

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

Monday, March 8, 2004

**MINUTES**

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and  
Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

**Closed Session**

5:30 P.M.

Commissioner Heron, seconded by Commissioner Cousin, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(4) and (5) to discuss matters relating to the relocation or expansion of industry in Durham County and to instruct County staff concerning the position to be taken on negotiating the price or material terms of a proposed contract for acquisition of the following properties: 306 South Roxboro Street (owned by Scarborough and Hargett Funeral Home), property adjacent to 3605 Shannon Rd. (owned by Patty Watson), 247 South Mangum Street (owned by U-Haul), and property at the intersection of South Alston Street and Hwy. 54 (owned by Durham Public Schools).

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow  
Noes: None  
Absent: Bowser (arrived late)

---

7:15 P.M. Regular Session

**Opening of Regular Session**

Chairman Reckhow apologized to the public for the delay in the start of the meeting due to the late adjournment of the Closed Session. She proceeded by asking everyone to join the Commissioners in the recitation of the Pledge of Allegiance.

**Agenda Adjustments**

No agenda adjustments were made.

**Minutes**

Chairman Reckhow announced that errors in the February 2, 2004 Worksession Minutes will be addressed with the Clerk to the Board at a later time.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the February 23, 2004 Regular Session Minutes with one correction.

The motion carried unanimously.

**Proclamation for "Delta Sigma Theta International Day of Service"**

A proclamation was prepared for the Durham Alumnae Chapter of Delta Sigma Theta Inc. in recognition of the observance of "Delta Sigma Theta International Day of Service" (March 13). The Durham community was invited to attend and participate in a daylong schedule of activities designed to address the growing AIDS crisis in Durham and beyond.

County Manager's Recommendation: The County Manager recommended that the proclamation be presented to representatives of Delta Sigma Theta and that thanks be extended to them for their service to the community.

Chairman Reckhow read the following proclamation into the record:

PROCLAMATION

WHEREAS, Delta Sigma Theta Sorority Incorporated, a non-profit national public service organization, is aware of the problems within its communities; and

WHEREAS, statistics indicate that there is a disproportionate occurrence of the AIDS disease among African Americans; and

WHEREAS, the sorority hopes to build awareness and raise funds to support organizations providing services to members of the community affected by the spread of HIV/AIDS; and

WHEREAS, this effort is important to every business and organization in the Durham community; and

WHEREAS, citizens across Durham are affected by the well being of its citizens; and

WHEREAS, Delta Sigma Theta Sorority Incorporated would like to help in ensuring that members of our community are well informed on the prevention of AIDS:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim Saturday, March 13, 2004 as  
"DELTA SIGMA THETA INTERNATIONAL DAY OF SERVICE"

in Durham County. We further urge all citizens to attend the HIV/AIDS Walk-A-Thon and support the various programs on the agenda.

This the 8<sup>th</sup> day of March, 2004.

/s/ Ellen W. Reckhow

Ms. Betty Johnson, Vice President of Durham Alumnae Chapter of Delta Sigma Theta Inc., thanked the Board for the recognition and accepted the proclamation.

Chairman Reckhow returned thanks to Ms. Johnson and Delta Sigma Theta for work done in the Durham community.

#### **National Award for Durham Literacy Council's "Teen Diploma Academy"**

The National Association of Counties (NACo) notified Chairman Ellen Reckhow that the Durham Literacy Council was selected as a winner in the 2004 Acts of Caring Awards Program for its Teen Diploma Academy. The award will be presented in Washington, D.C. on April 21, 2004.

Resource Person(s): Ellen Reckhow, Chairman, and Lucy Haagen, Durham County Literacy Council

County Manager's Recommendation: The County Manager recommended that the Board extend congratulations to the Durham Literacy Council for its well-deserved recognition.

Chairman Reckhow referred to the notification letter and briefed the public on how the Durham Literacy Council was nominated for the award.

Chairman Reckhow recognized Ms. Haagen to give a synopsis of the application process.

Ms. Haagen described how the Teen Diploma Academy is funded and thanked the Commissioners for their support.

Chairman Reckhow commended the Durham Literacy Council for being selected to receive the award.

#### **Introduction of Wil Glenn, Public Information Specialist**

Mr. Wil Glenn joined Durham County Government as the new Public Information Specialist on Monday, February 23, 2004. Mr. Glenn previously worked as Information and Communications Specialist with the North Carolina Association of County Commissioners where he edited and designed the CountyLines magazine and other publications, maintained the Association's website, and assisted with speechwriting, news releases, and event planning. He was also a liaison between the Association and county governmental officials.

Prior to joining NCACC, he worked as an Assistant Editor at ISA in Research Triangle Park, as a Technical Writer at Underwriters Laboratories in Research Triangle Park, and as an Editorial Assistant for The News and Observer.

Mr. Glenn holds two degrees from North Carolina Central University: A Master of Information Science, which he received in May 2002, and a Bachelor of Arts in English/Media-Journalism, which he received in December 1996. He is a member of the North Carolina Association of Government Information Officers and the Association of Information Research.

In his cover letter, Mr. Glenn promised to bring "enthusiasm, creativity, commitment to excellence, vision, and a record of participating successfully on teams". As Durham County's new Public Information Specialist, he will contribute all of that and more to our organization.

Resource Person(s): Deborah Craig-Ray, Public Information/Governmental Affairs Director

County Manager's Recommendation: The County Manager recommended that the Board welcome Mr. Glenn to Durham County Government.

Chairman Reckhow recognized Deborah Craig-Ray, Public Information/Governmental Affairs Director, to introduce Mr. Glenn.

Ms. Craig-Ray asked Mr. Glenn to stand and be recognized as she introduced him to the Board and the public.

### **Consent Agenda**

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

- \*a. Budget Ordinance Amendment No. 04BCC000045—EMS (approve the receipt of the Homeland Security Grant and the budget ordinance amendment establishing these grant funds for \$41,868 in the Emergency Medical Services FY 2003-04 budget);
- \*b. Budget Ordinance Amendment No. 04BCC000056—Public Health—Recognize Grant Revenue in the Amount of \$6,000 for the Division of Health Education for Infant Mortality Reduction (approve the budget ordinance amendment to recognize \$6,000 in revenue from the March of Dimes);
- \*d. Budget Ordinance Amendment No. 04BCC000059—Sheriff's Office—Judicial Building Security (approve the budget ordinance amendment to recognize \$89,237 and amend the Sheriff's budget in the current fiscal year to hire six deputies to provide security for the Courts; annualized the deputies will cost \$248,356 in the FY 2004-05 budget);
- e. Approve Grant Application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for Criminal Justice Partnership Program Funds (approve the application; this is a recurring grant application and approval process the County participates in each year);
- \*f. Service Contracts (ratify the following service contracts:

- Coulter Jewel Thames PA for Design Services [November 18, 2003] [\$24,000];
  - Dixon Weinstein Architects PA [January 7, 2004] [\$29,835];
- \*g. Extension of Civic Center Management Agreement and Catering Agreement (authorize the County Manager to enter into contracts with the City of Durham and the Shaner Hotel Group extending the term of the current Civic Center Management Agreement and Catering Agreement to June 30, 2004 to allow for the completion of the negotiation process);
- h. Award of Contract for a Fiscal Analysis of the Living Wage Policy on For-Profit Service Contracts (award the contract to Optimal Solutions Group LLC for \$32,600 and authorize the Manager to execute the contract on its behalf);
- i. Memorandum of Understanding with District Attorney and Public Defender (approve the Memorandum of Understanding and authorize the Manager to execute the agreement on behalf of the County); and
- \*j. Financing Documents for ERP Project (approve the financing documents, if appropriate, and corresponding resolution in substantially final form and authorize the County Manager to execute the necessary documents related to said financing).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 04BCC000045—EMS (approve the receipt of the Homeland Security Grant and the budget ordinance amendment establishing these grant funds for \$41,868 in the Emergency Medical Services FY 2003-04 budget).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 2003-04 Budget Ordinance  
 Amendment No. 04BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Intergovernmental	\$298,664,724	\$41,868	\$298,706,592

Expenditures:

<u>Activity</u>			
<b><u>GENERAL FUND</u></b>			
Public Safety	\$36,636,259	\$41,868	\$36,678,127

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

This the 8<sup>th</sup> day of March, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000056—Public Health—Recognize Grant Revenue in the Amount of \$6,000 for the Division of Health Education for Infant Mortality Reduction (approve the budget ordinance amendment to recognize \$6,000 in revenue from the March of Dimes).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000056

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Intergovernmental	\$298,916,149	\$6,000	\$298,922,149

Expenditures:

<u>Activity</u>			
<b><u>GENERAL FUND</u></b>			
Human Services	\$359,279,224	\$6,000	\$359,285,224

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

This the 8<sup>th</sup> day of March, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. d. Budget Ordinance Amendment No. 04BCC000059—Sheriff's Office—Judicial Building Security (approve the budget ordinance amendment to recognize \$89,237 and amend the Sheriff's budget in the current fiscal year to hire six deputies to provide security for the Courts; annualized the deputies will cost \$248,356 in the FY 2004-05 budget).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Taxes	\$135,656,065	\$89,237	\$135,745,302

Expenditures:

<u>Activity</u>			
<b><u>GENERAL FUND</u></b>			
Public Safety	\$36,678,127	\$89,237	\$36,767,364

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

This the 8<sup>th</sup> day of March, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. f. Service Contracts (ratify the following service contracts:

- Coulter Jewel Thames PA for Design Services [November 18, 2003] [\$24,000]
- Dixon Weinstein Architects PA [January 7, 2004] [\$29,835].

The projects follow:

1. Coulter, Jewell, Thames, PA

Hamlin Road Bus Parking Relocation

This project is to relocate the Carrington Bus parking facility on Milton Rd. to the Durham Public School Hamlin Road site. Coulter Jewell Thames, P.A. (CJTPA) will perform Civil Engineering and Landscape Architecture Services including design, approvals, preparation of construction documents, and assistance with the bidding and construction phase in the amount not to exceed \$24,000. This project is an integral part of the Durham County North Regional Branch Library to be located on Milton Rd. The Board approved the Architectural Design Contract with the Freelon Group, P.A. for the proposed Durham County East and North Regional Branch Libraries on December 9, 2002 and CJTPA is the Civil Engineer/Landscape Architecture consultant. The site plan approval process is underway. The BOCC supported this option during a presentation at its December 2003 Worksession.

2. Dixon Weinstein Architects, P.A.

Criminal Justice Resource Center Renovation

This project is to renovate approximately 10,500 square feet on the ground and main floors of the subject building for the Criminal Justice Resource Center (CJRC). Renovation of the facility was approved in the current year budget. Completion of this project will eliminate current lease space, alleviate overcrowding at the current location by adequately housing the major core functions, and improve service delivery. Funding for this project, in the amount of \$300,000, is included in the current year CJRC operating budget.

Dixon Weinstein Architects, P.A., will provide architectural design services for renovation of the Jail Annex (formerly Johnson Motor Company Building) for the CJRC, located at 326

East Main Street, Durham, in the amount of \$29,835, plus a reimbursable amount of \$1,000, thus totaling \$30,835.

---

Consent Agenda Item No. g. Extension of Civic Center Management Agreement and Catering Agreement (authorize the County Manager to enter into contracts with the City of Durham and the Shaner Hotel Group extending the term of the current Civic Center Management Agreement and Catering Agreement to June 30, 2004 to allow for the completion of the negotiation process).

The agreements follow:

SECOND AMENDMENT TO CIVIC CENTER  
CATERING AGREEMENT

North Carolina  
Durham County

THIS AMENDMENT TO CIVIC CENTER CATERING AGREEMENT, is made and entered into by and among the City of Durham, a North Carolina municipal corporation (hereinafter the "City"), the County of Durham, a political subdivision of the State of North Carolina (hereinafter the "County"), and Shaner Hotel Group Properties Two Limited Partnership, a Delaware limited partnership (hereinafter "Shaner"). The date of this Amendment to Agreement is March 9, 2004.

WHEREAS, on October 9, 1987, the City, County and Durham Hotel Company ("DHC") entered into the Civic Center Catering Agreement (hereinafter the "Catering Agreement" pertaining to, among other things, providing for food and beverage services at the Durham Civic Center. By a First Amendment dated on or about April 24, 1999, the term of the Agreement was extended to March 14, 2004; and,

WHEREAS, by Assignment and Assumption of the Civic Center Catering Agreement effective July 9, 1996, by and between Shaner and DHC, and a Consent Estoppel and Release by and between City and County and DHC, DHC assigned to Shaner, its interest, rights and obligations under the Catering Agreement, and Shaner is now the Caterer under the Catering Agreement; and,

WHEREAS, the City, County and Shaner desire to amend the Catering Agreement.

NOW THEREFORE, the City, County and Shaner agree as follows:

1. The term of the Catering Agreement shall be extended to and include June 30, 2004:
2. Except as amended hereby, the provisions of the Catering Agreement are reaffirmed and remain in full force and effect.

The City, County and Shaner have each authorized this Amendment to Agreement to be duly executed under seal.

---



SECOND AMENDMENT TO CIVIC CENTER  
MANAGEMENT AGREEMENT

North Carolina  
Durham County

THIS AMENDMENT TO CIVIC CENTER MANAGEMENT AGREEMENT, is made and entered into by and among the City of Durham, a North Carolina municipal corporation (hereinafter the "City"), the County of Durham, a political subdivision of the State of North Carolina (hereinafter the "County"), and Shaner Hotel Group Properties Two Limited Partnership, a Delaware limited partnership (hereinafter "Shaner"). The date of this Amendment to Agreement is March 9, 2004.

WHEREAS, on October 9, 1987, the City, County and Durham Hotel Company ("DHC") entered into the Civic Center Management Agreement (hereinafter the "Management Agreement" pertaining to, among other things, management of the Durham Civic Center. By a First Amendment dated April 17, 1999, the term of the Agreement was extended to March 14, 2004; and,

WHEREAS, by Assignment and Assumption of the Civic Center Management Agreement effective July 9, 1996, by and between Shaner and DHC, and a Consent Estoppel and Release by and between City and County and DHC, DHC assigned to Shaner, its interest, rights and obligations under the Management Agreement, and Shaner is now the Hotel Company under the Management Agreement; and,

WHEREAS, the City, County and Shaner desire to amend the Management Agreement.

NOW THEREFORE, the City, County and Shaner agree as follows:

1. The term of the Management Agreement shall be extended to and include June 30, 2004:
2. Except as amended hereby, the provisions of the Management Agreement are reaffirmed and remain in full force and effect.

The City, County and Shaner have each authorized this Amendment to Agreement to be duly executed under seal.

---

Consent Agenda Item No. j. Financing Documents for ERP Project (approve the financing documents, if appropriate, and corresponding resolution in final form and authorize the County Manager to execute the necessary documents related to said financing).

The resolution follows:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT PURCHASE CONTRACT WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF DURHAM, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the County of Durham, North Carolina (the "Purchaser"):

Section 1. The governing body does hereby find and determine:

- a) The County of Durham proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b) After consideration, the governing body has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to said Section 160A-20, the County of Durham is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) RBC Centura Bank ("RBC Centura") has proposed that RBC Centura finance the Equipment pursuant to an Installment Purchase Contract between the Purchaser and RBC Centura (the "Contract") and a related Escrow Agreement between the Purchaser and RBC Centura (the "Escrow Agreement").

Section 2. The governing body hereby authorizes and directs the Authorized Officer to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Purchaser in such form and substance as the person executing and delivering such instruments on behalf of the Purchaser shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Durham to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Purchaser are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Purchaser in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Purchaser is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

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

#### **Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000057—Public Health—Recognize Additional Grant Funds from HUD through the City of Durham to Enhance Lead Poisoning Reduction Activities in the Community Health Division (approve the budget ordinance amendment to recognize \$2,500 from the Department of Housing and Urban Development for lead poisoning reduction).

Vice-Chairman Bowser asked Gayle B. Harris, Assistant Health Director, to explain the lead poisoning reduction program. He inquired about monies spent to identify and abate lead poisoning in Latino children in Durham County. He commented that a vast number of African-American children are also affected by lead poisoning in Durham County.

Ms. Harris explained that the \$2,500 will be used for the Latino population as the \$52,500 from a previous grant will be used for other populations in Durham County.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. c.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2003-04 Budget Ordinance  
Amendment No. 04BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Intergovernmental	\$298,922,149	\$2,500	\$298,924,649

Expenditures:

<u>Activity</u>			
<b><u>GENERAL FUND</u></b>			
Human Services	\$359,285,224	\$2,500	\$359,287,724

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

This the 8<sup>th</sup> day of March, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda Item No. k. Approval of Contract with Telecare Mental Health Services of North Carolina Inc., a for-profit corporation, for Mental Health Crisis Center for FY 2004-05 (consider and approve the Crisis Center contract for \$2,373,988 and authorize the County Manager to enter into the contract with Telecare Mental Health Services of North Carolina Inc.).

Vice-Chairman Bowser inquired about the purpose of the contract with Telecare coming to the Board for approval since the Area Mental Health Board took action a week prior.

County Attorney Chuck Kitchen responded that there are two ways to address the contract: (1) approve the contract, but not sign it, or (2) assignment of the contract. He commented that it would be preferable to hold the contract, providing it is satisfactory with the Board.

County Manager Mike Ruffin stated that he would not sign the contract until the appropriate time.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve Consent Agenda Item No. k.

The motion carried unanimously.

**Public Hearing on Proposed Financing Documents for the Acquisition of the YMCA Early Learning Center**

The Board was requested to hold a public hearing on the proposed financing documents with The Young Men's Christian Association of the Triangle Area Inc. (hereinafter the "YMCA") in an amount not to exceed \$725,000 with a fixed rate of 0% for the acquisition of the YMCA's Early Learning Center located on the southwest corner of Rigsbee Avenue and Seminary Street. The public hearing was not on the issue of whether to endorse the project, as the County has already approved the acquisition, but on the financing itself.

Resource Person(s): Chuck Kitchen, County Attorney, and George Quick, Finance Officer

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing and approve the financing documents, if appropriate, after hearing all comments.

Chairman Reckhow recognized George Quick and County Attorney Chuck Kitchen to explain the financing documents.

Attorney Kitchen stated, for the record, that during negotiation of the documents, disagreements occurred about what would be legally permissible. Although unconventional for the County, the seller insisted on including "provision of attorney fees to the extent permitted by law" and "indemnification to the extent permitted by law".

For the record, Chairman Reckhow stated that the County would receive a fixed rate loan of zero percent from the YMCA, essentially buying the building in four installment payments.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speaker Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702 forward.

Chairman Reckhow addressed Dr. Allison's question concerning the zero percent fixed rate.

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

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the resolution approving an installment purchase contract and a deed of trust and approving and authorizing certain actions in connection with the financing of the acquisition of certain real property referred to as the YMCA Early Learning Center.

The motion carried unanimously.

The resolution follows:

RESOLUTION APPROVING AN INSTALLMENT PURCHASE CONTRACT AND A DEED OF TRUST AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF THE ACQUISITION OF CERTAIN REAL PROPERTY REFERRED TO AS THE YMCA EARLY LEARNING CENTER

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

WHEREAS, the County has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, to finance the purchase of real and personal property by installment agreements that create in the property purchased a security interest to secure payment of the purchase price to the Seller of the real property; and

WHEREAS, the County desires to purchase certain real property located on the southwest corner of Rigsbee Avenue and Seminary Street in Downtown Durham, North Carolina, commonly referred to as the YMCA Early Learning Center for the purpose of renovating the space for use as a daycare facility (the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined to proceed with financing, pursuant to said Section 160A-20, the acquisition cost of the real property for the Project and it is necessary to approve an installment purchase contract and a deed of trust and to approve and authorize certain actions in connection therewith; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of an Installment Purchase Contract, between the County and The Young Men's Christian Association of the Triangle Area, Inc. (the "Installment Purchase Contract"), under which The Young Men's Christian Association of the Triangle Area, Inc. (the "Seller") would finance a portion of the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to pay the remainder of the cost of the acquisition of the property; and

(b) a draft of a Deed of Trust (the "Deed of Trust") which the County would execute and deliver to a trustee for the benefit of the Seller and which would encumber the site of the Project and the improvements on such site, subject to certain exceptions, as security for the

County's obligation to pay the remainder of the cost of acquisition of the real property pursuant to the Installment Purchase Contract;

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

Section 1. The Board hereby finds and determines that it is in the best interest of the County to enter into the Installment Purchase Contract and the Deed of Trust in order to effectuate the financing of a portion of the cost of the Project as described above.

Section 2. The form and content of the Installment Purchase Contract and the Deed of Trust, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Director of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Purchase Contract and the Deed of Trust, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than March 1, 2007 and that the aggregate amount of the principal components of the Installment Payments does not exceed \$543,750.

Section 3. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director and the County Attorney of the County in connection with this matter.

Section 4. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Installment Financing Contract and the Deed of Trust.

Section 5. If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 6. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 7. This Resolution shall take effect immediately upon its passage.

**Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees**

At the December 8, 2003 meeting of the Board of County Commissioners, the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing was approved. This policy provides a procedure for determining the eligibility and payment of impact fees for nonprofit organizations providing affordable housing for renters and first-time homebuyers. According to the policy, those nonprofits constructing affordable housing in FY 2003-04 must submit a request for payment to the Impact Fee Administrator by January 31, 2004. Pursuant to G.S. 158-7.1 as stated in the policy, the Board of Commissioners held a public hearing on requests for payment.

The following nonprofit organizations submitted requests for review:

- New Directions for Downtown Inc. in the amount of \$11,550 (10 apartments)
- TROSA in the amount of \$6,930 (3 two-unit town homes)
- Next Step Housing in the amount of \$13,860 (12 apartments)
- Habitat for Humanity in the amount of \$16,000 (8 single-family homes)
- Self-Help in the amount of \$12,000 (6 single-family homes)

Resource Person(s): Heidi Duer, Assistant to the County Manager and Impact Fee Administrator

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing to review the requests for payment of School Impact Fees for Affordable Housing projects in FY 2003-04 and authorize the Impact Fee Administrator to grant payment vouchers as the Board deems appropriate.

Chairman Reckhow praised Ms. Duer on her organization of the supporting documents.

Ms. Duer briefly reviewed the contents of the requests from the five nonprofit organizations.

Chairman Reckhow opened the public hearing that was properly advertised and called the following signed speakers forward:

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702  
Nancye Bryan, 3408 Dover Road, Durham, NC

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

Commissioner Heron remarked that Next Step Housing will accommodate mentally ill clients. She expressed support for the project.

Commissioner Cousin inquired about the length of time a waiver remains effective.

County Attorney Chuck Kitchen addressed Commissioner Cousin's inquiry.

Commissioner Jacobs requested a brief overview concerning affordable owner-occupied housing and renter-occupied housing.

County Manager Mike Ruffin asked Attorney Kitchen if the Board must make separate motions to approve the projects.

Attorney Kitchen responded that the decision is at the discretion of the Board.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve the five projects and authorize the Impact Fee Administrator to grant payment vouchers.

The motion carried unanimously.

#### **Public Hearing—2002 and 2003 Plan Amendment Rectification**

This public hearing was for the rectification of Plan Amendments approved by Durham City Council within the City's zoning jurisdiction in 2002 and 2003. These amendments were scheduled for consideration and adoption by the Board of County Commissioners so City and County small area plans will be consistent.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommended that the Board conduct a public hearing, and if appropriate, amend the following plans: *Southwest Durham Plan, Triangle Township Plan, South Central Durham Plan, South Durham Plan, East Central Durham Plan, Northwest Central Durham Plan, NC 54/I-40 Corridor Study, West/Northwest Durham Plan and Southwest Central Durham Plan.*

Mr. Duke presented this item and addressed Commissioner questions.

Commissioner Heron expressed concern that lack of industrial property in Durham will decrease industry growth, affecting its economy.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speaker Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, forward.

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

Chairman Reckhow suggested that Mr. Duke provide a report to the Joint City-County Planning Committee regarding plan amendments that are moving forward in each jurisdiction, as well as the issues identified by staff and the Planning Commission. This will enhance the communication between the two jurisdictions.

Commissioner Heron moved, seconded by Commissioner Cousin, that no action be taken on this item.



The motion carried unanimously.

**Public Hearing—Zoning Text Amendment—Wireless Communication Facilities [TC 3-11]**

CityScape, the consulting firm working with the City-County Planning Department, the County, and City Attorneys, prepared a revision to the Zoning Ordinance establishing new standards for wireless communication facilities. The revisions establish a hierarchy of alternatives for communication facilities, expand the definitions addressing such facilities, establish differing requirements for locating the facilities in different zoning districts, and incorporate provisions to address public safety communications.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommended that the Board conduct a public hearing and, if appropriate, adopt the amendment to the zoning ordinance.

Chairman Reckhow recognized Planning Director Frank Duke.

Mr. Duke introduced Susan Raybald and Rick Edwards, consultants of CityScape, to present this item.

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

Staff addressed Commissioner questions.

Chairman Reckhow stated her opinion that Zoning Text Amendment TC 3-11 will be a vast improvement over current standards by controlling proliferation of towers within the community.

Commissioner Jacobs moved, seconded by Commissioner Heron, to adopt the amendment to the zoning ordinance.

The motion carried unanimously.

(Recorded in Appendix A in the Permanent Supplement of the March 8, 2004 Regular Session Minutes of the Board.)

(Zoning Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, Page \_\_\_\_\_.)

**Major Site Plan and Preliminary Plat—Ellerbee Creek Preserve (Case D03-428)**

Duane K. Stewart and Associates Inc., on behalf of E.T. Development Corporation, submitted a site plan and preliminary plat for 134 single-family lots on a 65.892-acre site, zoned PDR 2.08 and Eno-B. The proposed project will be located on the southeast side of Hamlin Road, north of Riley Drive, and east of Old Oxford Highway. (PINs 0843-01-17-8047 and 0843-01-27-1462; Old Tax Map Reference 616-01-003A; County Atlas Page 43, Blocks A-1, A-2, B-1 and B-2). Governing body approval is required for subdivisions with more than 50 lots.

Planning staff recommended approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager's recommended that the Board receive the presentation and approve the site plan.

Chairman Reckhow recognized Planning Director Frank Duke to introduce this item.

Chairman Reckhow called signed speaker Mr. Larry Thomas, 9 Preakness Drive, Durham, NC 27713, to come forward.

Mr. Duke and Mr. Thomas addressed Commissioner questions.

Commissioner Cousin moved, seconded by Vice-Chairman Bowser, to approve Major Site Plan and Preliminary Plat—Ellerbe Creek Preserve (Case D03-428).

The motion carried unanimously.

The staff report follows:

Case:	D03-428		
Project Name:	Ellerbe Creek Preserve		
Applicant:	E.T. Development Corporation		
Plan Type:	Major Site Plan and Preliminary Plat		
Jurisdiction:	County		
Street Atlas:	Page 43, Blocks A-1, A-2, B-1 and B-2		
Location:	Southeast side of Hamlin Road, north of Riley Drive and east of Old Oxford Highway		
PIN (Old Tax Map Reference):	0843-01-17-8047 and 0843-01-27-1462; 616-01-003A		
Proposal:	A site plan and preliminary plat for 134 single family lots on a 65.892 acre site		
Zoning Districts:	PDR 2.08, E-B	River Basin:	Neuse
Related Zoning Case:	P02-77		
Related Plans:	<i>North Durham</i>		
Planning Department Recommendation:	Approval. The site plan and preliminary plat, as submitted, meet all ordinance requirements.		
Development Review Board Recommendation:	Recommend approval, subject to minor technical corrections that have since been made, at the meeting on December 19, 2003. DRB also approved the encroachment into and revegetation of the stream buffer for construction of sanitary sewer.		
Attachments:	Chart of zoning requirements, vicinity/context map, and full-sized site plans.		

**Project Summary:** Duane K. Stewart and Associates, Inc., on behalf of E.T. Development Corporation has submitted a site plan and preliminary plat for 134 single family lots on a 65.892 acre site, zoned PDR 2.08 and Eno-B. The proposed project will be located on the southeast side of Hamlin Road, north of Riley Drive and east of Old Oxford Highway and will be accessed via two new public streets off of Hamlin Road.

**Site Description:** The property is located on the northwest side of Ellerbe Creek, and its associated wetlands and floodway fringe cover the eastern perimeter of the site. Most of site has been deforested and replanted with young pines. The exceptions are a portion of the stream buffers and preserved, 25 foot wide, wooded buffers, along the northern and southern

boundaries. A few specimen trees remain within these buffers and in the floodway fringe areas, and are indicated on Sheet 2.

**Dimensional Requirements:** The site is zoned Planned Density Residential with a minimum lot size of 10,000 square feet (0.23 acres). There are no minimum lots widths or internal side or rear setbacks in the PDR district, except along the perimeter of the project. Perimeter lots are restricted to 25 foot minimum rear setbacks and side yard setbacks, as applicable, to match the adjacent zoning district. Eight-foot front setbacks are required, with ten-foot corner side yards along the street. The proposal meets or exceeds all ordinance minimums. The proposed project meets the required density of 2.08 dwelling units per acre.

The parking requirement for single-family homes is one space per unit. The applicant is proposing to meet this requirement on each lot. No bicycle spaces are required.

**Watershed Protection:** The site is located within the Eno-B water supply watershed overlay district. The applicant is proposing a maximum of 19% impervious surfaces, which is less than the 24% maximum for the low-density option. Therefore, stormwater control devices are not required by the watershed ordinance; however, they are required to meet the Neuse River Basin requirements. The proposed detention facilities are to be located within open space areas in the southeastern portion of the project adjacent to Ellerbee Creek. The stormwater detention facilities have been reviewed and approved by the Durham County Engineering Department.

**Utilities:** The project will be served by public water and sewer services, which exist adjacent to the site. Construction of all water and sewer lines will be in conformance with adopted standards and specifications. All utilities will be constructed underground.

**Streets and Sidewalks:** The proposed development will be accessed via two new public streets off Hamlin Road. One stub-out to the adjacent vacant lands to the south is also proposed. In order to provide for future widening of Hamlin Road, the applicant is proposing to dedicate 20 feet of additional right of way along Hamlin Road and to build left turn lanes for both entrances, subject to North Carolina Department of Transportation approval. In addition, the applicant will dedicate 120 feet of right of way through the northern portion of the site to accommodate the future alignment of the Northern Durham Parkway.

Sidewalks are proposed along Hamlin Road and along one side of the new streets within the project, except on the two cul-de-sacs.

**Mass Grading:** The project is proposed to be mass graded. Therefore, a 25 foot Class 2 buffer is required around the perimeter of the site. Most of the areas adjoining the northern and southern property lines have been preserved in a 25-foot-wide wooded buffer. Those portions that do not meet the standard of the Class 2 buffer will require additional plantings prior to the start of grading. A 30-foot permanent buffer is also proposed to exceed Ordinance requirements along Hamlin Road, which will serve to screen the grading in the short term and provide some visual separation for the development in the long term. Grading will be phased.

**Street Trees:** Sufficient trees have been proposed to meet the street tree requirements. The applicant is also required to provide 3.5 trees per lot, with two trees planted on each lot and the remainder provided in tree coverage and natural areas. All landscaping meets or exceeds Ordinance requirements.

**Tree Coverage:** The required tree coverage, based on 20% tree preservation, would be 574,051 square feet, or 13.18 acres. The applicant is proposing to preserve 609,582 square feet, or 13.99 acres (21.24%) of undisturbed, wooded flood plain, stream buffers, and adjacent uplands to exceed this requirement. Although the site has been deforested, planted pines and other

volunteer tree species are growing to cover the site. Therefore, the applicant is proposing to phase the tree coverage along with the site development to allow the trees to grow to meet Ordinance-required minimum sizes. Phase One tree coverage is proposed within floodway fringe and stream buffer areas that currently meet the minimum tree size threshold. Prior to any building permits being issued for the next phases, the applicant must provide the Planning Department with documentation to show that the existing trees meet the standards, or else supplemental vegetation must be planted.

Stream Buffers, Floodway Fringe, Wetlands, and Steep Slopes: A portion of Ellerbee Creek's associated stream buffers, steep slopes, floodway fringe, floodway and wetlands cover the eastern perimeter of the property. All lots are proposed outside of these environmentally sensitive areas. The Development Review Board, at its meeting on December 19, 2003, approved minimal disturbance and revegetation of the stream buffers and floodway fringe in order to connect to an existing sewer line along the creek.

Recreational Area/Open Space: Greater than 10% open space is required for this development. The applicant has proposed to exceed this requirement with 18.87 acres (28.63%) of open space (see Sheet 2). The Ordinance limits open space credits for land within floodway, floodway fringe, wetlands, and stream buffers to a maximum of 50% of the required open space. This requirement has been met with 3.52 acres (53%) of the required open space located in the uplands. A portion of this upland open space is proposed in a central ring around the roundabout. A tot lot is proposed on the eastern side of the site.

Additional Subdivision Ordinance requirements for 1,150 square feet of public open space per lot will be partially met by the dedication of 2.324 acres of greenway (in two locations) along Ellerbee Creek. The greenway dedication is equivalent to the open space required for 88 lots. The remaining lots will have to make payments in lieu of public dedication of open space prior to recording of final plats.

Neighborhood Notification: In accordance with Planning Department policy of notifying nearby neighborhood groups, Northeast Neighborhood Association, Ellerbee Creek Watershed Association, Partners Against Crime – District 2, the Inter-Neighborhood Council, Durham Justice and Fairness Inter-Neighborhood Association and Durham People's Alliance were notified of this project.

Chart of General Zoning Requirements:

Zoning requirement (PDR)	Required by Ordinance or Zoning Development Plan	Proposed by Applicant
Minimum lot area	10,000 square feet	10,000 square feet
Min. front setback	8 feet	8 feet
Min. side setback	None	8 feet (closest side)
Min. corner side setback	10 feet	10 feet
Min. rear setback	None, except 25 feet adjacent to non-PDR lots	8 feet, except 25 feet adjacent to non-PDR lots
Max. building height	90 feet	35 feet
Mass grading buffers against adjacent properties	25 feet	25 feet
Mass grading buffers along public streets	30 feet	30 feet
Max. density	2.08 units/acre	2.08 units/acre
Motor vehicle parking	134 spaces	134 spaces minimum
Bicycle Parking	N/A	N/A

% Impervious surfaces	24% Low Density Option	19.0%
Open space (50% to be outside flood prone areas)	6.45 acres (10%)	18.87 acres (28.63%) total (53% of required open space outside flood prone areas)
% Fill Allowed in Floodway Fringe with DRB Approval	10% of floodway fringe area maximum	N/A
% Steep Slope Area Encroachment	15% maximum	N/A
Tree coverage	13.18 acres (20% minimum)	13.89 acres (21.24%)

(Tax Map number: \_\_\_\_\_; recorded in Ordinance Book \_\_\_\_ page \_\_\_\_.)

**Budget Ordinance Amendment No. 04BCC000060 and Capital Project Amendment No. 04CPA000010—Stanford L. Warren Library Project Renovations/Expansion**

Staff requested that the Board receive a status report on the Stanford L. Warren branch renovation/expansion project. Of the two design alternatives that were presented, staff requested that the Board accept Plan B entitled "Simmons Street Entrance". Staff further requested that the Board accept the County Manager's recommendation to transfer \$63,743 of unrecognized property tax revenue to the Stanford L. Warren project budget.

**Background**

In 2001, voters approved \$10.2 million in general obligation bonds for site acquisition and construction of new library facilities. That amount also included \$1.016 million for the renovation and expansion of the historic Stanford L. Warren branch. The Stanford L. Warren project was provided an additional \$136,159 in two-thirds bond funds, resulting in a total project budget of \$1,152,907. In the fall of 2002, the County selected Little Diversified Architectural Services Inc. to provide architectural and project management services for the Stanford L. Warren project.

Early in the design process, Little Diversified staff and consultant Philip Barton uncovered substantial damage caused by years of deferred maintenance and recurring flooding. The cost of repairs generated by this damage totaled \$104,270 and represented a 9% displacement of the funds allocated to the project. The project team was thus compelled to develop the following two alternative designs for the project. The first alternative, labeled "Fayetteville Street Entrance", is within the original budget; however, it grandfathers and even exacerbates several existing problems from the current facility. The second alternative, labeled "Simmons Street Entrance" or Plan B, achieves all goals set forth by the project team including:

- creation of a single public entrance/exit to the facility;
- location of major collections, public workstations, and services to one floor; and
- improvement of access (especially ADA-related access) to the building.

This plan exceeds the original budget by \$119,093.

The full merits and drawbacks of these two alternatives will be presented as components of this presentation.

The preferred alternative is Plan B. Staff proposes to address the \$119,093 budget overage in Plan B through the following measures:

1. The operable partition element in the meeting room will become an alternate, removing \$9,000 from the budget.
2. The furnishings and fixtures will be provided through donated funds, removing \$46,350 from the budget.
3. The County will contribute an additional \$63,743 to the project using unrecognized property tax revenue projected by the Tax Administrator.

The Durham County Library Foundation committed itself to raising at least \$100,000 in capital support for the Stanford L. Warren renovation/expansion project. The furnishings, fixtures, and operable partition funds will be drawn against these and other donated funds. The \$37,350 balance of the donated funds will be used for computer workstations, small office items, and possibly for collection development.

**Resource Person(s):** Carolyn P. Titus, Deputy County Manager; Philip Cherry III, Library Director; Glen Whisler, County Engineer; Brian Simpson, Little Diversified Architectural Services; Robert Bishop, Little Diversified Architectural Services; and Peter Alan, Chair of the Library Foundation Board Capital Campaign Committee

County Manager's Recommendation: The County Manager recommended that the Board accept the staff report, authorize staff to proceed with the Simmons Street Entrance alternative (Plan B), and approve Budget Ordinance Amendment No. 04BCC000060 and Capital Project Amendment No. 04CPA000010, recognizing and transferring \$63,743 from the General Fund to the Stanford L. Warren Library project.

Mr. Simpson gave a presentation on the Stanford L. Warren Branch Renovation/Expansion Project.

Mr. Cherry thanked members of the project team and County Engineering for creating the library design. He addressed strategies suggested by staff to mend the project funding deficit.

Mr. Cherry recognized Mr. Alan to speak about the Library Board's pledge to raise \$100,000 for capital needs for the project, in addition to other fundraising goals and objectives set by the Library Board.

The following citizens spoke in support of the Stanford L. Warren Library project renovations/expansion:

Elsa Woods, 24 Glenmore Drive, Durham, NC 27707

Lee M. Goode, 307 East Alton Street, Durham, NC 27707

R. Kelly Bryant, Jr., 618 Bernice Street, Durham, NC 27703

E. Lavonia Allison, P.O. Box 428, Durham, NC 27702

Chairman Reckhow inquired about repairs from water damage being included in the project.

Mr. Whisler responded to Chairman Reckhow's inquiry.

In reference to alternate Plan B, Chairman Reckhow asked Mr. Simpson about the Foundation's confidence level of raising at least \$9,000 in a timely manner so that the operable partition element could be included.

Commissioner Cousin asked staff if the cost of the partition would be greater if added after the renovations to the building as opposed to including it during the initial construction.

Vice-Chairman Bowser expressed concern about possible demolition of the front entrance steps to the library.

Staff assured Vice-Chairman Bowser that the steps would remain as an historical landmark.

Commissioner Heron echoed Chairman Reckhow's concern about present water damage in the library.

Commissioner Jacobs expressed delight to see a plan develop to expand Stanford L. Warren Library.

Commissioner Cousin commented, for the record, that in addition to preserving Stanford L. Warren Library as an historical landmark, further area development should be considered to preserve a community that set a standard of not being equal in the past or present.

Chairman Reckhow praised the project and commented on the appearance and organization of the renovated library.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 04BCC000060 and Capital Project Amendment No. 04CPA000010, recognizing and transferring \$63,743 from the General Fund to the Stanford L. Warren Library project.

The motion carried unanimously.

Vice-Chairman Bowser thanked Dr. Elsa Woods, Chairman of the Library Board, for her dedication to the project.

Chairman Reckhow expressed gratitude to the Library Foundation and citizen volunteers for arranging the campaign to assist with the project.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 2003-04 Budget Ordinance  
 Amendment No. 04BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
<b><u>GENERAL FUND</u></b>			
Taxes	\$135,745,302	\$63,743	\$135,809,045

Expenditures:

<u>Activity</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<b><u>GENERAL FUND</u></b>			
Other	\$22,162,999	\$63,743	\$22,226,742

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

This the 8<sup>th</sup> day of March, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

The capital project ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 2003-04 Capital Project Ordinance  
 Amendment No. 04CPA000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Capital Project Ordinance is hereby amended to reflect budget adjustments.

Stanford L. Warren Library Project

<u>Expenditures</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
---------------------	---------------------------	-----------------	-----------------	---------------------------



Stanford L. Warren	\$1,152,907	\$63,743	\$1,216,650
Library project			

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

This the 8<sup>th</sup> day of March, 2004.

(Capital Projects Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Adjournment**

Chairman Reckhow adjourned the meeting at 9:12 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Deputy Clerk to the Board