

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

Monday, August 22, 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 and Michael D. Page

Absent: Commissioner Philip R. Cousin Jr.

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Commissioner Cheek moved, seconded by Commissioner
Page, to excuse Commissioner Cousin from the meeting.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Chairman Reckhow acknowledged the following agenda items that had been placed at
each Commissioner's station:

- Addition—Consent Agenda Item No. 7k, Tuesday, September 6, 2005
Worksession Time Change
- Revision—Item No. 10, Closed Session

Announcement

Chairman Reckhow invited the public to attend the Unified Development Ordinance
public hearing on Monday, August 29, 2005, at 7 p.m. in City Council Chambers to
review the UDO and receive public comment.

Minutes

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve as corrected the August 1, 2005 Worksession and as submitted the August 8, 2005 Regular Session Minutes.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Lincoln School of Nursing Alumni Association Update

Chairman Reckhow announced that the Lincoln Hospital School of Nursing Alumni Association held its Eighteenth Biennial Celebration on August 13, 2005, at which time they unveiled an historic monument on the grounds of the old Lincoln Hospital.

Thanks to a generous \$100,000 donation from GlaxoSmithKline, an endowed scholarship fund was established. The first scholarship was presented to a North Carolina Central University student at the banquet.

Chairman Reckhow presented photographs of the newly unveiled monument. She also reported on the activities that are taking place at the Lincoln School of Nursing.

Recognize Durham Public Schools' and Community Efforts with Regards to Truancy

On behalf of the Board, Chairman Reckhow commended Durham Public Schools' administration and staff and community leaders for great strides in improving school attendance with the help of aggressive truancy efforts.

Chairman Reckhow read the following resolution, which was prepared to emphasize the importance of school attendance:

RESOLUTION ON 'MIND YOUR FUTURE' TRUANCY INITIATIVE

WHEREAS, the Durham County Board of Commissioners fully realizes the importance of students being in school on time each and every school day; and

WHEREAS, regular school attendance is essential in ensuring that children receive a high quality education in order to ultimately succeed in life; and

WHEREAS, students who are at school every day get better grades, score better on standardized tests, and are more likely to become lifelong learners; and

WHEREAS, the cost of truancy – to schools, to students, and to society – is severe. Those who miss school are more likely to get involved with substance abuse and violent crime; and

WHEREAS, students who miss school are also more likely to drop out of school or become unemployed; and

WHEREAS, the Durham Public Schools district-wide attendance rate can be improved through all of our efforts; and

WHEREAS, teachers, administrators, and support staff members of this district have pledged their commitment to partner with parents to provide the best education possible for their children; and

WHEREAS, Durham's District Court Judges have spearheaded an effort to place truancy courts in every middle school and devote a special session of family court to truancy issues; and

WHEREAS, Durham County is assisting in these truancy reduction efforts through our System of Care, two dedicated truancy officers in the Sheriff's Department, and a Crime Commission grant administered through the Criminal Justice Resource Center to provide support to the school-based and court-based truancy courts:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, fully endorse and support the Durham Public Schools' "Mind Your Future: Be in school on time every day!", a truancy initiative which will include posters, television ads, a competition among schools, outreach to neighborhoods and additional activities, and most importantly, a pledge among students, parents, teachers, and the community to work with each other to ensure that students are in school and learning every day.

This the 22nd day of August, 2005.

Chairman Reckhow recognized the following individuals to comment on truancy and prevention initiatives, including the Truancy Project:

- Craig Brown, District Court Judge
- Wes Crabtree, Chief Deputy, Sheriff's Department
- Gudrun Parmer, Director, Criminal Justice Resource Center
- Harold Chestnut, President of District IV PAC
- Betsy Fiefs, Assistant Superintendent for Student Services, Durham Public Schools
- Carl Harris, Associate Superintendent for Instructional Services, Durham Public Schools

Chairman Reckhow presented the resolution to Dr. Harris. She added that the Board will receive quarterly reports on attendance progress.

Commissioner Cheek praised current volunteers for attributing to the initiation of the program. He encouraged citizens within the community to participate.

Chairman Reckhow echoed Commissioner Cheek's comments.

August Anchor Award Winner—Deputy Donald Wadford

Gene Hodges, Collection Division Manager, Tax Administration, introduced Deputy Donald Wadford, Levy Execution Officer for Tax Administration, as the recipient of the August Anchor Award. Deputy Wadford was recognized for this honor because of superior work, particularly for his major role as a part of the Collection Division team that obtained a record collection percentage of 98.23% for Fiscal Year 2004-2005.

- Deputy Wadford has set a new standard for excellence by increasing Durham County's overall collection rate by over .17% from the previous year and the motor vehicle collection rate by .69%.
- The numbers listed above are impressive taking into account that Deputy Wadford was able to collect this revenue while having to seize only 12 vehicles. In the previous year, over 80 vehicles were seized during the same time.

Deputy Wadford briefly thanked the Board for the recognition.

Chairman Reckhow presented the award to Deputy Wadford and thanked him for his hard work.

Consent Agenda

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

- *a. Property Tax Releases and Refunds for Fiscal Year 2005-06 (accept the property tax release and refund report for July 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Budget Ordinance Amendment No. 06BCC000008—Request for Additional Personnel—Bethesda Volunteer Fire Department (approve six additional firefighter positions and the transfer of funds from the Bethesda Fire District to the County of Durham to cover salary and benefit costs for the six additional FTEs in the Fire Marshal's budget);

- *d. Budget Ordinance Amendment No. 06BCC000010—
4-H Youth Grant to Reduce Substance Abuse Among
Youth (approve to increase the involvement of youth in
the planning and implementation of alcohol and
substance abuse prevention programming);
- f. Caretaker Residence for the Little River Regional Park
(approve the resident caretaker arrangement as
proposed by Orange County);
- g. Federal Farm and Ranchlands Protection Grant
Agreement (approve the Cooperative Agreement
between Durham County and the United States by and
through the Commodity Credit Corporation for receipt
of \$343,043 towards permanent farmland conservation
easements; authorize the County Manager to execute
the Agreement);
- *i. Appointments—Juvenile Crime Prevention Council
(approve the recommended appointments to the JCPC);
- k. Tuesday, September 6, 2005 Worksession Time Change
(change the start time of the September 6 Worksession
to 1:30 p.m.).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2005-06
(accept the property tax release and refund report for July 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 July 2005.

Releases & Refunds for 2005 Taxes:

| | | |
|-------------------------------|----|--------------|
| Real Estate | \$ | 7,627.79 |
| Personal | \$ | 20,368.30 |
| Registered Vehicles | \$ | 17,877.37 |
| Vehicle Fees | \$ | 610.00 |
| Vehicle Fees | \$ | <u>80.00</u> |
| Total for 2005 Taxes and Fees | \$ | 46,563.46 |

Prior years' (2001-2004) releases and refunds for July 2005 are in the amount of
\$23,313.87.

The total current year and prior years' releases and refunds amount to \$69,877.33.

Consent Agenda Item No. b. Budget Ordinance Amendment No. 06BCC000008—Request for Additional Personnel—Bethesda Volunteer Fire Department (approve six additional firefighter positions and the transfer of funds from the Bethesda Fire District to the County of Durham to cover salary and benefit costs for the six additional FTEs in the Fire Marshal's budget).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000008

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

Revenue:

| <u>Category</u> | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|-------------------------|-----------------------|--------------------------|-----------------------|
| <u>GENERAL FUND</u> | | | |
| Other Financing Sources | \$17,006,333 | \$234,000 | \$17,240,333 |

Expenditures:

| <u>Activity</u> | | | |
|------------------------------------|--------------|-------------|--------------|
| <u>GENERAL FUND</u> | | | |
| Public Safety | \$40,981,938 | \$234,000 | \$41,215,938 |
| <u>BETHESDA FIRE DISTRICT FUND</u> | | | |
| Public Safety | \$683,705 | (\$234,000) | \$449,705 |
| Other | \$552,549 | \$234,000 | \$786,549 |

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

This the 22nd day of August, 2005.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000010—4-H Youth Grant to Reduce Substance Abuse Among Youth (approve to increase the involvement of youth in the planning and implementation of alcohol and substance abuse prevention programming).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000010

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

Revenue:

| <u>Category</u> | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|--|-----------------------|--------------------------|-----------------------|
| <u>GENERAL FUND</u> Intergovernmental | \$294,698,413 | \$15,000 | \$294,713,413 |

Expenditures:

| <u>Activity</u> | | | |
|--|-------------|----------|-------------|
| <u>GENERAL FUND</u> Economic & Physical Dev. | \$2,689,699 | \$15,000 | \$2,704,699 |

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

This the 22nd day of August, 2005.

Consent Agenda Item No. i. Appointments—Juvenile Crime Prevention Council (approve the recommended appointments to the JCPC).

- Chief of Police—Jerry E. Yount
- Sheriff—William M. Oakley III
- District Attorney—Kendra Montgomery-Blinn
- Chief Court Counselor—Donnie Phillips
- Director, AMH/DD/SA—Martha Kaufman
- DSS Director—Arnold Dennis
- County Manager—Gudrun Parmer
- Chief District Court Judge—Judge James T. Hill
- Health Director—Gayle B. Harris

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. c. Budget Ordinance Amendment No. 06BCC000009—Approve Receipt of a \$38,555 Homeland Security Grant for EMS (authorize the sharing of these funds with Parkwood Volunteer Fire Department).

In reference to a letter addressed to County Manager Mike Ruffin from Ms. Holli Hoffman, North Carolina Department of Health and Human Services, Commissioner Cheek inquired about the contingency of receiving the \$38,555 grant, stated in the following paragraph:

As of the date of this letter, according to our records, your EMS System is not in compliance with the data submission requirements of the North Carolina Pre-hospital Medical Information System (PreMIS). Your EMS System will not be eligible for reimbursement of any of the above referenced funds until this contingency is removed.

Mike Smith, Interim EMS Director, responded that it was a development issue and the State was not prepared to accept the information in the submitted format (i.e. punctuation and font issues). The corrections have been made and are currently being processed to meet the data submission requirements.

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

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000009

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

Revenue:

| <u>Category</u> | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|--|-----------------------|--------------------------|-----------------------|
| <u>GENERAL FUND</u> Intergovernmental | \$294,659,858 | \$38,555 | \$294,698,413 |

Expenditures:

| <u>Activity</u> | | | |
|--------------------------------------|--------------|----------|--------------|
| <u>GENERAL FUND</u> Public Safety | \$41,215,938 | \$38,555 | \$41,254,493 |

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

This the 22nd day of August, 2005.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 06BCC000011—The Durham Center—Allocate \$316,671 from the Division of Mental Health, Developmental Disabilities, and Substance Abuse to the Alcohol and Drug Council of North Carolina.

Vice-Chairman Heron asked how the Alcohol/Drug Council of North Carolina (ADCNC) and the Alcohol and Drug Council of Durham complement each other.

Lattie Baker, Executive Director, Alcohol/Drug Council of NC, explained intersecting points between ADCNC and the Alcohol and Drug Council of Durham. He opined that pertaining to distributing materials and resources to public schools, services are not being

duplicated. Durham's council distributes materials to the schools; ADCNC will implement a youth initiative to reduce underage access to drugs and alcohol.

Vice-Chairman Heron encouraged program collaboration when targeting similar problem areas.

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

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000011

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

Revenue:

| <u>Category</u> | <u>Current Budget</u> | <u>Increase/Decrease</u> | <u>Revised Budget</u> |
|---------------------|-----------------------|--------------------------|-----------------------|
| <u>GENERAL FUND</u> | | | |
| Intergovernmental | \$294,713,413 | \$316,671 | \$295,030,084 |

Expenditures:

| <u>Activity</u> | | | |
|---------------------|---------------|-----------|---------------|
| <u>GENERAL FUND</u> | | | |
| Human Services | \$356,644,207 | \$316,671 | \$356,960,878 |

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

This the 22nd day of August, 2005.

Consent Agenda Item No. h. Support Opening 700 MHz Spectrum (approve the request and direct that a letter be sent to the Congressional delegation representing Durham County; request that a firm date be set by Congress to require television stations to relinquish the use of the 700 MHz spectrum).

Vice-Chairman Heron requested clarification of this item from County Attorney Chuck Kitchen.

County Attorney Kitchen explained that the Justice and Public Safety Steering Committee of NACo received a report on the failure of Congress to clear the 700 MHz

radio spectrum for public safety use. This portion of the radio spectrum was dedicated to public safety use in 1997. Television stations that were using this spectrum are required to relinquish their use by December 31, 2006. However, they are not required to cease use of the spectrum unless 85% of the households in the serviced area can receive digital TV broadcasts. The 700 MHz spectrum is required for public safety in order to use new broadband devices in the field. These include portable fingerprinting devices that will allow the immediate identification of individuals by officers.

County Attorney Kitchen stated that the Board is requested to send a letter to the Congressional delegation representing Durham County asking that a firm date be set to clear this spectrum for use by public safety.

Vice-Chairman Heron discussed using new equipment on the 700 MHz radio spectrum with the County Attorney.

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

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Consent Agenda Item No. j. Oppose Broadband Investment and Consumer Choice Act (approve the request to oppose S. 1504 and direct that a letter be sent to the Congressional delegation representing Durham County stating the County's opposition to the bill).

Chairman Reckhow asked County Attorney Kitchen to highlight this item for the public.

County Attorney Kitchen reported that Congress is considering the rewriting of the Telecommunications Act of 1996. Senators John Ensign and John McCain have introduced S. 1504, the "Broadband Investment and Consumer Choice Act". In their version of reform, Senators Ensign and McCain would preempt virtually all State and Local regulation of the telecommunications industry, including both cablevision and telephone regulation, with certain limited exceptions. As part of the bill, local governments would be precluded from either franchising cable providers or directly providing internet services. NACo, along with other local government organizations, is opposing this bill.

Chairman Reckhow added that the County is trying to enhance its cable access. Discussions have been held to obtain a local higher-learning channel and a local government channel for the City and the County. The Bill would prevent local government from having public access channels, which would not allow the public to

view Board of County Commissioner, City Council, or Durham Public Schools' Board meetings.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Consent Agenda Item No. j.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow

Noes: None

Absent: Cousin

Public Hearing—Zoning Map Change—Bhangoo Property (Case P04-44)

Planning Director Frank Duke requested that the Board approve a zoning map change for a 24.56-acre site located on the east side of Guess Road, south of Prologue Road, and north of St. Albans Court (PIN 0825-01-15-3374,--15-9610,-03-04-6658) Request: RD, E-B to PDR 2.09, E-B

A development plan was submitted as part of the rezoning request. Staff recommended approval. The Durham Planning Commission conducted a public hearing on July 12, 2005, and recommended approval with a vote of 12-2.

The public hearing for this request was advertised on August 5 and 12, 2005 in The Herald-Sun.

Vice-Chairman Heron inquired about intrusions into the transitional zones and intrusions of Lots 44 and 46 into the wetland buffer.

Mr. Duke stated that intrusions into transitional zones (non-buffers) and the wetland buffer are allowed by the Zoning Ordinance; intrusion into the wetland buffer would not be allowed under the Unified Development Ordinance.

Vice-Chairman Heron expressed concern about intrusion into the buffer, which could cause flooding.

Chairman Reckhow opened the public hearing that was properly advertised and called signed speaker Mr. Dan Jewell, Applicant, 1025 Gloria Avenue, Durham, NC 27701, forward for comments.

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

Chairman Reckhow requested the following additions to Committed Elements:

- No lot will be smaller than 9,000 square feet; and

- No disturbance of the wetland buffer during or after construction; tree protection fencing will be provided around the wetland buffer.

Mr. Jewell agreed to add the committed elements.

Vice-Chairman Heron inquired about simultaneous building on the site.

Commissioner Page asked about the impact on school capacity.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve the Zoning Map Change—Bhangoo Property (Case P04-44) with the two additional committed elements.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

In response to Commissioner Cheek's question about school capacity and development, Mr. Duke stated that according to the Adequate Public Schools Facilities Policy, staff would automatically recommend denial of projects once a school's capacity has been reached. Problems with capacity would most likely occur in middle schools within the next three to four years.

Mr. Duke added that he met with representatives from Durham Public Schools to review potential additional middle school sites as required by the Board of County Commissioners.

Vice-Chairman Heron commented on the importance of developers paying school impact fees to ensure that schools can accommodate growth in the area.

Commissioner Page echoed Vice-Chairman Heron's comments.

**Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO)
FY 2007-2013 TIP Regional Project Priority List**

Mark Ahrendsen, Transportation Planning Manager, City of Durham Transportation Division, reported that the Transportation Advisory Committee (TAC) of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization rearranged the ranking of the Durham County projects in the DCHC MPO Regional Project Priority List for the FY 2007-2013 TIP to generally reflect the relative ranking of the top projects in the Durham County TIP Project Priority List approved by the Board of County Commissioners on February 28, 2005.

Mr. Ahrendsen responded to Chairman Reckhow's concerns about bicycle and pedestrian

trails and improvement projects scoring a zero for “Expands Transportation Choices”. He explained that “Reduces Use of Single Occupant Vehicles” refers to bike, pedestrian, transit, or High Occupancy Vehicle (non-roadway) projects; “Expands Transportation Choices” refers to roadway projects that provide transit, bicycle, and pedestrian modes.

Vice-Chairman Heron agreed with Chairman Reckhow’s concerns.

Chairman Reckhow expressed additional concern about bicycle and pedestrian projects not receiving points for “Encourages Economic Development”. She requested that points be given in that category for the American Tobacco Trail Phase E to raise its criteria ranking.

Mr. Ahrendsen informed that the ranking could be raised in one of two ways: 1) Ask the TAC to reflect the Board’s ranking of projects in the regional ranking; or 2) add points to select categories.

Chairman Reckhow opined that option 2 would supply numerical data or support for why a project should have a higher regional ranking.

Mr. Ahrendsen consented to Chairman Reckhow’s request to add points to the “Encourages Economic Development” and “Expands Transportation Choices” categories for bicycle and pedestrian projects.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the recalibration.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Consideration of the Southwest Durham Transit Corridor Realignment

Mark Ahrendsen, Transportation Planning Manager, City of Durham Transportation Division, gave an overview of this item. At their board meeting on August 10, 2005, the Transportation Advisory Committee (TAC) of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) requested that local jurisdictions provide comments on a proposed realignment for the Southwest Durham Transit Corridor. The TAC will consider these comments at their September 14, 2005 meeting before making a final decision on the realignment.

The DCHC MPO has expended considerable technical and public involvement resources in developing this recommendation over the year and has studied eight potential realignments. The Technical Coordinating Committee (TCC) of the DCHC MPO has recommended the adoption of Alignment C3, which is located adjacent to I-40 for much of its length, as described in the Southwest Durham Alignment Evaluation report dated

June 29, 2005.

Mr. Ahrendsen commented that Alignment C3 would provide the best land use match and possibly the highest ridership potential. It would be somewhat less disruptive to the community than most other alignments that are under construction.

Per request by Chairman Reckhow, Planning Director Frank Duke discussed revisiting land usage if Alignment C3 is adopted.

Mr. Ahrendsen outlined landmarks, roads, and the locations of the proposed C3 alignment.

Commissioner Page inquired about results from the public meeting held on May 23, 2005 at Creekside Elementary School.

Mr. Ahrendsen stated that most residents in attendance supported an alignment that provides for a southern station. Several residents had concerns about alignments adjacent to the school and the impact the alignments may have in terms of splitting parcels. General support was received for the alignment located along I-40 – Alignment C3.

Mr. Duke discussed utility extension with the Board. If the utilities are not in a position to serve properties without the properties being annexed, the developer has to absorb the cost.

Mr. Ahrendsen stated that Alignment C1 could have an adverse effect on the possible extension of sewer services.

Chairman Reckhow asked Mr. Duke how the adversity would be addressed to make it consistent with the revised Comprehensive Plan.

Mr. Duke responded that a plan amendment would be justified if the Board, City Council, and the TAC would support shifting the realignment to the C3 alignment.

Commissioner Page inquired about a solution to the alignment to the school.

Commissioner Cheek expressed concern about constructing the Northern Station at Farrington Road, which may increase traffic.

Chairman Reckhow called the following signed speakers forward for comments:

Philip Post supported Alignment C3.

Barbara Post supported Alignment C3 and requested a moratorium on development along Farrington Road.

Debbie McCarthy, representing Farrington HARP Neighborhood Association, 4517 Trenton Road, Durham, NC, opposed the Northern Station and advocated lower land use densities. She requested a moratorium on development along Farrington Road.

John Eaddy, representing Woodland Acres Homeowners Association, 5708 Crescent Drive, Chapel Hill, NC 27517, supported Alignment C3.

Curtis Booker, 5419 Farrington Road, Chapel Hill, NC 27517, supported Alignment C3.

Minister Ella Woods, 5223 Ephesus Church Road, Durham, NC 27707, opposed the Northern Station. She expressed concern that the corridor will interfere with water and sewer utilities.

Chairman Reckhow offered an apology to Minister Woods for her not receiving adequate information on the corridor realignment. She asked Mr. Ahrendsen about the invitation to residents regarding public meetings at Creekside Elementary School to discuss the corridor.

Mr. Ahrendsen responded that residents were informed via postal mail.

Minister Woods told the Board that she attended the public meetings; she has not been informed of tonight's Commissioner meeting.

Chairman Reckhow informed Ms. Woods that Board of County Commissioner meeting notices are not personally mailed to residents.

Per Chairman Reckhow's instruction, Mr. Ahrendsen addressed concerns expressed by the speakers.

Chairman Reckhow asked for legal advice from the County Attorney about issuing a rezoning moratorium.

County Attorney Chuck Kitchen explained that a rezoning moratorium requires the same process as a zone change, which involves deciding what area would have the boundaries and reporting them to the Durham Planning Commission for recommendation. The recommendation is then sent to the Joint City-County Planning Committee; this process may be time consuming.

Mr. Ahrendsen addressed the Northern Station and the C3 and C4 alignments for Chairman Reckhow.

Commissioner Cheek supported Alignment C3 and echoed Chairman Reckhow's suggestion of a rezoning moratorium.

Vice-Chairman Heron opposed the Northern Station and echoed Commissioners' suggestion for a moratorium.

Mr. Duke expressed concern for constructing two stations (Northern and Southern) within such close proximity of each other. In response to the moratorium suggestion, he opined that it would take longer to enact a moratorium than to revisit the land use pattern in the area, assuming clear direction is received from City Council and the TAC in the next few weeks.

County Attorney Kitchen noted that the Board holds the right to deny a plan with a higher density than what the Board deems appropriate.

Commissioner Cheek reminded the Board that it has the option to defer action on a rezoning.

Chairman Reckhow directed Mr. Duke to place this item on the next Joint City-County Planning Committee (JCCPC) meeting agenda for discussion. She further instructed him to work with the County Attorney to draft a timeline for a moratorium.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to support the concept of Alignment C3 with the understanding that construction of the Northern Station be revisited as well as making the land use around the station less intense; and to state in the plan that staff will work with the developers once the alignment leaves the I-40 corridor in terms of the actual location as the alignment moves west.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Chairman Reckhow directed Planning staff to address the land use issue in an expeditious manner.

Chairman Reckhow reiterated for Commissioner Page that the moratorium issue would be placed on the JCCPC meeting agenda and staff will draft a timeline to determine how long it would take to enact a moratorium. She announced that the next JCCPC meeting will be held on September 7, 2005 at 10 a.m. in City Hall. A notice will be placed on the front door to direct the public to its location.

Mr. Duke informed the County Attorney that staff has a timeline for ordinances.

Chairman Reckhow announced that this item may be on the TAC agenda at its September 14 meeting at 9 a.m. She thanked the speakers for their input on the issue.

Board and Commission Appointments

The Board of County Commissioners made the following boards and commission appointments:

Area Mental Health Board

Melvin L. Whitley (Representing the Interests of Individuals with Mental Illness)

EMS Advisory Council

Ronald Deshields (Law Enforcement—Durham County Sheriff's Department)
Robert A. Soucy (Consumer)

Historic Preservation Commission

Christin Coan (Attorney)

Jury Commission

Robert Shoaf

Juvenile Crime Prevention Council

Pauletta Brown Bracy (Citizen)
Mickey Brown (Citizen)
Harold E. Burch (Citizen)
Daniella Gabriel (Citizen)
Angela G. Nunn (Citizen)
Nicholas A. Tise (Citizen)

Memorial Stadium Authority

Willie Bradshaw

Workforce Development Board

Jessie Pickett-Williams (Public Sector)

Closed Session

Vice-Chairman Heron moved, seconded by Commissioner Page, to adjourn to closed session to hear a report concerning the investigation of alleged criminal misconduct and to consult with an attorney in order to preserve the attorney-client privilege and to discuss *Jeffers v. Hill*, 05 CVS 4204, and to discuss matters relating to the location or expansion of industries in the area pursuant to G.S. § 143-318.11(a)(3), (4), & (7).

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin

Reconvene to Open Session

Chairman Reckhow announced that the Board met in Closed Session and directives were given to staff; no action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Yvonne R. Gordon
Deputy Clerk to the Board