

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

Monday, October 13, 2003

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 Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session

Chairman Reckhow called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

As no agenda adjustments were made, Chairman Reckhow stated that the meeting would proceed with the printed agenda.

Minutes

Commissioner Heron moved, seconded by Commissioner Bowser, to approve as submitted the September 8, 2003 Regular Session and the August 25, 2003 BOCC/DPS Minutes of the Board. The September 22, 2003 Regular Session Minutes of the Board were approved as corrected.

The motion carried unanimously.

Resolution Recognizing Alex Revelle, State 4-H Gold Medal Winner

4-H Congress, a NC Cooperative Extension program, is the high point of the 4-H year, bringing hundreds of young people from across the state to NC State University campus for a week of activities. This year, more than 850 4-H members, volunteer leaders, and NC Cooperative Extension agents were in attendance.

Alex S. Revelle, a student at Durham School of the Arts, won first place and a gold medal for public speaking during the Annual State 4-H Congress held in Raleigh in late July. Eleven-year-old Alex competed in a number of events in which 4-H members demonstrated knowledge of particular subjects. He was the Junior Division winner with a presentation on "Respect", one of nine character traits promoted and encouraged by Durham Public Schools. Alex received a \$75 savings bond from Carolina Farm Credit, the contest sponsor. His parents are Larry and Bernice Revelle.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director

County Manager's Recommendation: The County Manager recommended that the resolution be presented to Alex S. Revelle, along with congratulations for a job well done.

Commissioner Jacobs, former Durham County Cooperative Extension Director, read the resolution into the record and presented it to Alex. She recognized Alex's family members and supporters who were in attendance, stating that everyone could learn from this message of "Respect".

Alex thanked the County Commissioners for this honor, as well as his parents, Cooperative Extension, and the 4-H office for support and encouragement. He stated that dedication, hard work, and practice always lead to success.

Below is a copy of the speech given by Alex during 4-H competition:

Peace, Love, Respect for Everybody
Let's get Something Started
By Alex S. Revelle

*I hope that here, at the beginning of this new day
You may have the grace and the courage to look up and out
Into your sister's eyes, and into your brother's face
Your country, And say, simply, very simply
With hope, Good morning*

Those words were spoken by Maya Angelou several years ago during the inauguration of President Bill Clinton. Those words still ring true today. How many strangers did you pass and say, "Good morning" to today?

Hello. My name is Alex Revelle and I'm a member of the Young Achievers 4-H Club in Durham County. The title of my speech is *Peace, Love, Respect for Everybody, Let's get Something Started*. I hope that by the end of my speech, you'll let me know that I can count on you.

No matter where you live in North Carolina, I'll bet you've noticed that the population is changing. Look around your town or school. Chances are you'll

find blacks, whites, Latinos, Asians, and others. I'll bet you may find people who practice Christianity, Judaism or Muslim religion. With our society changing, we must change also and the best place to start is with my generation. We must learn at an early age the importance of getting along with everybody and respecting them...regardless of another person's race, religion or handicap.

We are all alike in some ways. All of us can think and learn. All of us have feelings. And all of us want to have friends and fun. But we're also different. We have different beliefs, different families, and different likes and dislikes.

People are just like presents. You cannot know a person inside just by seeing the outside. If someone came in this room right now in a wheelchair, would you look down on that person and not go near him? Or would you treat that person with respect and dignity? Deciding to like and dislike people before you get to know them is called prejudice. People who are prejudiced may call others names, hit or kick others, not let others play with them or tell mean jokes about others. That's not nice and won't help us to get along.

Have you ever thought that everybody in a group is the same? Do you believe that all girls like to jump rope? Do all boys like football? Are all children rude? Of course not. It would be prejudice to think that way. Remember, everybody is different.

I had a Latino classmate when I was in the fourth grade. His name is Armondo. He's a good friend and we used to call and talk with each other on the phone after school. We are different but we also have similar likes. For instance, we both like sports and music. I'm so glad that I made a point to meet him and become his friend. He even taught me a little Spanish. Ola! That means "hi."

If you don't remember anything else I've said, please remember this very important point. You can help fight prejudice. If you hear someone call a person a mean name, you can say: "That's not fair and it's not funny. Please stop!"

Differences make people interesting. Treat others the way you would like to be treated and respect everybody. Let this day be a new beginning for you.

I remind you of the poem by Maya Angelou.

*I hope that here, at the beginning of this new day
You may have the grace to look up and out
And into your sister's eyes, and into your brother's face
Your country, And say, simply, Very simply
With hope, Good morning*

Try that tomorrow. Reach out and touch somebody's hand. Make this world a better place. I know you can. Remember this. If my mind can conceive it, and my heart can believe it, then we can achieve it. We can achieve harmony and goodwill among all people. Let me repeat this. If my mind can conceive it, my heart can believe it, then we can achieve it.

You may be thinking that, "I'm only one person and I can't change the world." Listen to this story and you might think differently.

Two men were walking along the beach one day. One man kept picking up starfish and throwing them back in the ocean. "Why do you keep throwing every starfish you see back into the ocean," one man asked the other. "You can't save them all."

"No," the other man said. "I can't save them all. But at least I can say that I have saved some. It's a start. I'm just trying to do my part."

Why not start now and do your part to make this a better world. Start out each day with peace, love and respect for everybody. Pass it on and watch how quickly you get something started.

The resolution congratulating Alex Revelle follows:

RESOLUTION

WHEREAS, Alex S. Revelle is an eleven-year-old student at Durham School of the Arts and an active member of Durham County 4-H; and

WHEREAS, he participated in this summer's 4-H Congress sponsored by North Carolina Cooperative Extension, NC State University, and NC A & T University; and

WHEREAS, in addition to winning competitions at the county and district levels, Alex won First Place and a Gold Medal at the state level as the Junior Division winner for public speaking; and

WHEREAS, Alex won with an oral presentation on the topic of "Respect", in which he detailed one of the nine character traits promoted and encouraged by Durham Public Schools; and

WHEREAS, he not only talks about respect, but demonstrates this character trait on a daily basis; and

WHEREAS, he is quite active in various Durham community activities, including the Boy Scouts and the church choir, while serving as a youth usher and playing the piano for senior citizens at local nursing homes:

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

ALEX S. REVELLE

for his outstanding achievement as First Place Winner in the Annual N.C. 4-H Congress. We wish for him a wealth of success in all of his future endeavors.

This the 13th day of October, 2003.

/s/ Five Commissioners
Durham County Commissioners

Recognition of Briggs Land Corporation

A resolution was prepared in recognition of the Briggs Land Corporation's recent gift of 45 acres to the NC State University College of Agriculture and Life Science Landscapes of Opportunity program in Durham County. The land will enable the Cooperative Extension Service to provide environmental education programs and will contribute to Durham County's commitment to open space conservation.

Resource Person(s): Cheryl Lloyd, Cooperative Extension Director

County Manager's Recommendation: The County Manager recommended that the resolution be presented to Briggs Land Corporation, along with appreciation for the generous donation.

Chairman Reckhow read the resolution into the record and recognized Cheryl Lloyd, Cooperative Extension Director, for remarks.

Ms. Lloyd thanked the Commissioners for the resolution recognizing the generous contribution to Cooperative Extension and NC State University. A dedication ceremony and celebration will be held on October 15, 2003 at 11:00 a.m.

The resolution follows:

RESOLUTION

WHEREAS, the relationship existing between North Carolina State University and Durham County has provided citizens with access to research and educational programs through Cooperative Extension since 1942 to improve quality of life; and

WHEREAS, the citizens of Durham County have benefited and continue to benefit from North Carolina Cooperative Extension Environmental and Natural Resource programs that serve youth, adults, families, and communities; and

WHEREAS, Briggs Land Corporation has contributed 45 acres of land to the North Carolina State University College of Agriculture and Life Sciences Landscapes of Opportunity program in Durham County for use in environmental education programs and as a contribution to Durham County's commitment to open space conservation; and

WHEREAS, this gift will benefit the citizens of Durham County through the efforts of the County-University partnership in Cooperative Extension:

NOW, THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners, that Briggs Land Corporation be recognized and saluted for its generous contribution to Durham County citizens by improving their quality of life.

This the 13th day of October, 2003.

S/ Ellen W. Reckhow
Chairman, County Commissioners

Resolution Honoring Mrs. Adelaide Banks and "Read Seed" Program

A resolution was prepared to recognize the excellent accomplishments of Mrs. Adelaide Banks, Founder and Director of the "Read Seed" program. This grandmother shares her love of reading by purchasing and donating books to children in low-income families. Mrs. Banks attempts to help children build self-esteem and knowledge through a reading enjoyment program.

County Manager's Recommendation: The County Manager recommended that the Board approve the resolution and present it to Mrs. Adelaide Banks.

Chairman Reckhow announced that she had the pleasure of attending a read-a-thon sponsored by Mrs. Banks at Antioch Baptist Church. Over 100 young people attended. Reading took place in rooms decorated with storybook characters. Mrs. Banks involved young people from high schools and neighboring colleges in the read-a-thon.

Mrs. Banks stated that she was honored by the Board's recognition of Read Seed Inc. She accepted the honor and the mandate to continue efforts with community partners in this campaign to improve child literacy in Durham County. Read Seed hopes to impact children's lives by giving new, free, age-appropriate books to every child between birth and seven years of age living in public housing communities in Durham County and the state. This mission is based upon research findings that the presence of books in the home has a greater impact on academic success than race, ethnicity, and family socioeconomic status. In partnership with parents, teachers, school boards, school administrations, agencies, organizations, and businesses concerned with child literacy, Read Seed proudly continues to serve and to serve well. Mrs. Banks thanked the Commissioners for their support and this honor.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, Mrs. Adelaide Banks decided to make a difference by giving away free books to children in low-income families; and

WHEREAS, last year this grandmother of three gave away nearly 2,000 books to 1,400 children and seeks to double those numbers in 2003; and

WHEREAS, thanks to a big heart and proceeds from an insurance check, she began the Read Seed program, believing that every child should own books; and

WHEREAS, she employs teens from the Volunteer Center of Durham to help distribute books in low-income housing communities in Durham, Rocky Mount, Roxboro, and Oxford; and

WHEREAS, Mrs. Banks believes that books “build self-esteem and knowledge”, and she wants to help all children learn to enjoy reading; and

WHEREAS, studies show that having access to books in the home is critical to the academic success of all students; and

WHEREAS, her goal is to help children become “excited” about reading, learning, and exploring the world through books:

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

MRS. ADELAIDE BANKS

for establishing the Read Seed program to provide books for the youth of Durham County and surrounding areas.

This the 13th day of October, 2003.

/s/ Five Commissioners
Durham County Commissioners

Consent Agenda

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

- * (b) Budget Ordinance Amendment No. 04BCC000017—
Additional Revenue for Social Services (approve the
appropriation of \$163,958 [Family to Family—

- \$83,333; Special Permanency Planning—\$10,867; and, Social Services Block Grant—\$69,758]);
- *(d) Budget Ordinance Amendment No. 04BCC000019—Public Health (Community Health Division and the Health Education Division)—\$33,328 to Establish a Part-Time Position for a Practical Nurse II in the Family Planning Clinic and to Provide Incentives for TEAS Participants, One of the Health Department’s Teen Pregnancy Prevention Programs (approve the budget ordinance amendment [continuation of the Part-Time Practical Nurse II position is contingent upon continued grant funding]);
 - *(f) Capital Project Ordinance Amendment No. 04CPA000005—Revise Appropriation for American Tobacco Project (South Garage) (approve capital project amendment for \$498,000); and
 - (g) Reused Wastewater Grant Application (direct the County Attorney to draft an interlocal agreement and authorize the County Manager to execute an interlocal agreement associated with submittal of a joint grant application from Durham County, Wake County, and Cary to the Clean Water Management Trust Fund for the design of a regional reused wastewater project).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000017—Additional Revenue for Social Services (approve the appropriation of \$163,958 [Family to Family—\$83,333; Special Permanency Planning—\$10,867; and, Social Services Block Grant—\$69,758]).

DURHAM COUNTY, NORTH CAROLINA
 FY 2003-04 Budget Ordinance
 Amendment No. 04BCC000017

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>
<u>GENERAL FUND</u>			
Intergovernmental	\$295,679,301	\$163,958	\$295,843,259

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$354,664,552	\$163,958	\$354,828,510

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

This the 13th day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. d. Budget Ordinance Amendment No. 04BCC000019—Public Health (Community Health Division and the Health Education Division)—\$33,328 to Establish a Part-Time Position for a Practical Nurse II in the Family Planning Clinic and to Provide Incentives for TEAS Participants, one of the Health Department’s Teen Pregnancy Prevention Programs (approve the budget ordinance amendment [continuation of the Part-Time Practical Nurse II position is contingent upon continued grant funding]).

DURHAM COUNTY, NORTH CAROLINA
 FY 2003-04 Budget Ordinance
 Amendment No. 04BCC000019

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>
<u>GENERAL FUND</u>			
Intergovernmental	\$295,890,499	\$33,328	\$295,923,827

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$354,875,750	\$33,328	\$354,909,078

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

This the 13th day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. f. Capital Project Ordinance Amendment No.04CPA000005—Revise Appropriation for American Tobacco Project (South Garage) (approve capital project amendment for \$498,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Capital Project Ordinance
Amendment No. 04CPA000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2002-03 Capital Project Ordinance is hereby amended to reflect budget adjustments for the American Tobacco Project.

American Tobacco Project

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
American Tobacco Project	\$15,000,000		\$498,000	\$14,502,000

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

This the 13th day of October, 2003.

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

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. a. Budget Ordinance Amendment No. 04BCC000016—Mental Health—Funds Allocated at the State Level (approve the appropriation of \$543,379 [\$333,483 to increase community capacity to serve clients returning to the community as the result of closure of state hospital units; \$80,000 to the Assertive Community Treatment Team to provide services to non-Medicaid clients; and, \$129,896 for substance abuse education for a structured child program]).

Vice-Chairman Bowser removed the consent agenda item to permit additional discussion to be undertaken. He asked the following questions of Delphine Powell, Finance Director, Mental Health Department:

- What are the exact grant amounts?
- Will the \$333,483 be used in the Mental Health Department or for contracted services?
- Who comprises the Assertive Community Treatment team—Mental Health employees or an outside agency?
- What services will the \$80,000 provide?
- Describe the substance abuse education for a structured child program. What is the age category? Has the Department received similar funding in prior years and has a line item been established? Does Durham Public Schools have a similar program?

Ms. Powell responded that the three grants total \$543,379 (\$333,483 in reoccurring funds from prior years for patients coming back into the community as the result of the closure of state hospital units; \$80,000 for the Assertive Community Treatment (ACT) program to serve clients who are below the poverty level and do not qualify for Medicaid funds; and, \$129,896 for a substance abuse preventive program in elementary schools). These funding allocations will be added to the Mental Health Department's current budget. To date, Mental Health has not contracted with any agency.

Commissioner Bowser voiced his opinion that substance abuse prevention programs should target middle school children, given that they are more vulnerable to this type of abuse than are elementary school children.

Commissioner Heron inquired about the reduction in substance abuse program staff, particularly staff well versed in substance abuse education for children.

Ms. Powell stated that an overall reduction in staff has occurred, program by program.

Commissioner Heron was uncertain whether a vote on this budget ordinance amendment should be deferred, as neither sufficient backup information was provided nor was appropriate Mental Health staff present to answer Commissioner questions. Administrative staff should be available to explain programs, objectives, and associated funding allocations. The lack of such information from Mental Health is unacceptable. Commissioner Heron agreed with Vice-Chairman Bowser that services should not be duplicated.

Chairman Reckhow clarified that the \$333,483 allotted to increase the capacity to serve clients returning to our community as the result of closure of state hospital units should be moved forward; otherwise, the County may be facing potential sanctions from the state. In addition, the Next Step Housing program may need to use a portion of this money. The \$80,000 allocation for the emergency team to aid needy citizens 24 hours a day by providing out-of-hospital assistance should also be moved forward. However, Chairman Reckhow stated she would consent to delay the vote on appropriating \$129,896 for substance abuse education.

Commissioner Jacobs inquired about the time frame in which the grant must be accepted and whether the grant is mandated to a particular age group. She concurred with Chairman Reckhow about postponing the vote on the substance abuse education program.

Ms. Powell replied that the substance abuse prevention funding is to provide education, information, dissemination, alternatives, problem identification, and referrals to the community. Last year, the state requested that a program be implemented within the Durham Public Schools system. Ms. Powell will attempt to obtain additional documentation to determine how the \$129,896 can be allocated. No time limit is placed on grant acceptance.

Commissioner Cousin agreed with Commissioner Bowser that substance abuse education should occur in middle schools, since substance abuse begins to manifest itself in this age group.

Chairman Reckhow directed that County Manager Ruffin send County Department Managers a memorandum advising them that the Board expects adequate backup and summary information pertaining to agenda items, including brief program descriptions where applicable.

Commissioner Bowser directed that administrative personnel responsible for the programs be in attendance to answer the Board's questions.

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 04BCC000016 to appropriate \$543,379 with the stipulation that the Board receive a full report regarding how the \$129,896 for substance abuse education will be allocated.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000016

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>
<u>GENERAL FUND</u>			
Intergovernmental	\$295,135,922	\$543,379	\$295,679,301

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$354,121,173	\$543,379	\$354,664,552

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

This the 13th day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000018—Public Health—Revenue of \$47,240 for the Environmental Health Division to Support the Health Department’s Bioterrorism Response Efforts (approve the budget ordinance amendment from the Department of Health and Human Services).

Commissioner Bowser removed this consent agenda item to ask Brian Letourneau, Public Health Director, why Durham County was receiving less funding than smaller counties.

Mr. Letourneau answered that the funding amount is based on a formula that combines population and square mileage (landmass).

Commissioner Heron moved, seconded by Commissioner Bowser, to approve Budget Ordinance Amendment No. 04BCC000018 to recognize \$47,240 in revenue to support bioterrorism response efforts in the Public Health Department.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000018

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>
<u>GENERAL FUND</u>			
Intergovernmental	\$295,843,259	\$47,240	\$295,890,499

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$354,828,510	\$47,240	\$354,875,750

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

This the 13th day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. e. Budget Ordinance Amendment No. 04BCC000020—Public Health (General Health Clinic)—\$90,169 for Public Health Bioterrorism Preparedness (approve the budget ordinance amendment for the Public Health’s Regional Surveillance Team IV to be used as follows:

\$35,000.00 – Building rental [required office space for Surveillance Team]
\$20,000.00 – Miscellaneous Supplies
\$10,000.00 – Contracted Services
\$25,169.00 – Operating expenses
\$90,169.00 – TOTAL).

Commissioner Heron inquired about the \$35,000 building rental expense.

Brian Letourneau, Public Health Director, replied that a small basement library has been converted into two tiny offices that house the Regional Surveillance Team IV. The space is inadequate for the four-member team. Grant revenue from the Department of Health and Human Services can be used to lease space; therefore, Public Health wishes to provide additional space for the team.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve Budget Ordinance Amendment No. 04BCC000020 to recognize \$90,169 in revenue for Public Health bioterrorism preparedness.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000020

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>
<u>GENERAL FUND</u>			
Intergovernmental	\$295,923,827	\$90,169	\$296,013,996

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$354,909,078	\$90,169	\$354,999,247

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

This the 13th day of October, 2003.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

M/WBE Participation for the American Tobacco Project

Officials from Capitol Broadcasting Corporation (CBC) provided a report about M/WBE participation for the American Tobacco Project. The project represents a guaranteed minimum private investment of \$54 million. CBC's agreement with the County requires compliance with the County's M/WBE Ordinance, including the provision of quarterly reports as the project progresses. Reports must include verifiable percentage goals, type and total dollar value of projects, minority business utilization by minority business category for each project, and the applicable good-faith guidelines or rules used to recruit M/WBE participation.

Resource Person(s): Mike Hill, Capitol Broadcasting Corporation (CBC); Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; Carol Hammett, Assistant County Attorney; George Quick, Finance Director; and Yolanda Moore-Gaddy, Business Development Manager

County Manager's Recommendation: The County Manager recommended that the Board receive the report and advise the staff if any additional information or action is required.

Chairman Reckhow stated that this agenda item is two-fold: M/WBE participation for the American Tobacco Project and the revised cash flow analysis.

Mr. Hill presented the American Tobacco project's first quarterly report as required by the Development Agreements. He summarized the status of the project and M/WBE participation to date. He then directed the Commissioners' attention to the Plan describing the M/WBE process, developed in partnership with Bovis Lend Lease, the City, the County, and the North Carolina Institute of Minority Economic Development. The Durham Committee on the Affairs of Black People was provided opportunity to review and critique the Plan, which offers an exemplary blueprint on how to undertake a project of this nature and achieve significant M/WBE results.

To date, the project has been separated into three parts—the Campus, which represents approximately \$60 million of construction activity; the North Parking Deck (City-owned); and, the South Parking Deck (County-owned). The next quarterly report will contain a fourth part, resulting from the recent decision to add 56,000 square feet to total project. No expenses are included for this new phase (Washington Bays 4-6) because the work has just begun.

In determining M/WBE results, the project was analyzed both in its entirety and by its subparts (the Campus, the South Parking Deck, and the North Parking Deck) using the following criteria questions:

1. What is the total volume of dollars awarded/spent with M/WBE contractors, vendors, and professionals on the entire project?
2. How many different M/WBE contractors, vendors, and professionals have been engaged for the entire project?
3. What percentages have been achieved relative to those categories of work for which M/WBE participation is a possibility? For example, no M/WBE contractors or vendors are available for certain categories such as precast concrete, elevators, supply of door hardware and frames, concrete supply, and asbestos abatement. Therefore, for each of the Campus and the two Parking Decks, we analyze what percentage of the total amount of work for which M/WBE subcontractors are available (referred to as the "Total Eligible Work") has been awarded to M/WBE subcontractors. This statistic is the most accurate tool in evaluating success in attracting and awarding work to M/WBE contractors, vendors, and professionals.
4. What percentages have been achieved relative to overall project costs? This analysis differs from one that uses Total Eligible Work as its benchmark, because the overall project costs include those categories for which no M/WBE participation is a possibility. Total Eligible Work excludes those costs from the calculation.

M/WBE results follow:

1. \$20 million spent on the project to date (total volume of dollars including \$7 million in contracts with no M/WBE possibilities)
2. \$5,010,277 awarded to M/WBE companies, vendors, and professionals
3. Total dollar volume—23 percent to M/WBE
4. Dollar volume with M/WBE possibilities—40 percent to M/WBE
5. As of September 26, 2003, the project engaged 17 different M/WBE contractors, vendors, and professionals; this number increased to 21 since September 26, 2003.
6. Campus Work—33.38 percent of eligible construction work and 30.58 percent of total eligible work has gone to M/WBE companies.
South Parking Deck—21.42 percent of eligible construction work and 21.93 percent of total eligible work has gone to M/WBE companies.
North Parking Deck—100 percent of eligible construction work and 46.71 percent of total eligible work has gone to M/WBE companies.
7. Campus—28.49 percent of total construction work and 24.27 percent of total project work has gone to M/WBE companies.
South Parking Deck—5.45 percent of total construction work and 7.10 percent of total project work has gone to M/WBE companies.
North Parking Deck—4.71 percent of total construction work and 6.70 percent of total project work has gone to M/WBE companies.

Approximately 1/3 of the overall construction contracts has been awarded and construction activity is vigorous. This current M/WBE level of performance may not be

maintained; however, a process is in place to maximize opportunities for M/WBE companies. This process includes:

1. Aggressive Recruiting. The project has utilized direct mail and direct phone solicitation to all contractors on State, City, or County lists in those categories relevant to the project.
2. Pre-Bid Conferences. The project held several pre-bid conferences. The project placed advertisements concerning the availability of the pre-bid conferences in media that were believed to be widely read within the African-American subcontractor community.
3. Flexibility In the Composition of Bid Packages. The project frequently reduces the size and scope of the work in order to keep the work within reach of smaller contractors. For example, the project asked contractors to bid the interior demolition work both on a building-by-building basis and for the entire project of five buildings. The bid results revealed that the least expensive option available to the project was to award the interior demolition work for all buildings in one package to the low bidder, which was a majority-owned firm. The project, however, awarded the interior demolition work to three different contractors on a building-by-building basis.
4. Eliminate the lack of bonding capacity as an obstacle. No contractor that is otherwise eligible to receive an award has been turned away as a result of a lack of bonding capacity.
5. Distribute bid packages to M/WBE contractors without cost. Non-M/WBE contractors are expected to pay for the bid packages they receive; M/WBE contractors are not.
6. Provide assistance in the procurement of liability insurance.
7. Quick Pay—many of the M/WBE contractors are paid on a more frequent basis than the non-M/WBE contractors.
8. Assistance with the procurement of materials and the rental of equipment. Bovis has, when necessary, purchased materials or assisted with the rental of equipment where the contractor did not have the financial capacity to absorb those costs.
9. Second-Tier Subcontracting. When appropriate, attempts have been made to create opportunities for M/WBE contractors as second-tier subcontractors. This effort has not achieved the results hoped for, but the effort will continue throughout the project.

The measures detailed above are essential to achieving the goal of maximizing M/WBE participation in a manner consistent with the project's needs to stay on budget and on schedule. CBC will remain vigorous in its M/WBE efforts and steadfast in its commitment to exhaust all reasonable measures to maximize opportunities for all parts of the Durham community to participate in the American Tobacco project.

Mr. Hill announced that two local lending institutions, Mechanics and Farmers Bank and Self-Help Credit Union, are lenders in this project.

The Commissioners commended Mr. Hill for the thorough report, and CBC's successful M/WBE recruiting efforts, pre-bid conferences, flexibility, and incentives.

Commissioner Jacobs asked if the number of minorities employed by majority contractors is considered when awarding the contracts.

Mr. Hill responded that CBC has been somewhat successful in this area but must improve its performance, which will hopefully be reflected in the next quarterly report.

Commissioner Heron moved, seconded by Commissioner Jacobs, to accept the American Tobacco Historic District—Quarterly M/WBE Report (Main Campus Work, South Parking Deck Work, and North Parking Deck Work) dated October 6, 2003.

The motion carried unanimously.

Chairman Reckhow took this opportunity to revisit the revised spreadsheet for the American Tobacco Project, which provides a positive revenue estimate due to favorable interest rates (4.415 percent instead of 7.5 percent) and a shorter term on the financing (15 years instead of 20 years). With the new interest rate, a positive cash flow for the project should be generated by Year 2007 instead of 2020. The cumulative cash flow relative to Durham County's total investment in the project will be paid back by Year 2019. This is based on a conservative assumption that only Phases I and IA will be built. Beyond that, Durham County will recoup its original investment of \$15 million prior to 2019.

Finance Director George Quick commented that with the help of County Attorney Kitchen, he was pleased to bring this benefit to the County. Durham County is one of four counties in North Carolina with a AAA financial rating, which is a credit to the County's conservative nature and financial strength. The AAA rating enabled the County to take advantage of lower interest rates.

County Attorney Kitchen explained how Durham County was able to obtain the low interest rate and save a significant amount of money.

Chairman Reckhow commended the Finance and Legal Departments and Finance Director George Quick, County Attorney Chuck Kitchen, and County Manager Ruffin for their excellent work.

Dr. E. Lavonia Allison, PO Box 428, Durham, NC 27702, representing the Durham Committee on the Affairs of Black People, praised Mr. Mike Hill and Mr. Peter Anlyan, both with Capital Broadcasting Company, for fulfilling their commitments to utilize M/WBE participation in the American Tobacco Project, creating an atmosphere that can remove distrust in relationships in Durham County.

Chairman Reckhow thanked Dr. Allison for her positive comments.

Centex Homes, Applicant (Rezoning Case P02-25)

Centex Homes presented to the Board of County Commissioners a request to rezone 133.3 acres located on the west side of Grandale Drive, north of the Sedwick Road intersection (PIN 0727-01-36-7805 [TM 531-1-6]).

Request: RD (Rural District) to PDR 1.66; F/J-B (Planned Density Residential—1.66 units/acre; Falls/Jordan Protected Area)

The original rezoning request for PDR 2.1 with 271 single-family lots was presented to the Board of County Commissioners on September 23, 2002. The Board continued the hearing, suggesting modifications to the rezoning. A revised rezoning request and development plan for PDR 1.93 and 251 single-family lots returned to the Board for a public hearing on March 24, 2003, but was continued again. The applicant further modified the rezoning request to the current proposal. These modifications met the Ordinance thresholds requiring a new public hearing before the Zoning Committee.

At the September 22, 2003 meeting, the Board continued this request to October 13, 2003, voting 5-0 to delete the cul-de-sac on Hamilton Way.

The proposal is in general conformance with the small area plan. Staff recommended approval citing general adopted plan conformance. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 13, 2003 and voted 5-1 to recommend denial, citing flooding concerns and school overcrowding.

The public hearing for this request was re-advertised on September 5 and 12, 2003 in the Durham Herald-Sun.

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

County Manager's Recommendation: The Manager recommended that the Board review the revised development plan associated with the proposed rezoning and if appropriate, based on the comments received, approve the rezoning.

Although four citizens signed to speak on this item, the County Attorney advised Chairman Reckhow that allowing public comment would be illegal, given that the public hearing was closed at the September 22, 2003 meeting. Citizen comment could be entertained only if a public hearing were readvertised.

Mr. Duke gave an overview of the revisions to the language relative to development plan elements. Direction had been given by the Board at its September 22, 2003 Regular Session to make these revisions.

Commissioner Heron referenced a fax she received from Sarah Broome asking that the Board increase the buffer width between the Herndon Tract and its northern neighbor, Grandale Place.

Mr. Duke informed Commissioner Heron that Grandale Place is zoned Planned District Residential (PDR), as is the proposed zoning in Centex's request. The Zoning Ordinance requires only a single transitional use where two PDR districts abut.

Chairman Reckhow explained that Grandale Place zoning is different from the zoning in other subdivisions abutting the Herndon Tract; therefore, buffer requirements are varied. Lot sizes in the proposal are comparable to, if not greater than, lot sizes in Grandale Place, which will create compatible developments.

Commissioner Jacobs called attention to an email she received from Carol Young inquiring about preservation of specimen trees. Commissioner Jacobs wanted clarification concerning this issue.

Patrick Byker spoke on behalf of Centex Homes. His understanding was that the revised language presented at this meeting reflected the consensus of the speakers at the September 22 public hearing, as well as Commissioner comments. Centex recognizes that tree save areas enhance the sale value of homes and takes all possible measures to preserve existing vegetation. Mr. Byker respectfully requested that the Board approve the rezoning request as presented.

Chairman Reckhow stressed that designating a number of trees to be saved would be an enforcement nightmare.

Vice-Chairman Bowser encouraged Centex to continue positive communications with residents in neighboring subdivisions.

Chairman Reckhow expressed her opinion that the new development would be an asset to Durham County.

Commissioner Heron applauded the developers, attorneys, and residents for building positive relationships, while resolving many adverse issues. Her desire was for open communications to continue.

Commissioner Bowser moved, seconded by Commissioner Jacobs, to approve the request of Centex Homes to rezone 133.3 acres (Herndon Tract) (Rezoning Case P02-25).

The motion carried unanimously.

(Legal description recorded in Ordinance Book 2, page ____.)

Preliminary Plat—Stone Hill Estates Subdivision (Case D03-153)

R. L. Horvath Associates Inc., on behalf of Durham Land Associates, submitted a preliminary plat for 132 clustered single-family residential lots on approximately 113.218 acres zoned R-20 and F/J-B. The property is located south of Freeman Road, west of Mineral Springs Road, east of Clayton Road, and north of N.C. Hwy. 98 (PIN 0851-01-26-0897, 0851-01-15-9118—County Atlas Page 61, Block A-1, B-1 and Page 70, Block A-4).

Planning staff recommended approval.

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

County Manager's Recommendation: The Manager's recommendation was that the Board approve the plat.

Mr. Duke gave a brief overview of the preliminary plat, stating that the project meets or exceeds all ordinance requirements for a clustered subdivision.

Commissioner Heron strongly recommended that during UDO development, staff carefully consider that the current ordinance allows multiple uses for stream buffers such as buffer requirements, tree save areas, open space, and density. In her opinion, multiple uses should not be allowed. Commissioner Heron asserted that the site plan maps were too small to determine whether any portions of lots are located in stream buffers or floodplains.

Chairman Reckhow interjected and asked if Planning staff or the developer had a larger site plan, given that the site plan provided by staff defies readability.

Mr. Horvath stated that he did not have a larger map. He assured the Commissioners that no lots are located in stream buffers or floodplains.

The Commissioners directed that Planning Department staff include larger maps in agenda packages.

Mr. Horvath introduced Tricia Roberts, Landscape Architect employed by R. L. Horvath Associates Inc.

Commissioner Jacobs moved, seconded by Commissioner Bowser, to approve the preliminary plat—Stone Hill Estates Subdivision (Case D03-153).

The motion carried unanimously.

(Tax Map number: _____; recorded in Ordinance Book 2, page _____.)

Vice-Chairman Bowser communicated that he had received a telephone call from a citizen who wished to build a storage facility on Cheek Road. He asked Mr. Duke if the citizen must make an \$8,000 deposit to begin the application process.

Mr. Duke answered that a non-refundable application fee, not a deposit, is required for cost recovery. If an applicant withdraws during the process, he may be entitled to partial reimbursement. A pre-application meeting is required before a project begins to inform the potential applicant of issues and problems that may arise. The citizen should call Sheila Stains-Ramp (rezoning) or T.E. Austin (plan amendment) to schedule a pre-application meeting.

Proposal for Cable Franchise Renewal Services

The Board of County Commissioners authorized staff to move forward to procure the necessary technical assistance for renewal of the County's cable franchise agreement. Action Audits LLC, consultants, Triangle J Council of Government's Cable Regulatory Consortium, submitted a proposal for a cable-related needs assessment and associated franchise renewal services to be completed over one year. Durham County receives a discounted price (\$37,258) due to its membership in the Consortium. This represents \$33,558 in professional services and \$3,700 in project expenses. The needs assessment and renewal services comprise eight elements: franchise compliance audit; four interviews; one statistically valid mail survey; one public hearing; a final report; updated cable standards ordinance; draft model cable franchise agreement; and technical assistance as needed for franchise negotiations.

Resource Person(s): Robert Sepe, President, Action Audits LLC; Chuck Kitchen, County Attorney; and Lowell Siler, Deputy County Attorney

County Manager's Recommendation: The County Manager recommended that the contract be approved in accordance with the terms and conditions as outlined in the proposal.

County Attorney Kitchen explained that last March, Time Warner invoked a formal proceeding under United States code for renewing its franchise. Consequently, the County must first conduct a needs assessment survey and then adopt a new cable franchise ordinance. A public hearing will be held before drafting the ordinance. Negotiations will be undertaken with Time Warner involving renewal of the cable franchise agreement.

Mr. Sepe stated that Action Audits LLC submitted a proposal to Durham County for a future cable-related needs assessment and associated franchise renewal services to be completed over one year. The future cable-related community needs assessment comprises five steps and the associated Renewal Services comprises three steps. The assessment begins with an analysis of Time Warner's compliance with its franchise terms

in order to establish a framework for any past compliance and future performance issues. The study then gathers community data using interviews, a mail survey, and a public hearing to capture the viewpoints of often-overlooked residents in the community and to allow multiple opportunities for community participation in the process. A final report encapsulates findings from the four preceding research efforts. Action Audits will then assist the County in updating its cable standards ordinance, draft a model franchise agreement, and support County staff in negotiating a franchise agreement with Time Warner.

Commissioner Cousin inquired about options the Board may have if Time Warner does not consent to the franchise terms. He also wanted to know if rate negotiations will occur.

County Attorney Kitchen replied that he and Mr. Sepe have agreed that the franchise ordinance and the actual franchise agreement should be written as two distinct documents. If Time Warner refuses to address community needs adequately, the County may replace Time Warner as the cable provider. The City declined when asked to participate in this contract with Action Audits. The County has little control over rates, but more control over the quality of service.

Mr. Sepe pointed out that under the existing contract, Time Warner is not required to expand its cable plan unless new subscribers are willing to pay. In this modern telecommunication and information age, the availability of broad band service is the economic engine of the future. If Time Warner expands its services, empty office space in the Durham community could be filled by entrepreneurial ventures.

Commissioner Heron directed a question to County Manager Ruffin about asking the City to participate in the contract with Action Audits.

County Manager Ruffin replied that Action Audits quoted a price in the \$60,000 range for a joint contract with the City. The City was agreeable to a joint venture only if the County would join the City in its professional service costs for cable renewal, currently totaling over \$200,000.

Commissioner Heron asked for clarification as to what areas will be targeted in the surveys. She inquired how the County can accomplish the objective of providing cable television to new and existing subdivisions outside the City limits.

Mr. Sepe answered that the surveys will be conducted in areas outside the City limits. To provide cable access to these areas, the franchise agreement could require cable installation in new subdivisions when power and phone lines are installed. Another suggestion was that the County's subdivision ordinance be modified to require that developers make accommodations for cable service. As new subdivisions are built, residents in between are also served.

County Manager Ruffin commented that Time Warner future's growth is in unincorporated areas of Durham County and can be used by the County as leverage in negotiations.

Commissioner Heron directed Mr. Sepe to make sure that citizens in the Rougemont and Bahama areas are surveyed.

Chairman Reckhow suggested that Action Audits use the Cable TV Advisory Board as a resource in its interview process. She also advised that Mr. Sepe consider, during negotiations, a dedicated local government channel for Durham County. Discussion should be held with the City about a shared channel. Chairman Reckhow requested periodic progress reports from Action Audits.

Commissioner Cousin moved, seconded by Commissioner Bowser, to approve the contract for cable franchise renewal services in accordance with the terms and conditions as outlined in the proposal.

The motion carried unanimously.

Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to the Commissioners.

Resource Person(s): Garry E. Umstead

County Manager's Recommendation: The County Manager recommended that the Board of County Commissioners vote to appoint members to the boards/commissions.

County Manager Ruffin stated that Vocational and Technical Educational Task Force appointments will be placed on the October 27, 2003 Regular Session agenda. All nominees are current in their payment of taxes.

Deborah Craig-Ray, Public Information and Governmental Affairs Director, informed Chairman Reckhow that David Blodgett and Frances Stephans, participants in the Durham City-County Neighborhood College, applied for positions on several boards and commissions.

Chairman Reckhow announced that the Commissioners will receive an award from the Durham Literacy Council on Thursday, October 16 at an awards ceremony at the Durham Chamber of Commerce. She asked that Commissioners Heron and Cousin attend the meeting since the other Commissioners would be out of town. Lucy Haagen, Executive Director, Durham Literacy Council, will present the award to the Commissioners at the October 27, 2003 Regular Session.

Chairman Reckhow recognized several NCCU students in attendance.

The students introduced themselves to the Commissioners and stated that attending the meeting and writing a 15-page report was a course requirement.

Chairman Reckhow announced that on October 22 from 1:00 to 1:45 p.m., high school students would conduct a mock County Commission meeting. The item of discussion involves four-year terms versus two-year terms for Durham County Commissioners. She encouraged the Commissioners to attend.

Appointments were made to the following board and commissions:

Adult Care Home Community Advisory Committee

David N. Blodgett
Cary E. Cornette
Dorothy R. Gagnier
Doreen L. Johnson
Carlotta Jordan
Mamie R. Parker
Miles Simpson

Community Child Protection Team/Child Fatality Prevention Team

Doreen L. Johnson
Karlene Fyffe Stewart
Anna Christine VanDis

Criminal Justice Partnership Act Advisory Board

Sadie Howard
Gary B. Harrison

Industrial Facilities and Pollution Control Financing Authority

Francis A. Stephans

Nursing Home Community Advisory Committee

David N. Blodgett
Nicole J. Davis

Public Library Board of Trustees

Jon C. Miller

Raleigh-Durham Airport Noise Abatement Committee

Miles Simpson

Women's Commission

Marian Andrews

Anna Christine VanDis

Commissioner Heron requested that advertisements for board and commission vacancies include information regarding openings limited to specific qualifications or categories.

Chairman Reckhow informed Commissioner Heron that she had directed staff in the Clerk's office to send announcements to relevant departments if an opening required specific qualifications.

Adjournment

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

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board