

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

Monday, May 23, 2005

7:00 P.M. Regular Session

**MINUTES**

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr., and Michael D. Page

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**

Chairman Reckhow called the Monday, May 23, 2005 Regular Session of the Board to order and asked everyone to rise and join in the recitation of the Pledge of Allegiance.

**Agenda Adjustments**

Chairman Reckhow announced that the revised agenda contained corrections to the Closed Session item.

Chairman Reckhow announced this morning's press conference at the Triangle Wastewater Treatment Plant with officials from the Town of Cary and Wake County and Representative David Price. The conference was held to announce the receipt of \$1.5 million in federal funds to help reuse wastewater from Durham's treatment plant for irrigation and cooling tower purposes. Chairman Reckhow conveyed that the state-of-the-art facility was phenomenal. She and County Manager Ruffin will discuss scheduling a time for the entire Board to tour the plant.

**Minutes**

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve as submitted the May 2, 2005 Worksession Minutes and as corrected the February 28, 2005 BOCC/City Council, April 18, 2005 CIP Worksession, and May 9, 2005 Regular Session Minutes.

As a follow up on the April 18 Minutes, Chairman Reckhow asked the County Manager to find out whether the Durham Legislative Delegation had been informed of Commissioner

support for the \$300,000 Bill in the House and Senate for the Museum of Life and Science. If not, she directed that an email be transmitted as soon as possible.

The motion carried unanimously.

Vice-Chairman Heron asked for the addition of an item regarding legislation concerning uniform animal shelter regulations.

Chairman Reckhow stated that the item would follow "911 Service Tax—House Bill 1638."

### **Recognition of Victoria Revelle as North Carolina 4-H Public Speaking Gold Medalist**

Cheryl L. Lloyd, County Extension Director, gave background on the award. She stated that the Board is requested to recognize and salute Victoria J. Revelle, a student at Durham School of the Arts, as the winner of the North Carolina 4-H Youth Development Public Speaking Competition. Victoria was recognized during the North Carolina 4-H Congress for her presentation on diversity in schools. Her speech, entitled "Mix it Up, Let's Get Something Started", promoted the importance of getting to know and respect students of different cultures. Victoria distinguished herself, as well as Durham County, as a winner among over 850 youth and volunteer leaders participating in this year's 4-H Congress. Victoria's hard work and enthusiasm is evident not only through her 4-H endeavors, but also as an excellent student and Teen Court participant.

Miss Revelle thanked the County Commissioners for the honor, as well as family members and the 4-H and Durham County Cooperative Extension Offices for their assistance in helping her become a two-time public speaking state champion.

Chairman Reckhow asked Miss Revelle's family to stand and be recognized. She stated that Victoria brought a lot of honor to the Durham community; Durham looks forward to her future accomplishments.

### **FY 2005-2006 Recommended Budget**

Chairman Reckhow asked that the citizen who signed to speak on this item defer their comments until the Monday, June 13, 2005 Budget Public Hearing.

Durham County Manager Michael M. Ruffin formally presented the recommended budget for FY 2005-2006 to the Board of County Commissioners in accordance with N.C.G.S. 159-12(b), the Local Government and Fiscal Control Act. The PowerPoint presentation follows:

Durham County Government  
Recommended Budget  
Fiscal Year 2005-2006  
Monday, May 23, 2005

Infant Mortality Rates (chart of statistics)

Community Outcomes

- Durham citizens are safe
- Durham enjoys a prosperous economy
- Durham citizens enjoy a healthy environment
- Durham’s citizens enjoy a community that is vibrant, rich in aesthetic beauty and embraces & promotes its cultural heritage
- Children are ready for & succeeding in school
- Every citizen in Durham has access to adequate, safe & affordable housing
- Durham Citizens are healthy
- Durham enjoys sustainable, thriving neighborhoods with efficient & well-maintained infrastructure

Results Based Accountability

- Durham citizens are safe (line trend)

General Fund

- \$528.1 million appropriation
- An increase of 7.31% over the current year’s appropriation

Fund	Current FY 04-05	Requested FY 05-06	Proposed FY 05-06	% Increase
General	\$492,163,205	\$558,964,109	\$528,161,165	7.31%
Debt Service	\$ 34,586,815	\$ 36,887,554	\$ 37,462,554	8.31%
Capital Finance Plan	\$ 34,795,508	\$ 38,666,597	\$ 39,108,597	12.40%
Grand Total	\$596,319,687	\$671,311,731	\$ 64,830,515	7.80%

Why an increase in the General Fund?

- Pass-through funding has increased by \$35.7 million

Budget Highlights

Durham Public Schools

- \$11.98 million increase requested  
= 7.8 cent increase in property tax rate
- \$4.41 million increase recommended  
= 2.1 cent increase in property tax rate

School Spending in 10 Most Populous Counties

Rank	County	Total Current Spending Per ADM
1	Mecklenburg	\$2,403
2	Durham	\$2,264
3	New Hanover	\$2,163
4	Wake	\$1,849
5	Guilford	\$1,801

6	Forsyth	\$1,720
7	Buncombe	\$1,479
8	Cumberland	\$1,110
9	Gaston	\$ 992
10	Onslow	\$ 906

School Funding—FY 05-06 Property Tax Expenditures

- Other County Expenditures—40.5 cents
- School Expenditures—59.5 cents

Pre-Trial Services

- \$235,951 appropriation in Criminal Justice Resource Center
- three additional positions
- will reduce daily jail population
- \$90,000 annual savings

Misdemeanant Fingerprinting

- \$159,209 appropriation
- service to begin April 1, 2006
- five additional detention officer positions

Vehicle Fleet Replacement

- more vehicles for less money
- schedule will resolve over-due replacement needs
- annual Cost: \$416,453 less than current expense

East Regional Library

- \$331,506 appropriation
- 19 new positions
- opening May 1, 2006

New Positions

- 50.29 new positions
- increase workforce to 1803 FTEs
- 160 fewer positions than in 2001

Positions Recommended	FTE's	Cost
Senior Internal Auditor/Mgr	1	\$37,713
Revenue Agent-Real Prop. (Tax)	1	\$26,576
Revenue Agent – Motor Veh (Tax)	1	\$26,576
Assc. County Attorney (Legal)	1	\$54,041
Deputy Register of Deeds	1	\$17,572
Maintenance Tech (Gen Svcs.)	1	\$23,412
Equip Tech/Electrc'n (Gen Svcs.)	1	\$18,493
Senior Programmer Analyst (IT)	1	\$56,484

Database Administrator (IT)	1	\$40,594
Project Coordinator (IT)	1	\$25,904
Budget Analyst (Budget)	1	\$36,403
Sheriff Deputy (Sheriff)	1	\$46,208
Detention Officer (Sheriff)	5	\$46,208
Staff Specialist (CJRC)	1	\$16,979
Human Services Coord. (CJRC)	1	\$38,316
Case Manager (CJRC)	2	\$56,558
Animal Control Officer	2	\$32,554
Clinical Affairs Coord. (EMS)	1	\$29,082
Real Estate Tech (Engineering)	1	\$30,233
Program Asst/EFNEP (Coop Ext)	0.39	\$7,552
Public Health Nurse II	2	\$72,104
Social Worker III (DSS)	1	\$35,984
Inc. Maint. Caseworker II (DSS)	1	\$27,437
Processing Asst. II (DSS)	1	\$21,550
Admin. Librarian II	1	\$26,292
Senior Librarian	2	\$29,344
Librarian	4.47	\$63,246
System Support Tech (Library)	1.53	\$18,072
Circulation Manager (Library)	1	\$14,043
Sr. Library Assistant	3	\$32,553
Library Assistant	1	\$14,781
Staff Assistant II (Library)	1.06	\$10,153
Library Page	3.84	\$19,861
Project Coord. (Enterprise Fund)	1	\$40,328
Total	50.29	\$1,077,724

Employee Salaries & Benefits

- continue performance-based pay plan
- \$1 million for increases for positions paid below market rate
- County salaries approximately 12.4% below market
- health insurance costs to increase by 15%
- increase employer contribution from \$200 to \$230
- \$978,000 for retiree life & health benefits
  - 279 retirees – life insurance benefits
  - 217 retirees – health insurance benefits

Performance Increases	\$1,019,302
Market Adjustments	\$1,000,000
Longevity:	\$564,175
Probationary Increases:	\$120,198
Retiree Health Coverage	\$978,000
Health Ins. Increase (15%):	\$219,664
Total Increases for Salaries & Benefits	\$3,901,339

Nonprofit Funding

- 50 applications received
- total funding request: \$2.5 million
- recommending \$1,008,070 in funding
- 30 organizations; six first-time recipients

Organization	Requested	Recommended
American Red Cross	\$10,000	\$5,000
Big Brothers Big Sisters	\$35,000	\$35,000
Child & Parent Support Services	\$8,800	\$8,800
Child Advocacy	\$35,000	\$31,421
Child Care Services Asso.	\$30,890	\$29,626
Council for Senior Citizens	\$250,000	\$135,188
Durham Companions	\$6,500	\$4,750
Durham Crisis Response Ctr	\$50,000	\$46,730
Eno River Assoc.	\$15,000	\$12,350
Family Counseling	\$15,000	14,963
Full Frame Documentary Film Festival	\$25,000	\$5,000
Genesis Home	\$22,500	\$19,950
Infants & Young Children w/Special Needs	\$10,000	\$10,000
John Avery Boys & Girls Club	\$45,000	\$35,000
KB Career Services	\$151,120	\$5,000
Literacy Center-Adult Literacy	\$16,000	\$14,963
Literacy Center- Youth GED	\$32,000	\$32,000
Meals on Wheels	\$12,000	\$9,975
Middle School After School	\$95,500	\$89,775
Money Wise	\$15,000	\$5,000
Operation Breakthrough	\$178,376	\$97,375
Piedmont Wildlife Center-rehab.	\$20,000	\$5,000
Planned Parenthood	\$55,000	\$4,641
Project Graduation	\$5,700	\$5,700
Radio Reading Services	\$4,250	\$3,713
Read Seed	\$25,000	\$5,000
Senior Aides	\$28,500	\$28,500
Senior PHARMAssist	\$90,000	\$89,775
Teen Court & Restitution	\$35,000	\$31,500
Urban Ministries Community Shelter	\$160,000	\$154,875
Women-In-Action	\$35,000	\$31,500
Total	\$1,517,136	\$1,008,070

Court System Funding

- consider funding all “Tier 1, 2, and 3” requests
- Amounts to \$1,000,938 = a tax rate increase of ½ cent
- \$73,436 one additional district attorney

Budget Drivers

- Two major sources of revenue:
  - Property Taxes
  - +
  - Sales Taxes
 = \$214 million a year  
 Comprises 73 cents of every dollar collected

Medicaid

- NC is the only state that requires a county match
- County share is 5 cents
- FY 2005-2006 we'll pay \$10.8 million
- recommending an increase of \$36 million in the general fund
- of that, \$35.7 million is pass-through funding

Tax Base

- Sales Tax projected to grow by \$2.3 million
- Property Tax at current rate of .79 cent will generate an additional \$4.7 million
- \$8 million in new money exists for \$66.8 million in requests
- Projected growth is 2.7% increase next year

Tax Base Chart

	FY2005 Adopted	FY2005 Actual	FY2006 (Budget Estimate)	% Change from FY05 Actual
Real Property	\$16,291,198,517	\$16,292,200,126	\$16,807,856,693	3.17%
Auto Value	\$1,513,936,896	\$1,483,258,810	\$1,542,589,162	4.00%
Personal Value	\$2,348,593,306	\$2,325,387,420	\$2,320,387,420	-0.22%
Public Service	\$525,000,000	\$523,810,967	\$510,000,000	-2.64%
Total	\$20,678,728,719	\$20,624,657,323	\$21,180,833,275	2.70%

Property Tax

- 2.9 cents increase
  - 79 cents to 81.9 cents
- 3.6% increase
- On a \$150,000 house, an annual increase of \$43.50
- Continuation of School Funding next year
  - = \$4,407,999
  - +
- Medicaid & other public assistance programs next year
  - = \$1,570,103
  - +
- Crime-related initiatives = \$468,596
  - =2.9 cents

Tax Rates for Fire Districts

Fire Districts	FY04-05 Rate	FY05-06 Requested	FY05-06 Recommended
Bethesda	.0650	.0650	.0650
Lebanon	.0670	.0750	.0750
Parkwood	.1100	.1100	.1100
Redwood	.0825	.1000	.1000
New Hope	.0650	.0565	.0565
Eno	.0640	.0570	.0570
Bahama	.0600	.0600	.0600

Fund Balance

	FY 2004 Actual	FY 2005 Projected	Anticipated Change
Reserved Fund Balance	\$22,735,334	\$22,621,220	\$(114,114)
Designated Fund Balance	\$16,771,776	\$19,440,813	\$2,669,037
Undesignated Fund Balance	\$21,950,944	\$22,578,732	\$627,788
Total Fund Balance	\$61,458,054	\$64,640,765	\$3,182,711
% Reported to LGC	13.24%	13.76%	0.53%

FY 05-06 Budget Hearings:

- Tuesday, 6/24 12:30-5:00
  - Revenue budget; Fee increases
- Wednesday, 6/1 2:00-5:00
  - Durham Public Schools; Employee Compensation
- Thursday, 6/2 9:00- 4:00
  - New positions in selected departments, Animal Shelter, Animal Control, General Services, EMS, Tax, Information Technology, Pre-Trial Services, Sheriff, Court System
- Monday 6/6 1:00- 4:00
  - Human services, Medicaid, County Attorney
- Monday 6/13 2:00- 6:00
  - Volunteer Fire Departments; 911; Planning
- Monday 6/13 7:00pm Public Hearing
- Monday 6/20 9:00- 4:00
  - Nonprofit, Final Issues
- Monday 6/27 7:00pm Budget Adoption

Where to Find Information

- Durham County Public Library
- Office of the Clerk to the Board (660-0025)
- Budget Office (560-0018)
- County Manager's Office (560-0000)
- Message and Presentation <http://www.co.durham.nc.us>



Chairman Reckhow noted that the Board would delve into the County Manager's recommended budget during budget worksessions starting tomorrow.

**Consent Agenda**

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

- \*a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for April 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- \*e. Budget Ordinance Amendment No. 05BCC000058—Social Services—Recognize Additional Child Care Funds (approve \$70,000 in Community Development Block Grant funds and \$38,000 in Smart Start funds);
- \*f. Budget Ordinance Amendment No. 05BCC000059—To Fund FY 2004-05 Civic Center Capital Items (approve the transfer of \$59,950 from Non-Departmental contract services to the Civic Center account to pay for the County's share of capital items); and
  - i. Approve the County's Revised 10-Year Capital Improvements Program (CIP)—FY 2006–FY 2015.

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2004-05 (accept the property tax release and refund report for April 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of April 2005.

Releases & Refunds for 2004 Taxes:

Real Estate	\$	45,424.65
Personal	\$	568.84
Registered Vehicles	\$	21,249.75
Vehicle Fees	\$	420.00
Solid Waste Fees	\$	<u>150.00</u>
Total for 2004 Taxes and Fees	\$	67,813.24

Prior years' (2001-2003) releases and refunds for April 2005 are in the amount of \$1,887.08. The total current year and prior years' releases and refunds amount to \$69,700.32.

(Recorded in Appendix A in the Permanent Supplement of the May 23, 2005 Regular Session Minutes of the Board.)

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Consent Agenda Item No. e. Budget Ordinance Amendment No. 05BCC000058—Social Services—Recognize Additional Child Care Funds (approve \$70,000 in Community Development Block Grant funds and \$38,000 in Smart Start funds).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$263,672,650	\$108,000	\$263,780,650

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$325,109,282	\$108,000	\$325,217,282

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

This the 23rd day of May, 2005.

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Consent Agenda Item No. f. Budget Ordinance Amendment No. 05BCC000059—To Fund FY 2004-05 Civic Center Capital Items (approve the transfer of \$59,950 from Non-Departmental contract services to the Civic Center account to pay for the County's share of capital items).

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Cultural & Recreation	\$8,075,085	\$59,950	\$8,135,035

Other	\$3,821,662	(\$59,950)	\$3,761,712
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of May, 2005.

**Consent Agenda Items Removed for Discussion**

\*Consent Agenda Item No. b. Budget Ordinance Amendment No. 05BCC000055—Criminal Justice Resource Center, “A New Day” Juvenile Day Reporting Center (approve a \$200 donation from a private citizen and \$900 awarded to “A New Day” from the Durham Giving Project).

Ms. Victoria Peterson, P.O. Box 101, Durham, asked that the Commissioners hire a consultant to perform an audit on the Criminal Justice Resource Center.

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\*Consent Agenda Item No. c. Budget Ordinance Amendment No. 05BCC000056—Criminal Justice Resource Center (approve \$4,477 in reallocation funds from the NC Department of Corrections, Criminal Justice Partnership Program).

Ms. Victoria Peterson, P.O. Box 101, Durham, spoke to the Commissioners about funding for various organizations. She asked why the County is only partnering with one organization in the community to fight crime.

Commissioner Cheek called for a point of order. He requested that the agenda be followed; citizens should only be allowed to speak to items on the agenda.

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\*Consent Agenda Item No. d. Budget Ordinance Amendment No. 05BCC000057—Cooperative Extension: Juvenile Crime Prevention Council (approve \$32,841).

Ms. Victoria Peterson, P.O. Box 101, Durham, requested an itemized budget regarding the Council’s funding utilization.

Commissioner Cheek called for a point of order.

Chairman Reckhow communicated to Ms. Peterson that an attempt would be made to get the information.

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Consent Agenda Item No. g. FY 2005-2006 Juvenile Crime Prevention Council Funding Recommendations (approve the recommended local funding plan for allocating \$561,475 in State DJJDP funding for FY 2005-2006).

Ms. Victoria Peterson, P.O. Box 101, Durham, requested budget information.

Commissioner Cheek again called for a point of order.

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Consent Agenda Item No. h. Sale of the White Cross Community Center (approve the private sale at the negotiated price of \$10.00 subject to the terms of an agreement for the preservation of the property and structure; authorize the Manager to execute a contract with Historic Preservation Society of Durham to share in the proceeds of the sale).

Vice-Chairman Heron removed the agenda item to inquire about the time that would be allowed for the new owners to rehabilitate the building.

Glen Whisler, County Engineer, replied that the Historic Society would negotiate a schedule as part of the sale.

Chairman Reckhow asked that the County Manager provide a copy of the contract to the Board prior to execution.

Vice-Chairman Heron stressed the importance of a time limit for building rehabilitation.

Vice-Chairman Heron moved, seconded by Commissioner Page to approve consent agenda item Nos. \*b, \*c, \*d, g, and h.

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda Item No. b:

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000055

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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>			
Miscellaneous Income	\$ 3,877,794	\$1,100	\$ 3,878,894

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,796,386	\$1,100	\$40,797,486

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

This the 23rd day of May, 2005.

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Consent Agenda Item No. c:

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000056

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$263,701,014	\$4,477	\$263,705,491

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,797,486	\$4,477	\$40,801,963

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

This the 23rd day of May, 2005.

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Consent Agenda Item No. d:

DURHAM COUNTY, NORTH CAROLINA  
FY 2004-05 Budget Ordinance  
Amendment No. 05BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$263,705,491	(\$32,841)	\$263,672,650

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			

Economic & Physical Development	\$ 3,248,153	(\$32,841)	\$ 3,215,312
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of May, 2005.

**Public Hearing—Coordinated Transportation: FY 2005-2006 Rural Operating Assistance Program (ROAP) Grant—Application Approval**

Johnny Ford, Transportation Access Coordinator, stated that the Cooperative Extension Service is requesting Board approval of the Rural Operating Assistance Program (ROAP) grant to be submitted to the North Carolina Department of Transportation (NCDOT). The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program, and the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First. The Rural General Public funds will be used to supplement existing routes that currently serve the County.

The application proposes allocating \$88,501 of governmental revenue to support transportation for Durham County Elderly and Disabled residents through the Elderly and Disabled Transportation Assistance Program (EDTAP) and \$12,730 for Work First Transitional/Employment. These funds require no Local match. The \$40,803 for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares. These programs help support the transportation needs of citizens through County and nonprofit, human service agencies.

The NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$142,034 for FY 2005-2006.

Funds shall be used to provide services for the noted agencies:

Council of Senior Citizens  
Dept. of Social Services (Adult)  
Durham Exchange Club Industries  
Retired and Senior Volunteer Program  
Services for the Blind

Vice-Chairman Heron voiced her concern about the excessive transportation costs for nonprofits such as the Coordinating Council for Senior Citizens.

Mr. Ford conveyed that a regional transportation planning initiative is underway with Durham, Orange, and Wake Counties. Vice-Chairman Heron's concern would be one of the issues addressed.

In response to a question by Vice-Chairman Heron, Mr. Ford explained the process by which nonprofit agencies apply for eligible funding.

Chairman Reckhow clarified that the County Commissioners approved the Regional Transportation Development Plan in April 2005. She suggested that Vice-Chairman Heron, given her strong interest, represent the Board of County Commissioners on the steering committee that will be formed.

Vice-Chairman Heron asked Mr. Ford to notify her of the steering committee meetings.

Chairman Reckhow stated that she and County Manager Ruffin would be monitoring the regional transportation initiative and bring back to the Board any interim reports.

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 before the Board.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the ROAP application for submittal to NCDOT.

The motion carried unanimously.

APPENDIX A  
CERTIFIED STATEMENT  
FY 2005 - 2006  
RURAL OPERATING ASSISTANCE PROGRAM

Whereas Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering all federal and/or state programs related to public transportation, and grants the department authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY 2005 - 2006 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as the department may require;

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2005 through June 30, 2006;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Durham, North Carolina, and that the following statements are true and accurate:

#### Elderly and Disabled Transportation Assistance Program

1. The funds received from G.S. 136-44.27 will be used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds.
2. The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.
3. The funds received will be used in a manner consistent with the local Transportation Development Plan (TDP) or Community Transportation Services Plan (CTSP) and application approved by the North Carolina Department of Transportation and the Board of Commissioners.

#### Work First Transitional/Employment Transportation Assistance Program

1. The purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/other specified general public employment transportation needs. The funds may be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program if not needed for Work First transportation.
2. The funds are limited to use by the designated local entity(s) specified in the ROAP application, or any revisions or amendments thereto.

#### Rural General Public Program

1. The funds will be used in a manner consistent with the Rural General Public Transportation Project Description.
2. The funds will be used to provide non-human service trips.

#### **Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees for Fiscal Year 2005-2006**

Heidi Duer, Assistant County Manager/Impact Fee Administrator, gave an overview of the item. As required by the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing, nonprofit organizations constructing affordable housing in Fiscal Year 2005-2006 seeking an impact fee voucher must submit an application for nonpayment of impact fees “at the time of submission of the County’s annual budget, nondepartmental funding requests.” Applications were due to the Impact Fee Administrator by April 1, 2005. Pursuant to G.S. 158-7.1, as stated in the above referenced policy, a public hearing shall be



held by the Board of Commissioners on all requests for payment. These requests are for new residential construction that will occur between July 1, 2005 and June 30, 2006.

The following nonprofit organizations submitted requests:

- Habitat for Humanity of Durham in the amount of \$10,000 (five single-family homes)
- Self-Help Inc. in the amount of \$12,000 (six single family homes)
- TROSA in the amount of \$9,240 (eight multi-family dwelling units)

The total amount requested in impact fee affordable housing vouchers for FY 2005-2006 was \$31,240.00.

Staff recommended approval of 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 before the Board.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to authorize the Impact Fee Administrator to grant the payment vouchers.

The motion carried unanimously.

Vice-Chairman Heron expressed her delight to see housing provided for persons who could not otherwise afford homeownership.

#### **Public Hearing—Zoning Map Change—Daniel Road Subdivision (Case Z05-04)**

Frank M. Duke, AICP, Planning Director, requested that the Board approve a zoning map change for two parcels totaling 9.151 acres located on the east side of Valmet Drive, north side of Daniel Road, and south side of Chunky Pipe Creek Road. PIN 0851-02-58-1574, 0851-01-49-8050. Request: R-20; F/J-B to PDR 3.5; F/J-B

A development plan was submitted as part of the rezoning request. Staff recommended approval. The Durham Planning Commission conducted a public hearing on April 12, 2005 and recommended approval with a vote of 9-1.

The public hearing for this request was advertised on May 6 and 13, 2005 in The Herald-Sun.

Mr. Duke read the following committed elements:

1. A maximum of 28 single-family lots will be provided
2. Minimum lot size—6,000 square feet
3. No lots will be platted within the stream buffer
4. Two points of access will be provided
5. At the time of site plan/plat approval, the developer will investigate the option of utilizing two cul-de-sacs rather than a through street, providing a pedestrian access crossing over the stream.

6. Active recreation facilities will be provided in the specified active recreation area of open space with the nature of the equipment determined and installed before the 20<sup>th</sup> certificate of compliance is issued or the final street acceptance by the City of Durham, whichever is first.

Commissioners asked questions pertaining to the following:

- Topography (Cheek)
- Grading (Cheek, Reckhow, & Heron)
- Cul-de-sacs versus single through street (Reckhow)
- Density – PDR 3.5 vs. 3.06 (application stated PDR 3.5) (Reckhow)
- Size of lots (Heron)
- Tree protection/preservation (Heron)
- Choice of equipment for recreation facility (Cheek)
- When construction will begin (Heron)

Chairman Reckhow opened the public hearing that was properly advertised and called signed speaker Ron Horvath, representing the developer, 16 Consultant Place, Durham, NC 27707, forward for comments.

Mr. Horvath provided answers to the Commissioners' questions. He requested approval of the rezoning.

Mr. Duke assisted with answers.

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

Commissioner Cousin asked County Attorney Kitchen to advise when/if the Board considers basing rezoning approval on certain committed elements.

County Attorney Kitchen responded that the developer must proffer committed elements, not offer them as a trade for approval.

Mr. Duke stated that the developer has added one committed element – no mass grading—grading on lot by lot basis.

County Attorney Kitchen made it clear for the record that the added committed element was proffered by the developer.

Mr. Duke informed that the designation would be revised to reflect a gross density of PDR 3.06, not PDR 3.5.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the zoning map change, Daniel Road Subdivision, with the amended proposed rezoning to PDR

3.06 and the addition of the committed element for no mass grading—grading on lot-by-lot basis.

The motion carried unanimously.

### **911 Service Tax—House Bill 1638**

Commissioner Heron requested that the Board go on record opposing House Bill 1638. The bill would eliminate the landline and wireless 911 surcharges. The County has budgeted revenues of \$1,166,222 from the two 911 surcharges for FY 06. These monies can only be used for the provision of 911 services. The proposed bill would authorize a new 911 Service Tax which would be assessed and collected by the County. The proposed tax could not be assessed until the 911 fund balance is depleted. The tax would not be effective until 120 days after adoption of an ordinance imposing the tax. These provisions acting together will almost certainly ensure that no tax will be collected in the ensuing year. Further, the bureaucracy, which would have to be created to assess and collect the special tax, would make the tax undesirable. As a practical matter, the convoluted nature of the bill would result in a repeal of the 911 surcharge and replace it with an increase in the property tax rate.

Jim Soukup, Director of Emergency Communications, emphasized tax inequities of the proposed legislation.

County Attorney Chuck Kitchen stated that imposing and collecting the special use tax appears illogical and unrealistic.

Commissioner Cheek moved, seconded by Commissioner Cousin, to oppose House Bill 1638 and send a letter of opposition and concern to the local delegation.

The motion carried unanimously.

Vice-Chairman Heron asked Deborah Craig-Ray, Assistant County Manager, to express fervent opposition to the Bill to the legislators.

### **Animal Shelter Uniform Regulations—Senate Bill 529**

Vice-Chairman Heron briefly reviewed the bill that places standards on animal care in boarding kennel, animal shelters, pet shops, public auctions, etc. The bill also regulates euthanasia. She asked for Commissioner support of this bill.

Chairman Reckhow clarified that the bill exists, but amendments are being proposed.

County Attorney Kitchen stated that the revisions subject county and city animal shelters to certain regulations.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to support Senate Bill 529.

The motion carried unanimously.

**Presentation and Request to Appoint Steering Committee for Durham's Ten-Year Plan to End Homelessness**

Terry Allebaugh, Executive Director, Housing for New Hope, reported that Durham County and Durham City Government have committed funding to develop a Ten-Year Plan to End Homelessness. As part of this process, a select group of citizens from a wide spectrum of the population is being asked to serve on the Steering Committee to help develop a plan. Though the number of homeless people in Durham is growing, the numbers are not as overwhelming as in many other larger metropolitan areas. Solving the homeless problem in Durham is doable. Currently, several successful efforts are underway in the city that address homelessness and provide much needed services to our citizens. Over 100 cities across the country have or are currently in the process of developing a plan to end homelessness; the federal government strongly supports these efforts. The Ten-Year Plan to End Homelessness in Durham will move us from managing homelessness to preventing and eliminating homelessness. Stakeholders are needed to develop a plan of action, including the health care community; faith community; business sector; educational institutions; city and county governments; private foundations; civic and professional organizations; and those who are homeless or previously homeless.

Chairman Reckhow noted that corrections should be made on the "Planning Process and Timeline" document to include the County and Chairman Reckhow.

Mr. Allebaugh gave a brief update on the process as follows:

- Management Team formed
- Steering Committee selected
- Project Manager Ruth Peebles hired
- Input from County Manager Mike Ruffin, City Manager Patrick Baker, Mayor Bill Bell, and Chairman Reckhow

Mr. Allebaugh asked for endorsement of the Steering Committee members and Co Chairs.

Ruth Anne Peebles, Project Manager, presented the timetable for the process (June through January).

- 8 meetings
  - 3 full Steering Committee meetings
  - 4 subcommittee meetings
  - 1 final meeting for review of the draft written plan
- public forums in August and September
- meetings with focus groups including homeless and previously homeless individuals

In January, the action plan is to be presented to the County Commissioners and City Council for review and approval.

Chairman Reckhow asked Ms. Peebles questions relating to:

- groundwork being done to collect data
- committee members who also serve on Housing's RBA Committee

Chairman Reckhow informed Mr. Allebaugh that efforts of the Results Based Accountability Committee and its indicators should be addressed in conjunction with the plan.

Commissioner Page asked about committee members who have been homeless.

Mr. Allebaugh responded that three persons on the committee were formerly homeless and resided at the shelter.

Commissioner Page asked where Ms. Peebles' office is located.

Ms. Peebles replied that her office is at Triangle United Way in Morrisville.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the following appointments of the Steering Committee for Durham's Ten Year Plan to End Homelessness.

The motion carried unanimously.

Ten-Year Plan to End Homelessness in Durham  
Steering Committee Member Roster

Co-Chairs:

Ms. Carolyn Thornton  
Mr. Peter Anlyan

Members:

Ms. Ann Atwater  
Mr. Mike Barros, Director, Department of Housing and Community Development, City of Durham  
Mr. Scott Benhase, Pastor, St. Phillips Episcopal Church  
Ms. MaryAnn Black, Associate Vice President for Community Affairs, Duke University Health System  
Ms. Juliette Bunn, Royal Home Fashions Inc.  
Ms. Mariela Cabaleiro, SunTrust Bank  
Chief Steve Chalmers, Chief, Durham City Police  
Mr. Craig Chancellor, President, Triangle United Way  
Mr. Harold Chestnut, Interagency PAC Council  
Ms. Cora Cole-McFadden, Mayor Pro Tempore, City of Durham

Mr. Lewis Dancy, Assistant Director of Home Lending, Self Help Credit Union  
Reverend Herb Davis, Pastor, Nehemiah Christian Center COGIC  
Mr. Kenneth W. Edmonds, Publisher, The Carolina Times  
Ms. Delores Evans-Benton, Program Service Coordinator, Hope VI, Durham Housing Authority  
Ms. Beverley Francis, Director of Philanthropic Services, Triangle Community Foundation  
Mr. Scott Gardner, Triangle Area Manager, Business and Government, Duke Power Company  
Mr. Dan Glaser, Senior Vice President and CFO, Blue Cross Blue Shield of North Carolina  
Ms. Libby Gulley  
Ms. Sue Gupstill, Director of Nursing, Durham County Health Department  
Ms. Gayle Harris, Assistant Director, Durham County Health Department  
Pastor Joe Harvard, Pastor, First Presbyterian Church  
Mr. Dan Hudgins, Coordinator, Center for Aging Research and Evaluation Services  
Sheriff Worth Hill, Sheriff, Durham County Sheriff's Department  
Reverend Haywood Holderness, Pastor, Westminster Presbyterian Church  
Ms. Ellen Holliman, Executive Director, Durham Center  
Mr. Larry Jones, Interim Director, Durham Center  
Ms. Margaret Keller  
Dr. Micheline Malson, Consultant to Nonprofits, Family Matters  
Ms. Vivian McCoy  
Reverend Michael Page, Pastor, First United Antioch Baptist Church  
Mr. Michael Palmer, Director, Office of Community Affairs-Duke University  
Ms. Pam Parker, Senior Vice President, Bank Of America  
Ms. Gudrun Parmer, Director, Criminal Justice Resource Center  
Father Steve Patti, Pastor, Immaculate Conception Catholic Church  
Mr. Larry Peterson, Chief Social Worker, Durham VA Hospital  
Mr. Brad Phillips, Vice President, Government and Public Affairs, Time Warner Cable, Raleigh Division  
Ms. Rebecca Reyes, Coordinator, Latino Health Project-Duke Medical Center  
Mr. Carl Rist  
Ms. Diana Robinson, North Carolina Mutual Insurance Company  
Dr. Isaac Robinson, Program Director, NCCU Social Work Department  
Ms. Beth Shulman, Financial Aid Program Assistant, Durham Technical Community College  
Reverend Charles Smith, President, NAACP  
Ms. Donna Sylver, Chief Financial Officer, Mutual Community Savings Bank  
Ms. Patricia Sturdivant, Director, Durham Service Delivery Area  
Mr. Sam Whitted, Program Director, Sherwood Park Efficiency Apartments  
Mr. David Winer, Durham Congregations in Action  
Ms. Diane Wright, Organizational Development Manager, Durham Co. Department of Social Services  
Ms. Susan Yaggy, Chief, DUMC Division of Community Health

### **911 Service Tax—House Bill 1638 (continued)**

In reference to the 9-1-1 surcharge, Vice-Chairman Heron advised that the data generated by County Manager Ruffin on benefits of the 9-1-1 surcharge be attached to the communication to the legislators.

### **Board and Commission Appointments**

Chairman Reckhow recommended that the Commissioners delay appointments to the Durham-Wake Counties Research and Production Service District, as the Commissioners had not received copies of the applications in advance. The appointments would be made at the June 13 Regular Session. In addition, she recommended that the Board not make appointments to the Women's Commission since the Commission has requested more diversity on its board. The openings should be readvertised.

Chairman Reckhow advised that future memos from the Clerk to the Commissioners include applicant information for all boards and commissions listed on the ballots.

The Board of County Commissioners made the following appointments:

#### Board of Adjustment

Furney E. Brown Jr.

#### City-County Appearance Commission

John L. Dailey Jr.

George E. Stanziale Jr.

Warren Samberg

#### Durham County Hospital Corporation Board of Trustees

Exter G. Gilmore Jr.

Reverend R. Hammond

Evelyn D. Schmidt, M.D.

Robert A. Buchanan Jr., M.D.

Mark Branch, M.D.

#### Durham Planning Commission

George A. Brine

#### Nursing Home Community Advisory Committee

Bruce A. Peterson

### **Legislative Issues**

Chairman Reckhow thanked Deborah Craig-Ray, Assistant County Manager, for the written update on legislative issues.

**Closed Session**

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to adjourn to closed session to consider the conditions of initial appointment of a public officer pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

**Reconvene to Open Session**

Chairman Reckhow announced that the County Commissioners discussed recommendations from the Social Services Board for the Department of Social Services director.

Commissioner Page moved, seconded by Vice-Chairman Heron, to appoint Mr. Sam Haithcock as Social Services Director at an annual salary of \$118,000.

The motion carried unanimously.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Clerk to the Board