

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

Monday, April 24, 2006

7:00 P.M. Regular Session

**MINUTES**

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC 27701

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**

The meeting began with a welcome by Chairman Reckhow. She then requested the recitation of the Pledge of Allegiance.

**Agenda Adjustments**

Chairman Reckhow mentioned the revised agenda. At the request of the applicant, "Public Hearing—Zoning Map Change—Joven Northeast Creek (P04-46)" was deferred until the June 12 Regular Session.

**Announcement**

Chairman Reckhow announced the community forum on "Cover the Uninsured in Durham", May 2, 2006, 5:00-6:30 p.m., First Presbyterian Church, 305 East Main Street, Downtown Durham.

Chairman Reckhow encouraged interested citizens to attend an informational workshop on the proposed closing of Burton Road (SR1818), April 27, 2006, 5:00-7:00 p.m., Chewning Middle School, 6819 Red Mill Road, Durham.

**Minutes**

Commissioner Cheek moved, seconded by Commissioner Page, to approve as submitted the April 3, 2006 Worksession and April 10, 2006 Regular Session Minutes of the Board.

The motion carried unanimously.

**Recognize Fairway Advertising for Donating Billboards for Truancy Hotline**

On November 28, 2005, Sheriff Worth Hill announced to the Board of County Commissioners the implementation of the Truancy Hotline, a program that seeks the public's assistance in reporting children who should be attending school. Durham Public Schools has placed special emphasis on attendance and works collaboratively with two full-time deputies assigned to investigate and enforce violations of the Compulsory School Attendance Law.

Chairman Reckhow stated that Fairway Outdoor Advertising has played an invaluable role in publicizing the Truancy Hotline. In addition to helping design billboard advertisements, Fairway generously donated two billboards at entrances to Durham County.

Chairman Reckhow read the resolution expressing appreciation for Fairway's efforts:

RESOLUTION

WHEREAS, Fairway Outdoor Advertising is a firm that enjoys an outstanding reputation for helping others through community service and corporate support; and

WHEREAS, Fairway Outdoor Advertising has a strong history of donating advertising all across its region in support of public education and various notable community programs; and

WHEREAS, when approached about support for the "Durham County Truancy Hotline" to help the Office of the Sheriff investigate and enforce violations of the Compulsory School Attendance Law, Fairway generously designed the ads and in turn, donated two billboards to help promote the truancy effort in Durham County; and

WHEREAS, two truancy billboards, located at US Highways 70 and 15-501, are in high traffic areas and provide considerable visibility for this important program designed to help keep Durham County students in school; and

WHEREAS, by posting the two phone numbers on these billboards that citizens can use to report students who are not in school, Durham Public School students have a brighter future and a chance to avoid school failure, gang involvement, and criminal activity:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby extend sincere appreciation to

"FAIRWAY OUTDOOR ADVERTISING"

for this vital gift and for unselfishly donating considerable resources to support the Durham County Sheriff's Office "Truancy Hotline".

This the 24<sup>th</sup> day of April, 2006.

/s/ All Five Commissioners

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Chief Deputy Wes Crabtree, on behalf of the Sheriff's Department, spoke about the Truancy Hotline and the importance of Fairway's assistance.

Chairman Reckhow stated that the cooperative effort involves the Durham County Sheriff's Office, Criminal Justice Resource Center, Durham Public Schools, and court system. She noted the attendance rate increase for the first five months of School Year 2005-06 compared to School Year 2004-05.

Paul Hickman, General Manager, Fairway Outdoor Advertising, expressed the importance of corporate citizens giving back to the community.

Rod Bono, Durham Account Executive, Fairway Outdoor Advertising, distributed miniature billboards to the Commission and County Manager.

Mr. Hickman and Mr. Bono received the resolution.

**Proclamation in Recognition of National County Government Week 2006**

Chairman Reckhow stated that prior to the Board meeting, an enjoyable ceremony commenced Durham County's 125<sup>th</sup> Anniversary Celebration. She thanked staff, particularly Assistant Manager Deborah Craig-Ray and Public Information Specialist Wil Glenn, for all the hard work.

Commissioner Page read the proclamation in recognition of National County Government Week:

PROCLAMATION

WHEREAS, Durham County is celebrating 125 years of service, and County Government is a key part of the engine that drives this country; and

WHEREAS, counties also provide public safety, and offer medical and human services. Counties provide opportunities for new businesses to prosper, provide job training, and technological solutions; and

WHEREAS, county officials ensure that citizens are protected and that communities thrive; and

WHEREAS, counties provide needed elderly services, healthcare to the disabled and needy, and other human services. When natural or man-made disaster strikes, county emergency services keep children and their families safe and informed until order can be restored; and

WHEREAS, county officials and employees use their role as local leaders to encourage economic development and therefore improve the lives of their citizens and make their communities more livable; and

WHEREAS, Durham County is one of 3,066 counties in the United States, collectively responsible for the well-being of more than 230 million residents; and

WHEREAS, counties have a long history of serving and providing for the American people. In recognition of the leadership, innovation, and valuable service provided by our nation's counties:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim the week of April 23-29, 2006 as

“National County Government Week”

in Durham County. We further urge all citizens to recognize the leadership, innovation, and valuable services provided by dedicated public employees.

This the 24<sup>th</sup> day of April, 2006.

/s/ All Five Commissioners

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Ms. Craig-Ray reported on the week's upcoming activities related to County Government Week.

**Proclamation in Recognition of Workforce Development Professionals Month**

Chairman Reckhow read the proclamation in recognition of 2006 Workforce Development Professionals Month:

PROCLAMATION

WHEREAS, the economic development of every region in our country and the ability of our businesses and industries to compete in the global economy is more than ever before dependent on the availability and quality of a skilled workforce; and

WHEREAS, the complexity and fast-paced change in our economy and labor markets puts new demands on individuals and employers at all levels; and

WHEREAS, jobseekers need the assistance of knowledgeable and dedicated professionals to facilitate the process by which our workforce identifies, prepares for, obtains and maintains employment and self-sufficiency; and

WHEREAS, employers depend on similar levels of professional services to help them recruit and retain a competitive workforce and to continually upgrade the skill sets of their incumbent employees:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim May 2006 as

“Workforce Development Professionals Month”

in Durham County. The County joins the National Association of Workforce Development Professionals in honoring individuals in all the Workforce Development organizations and partnerships who play such a vital role in our economy.

This the 24<sup>th</sup> day of April, 2006.

/s/ All Five Commissioners

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Jim Wragge, WIA Program Operations Manager, City of Durham’s Office of Economic and Employment Development, accepted the proclamation on behalf of the Workforce Development Board. He thanked the Commissioners for recognizing May as Workforce Development Professionals Month and for recognizing workforce professionals in Durham County.

### **Consent Agenda**

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

- \*c. Budget Ordinance Amendment No. 06BCC000058—Mary Reynolds Babcock Community Problem Solving Grant (accept and appropriate \$25,000 for expenditure in fiscal year 2005-2006 to purchase supplies, contracts, and related travel);
- \*d. Budget Ordinance Amendment No. 06BCC000059—Sheriff’s Office—Governor’s Crime Commission Grant to Acquire GangNet Enterprise License (accept and appropriate for expenditure in fiscal year 2005-2006 and amend the FY2005-06 budget to recognize grant revenue in the amount of \$73,000) (**Chairman Reckhow commended the Sheriff’s Office for receiving the grant**);
- \*e. Budget Ordinance Amendment No. 06BCC000060—The Durham Center—Budget Increase (appropriate \$148,091 from the State of North Carolina for mental health services);

- h. Non-Warranty Deed Related to Matching Grant for the Association for the Preservation of the Eno River Valley Inc. (approve the transfer of the property from the current landowner, Rufus G. Coulter and Marjorie H. Coulter, to the County and from the County to the Association for the Preservation of the Eno River Valley Inc. via Non-Warranty Deed to be executed by the Chairman of the Board); and
- i. Federal Farm and Ranchlands Protection Grant Request and Farmland Conservation Easements—Little Mountain Farm (approve the submission of a federal farmland grant for \$2,073,303 to provide 50 percent of the proposed purchase price for permanent farmland conservation easements on 918 acres of Little Mountain Farm).

The motion carried unanimously.

Chairman Reckhow conveyed that she had just received a written request from a citizen to speak on consent agenda item No. d, which had been voted on and approved.

Commissioner Cheek inquired about procedural rules with respect to citizens being allowed to speak after the Board has approved an item.

County Attorney Chuck Kitchen stated that the Commissioners' Rules of Procedure do not address the current situation. He advised that *Robert's Rules of Order* allows for reconsideration of an item if the original vote is set aside.

Chairman Reckhow asked if any Board member wished to reconsider consent agenda item No. d.

As no Commissioner responded, Chairman Reckhow stated that the meeting would proceed.

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\*Documents related to the consent agenda follow:

Consent Agenda Item No. c. Budget Ordinance Amendment No. 06BCC000058—Mary Reynolds Babcock Community Problem Solving Grant (accept and appropriate \$25,000 for expenditure in fiscal year 2005-2006 to purchase supplies, contracts, and related travel).

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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   | \$299,648,859         | \$25,000                 | \$299,673,859         |

Expenditures:

| <u>Activity</u>                 |              |          |              |
|---------------------------------|--------------|----------|--------------|
| <u>GENERAL FUND</u>             |              |          |              |
| Economic & Physical Development | \$ 2,893,787 | \$25,000 | \$ 2,918,787 |

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

This the 24<sup>th</sup> day of April, 2006.

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Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000059—Sheriff's Office—Governor's Crime Commission Grant to Acquire GangNet Enterprise License (accept and appropriate for expenditure in fiscal year 2005-2006 and amend the FY2005-06 budget to recognize grant revenue in the amount of \$73,000).

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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   | \$299,673,859         | \$73,000                 | \$299,746,859         |

Expenditures:

| <u>Activity</u>     |               |          |               |
|---------------------|---------------|----------|---------------|
| <u>GENERAL FUND</u> |               |          |               |
| Public Safety       | \$ 43,335,406 | \$73,000 | \$ 43,408,406 |

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

This the 24<sup>th</sup> day of April, 2006.

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Consent Agenda Item No. e. Budget Ordinance Amendment No. 06BCC000060—The Durham Center—Budget Increase (appropriate \$148,091 from the State of North Carolina for

mental health services).

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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   | \$299,746,859         | \$148,091                | \$299,894,950         |

Expenditures:

| <u>Activity</u>     |               |           |               |
|---------------------|---------------|-----------|---------------|
| <u>GENERAL FUND</u> |               |           |               |
| Human Services      | \$370,486,467 | \$148,091 | \$370,634,558 |

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

This the 24<sup>th</sup> day of April, 2006.

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2005-2006 (accept the property tax release and refund report for March 2006 and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Vice-Chairman Heron removed the item from the consent agenda to inquire about the total amount of releases and refunds for FY 2004-2005. She also asked whether the excessive number of duplicates on the report had been addressed.

Kim Simpson, Deputy Tax Administrator, stated that she recently contacted a DMV supervisor to review the process to determine if the duplicates could be captured before the bills are generated.

Vice-Chairman Heron requested that Ms. Simpson inform her of the outcome.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to accept the property tax release and refund report for March 2006 and authorize the Tax Assessor to adjust the tax records as outlined by the report.

The motion carried unanimously.



(Recorded in Appendix A in the Permanent Supplement of the April 24, 2006 Regular Session Minutes of the Board.)

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Consent Agenda Item No. b. Budget Ordinance Amendment No. 06BCC000051—Community Health—Recognize Lease Payments (amend the FY 2005–2006 budget to recognize the current amount of the prepaid lease with Duke for Durham Regional Hospital [\$3,500,000] and the amortization of the lease discount [\$1,150,000]).

Ms. Victoria Peterson, P.O. Box 101, Durham, NC 27702, requested clarification of the item.

Finance Director George Quick stated that the ordinance amendment is a technical correction to the budget for recognizing the current annual portion of the prepaid lease payments to the County. Mr. Quick stated that interest is being earned on the money.

Commissioners Heron moved, seconded by Commissioner Page, to approve Budget Ordinance Amendment No. 06BCC000051.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000051

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

| <u>Category</u>                    | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|------------------------------------|-----------------------|--------------------------|-----------------------|
| <u>Community Health Trust Fund</u> |                       |                          |                       |
| Service Charges                    | \$-0-                 | \$3,500,000              | \$3,500,000           |

Expenditures:

| <u>Activity</u>                    |       |             |             |
|------------------------------------|-------|-------------|-------------|
| <u>Community Health Trust Fund</u> |       |             |             |
| Human Services                     | \$-0- | \$3,500,000 | \$3,500,000 |

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

This the 24<sup>th</sup> day of April, 2006.

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Consent Agenda Item No. f. Budget Ordinance Amendment No. 06BCC000061—Sheriff's Office—Local Law Enforcement Block Grant Interest Revenue (recognize \$1,247 in interest revenue and appropriate expenditure in FY 2005-2006).

Ms. Victoria Peterson, P.O. Box 101, Durham, NC 27702, proposed that the County Commissioners give the African-American community a voice in deciding how the monies will be expended. She recommended that red emergency phones be purchased and placed throughout the community for citizens to report crises.

Chairman Reckhow informed Ms. Peterson that her request would be taken under advisement for the next round of funding.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Budget Ordinance Amendment No. 06BCC000061—Sheriff's Office—Local Law Enforcement Block Grant Interest Revenue.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2005-06 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> |                       |                          |                       |
| Investment Income   | \$1,213,935           | \$1,247                  | \$1,215,182           |

Expenditures:

| <u>Activity</u>     |               |         |               |
|---------------------|---------------|---------|---------------|
| <u>GENERAL FUND</u> |               |         |               |
| Public Safety       | \$ 43,408,406 | \$1,247 | \$ 43,409,653 |

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

This the 24<sup>th</sup> day of April, 2006.

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Consent Agenda Item No. g. Adoption of the FY 2006-2007 Annual Action Plan for Use of HOME/ADDI Funds.

Chairman Reckhow expressed surprise that issues discussed at the previous Commission meeting were not addressed in this meeting's agenda material (particularly the requested reconsideration of the housing fund allocation for the mentally ill).

Bruce Warrington, Federal Program Coordinator, Department of Housing and Community Development, stated that the supplemental information reflected the change in the housing fund allocation from \$50,000 to \$100,000.

Chairman Reckhow informed Mr. Warrington of the importance of summarizing such changes on the agenda action form.

Vice-Chairman Heron agreed with Chairman Reckhow. She stated that pertinent questions reflected in the meeting minutes should be addressed separately, not in a document containing many pages. Vice-Chairman Heron requested a report in six months from the Department on the progress being made regarding expenditure of funds.

Chairman Reckhow thanked Mr. Warrington for taking the Commissioners' request under advisement concerning the increase in housing funds for special needs populations.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to adopt the FY 2006-2007 Annual Action Plan for Use of HOME/ADDI Funds.

The motion carried unanimously.

**Public Hearing—Unified Development Ordinance Text Amendment—Revisions to the Flood Damage Protection Ordinance (TC05-04)**

Frank M. Duke, AICP, City-County Planning Department, stated that the item before the Board is a series of revisions to the Unified Development Ordinance to incorporate the City and County Flood Damage Protection Ordinance into the Unified Development Ordinance (as directed by the Joint City-County Planning Committee). The process is required because of changes to state and federal regulatory requirements dealing with flood hazard protection in order to ensure that Durham County continues to qualify for the federal flood insurance program. When the process began, minor changes were anticipated; however, as the process developed, the state regulatory requirements changed and necessitated extensive revisions. In addition, inconsistencies were discovered between the Flood Plain Ordinance and the Flood Damage Protection Ordinance.

Mr. Duke reviewed the revisions required to meet the state standards and the revisions directed by the Joint City-County Planning Committee (as recommended by FEMA but not required). The Ordinance had been reviewed by the State Department of Environmental and Natural Resources, which determined that the minimum requirements of North Carolina law were met.

Mr. Duke explained that the Ordinance must be adopted no later than May 2, 2006 in order to maintain Durham County's eligibility for flood insurance. Staff recommended approval.

Chairman Reckhow opened the public hearing that was properly advertised.

As no one requested to speak on the item, Chairman Reckhow referred the matter back to the Commissioners.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve TC05-04 to the Unified Development Ordinance, which incorporates Flood Damage Protection Standards into the Unified Development Ordinance; and repeal the Flood Damage Protection Ordinance (Chapter 6, Article III).

The motion carried unanimously.

### **Board and Commission Appointments**

The Commissioners voted to make appointments to the following boards and commissions (note—incumbents are underlined):

Adult Care Home Community Advisory Committee:

Tiketha Collins (At-large)

Bicycle and Pedestrian Advisory Board:

Daniel A. Clever (Club/Organization)

Community Child Protection Team/Child Fatality Prevention Team:

Crystal L. Todd-Yelverton (At-large)

Durham Planning Commission:

Jackie S. Brown (At-large)

Deborah G. Giles (At-large)

Durham County Hospital Corporation:

Cedric M. Bright

Robert E. Price Jr.

Ira Q. Smith

Ronald Wiley

Jane Redoble

Frances D. Mauney

Emergency Medical Services Council:

Thomas B. McMaster (Law Enforcement)

Library Board:

Lisa Greenbaum (At-large)

Multi-Jurisdictional Advisory Board:

Tiffany D. Russell (At-large)

Nursing Home Community Advisory Committee:

Laura K. Phillips (At-large)

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Clerk to the Board