

August 1, 2005 Worksession

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

Monday, August 1, 2005

9:19 A.M. Worksession

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 Commissioner Lewis A. Cheek

Absent: Commissioners Philip R. Cousin Jr. and Michael D. Page

Presider: Chairman Reckhow

Chairman Reckhow welcomed everyone to the August 1, 2005 Worksession.

Chairman Reckhow announced that Commissioner Michael D. Page had been excused from the meeting. Commissioner Philip R. Cousin Jr. would arrive late due to a family emergency.

Citizen Comments—Marvin Jones

Mr. Marvin Jones had requested time on the agenda to speak to the Commissioners about gang prevention. Since he was not present at the meeting, Chairman Reckhow asked the Clerk to the Board to communicate with Commissioner Cousin to determine whether the item needed to be rescheduled.

Recognition of Tax Administration Staff for Excellent Collections Year

At the July 25 Board of County Commissioners' meeting, the Tax Administrator Ken Joyner requested time on the August 1 agenda to recognize Tax Administration staff for the banner collection year that Durham County and the City of Durham just completed.

Chairman Reckhow recognized Mr. Joyner.

Mr. Joyner thanked the Board for the opportunity to recognize Tax Administration staff for preceding year collections. The Tax Office had a banner year in FY 2004-05, finishing just under 98.25 percent, which is the third consecutive year of growth.

Mr. Joyner introduced Attorneys Ann Page Watson and David Franklin who worked on the Foreclosure program and Sheriff's Deputy Watford who made great strides for the Tax Office on the Levy program.

Chairman Reckhow asked employees from the Tax Office divisions to stand and be recognized as follows: Land Records, Real Property Appraisal, Listing Personal Property, Call Center, and Collections.

On behalf of the Board of County Commissioners, Chairman Reckhow thanked the Tax Office staff, stating that it was spectacular for the collections to be substantially over 98 percent, which allows the County to fund important community programs.

Commissioner Heron commented that this collection rate certainly helps keep the tax rate low. She also recognized the efforts of Tax staff that enables the County Manager to recommend a low tax increase compared to other counties in the state. Vice-Chairman Heron expressed appreciation for the efforts of the entire department.

Commissioner Cheek noted, for the record, that the attorneys were applauded instead of receiving customary criticism. He thanked the attorneys.

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Durham Commute Trip Reduction Program Report for 2005

Commissioner Reckhow conveyed that the next two agenda items are related; therefore, she asked resource persons from the Triangle Transit Authority (TTA) and the Environmental Affairs Board (EAB) to listen to both reports.

Chairman Reckhow announced that Durham County adopted a Commute Trip Reduction Program in Year 2000. TTA administers the program for the County. TTA's report will reflect 2004-2005 data.

John Tallmadge, TTA representative, shared a brief overview of the successes in FY 2004-2005. He reviewed and explained the survey summary that compared FY 2003-04 and FY 2004-05 data and gave the following PowerPoint presentation:

Commute Trip Reduction Program - Showing Steady Progress

2004-2005 Survey Shows...We are headed in the right direction

- Alternate Mode Commute increased from 11.6% to 12.1%
- Drive-Alone Mode Commute decreased from 81.5% to 80.8%
- 217,000 passenger miles traveled each day by alternate mode—up 12% (Equivalent of 43 round-trips from Durham to L.A. and back)

Audra Foree, TTA representative, remarked that businesses in the community that go beyond the call of duty were recognized at an awards program on Friday, July 29, 2005. She announced the following businesses that received the 2005 Durham Commute Trip Reduction Program Award:

- Innovator Awards
 - Small Company – CATO Research
 - Medium Company – BASF
 - Large Company – GlaxoSmithKline Inc.
- Leadership Awards
 - Small Company – Chemical Industry Institute of Toxicology (CIIT)
 - Medium Company – Syngenta
 - Large Company – National Institute of Environmental Health Sciences (NIEHS)
- Outstanding Employee Transportation Coordinator
 - Tejuan Manners, IBM

Chairman Reckhow acknowledged the report. She asked Mr. Tallmadge to provide information about the upcoming Smart Commute Challenge.

Mr. Tallmadge stated that TTA has created a regional Transportation Demand Management (TDM) services program. Resources from the two Metropolitan Planning Organizations (MPOs) are pooled with NCDOT matching funds and TTA funds to create a single region-wide program. The Smart Commute Challenge, which is a drive to get people to pledge that during the period they will bike, carpool, vanpool, telecommute, or take the bus, will begin in about two weeks. This program has been successful in the Research Triangle Park for the last four years. An estimate of 20,000 people will take the pledge. Prizes are offered as an incentive.

Mr. Tallmadge also provided information about the Best Workplaces for Commuters campaign and new activities (i.e. university student marketing campaign and elementary school student pilot program) to expand the TDM program.

Chairman Reckhow thanked Mr. Tallmadge for the excellent report. She stated how proud she was that Durham County was basically the first community in the State, in conjunction with the City of Durham, to adopt the Commute Trip Reduction Ordinance and to make transportation demand management a policy. Other counties have since decided that this is important, so a region-wide initiative has been developed for the first time with Wake, Durham, and Orange Counties all participating in TDM.

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Chairman Reckhow asked the County Manager to consider publicizing the Smart Commute Challenge, which is scheduled for August 15 through September 30, and to consider an informational display outside the Administrative Complex cafeteria regarding transportation alternatives for employees.

Report from the Environmental Affairs Board on Durham Air Quality Initiatives

Last year, the Board of County Commissioners requested that the Environmental Affairs Board (EAB) research and propose actions that the City and County could undertake to address air quality issues in the community. After extensive study and discussion, the EAB developed proposed Air Quality Initiatives to share with the Board.

Chairman Reckhow recognized Sharon Beard, Chairman of the EAB.

Ms. Beard communicated that as an individual who participates in the Smart Commute Challenge program each year, she decided this year to be one of the National Institute of Environmental Health Sciences (NIEHS) employees who engages in the Commute Trip Reduction program. She stated that during the ozone alert over the past week, she took the bus to and from work. Ms. Beard encouraged participation in the program in which over 100 NIEHS employees are involved.

Ms. Beard thanked the Board for the opportunity to address improving air quality in Durham. She also thanked the entire EAB for its hard work developing the report.

Bill Harnett, EAB member, presented the following report:

Improving Air Quality in Durham City and County

Purpose

- Identify the key factors related to air quality issues
 - Current status of air quality in Durham
 - Public Health effects
 - Environmental effects
- Current status of air pollution emissions and control strategies
- Recommended actions

Current status of air quality in Durham

- In April 2004, the U.S. EPA designated the Triangle as non-attainment for the Federal ozone standard.
- Durham is also very close to the level of the Federal particulate matter (PM2.5) standard (92 percent).
- There are also significant amounts of hazardous air pollutants (2,300 tons annually).

Current status of air pollution emissions which cause ozone in Durham County Government

Who is at Risk?

- People with heart or lung disease, older adults (who may have undiagnosed heart or lung disease), and children.
- People with heart or lung diseases such as congestive heart failure, coronary artery disease, asthma, or chronic obstructive pulmonary disease.
- Particle and ozone pollution also can increase susceptibility to respiratory infections and can aggravate existing respiratory diseases, such as asthma and chronic bronchitis, causing more use of medication and more doctor visits.
- People of all ages who are active outdoors are at increased risk for ozone because, during physical activity, ozone penetrates deeper into the parts of the lungs that are more vulnerable to injury.
- Though scientists do not yet know why, some healthy people are unusually sensitive to ozone. They may experience health effects at more moderate levels of outdoor exertion or at lower ozone levels than the average person.

Public Health Effects

- Premature death.

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- Chest pain, palpitations, shortness of breath, fatigue, cardiac arrhythmias, and heart attacks.
- Increased susceptibility to respiratory infections and aggravation of existing respiratory diseases, such as asthma and chronic bronchitis, causing more use of medication and more doctor visits.
- Irritation of the respiratory system causing coughing and throat irritation.
- Reduced lung function making it more difficult to breathe deeply and vigorously.
- Inflammation and damage to the lining of the lungs.

Environmental Effects

- Acid Rain
- Eutrophication
- Loadings of toxics in water and fish, especially mercury
- Reduced visibility

Current status of air pollution control strategies

- Federal measures to reduce emissions from mobile sources and off-highway sources.
- State and Federal measures to address power plant emissions.
- Federal measures to address hazardous air pollutants from stationary and mobile sources.

Recommended Actions

- Put a strong focus on reducing driving and energy usage in the Triangle area to save energy, reduce contribution to climate change, save money, and reduce air pollution.
- Work for better coordination of City and County offices addressing environmental quality and energy issues.
- Provide better education to the public to include information on what can be done about air quality and energy issues.
- Establish Energy Efficiency Coordinator and an Environmental Affairs Office or Coordinator that could serve across City and County offices.

Chairman Reckhow noted the following complete list of Environmental Affairs Board recommendations that were included in the printed report:

1. Establishing an Environmental Affairs Office and/or Coordinator for Environmental Affairs.
2. Developing a coordinated environmental education program across municipal departments.
3. Continuing an aggressive program to reduce vehicle miles traveled, in collaboration with other communities.
4. Including environmental considerations in contracting for goods and services involving transportation.
5. Providing full funding for update of the greenhouse gas local action plan.
6. Establishing Energy Efficiency Coordinator and assessing City/County utility bills for opportunities to improve efficiencies.
7. Reviewing commercial and industrial facilities located in residential areas and potential air pollution emissions affecting local communities.
8. Forming a stakeholder group to develop a detailed strategic policy plan to address air quality.

Chairman Reckhow expressed appreciation for the EAB report. The request for the report was made about a year ago when the EAB was asked to review the Wake County plan and come back with specific recommendations for Durham County. Chairman Reckhow reported on various projects that are underway:

- The Greenhouse Plan update is being funded through the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.
- Implementation of the CTRP (Commute Trip Reduction Program) to work actively with employers to try to reduce trips and vehicle miles traveled.
- The County has recently joined the Energy Star Program with the National Association of Counties. Mike Turner, General Services Director, is working to make Durham County facilities more energy efficient.
- Durham Public Schools adopted the same policy guidelines of the County. Durham County's new buildings are to comply with the LEED™ (Leadership in Energy and Environmental Design) standards for construction.

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Chairman Reckhow requested staff to consider the purchase of alternative fuel vehicles.

Chairman Reckhow asked the County Manager to place the EAB report on a future Joint City/County meeting agenda, highlighting the Energy Efficiency Coordinator recommendation.

Commissioner Heron conveyed that the air quality issue is not simply a City/County problem, but a regional problem. She expressed that the appropriate place to discuss coordination would be through the Triangle J Council of Governments at the delegates meeting of the Executive Committee.

Mr. Harnett stated that air quality is definitely a regional problem because employers are spread throughout the region, and people are commuting across the region. However, the EAB is focused on how Durham Government, at both the City and County levels, influences air quality in both its buildings and vehicles. Several partnerships in the area are focused on the entire regional air quality issue.

Commissioner Cheek concurred with the suggestion to establish an Environmental Affairs Office and hire a Coordinator. The County and City have various departments that are concerned with environmental issues, but a need exists for an entire department dedicated to the issue.

Chairman Reckhow agreed with Commissioner Cheek.

Ms. Beard assented that the Joint City-County Committee would be the optimal group to discuss the situation. In addition to presenting the report, the EAB can share how it works with state and federal programs on numerous initiatives dealing with environmental affairs.

Budget Amendment No. 06BCC000004—Vehicle and Equipment Financing

Request for Board Action: On June 30, 2005, the BOCC approved the FY 2005-06 Budget, which included the purchase of vehicles and equipment for various County departments. To fund these purchases, a RFP was issued for financing in the amount of \$2,117,164 for 48 months. Requests were sent to 14 vendors, nine returned bids that range from a high of 4.0265% to a low of 3.148%.

Management recommended that the bid of 3.148% by Bank of America be accepted and that the County Manager be authorized to execute all required documentation. It was also requested that the rules be suspended and that the BOCC approve this request so the bid could be accepted.

In addition, it is necessary to set up the appropriation needed to fund the purchase of the approved vehicles and equipment for FY 2006. A separate cost center within the Non-Departmental agency has been set up for the \$2,117,164 appropriation.

Chairman Reckhow noted a change in the recommendation as stated on the agenda action form. She indicated that the County Manager is now requesting that the Board take no action today on the item.

County Manager Ruffin informed the Board that, provided one final detail is resolved prior to the August 8 Regular Session, the item will be placed on the consent agenda for that meeting.

Chairman Reckhow recommended that hybrids be considered when purchasing the vehicles. She also suggested checking on grant opportunities for hybrids through Triangle J Council of Governments.

The County Manager informed the Commissioners that the majority of the vehicles are needed for law enforcement. He assured the Board that Chairman Reckhow's suggestion would be evaluated.

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George Quick, Finance Director, stated that one or two of the purchased vehicles would be hybrids.

Chairman Reckhow directed Mr. Quick to bring a report before the Board about how many hybrids can be purchased.

Commissioner Heron voiced her opinion that hybrids should be tested on a limited basis because they have not been perfected and are causing problems. In addition, the maintenance of the hybrids could be an issue.

The Board concurred to defer this item to the August 8 Regular Session agenda.

Application for Ambulance Franchise—Tri Star Medical Transport Inc.

At its regularly scheduled meeting on June 27, 2005, the Board considered a request for a non-emergency ambulance franchise from Tri-Star Medical Transport Inc. The information considered included a report from the EMS Director that provided the actual application and information from a background review completed by the EMS Director. The report also indicated that the Durham County EMS Council had considered the application at its regularly scheduled meeting on May 19, 2005 but provided no recommendation. After hearing comments from Tri-Star, AAA Transport, Johnston Ambulance Service, and the EMS Director, the Board directed staff to provide additional information from the current non-emergency providers to include personnel, vehicle, and response time data.

Staff compiled the requested data. In addition, a survey was conducted of the larger nursing facility user group. Results of the survey indicated users are currently satisfied with the service level of the existing non-emergency ambulance providers.

This information was presented to the Durham County EMS Council at a special called meeting on July 7, 2005. After lengthy discussion and review of the additional information, the EMS Council unanimously decided that public convenience and necessity were currently being satisfactorily met and recommended that the Tri-Star application for a non-emergency ambulance franchise be denied.

Chairman Reckhow stated that a representative from Tri-Star has asked to meet with staff about this additional information that has been disclosed.

County Manager Ruffin informed the Board that Tri-Star has been asked to present the information in writing; the item would be deferred until the September 6 Worksession.

Presentation—Unified Development Ordinance (UDO)

Chairman Reckhow announced the Joint County Commissioner/City Council Unified Development Ordinance Public Hearing on Monday, August 29, 2005 at 7:00 p.m. in City Council Chambers. (The UDO represents the most complete revision of Durham's development ordinances in more than 30 years. It merges the zoning and subdivision regulations into a single ordinance employing Smart Growth tenets and principals. The final draft of the UDO was received from the consultant team and finalized by the staff this month in preparation of the upcoming joint public hearing.)

Frank Duke, Planning Director, stated that his presentation was to familiarize the BOCC with the Unified Development Ordinance, which is over 500 pages, difficult to read (being interwoven), and is regulatory. Mr. Duke's overview of the latest UDO draft follows:

Unified Development Ordinance

Why a UDO?

- Update Regulations
- Consolidate Regulations
- Eliminate Inconsistencies

UDO Background

- 2000: Smart Growth Audit

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- 2001: Contract – Duncan Associates
- 2002: Strategy Papers
- 2003-04: Ordinance Drafting
- 2004-05: Planning Commission Public Hearing
- 2005: Elected Bodies Public Hearing

UDO Development and Input

- Joint City-County Planning Committee (JCCPC) Review
 - June 2003 – June 2005
- Outreach to Community Groups
 - February 2004 – July 2005
- Community Meetings
 - June, August 2004
 - August 2005
- Planning Commission Hearing
 - July 2004 – January 2005

Major UDO Themes

- Apply Smart Growth Principles
- Raise Standards
- Implement Comprehensive Plan

Changes from Current Ordinance

- Administrative
 - Streamlined Review Process
 - Developed Consistent Review Procedures
 - Expanded TIA Requirements
- Neighborhood Protection
 - Mandatory Neighborhood Meetings
 - Contextual Infill Standards
 - Neighborhood Protection Overlay
 - Transitional Office Overlay
- Environmental Standards
 - Tree Coverage
 - Floodplains and Wetlands
 - Stream Buffers and Steep Slopes
 - Watershed
 - Inventory Sites
- Tier Design Standards
 - Density and Uses
 - Setbacks versus Build-to
 - Open Space
 - Landscaping and Buffering
 - Parking
 - Connectivity
 - Sidewalks
- Development Tiers
 - Character Varies
 - Rural
 - Suburban
 - Urban
 - Compact Neighborhood
 - Downtown

Major Changes 2004-2005

- Transitional Provisions
- Swimming Pool Fencing
- Require Construction Drawings before Final Plat
- Reconstruction of Non-Conforming Single-Family Homes
- Rural Residential

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- Rural Tier Lot Size Reduced from 5 Acres to 2 or 3 Acres Depending on Watershed
- Vest Legal Lots of Record
- Correctional Facilities Prohibited
- Suburban Residential
 - Duplexes and Multiplexes Limited
- Urban Residential
 - RU-3 and RU-5 Reinstated
 - Commercial Dorms Prohibited

UDO Approval Process

- Planning Commission Recommendation
 - Approval – January 11, 2005
- JCCPC Recommendation
 - Approval – June 8, 2005
- City Council and Board of Commissioners Joint Public Hearing
 - August 29, 2005 at 7:00 p.m.

Mr. Duke announced that copies of the draft UDO are available (hard copy for \$17, electronic version for \$1).

In response to a question by Vice-Chairman Heron, Mr. Duke stated that this version of the UDO was recommended by the JCCPC. He acknowledged that at Wednesday's meeting, the JCCPC made several additional changes. County Attorney Chuck Kitchen discovered a couple of legal references that were incorrect as well. These revisions, in addition to a few more changes, will be noted at the August 29 Public Hearing.

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County Manager asked Mr. Duke:

- After UDO adoption, what is the estimated improvement in the timeline for traditional planning requests that come before the City Council and the County Commissioners?
The reduction in the timeline will differ in the City and the County. In the City, the UDO will reduce the time by six to seven weeks for projects that must be heard by the City Council; in the County, about a three-week reduction will be realized. The development community is pleased with this reduction.
- What comments are expected at the Public Hearing from the Durham community? Community groups are in favor of adoption of the Neighborhood Protection Overlay. The development community has concerns/objections about the transitional provisions (dissatisfied with the August 31 date), the restrictions on the ability to do bonding, and construction drawings before final plats.

Chairman Reckhow asked Mr. Duke's opinion about the August 31 implementation.

Mr. Duke suggested that the date be moved to the end of September, since significant revisions are likely because of anticipated recommendations at the August 29 meeting. The earliest logical date that the City and the County could meet again for adoption action would be October 31 (the fifth Monday). Changes in the UDO tend to have a greater ripple effect than changes in the Comprehensive Plan.

At the request of Chairman Reckhow, Mr. Duke gave an example of a change in the UDO that would require a repeat in the entire adoption process. FEMA, with their flood mapping changes, held a public hearing last week and indicated that the Flood Hazard Protection Ordinance must be rewritten, which is not incorporated into the UDO. That change would have to go back to the Planning Commission.

Commissioner Heron asked why the rewriting of the Flood Hazard Protection Ordinance could not be handled as a separate issue.

Mr. Duke responded that it could be handled as a separate issue, depending on the directives given by the Board of County Commissioners and the City Council.

County Attorney Chuck Kitchen suggested that the Board adopt the UDO as soon as possible, and make changes later.

Chairman Reckhow stated that the Commissioners recognize that ordinance amendments will be made. The Board has already made a priority list of issues to tackle in the upcoming year.

In response to a question by Vice-Chairman Heron, Mr. Duke stated that the Planning and Zoning Commissions have prioritized ten amendments. The JCCPC reordered several of the amendments and added one additional to the list. The Flood Hazard Protection Ordinance, which is a FEMA requirement, was not included.

Commissioner Cheek stated that significant substantive changes would cause problems because of the uncertainty created for the Planning Department, development community, neighborhoods, etc.

Commissioner Heron stated that amendments are inevitable. The City Council and BOCC should adopt the UDO on August 29. Revisions can be addressed later.

Chairman Reckhow asked the following:

- Describe the bonding issue.
Mr. Duke responded that the revised ordinance includes language that is non-supportive of bonding except in very limited circumstances. The language was added by the JCCPC on June 8, 2005.
- What is the rationale for the language being added?
The issue came up because of cases where improvements had been bonded. The agencies that held the bonds failed to call the bonds, the bonds expired, and Certificates of Occupancy (COs) were issued. The improvements were not made.
- Could the County require bonds with longer periods so there would be no danger of bonds expiring?

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County Attorney Chuck Kitchen responded that, in all probability, the answer is no.

- When will the workflow automation technology be online for all of the development departments to be able to view the same information?
It should be live October or November.
- Can the workflow automation technology help track outstanding cases of incomplete infrastructure?
Yes, if bonding is added as one of the pop-up fields.

Commissioner Cheek asked if the bonding company could contractually be made obligated when the CO is issued, even if the bond has expired.

County Attorney Kitchen stated that in the past, the bonding companies would not agree to this. He recalled past instances where the bonding companies wanted the bonds to expire on a definite date.

Mr. Duke stated that the problem arises when a developer posts the bond, which is valid for a specific length of time as Attorney Kitchen indicated. After issuance of the CO, the developer sells the project. If the department has no mechanism in place for tracking the bond, then it could expire without the improvements having been made. Mr. Duke suggested at a JCCPC meeting that the departments develop better tracking mechanisms for dealing with bonding.

County Attorney Kitchen stated that another issue, especially with S&E bonds, is that the bonding company will contest that they are in violation of the penalty. By the time the matter is litigated, the bond has already expired.

Commissioner Heron asked the County Attorney the difference between bonding and a letter of credit.

County Attorney Kitchen responded that bonding is a surety with a third party that guarantees work to be done in a certain manner; if not, the third parties must pay or finish the work themselves. A letter of credit is a document, normally from a bank, stating a certain line of credit to be drawn on once a default is established but with no obligation or duty to complete the work. A letter of credit can be helpful in some situations. A performance bond is most often preferred over a letter of credit, because the County does not have sufficient work force to make the improvements.

Vice-Chairman Heron asked why a CO is issued before the improvements are made.

Mr. Duke answered that in certain instances, i.e. landscaping (an ordinance requirement), the work should not be completed in advance. Infrastructure completed too soon may be destroyed by subsequent construction.

Chairman Reckhow asked Mr. Duke to explain the issue regarding construction drawings before final plats.

Mr. Duke replied to Chairman Reckhow's question and concluded by stating the big issue is the cost involved.

Chairman Reckhow informed Mr. Duke that the Board would like to receive a recommendation from him on this matter.

Directives

- Mr. Duke: check to see if bonding could be included as a field in the workflow automation technology.
- Staff: within the next 28 days, recommend a solution to the bonding issue.
- Staff to survey other major communities in the Triangle Area to determine: (1) if they require completion of the infrastructure before issuing the County; (2) if they work with bonds, letters of credits, etc; and (3) whether construction drawings are required before final plats.
- Provide the Commissioners with a larger version of the District Conversions Chart, which was included in Mr. Duke's PowerPoint presentation.

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Discussion Regarding Interlocal Agreement for the Acquisition, Planning, and Operation of the Hollow Rock Portion of the New Hope Creek Plan

The Board was requested to receive a presentation on the Interlocal Agreement for the Acquisition, Planning, and Operation of the Hollow Rock portion of the New Hope Creek Plan between the County of Durham, City of Durham, County of Orange, and Town of Chapel Hill.

This initial draft of the Interlocal Agreement was drafted by the County Attorney's Office in a manner consistent with the participating jurisdictions' resolutions in support of the acquisition. The agreement establishes the rights and responsibilities of all four jurisdictions with regard to the acquisition of the property and financial contributions, as well as the future planning and operation of the property. The Agreement also creates an Advisory Committee for the development of a park to be located on the property and surrounding areas.

The draft Agreement was sent to the participating jurisdictions' governing bodies, as well as to their respective attorneys for review and comment.

Chairman Reckhow stated that the land being bought by Durham County involves the participation of three other jurisdictions. As a result, this Interlocal Agreement will guide the jurisdictions' roles and responsibilities. Assistant County Attorney Carol Hammett, Open Space and Real Estate Manager Jane Korest, and County Attorney Chuck Kitchen drafted the Interlocal Agreement as a starting point. It was completed in June and was shared with the other jurisdictions, their attorneys, and their managers. Durham County had asked for any informal or technical feedback.

Attorney Hammett stated that she received comments from the City of Durham's legal counsel but not from management. The comments varied from drafting issues to comments on planning.

Attorney Hammett reviewed the draft interlocal agreement with the Board.

The Commissioners discussed the draft interlocal, asked questions, and recommended changes.

Directives

- Revise the draft interlocal with changes underlined.
- This week, send the revised draft to Managers in the other jurisdictions with a cover letter: (1) state that it was reviewed by the Durham Board of County Commissioners at its August 1 Worksession; (2) ask the governing bodies to review the draft interlocal and send comments/revisions to the Durham County Attorney by September 9 so revisions can be discussed at the September 14 meeting of the Durham-Chapel Hill-Orange Work Group prior to submission of the final draft to the respective boards for final approval.

Attorney Hammett stated that she would send a similar transmittal to legal counsel in the other jurisdictions. When revisions and comments are received, she would summarize the comments and revise the interlocal as appropriate.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 11:24 a.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board