCGS 108A-27) requires each county to submit a County Work First Block Grant Plan every two years.

Mr. Polk recapped that on October 9, 2006, the Board County Commissioners reviewed the first draft of the Work First Plan and conducted a public hearing to receive comments on the plan. He recognized Rhonda Stevens, Assistant Director, DSS, to review the following changes made to the Plan to address comments received during the public hearing:

- Page 4, paragraphs 1-4
- Page 13, Item III(A)(1) Employment
- Page 17, Strategy 8
- Appendices—Attachment 1, Department of Social Services Organizational Chart

Vice-Chairman Heron asked about reports of the Work First program's success and its participants.

Sammy R. Haithcock, DSS Director, responded that DSS staff would make the reports during their presentation at the November 6 Worksession. He stated that reports would also be available next summer at the end of the fiscal year.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve the final draft of the plan.

The motion carried unanimously.

Chairman Reckhow commended Mr. Haithcock and staff for the diligent work and excellent plan.

Vice-Chairman Heron echoed Chairman Reckhow's commendation.

Board/Commission Appointments

Angela McIver, Staff Specialist, distributed ballots to the Board.

The following appointments were made:

Adult Care Home Community Advisory Committee

LaTasha Best-Gaddy
Patricia E. Blodgett
Fredricka A. Carver
Tiketha Collins
Christa C. Gaston
Ellen Holliman
Joyce Loeback
Dyana Morgan
Susanna C. Reed

Animal Control Advisory Board

Martha Ann Traylor

Animal Control Review Board

Shannon McCabe

City-County Appearance Commission

Howard R. Holcomb

Durham Convention and Visitors Bureau/Tourism Development Authority

Kenneth Lile

Historic Preservation Commission

Daniel Ellison

Transportation Advisory Board

Joan M. Pellettier

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:28 p.m.

Respectfully Submitted,

Yvonne R. Gordon
Deputy Clerk to the Board