

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

Monday, September 12, 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—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow called attention to the amended resolutions and announced the following agenda adjustments:

- Consent Agenda Item No. 9h—Sanitary Sewer Easement to the City of Durham—2005 Hillock Place (deferred until the September 26 Regular Session)
- Deleted—Closed Session to consult with an attorney and to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3).

Announcements

Chairman Reckhow highlighted the following events:

- Forum on the Ten-Year Plan to End Homelessness in Durham at the American Tobacco Complex, Bay 7 on September 13 from 7:00 to 9:00 p.m.
- “Neighborhood College” Kickoff (a ten-week series of classes to provide information on key City and County services)—Thursday, September 15 at 6:00 p.m. in the Commissioners’ Chambers. Chairman Reckhow encouraged the Commissioners to attend.
- “Durham Reads Together” Program Kickoff—Friday, September 16 at 7:00 p.m. on the front lawn of the Main Library. Interested citizens are encouraged to read The Color of Water, a book by James McBride.
 - Nancy Blood, Senior Librarian and Coordinator for “Durham Reads Together”, invited citizens to attend the September 16 Jazz Kickoff which will feature the Durham School of the Arts Jazz Band and a jazz combo from NCCU’s Jazz study

program. Also featured will be County Commission Chairman Ellen Reckhow and Mayor Bill Bell to present a joint proclamation to launch "Durham Reads Together". Ms. Blood also announced the wide variety of facilitated discussion groups, panels, films, and dramatic events planned for September 16 through October 23 to spark debate about issues important to Durham such as race, family, identity, religion, faith, education, culture, and music.

Minutes

Commissioner Heron moved, seconded by Commissioner Cheek, to approve as submitted the August 22, 2005 Regular Session Minutes of the Board.

The motion carried unanimously.

Resolution Regarding Hurricane Katrina

Chairman Reckhow read a resolution into the record to recognize victims of Hurricane Katrina, one of our nation's most horrific natural disasters that struck Gulf Coast states of Louisiana, Mississippi, and Alabama last week.

RESOLUTION

WHEREAS, Hurricane Katrina, which struck early on August 29, 2005, is seen as one of the most intense hurricanes to ever strike the United States; and

WHEREAS, United States Homeland Security Chief Michael Chertoff described the devastation of Hurricane Katrina as "probably the worst catastrophe" in the country's history; and

WHEREAS, early estimates have placed the death toll at over ten thousand people; and

WHEREAS, more than a million people are known to have been displaced as a result of massive flooding and related storm damage in the Gulf Coast region; and

WHEREAS, numerous states, cities, and counties, including Durham County, North Carolina, are opening their doors and hearts to help victims of the storm to find a safe harbor and to begin the process of rebuilding their lives:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby call on all citizens of Durham County to remember those whose lives were lost in the natural disaster.

BE IT FURTHER RESOLVED that we, the members of the Durham County Board of Commissioners, encourage Durham County citizens to support storm victims by assisting in

various reputable relief efforts now being undertaken by organizations such as the America Red Cross and United Way to name a few.

BE IT STILL FUTHER RESOLVED that we, the members of the Durham County Board of Commissioners, pledge to provide direct assistance to Jackson County, Mississippi, a Gulf Coast community hard hit by the disaster, for as long as is required to help the community recover.

This the 12th of September, 2005.

/s/ Five Commissioners
Durham County Commissioners

Chairman Reckhow announced that the Commissioners had decided to “adopt a county” to provide long-term, focused relief in response to leaders of Jackson County, Mississippi (a community of about 140,000 people). Supplies donated by Durham County employees and citizens were specifically requested. She thanked the County Manager for his leadership regarding this issue. The outpouring of support has been tremendous from both County staff and citizens.

Chairman Reckhow called on County Manager Mike Ruffin to give an update on activities to date involving Hurricane Katrina relief efforts.

County Manager Ruffin echoed appreciation to the citizens and employees. He also recognized donations and assistance from TROSA, stating that a number of groups and organizations will be acknowledged at a future BOCC meeting. County Manager Ruffin showed pictures of the collection efforts at the Durham County Stadium. Two truckloads of the most urgently needed relief supplies were collected. One truckload left Durham early Sunday and unloaded at its destination on Monday. The second will leave Wednesday for Moss Point, Mississippi, a town of approximately 17,000 people in Jackson County. Renewed interest has been expressed by Jackson County officials for a medical team from Durham County to help with a number of primary care needs. Offers for furniture and short-term and long-term housing have been extended. Durham County is providing leadership in coordinating efforts of all agencies involved including Triangle United Way, Durham Affordable Housing Coalition, City of Durham, and Durham Housing Authority.

Deputy County Manager Carolyn Titus shared information about ongoing efforts to provide housing, employment, employment training, school placement, human service needs, and other resources to displaced individuals coming to the Durham community. More than 300 evacuees are known to the Red Cross and another 65 to the Department of Social Services. Officials are creating a confidential database to document the new arrivals, their needs, and their goals. Durham County is working closely with community partners to provide the needed services. Two social workers will be assigned full-time to the task.

County Manager Ruffin elaborated that Durham County is not at liberty to establish a shelter for relocated survivors on its own. FEMA has designated Raleigh/Wake County, Guilford County/Greensboro, Mecklenburg County/Charlotte, as the three shelter areas. Shelter capacity has not yet been reached. If that need arises, the County and the City of Durham will accept residents.

Vice-Chairman Heron announced that space has been made available in a special facility at the Animal Shelter to receive some of the pets if the need arises.

Commissioner Page recognized staff for going beyond the call of duty in its endeavors. He stressed the importance of coordinating efforts between the County and City. Commissioner Page asked if a telephone number has been designated for citizens who wish to volunteer their resources and offerings of assistance.

County Manager Titus replied that staff is currently working on the technical connections to establish a telephone number.

Afiya Carter, 512 Dunbar Street, Durham 27701, represented the Coalition for Relief and Justice. She requested a link on the County website to update citizens on relief efforts and the establishment of a broad Disaster Relief Commission.

Chairman Reckhow expressed appreciation for Ms. Carter's comments, stating that the desires articulated by the coalition are currently being undertaken by Durham County.

Chairman Reckhow directed staff to follow up on the suggested website link. She encouraged citizens to offer support and assistance to those in need of rebuilding.

Resolution Honoring Architect Patricia E. Harris, AIA, NOMA, APA

Commissioner Cheek read a resolution to recognize the outstanding career of Patricia E. Harris, AIA, NOMA, APA, who has served on the Durham City-County Planning Commission for two terms and has recently closed her Durham office. A prolific architect, Ms. Harris is among the first African-American females to operate a successful practice in Durham County.

RESOLUTION

WHEREAS, Patricia E Harris was educated at Wittenberg University and holds a Master of Architecture from Massachusetts Institute of Technology in Cambridge, Massachusetts; and

WHEREAS, her professional career included a tenure as an educational planner and vocational counselor during which time she was recognized by President Jimmy Carter with a Presidential Award for Excellence for her summer youth employment program in Montgomery County, Ohio; and

WHEREAS, she is known for designing buildings that raise the human spirit through the judicious use of natural lighting and attention to functional relationships; and

WHEREAS, Ms. Harris helped with several international rebuilding projects for the United Nations including the Million Houses Program for Chile, recovery planning for the Mexico City earthquake disaster, and the New Town Resettlement Program for Sri Lanka; and

WHEREAS, she began her architectural and planning career in Acton, Massachusetts and eventually worked for a local architecture firm that designed banking institutions, corporate headquarters, and private homes; and

WHEREAS, after relocating to North Carolina, she enjoyed an illustrious career and was a member of the Durham City/County Planning Commission where she served two terms, along with membership on the Planning Committee and the Zoning Committee; and

WHEREAS, Ms. Harris is a founding member of the N. C. Chapter of the National Organization of Minority Architects (NOMA) and a former state president and holds memberships in the American Institute of Architects (AIA) and the American Planning Association (APA):

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby extend sincere appreciation to

PATRICIA E. HARRIS, AIA, NOMA, APA

for her extraordinary and groundbreaking achievements as an architect and owner of The New Synergy Inc. We call upon the entire Durham community to join in recognizing a bright star of the architectural community.

This the 12th of September, 2005.

/s/ Five Commissioners
Durham County Commissioners

Commissioner Cheek offered congratulations to Ms. Harris for a very distinguished career, both professionally and in Durham County. He expressed appreciation for her service on the Planning Commission, which is time consuming and difficult.

Chairman Reckhow publicized that Ms. Harris recently leased space on Main Street for the new Mental Health Empowerment Center. Chairman Reckhow thanked Ms. Harris for the use of the facility utilized by needy clients in the community.

Ms. Harris thanked everyone for kindness and consideration and for welcoming her into Durham County 15 years ago. The warmth and professionalism in Durham exceeds that in other communities. Durham County is the “best place in the world to live”. She expressed appreciation to all the citizens of the County for allowing her so many years of success and the ability to contribute to the community.

Resolution Honoring Durham Rescue Mission's Good Samaritan Inn

Chairman Reckhow read a resolution to recognize the opening of Durham Rescue Mission's Good Samaritan Inn. Chairman Reckhow spoke about the amazing transformation of a run-down hotel to a warm, inviting facility. The Commissioners are pleased with the "near miracle" that has been accomplished.

RESOLUTION

WHEREAS, Ernie and Gail Mills, founders of the well known Durham Rescue Mission, had a vision to transform an abandoned interstate motel into a symbol of hope and help; and

WHEREAS, at the Good Samaritan Inn, residents will find hot meals, clean safe shelter, counseling, vocational training, a caring staff, and hope for a better life; and

WHEREAS, the 130-room motel will allow Durham Rescue Mission the opportunity to serve more than triple its current number of residents; and

WHEREAS, residents of Durham's Good Samaritan Inn will have a beautiful garden to enjoy, courtesy of design services provided by a landscape horticulture class from N. C. State and assistance from Durham County's Cooperative Extensive Service through its Master Gardener program and Durham Garden Clubs; and

WHEREAS, in addition to housing, the center will include a Microsoft-certified computer training center for residents; and

WHEREAS, when the Good Samaritan Inn opens this week, it will be one of the largest new shelters in the Carolinas for homeless women, children, and families to include training programs; and

WHEREAS, generous donors in and out of this community have adopted individual rooms to decorate for families who will live at the Good Samaritan Inn, helping to make it a very vibrant and pleasant home:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby congratulate Ernie and Gail Mills for their extraordinary efforts to provide this community with

THE GOOD SAMARITAN INN

a wonderful residential setting, which will long be a place of refuge for the least, the last, and the lost among us.

This the 12th of September, 2005.

/s/ Five Commissioners
Durham County Commissioners

Chairman Reckhow stated that members of the Board of County Commissioners and the County Manager would serve the evening meal at the Inn on September 14 at 4:30 p.m.

Rev. Mills commented that the Durham Rescue Mission is a 30-year-old nonprofit organization that provides shelter, counseling, and training for homeless, alcoholic, and addicted individuals and families. He accepted the resolution on behalf the Durham community and surrounding communities, which have made the new facility—the Good Samaritan Inn—a reality.

Aaron Gamble, Board of Directors member, Durham Rescue Mission, commended the Commissioners for embracing the vision of Rev. and Gail Mills. He spoke on behalf of the Board of Directors by stating that its members honor the Commissioners for responding to community needs. The Good Samaritan Inn “looks forward to serving Durham in a great way”.

Staff played a three-minute video tape about the Good Samaritan Inn and how the three-year efforts of volunteers and donors—both individual and within civic organizations—have transformed the derelict motel (previously condemned by the City as a public nuisance) into a 130-room facility.

Proclamation Observing September 26, 2005 as “Family Day—A Day to Eat Dinner With Your Children”

Commissioner Page read the proclamation into the record.

PROCLAMATION

WHEREAS, the abuse of alcohol and nicotine and the use of illegal drugs are perhaps the greatest threats to the well-being of America's children; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illicit drugs, alcohol, and cigarettes; and

WHEREAS annual surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently illustrated that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink, and use illegal drugs; and

WHEREAS, teens who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol, and cigarettes; and

WHEREAS, parental influence is known to be one of the most important factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America; and

WHEREAS, the symbolic act of regular meals should be promoted and celebrated inside and outside the home throughout this day; and

WHEREAS, observed since 2001, Family Day is a national effort that promotes parental engagement as a simple, effective way to reduce youth substance abuse and raise healthier children:

NOW, THEREFORE, BE IT RESOLVED that I, Ellen W. Reckhow, do hereby proclaim September 26, 2005 as

FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN

in Durham County and urge all citizens to recognize and participate in its observance.

This the 12th day of September, 2005.

/s/ Ellen W. Reckhow
Chairman

Ellen Holliman, Mental Health Director, thanked the Commissioners and accepted the proclamation on behalf of the Durham County Mental Health program. She reported that this national initiative is observed annually on the 4th Monday in September to promote the benefits of parental influence in reducing the risk of drug and alcohol abuse among the youth. Last year, President Bush and more that 200 cities and counties recognized this day across the country.

Proclamation in Recognition of 2005 Fall Litter Sweep

Chairman Reckhow read the proclamation that had been prepared in recognition of 2005 Fall Litter Sweep, which is the Department of Transportation's annual roadside cleanup. She encouraged citizens to participate in the event.

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Fall 2005 “LITTER SWEEP” roadside cleanup will take place September 17 – October 1, 2005 and encourage local governments and communities, civic and professional groups, businesses, schools, churches, families, and individual citizens to participate in the Department of Transportation cleanup by sponsoring local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during “LITTER SWEEP” and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2005 Fall cleanup will celebrate the 17th Anniversary of the North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year-round to keep our roadsides clean; and

WHEREAS, the “LITTER SWEEP” cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina:

NOW, THEREFORE, BE IT RESOLVED that we, the Durham County Board of Commissioners, do hereby proclaim September 17 – October 1, 2005, as

“FALL LITTER SWEEP”

in Durham County and encourage all citizens to take an active role in making our community cleaner.

This the 12th day of September, 2005.

/s/ Five Commissioners
Durham County Commissioners

Chairman Reckhow commented that no one was present to accept the proclamation.

Consent Agenda

Commissioner Cousin moved, seconded by Commissioner Cheek, to approve the following consent agenda items:

- *a. Budget Ordinance Amendment No. 06BCC000012—Revenue Category Reclassification for Cooperative Extension (approve to change revenue categories for \$8,000 from Intergovernmental to Charges for Services);
- *e. Budget Ordinance Amendment No. 06BCC000016—Public Health—Recognize Grant Funds in the Amount of \$42,205 from Duke University to Establish and Hire the Position of Social Worker II for the Maternity Care Coordination Services (to be funded for one year only as continuation is contingent upon further funding);
- *f. Budget Ordinance Amendment No. 06BCC000017—FY 2005-2006 Encumbrances (the unrestricted fund balance will not be affected by this amendment);
- *g. Approve Amendments to the Parking Ordinance;
- *i. Adopt the new Audit Policy, Audit Charter, By-Laws for the Audit Oversight Committee, and a Resolution Establishing the Audit Oversight Committee; and
- k. Ambulance Franchise—Tri-Star Medical Transport Inc. (deny the request for a non-emergency ambulance franchise).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 06BCC000012—Revenue Category Reclassification for Cooperative Extension (approve to change revenue categories for \$8,000 from Intergovernmental to Charges for Services).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000012

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	\$295,030,084	(\$8,000)	\$295,022,084
Service Charges	\$ 30,029,878	\$8,000	\$ 30,037,878

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

This the 12th day of September, 2005.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 06BCC000016—Public Health—Recognize Grant Funds in the Amount of \$42,205 from Duke University to Establish and Hire the Position of Social Worker II for the Maternity Care Coordination Services (to be funded for one year only as continuation is contingent upon further funding).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000016

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	\$295,454,547	\$42,205	\$295,496,752

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$356,961,128	\$42,205	\$357,003,333

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

This the 12th day of September, 2005.

Consent Agenda Item No. f. Budget Ordinance Amendment No. 06BCC000017—FY 2005-2006 Encumbrances (the unrestricted fund balance will not be affected by this amendment).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000017

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	\$ 17,240,333	\$2,348,844	\$ 19,589,177

SELF-INSURANCE FUND

Other Financing Sources	\$ 0	\$ 10,085	\$ 10,085
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SEWER UTILITY FUND

Other Financing Sources	\$ 1,500,000	\$ 68,217	\$ 1,568,217
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Expenditures:

Activity

GENERAL FUND

General Government	\$ 25,520,375	\$ 586,676	\$ 26,107,051
Public Safety	\$ 41,686,956	\$ 679,290	\$ 42,366,246
Environmental Protection	\$ 3,082,150	\$ 322,719	\$ 3,315,869
Economic & Physical Development	\$ 2,704,699	\$ 132,886	\$ 2,837,585
Human Services	\$357,003,333	\$ 489,826	\$ 357,493,159
Cultural & Recreational	\$ 9,516,362	\$ 96,447	\$ 9,612,809
Other	\$ 3,402,106	\$ 130,000	\$ 3,532,106

SELF-INSURANCE FUND

General Government	\$ 2,082,576	\$ 10,085	\$ 2,092,661
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SEWER UTILITY FUND

Utilities	\$ 10,003,753	\$ 68,217	\$ 10,071,970
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of September, 2005.

Consent Agenda Item No. g. Approve Amendments to the Parking Ordinance.

ORDINANCE AMENDING DURHAM COUNTY PARKING ORDINANCE

WHEREAS, the Board of Commissioners may regulate parking on County property pursuant to G.S. § 153A-170; and

WHEREAS, the Board of Commissioners has previously adopted a parking ordinance which is codified in Chapter 24 of the Durham County Code of Ordinances; and

WHEREAS, new parking areas have been added for County buildings, and other areas have been rearranged which requires the modification of the Parking Ordinance.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:

1. That section 24-47 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-47. Designation of restricted parking lots generally.

(a) Any parking lot located on county-owned property may be designated by the board of commissioners as a restricted parking lot. A listing of these restricted parking lots is set forth in Division II of this Article.

(b) The board of commissioners may regulate or restrict the parking of motor vehicles in restricted parking lots by requiring permits for parking, setting time limits on parking, designating certain parking spaces for certain individuals or certain types of individuals, or by any other means whatsoever.

(c) Every restricted parking lot shall have a sign posted at every entrance stating that the lot is a restricted parking lot and stating the restrictions on parking.

2. That section 24-63 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-63. Areas adjacent to the county courthouse administrative complex (old county courthouse)—lot # 2 and areas adjacent to the social services building—lot # 3.

(a) *Areas adjacent to the administrative complex, lot # 2.*

(1) The street address is 200 E. Main St.

(2) The parking area immediately to the west and adjacent to the Durham County Administrative Complex, formerly known as the old county courthouse, is hereby designated as a restricted parking lot for use by the patrons of the administrative complex. The parking area beneath the administrative complex is also hereby designated as a restricted parking lot, which is assigned parking by the county manger or his designee.

(3) Parking immediately to the west, adjacent to or beneath the administrative complex for any other purpose is hereby prohibited.

(4) Vehicles may park or stand temporarily while unloading supplies at the loading dock to the rear of the Social Services building and on the east side of the Administrative Complex. Provided however, that no vehicle shall block the egress to the parking area beneath the administrative complex.

(5) Parking in other than designated spaces in parking lot # 2, adjacent to or beneath the administrative complex is hereby prohibited.

(b) *Areas adjacent to the social services building, lot # 3.*

(1) The street address is 220 East Main Street.

(2) The parking area south and immediately adjacent to the social services building is hereby designated as restricted parking.

(3) The parking area south and adjacent to the social services building is hereby designated for the use of county employees, which have been assigned parking by the county manager or his designee.

(4) Parking in other than designated parking spaces in the parking adjacent to the social services building is hereby prohibited.

3. That section 24-64 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-64. Areas adjacent to county libraries, Main Street Library—lot # 4, Bragtown Branch Library—lot # 5, Southwest Branch Library—lot # 6, and Stanford L. Warren Branch Library—lot # 7.

(a) Areas adjacent to the main library, lot # 4.

- (1) The street address is 300 N. Roxboro St.
- (2) The parking area immediately to the east, north and adjacent to the main county library is hereby designated as a restricted parking lot.
- (3) The parking lot adjacent to the main county library is hereby designated for use by the patrons of the library, and for the use of the employees of the county, which have been assigned parking in the lot by the county manager or his designee. Four spaces shall be reserved for the Library Director and designated staff members of the library. Parking in the lot adjacent to the main county library for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in the parking lot adjacent to the main county library is hereby prohibited.

(b) Areas adjacent to the Bragtown Branch Library, lot # 5.

- (1) The street address is 3200 Dearborn Drive.
- (2) The parking area immediately north and adjacent to the Bragtown Branch Library is hereby designated as a restricted parking lot.
- (3) The parking lot adjacent to the Bragtown Branch Library is hereby designated for use by the patrons of the library, and for the use of the employees of the county, which have been assigned parking in the lot by the county manager or his designee. Parking in the lot adjacent to the Bragtown branch library for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in the parking lot adjacent to the Bragtown Branch Library is hereby prohibited.

(c) Areas adjacent to the Southwest Branch Library, lot # 6.

- (1) The street address is 3605 Shannon Drive.
- (2) The parking area immediately in front, north and adjacent to the Southwest Branch Library is hereby designated as a restricted parking lot.
- (3) The parking lot adjacent to the Southwest Branch Library is hereby designated for use by the patrons of the library, and for the use of the employees of the county, which have been assigned parking in the lot by the county manager or his designee. Parking in the lot adjacent to the southwest branch library for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in the parking lot adjacent to the southwest branch library is hereby prohibited.

(d) Areas adjacent to the Stanford L. Warren Branch Library, lot # 7.

- (1) The street address is 1201 Fayetteville Street.
- (2) The parking area immediately east and adjacent to the Stanford L. Warren Branch Library is hereby designated as a restricted parking lot.
- (3) The parking lot adjacent to the Stanford L. Warren Branch Library is hereby designated for use by the patrons of the library, and for the use of the employees of the county, which have been assigned parking in the lot by the county manager or his designee. Parking in the lot adjacent to the Stanford L. Warren Branch Library for any other purpose is hereby prohibited.
- (4) Parking in other than designated parking spaces in the parking lot adjacent to the Stanford L. Warren Branch Library is hereby prohibited.

4. That section 24-69 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-69. Areas adjacent to animal shelter/animal control office—lot # 19.

- (a) The street address is 2117 E. Club Blvd.
- (b) The parking area immediately adjacent to the animal shelter/animal control office is hereby designated as a restricted parking lot.
- (c) The parking areas adjacent to the animal shelter/animal control are hereby designated for use by the patrons of the animal shelter/control, and for the use of the employees of the county which have been assigned parking in the lots by the county manager or his designee. Parking in the lots adjacent to the animal shelter/animal control for any other purpose is hereby prohibited.
- (d) Parking in other than designated parking spaces in the parking lots adjacent to the animal shelter/ animal control office is hereby prohibited.

5. That section 24-73 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 24-73. Areas adjacent to the emergency services headquarters—lot # 23, emergency services sub-station at Lincoln Community Health Center—lot # 24, ~~and~~ emergency services sub-station at Holloway Street—lot # 25, and emergency services sub-station at Milton Road—lot # 31:

(a) Areas adjacent to the emergency services headquarters, lot # 23.

- (1) The street address is 402 Stadium Drive.
- (2) The parking area immediately adjacent to the emergency services headquarters is hereby designated as a restricted parking lot.
- (3) The parking area on the southwest side and adjacent to the emergency services headquarters is hereby designated for use by the patrons of the emergency services headquarters, and for the use of the employees of the county which have been assigned parking in the lot by the county manger or his designee. Parking in the lot adjacent to the emergency services headquarters for any other purpose is hereby prohibited.

(4) Parking in other than designated parking spaces in the parking lot adjacent to the emergency services headquarters is hereby prohibited.

(b) Emergency services sub-station at Lincoln Community Health Center, lot 24:

(1) The street address is 1301 Fayetteville Street to the rear of the Lincoln Community Health Center (CHC) on Spaulding Street.

(2) The parking area immediately adjacent to the emergency services sub-station at Lincoln CHC is hereby designated as a restricted parking lot.

(3) The parking area north and adjacent to the emergency services at Lincoln CHC is hereby designated for use by the patrons of the emergency services at Lincoln CHC, and for the use of the employees of the county which have been assigned parking in the lot by the county manager or his designee. Parking in the lot adjacent to the emergency services sub-station at Lincoln CHC for any other purpose is hereby prohibited.

(4) Parking in other than designated parking spaces in the parking lot adjacent to the emergency services sub-station at Lincoln CHC is hereby prohibited.

(c) Emergency services sub-station at Holloway Street, lot # 25:

(1) The street address is 2725 Holloway Street.

(2) The parking area immediately adjacent to the emergency services sub-station at Holloway Street is hereby designated as a restricted parking lot.

(3) The parking area north, west, east, and adjacent to the emergency services sub-station at Holloway is hereby designated for use by the patrons of the emergency services sub-station at Holloway, and for the use of the employees of the county which have been assigned parking in the lot by the county manager or his designee. Parking in the lot adjacent to the emergency services sub-station at Holloway for any other purpose is hereby prohibited.

(4) Parking in other than designated parking spaces in the parking lot adjacent to the emergency services sub-station at Holloway is hereby prohibited.

(d) Emergency services sub-station at Milton Road, lot # 31:

(1) The street address is 226 Milton Road.

(2) The parking areas immediately adjacent to the emergency services sub-station at Milton Road are hereby designated as restricted parking lots.

(3) The parking areas north, east, west and adjacent to the emergency services sub-station are hereby designated for patrons of the emergency services sub-station, and for the use of the employees of the county which have been assigned parking in the lot by the county manager or his designee. Parking in the lots adjacent to the emergency services sub-station at Milton Road for any other purpose is hereby prohibited.

(4) Parking in other than designated parking spaces in the parking lots adjacent to the emergency services sub-station at Milton Road is hereby prohibited.

6. This ordinance shall be effective on adoption.

This the 12th day of September, 2005.

Consent Agenda Item No. i. Adopt the new Audit Policy, Audit Charter, By-Laws for the Audit Oversight Committee, and a Resolution Establishing the Audit Oversight Committee.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE AUDIT OVERSIGHT COMMITTEE FOR DURHAM COUNTY GOVERNMENT

WHEREAS, the County identified several problems with the Internal Audit Function on the heels of the recent Human Resource Audit; and

WHEREAS, the Interim County Manager was instructed to conduct a review of the processes and functions of the County's Internal Audit Department; and

WHEREAS, the review of the processes and functions of the County's Internal Audit Department has been studied, evaluated and benchmarked; and

WHEREAS, the Deputy County Manager is making significant recommendations to the County Manager and the Board of County Commissioners on best management practices for the internal audit function; and

WHEREAS, it is recommended that a Audit Oversight Committee be created to serve in an advisory capacity to the County Manager regarding the functions of the Audit Department; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of Durham County to implement certain elements of the Audit Assessment Task Teams recommendations regarding the creation and function of the proposed Audit Oversight Committee; and

WHEREAS, the Board of County Commissioners has determined that the establishment of the proposed Audit Oversight Committee will enhance the public trust in the integrity of Durham County Government:

NOW, THEREFORE BE IT RESOLVED BY THE DURHAM BOARD OF COUNTY COMMISSIONERS:

1. The Board of County Commissioners hereby receives the report from the Deputy County Manager regarding its review of the processes and functions of the County's Internal Audit Department.

2. The Board of County Commissioners hereby endorses and establishes the immediate creation of an Audit Oversight Committee that shall serve as an advisory committee to the County Manager regarding the functions of the Internal Audit Department.

3. The County Commissioners hereby approves the By-Laws of the Audit Oversight Committee which are fully enumerated and set forth in Attachment 1 and is incorporated by reference into this resolution as if fully setout herein.

4. This resolution is effective upon adoption on this date September 12th , 2005.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. b. Sheriff's Office—Budget Ordinance Amendment No. 06BCC000013—2005 G.R.E.A.T. Grant for Gang Resistance Education (appropriation of funds will not exceed the amount of the \$43,695.00 grant award).

Vice-Chairman Heron removed the consent agenda item to offer recognition and congratulations to the Sheriff and his department for the G.R.E.A.T. program and for obtaining the grant. She asked Marcia Margotta, Sheriff's Office Comptroller, to speak about this valuable curriculum and the various parties, events, and trips, including the Washington, D.C. Reward Trip.

Ms. Margotta announced that since the 2002-03 school year, the Sheriff's Office has successfully received this grant funding to support the Gang Resistance Education and Training (G.R.E.A.T.) Program. Funding has increased from the initial start-up funds of \$10,000 to the current level of \$43,000+. To date, 3,335 middle school students and 1,472 elementary students in sixteen elementary and middle schools have been taught valuable life skill lessons which include roles and responsibilities, decision-making, effective communication, body language, and anger management.

Commissioner Page asked of Ms. Margotta:

- Is the program targeted to specific schools or is it countywide?
The targeted schools are essentially the schools that were the traditional County schools before the County and City school system merged.
- Is anything being done to provide intervention for the gangs, particularly in the City?
Ms. Margotta stated that she would find out and get the information to Commissioner Page.

Commissioner Page expressed a concern for youth involved in gangs. He asked for ideas on how the Sheriff's Department and the Police Department could intervene in gang-related activity. The community needs to become involved, also.

Ms. Margotta informed Commissioner Page that the Sheriff's Department is open to any programs and opportunities that would lead to intervention.

Chairman Reckhow remarked that a more thorough response would be beneficial. She conveyed that the Police Department and the Sheriff's Department have gang units. In addition, the County received a special pilot grant from the State for GangNet software to provide law enforcement agencies across the state with information about gangs. Chairman Reckhow stated that she has spoken with Chief Deputy Wes Crabtree about applying for the

grant funds designated in the approved State budget for prevention activities. “The County is taking a leadership role.”

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, expressed her opinion and concern that gang activity is increasing. Long-term evaluations are in order to determine if the grant money could be better utilized to reduce the number of gangs in Durham County.

Ms. Margotta responded that G.R.E.A.T. grant funding is dictated by the grant requirements; its uses are restricted to the curriculum and to delivering that curriculum to elementary and middle school youth. Evaluative data is difficult to determine for the G.R.E.A.T. program because it teaches life skills. However, the Bureau of Justice Assistance is considering Results Based Accountability and will be leading the charge for evaluative data.

Vice-Chairman Heron stressed the need for preventive measures to prevent Durham’s youth from joining gangs.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve Budget Ordinance Amendment No. 06BCC000013—2005 G.R.E.A.T. Grant for Gang Resistance Education.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000013

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	\$295,022,084	\$ 43,695	\$295,065,779

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 41,254,493	\$ 43,695	\$ 41,298,188

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

This the 12th day of September, 2005.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 06BCC000014—Fire Marshal/Emergency Management—State Homeland Security Grant Program—Re-Appropriate Unspent Grant Balances of \$388,768 received through the NC Department of Crime Control and Public Safety.

Commissioner Cheek asked for an update on the implementation process.

Jeff Batten, Fire Marshal/Emergency Management Director, replied that all of the equipment should be purchased within the next six months.

Vice-Chairman Heron voiced concern about the various agencies not participating in training and exercises.

Mr. Batten stated that all Terrorism Task Force agencies are now participating. He elaborated on the County's Emergency Operation Plan and the Continuity of Government Plan.

Chairman Reckhow directed Mr. Batten to work with the County Manager and City staff to publicize the on-line registry and the E911 registry for persons with special needs.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Budget Ordinance Amendment No. 06BCC000014—Fire Marshal/Emergency Management—State Homeland Security Grant Program.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000014

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	\$295,065,779	\$388,768	\$295,454,547

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 41,298,188	\$388,768	\$ 41,686,956

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

This the 12th day of September, 2005.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000015—Public Health—Recognize a \$250 Award and Acknowledge Durham’s Innovative Nutrition Education (DINE) for Lasting Improvements in Fitness and Eating (LIFE) Program as the 1st Place Winner in the NC 5-A-Day State Excellence Awards Community/Civic Group Division.

Commissioners Cheek and Heron removed the item from the consent agenda to recognize the Public Health Department for receipt of the \$250 award for the DINE for LIFE program.

Brian Letourneau, Public Health Director, acknowledged the contingent of nutritionists who were present at the meeting. He asked them to stand and be recognized for their hard work.

Becky Freeman, Nutrition Director, described some of the activities associated with the award. She thanked the Public Health Director, Board of Public Health, and the County Commissioners for the support received through the years for the DINE for LIFE program, which promotes the eating of fruits and vegetables.

Commissioner Cousin moved, seconded by Commissioner Page, to approve Budget Ordinance Amendment No. 06BCC000015—Public Health—Recognize a \$250 Award and Acknowledge Durham’s Innovative Nutrition Education (DINE) for Lasting Improvements in Fitness and Eating (LIFE) Program.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000015

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>			
Service Charges	\$ 30,037,878	\$250	\$ 30,038,128

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$356,960,878	\$250	\$356,961,128

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

This the 12th day of September, 2005.

Consent Agenda Item No. j. Approve the Revised Legal Written Description of the Five-Mile Parkwood Fire Insurance District.

Jeff Batten, Fire Marshal/Emergency Management Director, responded to a question by Vice-Chairman Heron that the agenda item has no influence on the fire insurance ratings.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve the Revised Legal Written Description of the Five-Mile Parkwood Fire Insurance District.

The motion carried unanimously.

Public Hearing—Plan Amendment, Amending the Plan Text (A05-06)

Frank M. Duke, AICP, Planning Director, requested that the Board hold a public hearing to receive public comment on a Plan Amendment for Amending the Plan Text (A05-06) amending the *Durham Comprehensive Plan* and adopt a resolution amending the Plan. The Planning Department and the Planning Commission both recommended approval.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the Plan Amendment for Amending the Plan Text (A05-06) amending the *Durham Comprehensive Plan* and to adopt a resolution amending the Plan.

Per a request by Vice-Chairman Heron, Mr. Duke described the notification process for a proposed plan amendment, which must be done in conjunction with a rezoning proposal. He also spoke about the rectification process of the City and County.

Chairman Reckhow opened the public hearing that was properly advertised.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, voiced her delight that citizens would be allowed to request amendments to the Plan through the Planning Department. Her concern was that citizens would be limited in their requests.

Chairman Reckhow, Mr. Duke, and County Attorney Kitchen briefly discussed a section of the language that describes the Plan Amendment process as follows:

“Applicants for amendments to the Plan shall provide a justification, which could include factors such as an error in the Plan, a level of detail not considered in the adoption of the Plan, or a change in circumstances since the adoption of the Plan, for the proposed change.”

County Attorney Kitchen concluded that “a change in circumstances” could include “virtually everything”.

Due to a question posed by Commissioner Cousin, Dr. Allison replied that she was satisfied with the response to her concern.

Chairman Reckhow reiterated that the Plan amendments requested by citizens would be “viewed very broadly”.

Chairman Reckhow closed the public hearing and referred the matter back to the Board, calling the question on the motion.

The motion carried unanimously.

BOARD OF COUNTY COMMISSIONERS RESOLUTION
AMENDING THE DURHAM COMPREHENSIVE PLAN
Amending the Plan Text, A05-06

WHEREAS, The Durham County Board of Commissioners has adopted long range land use plans, including the *Durham Comprehensive Plans*, to help guide the future development of land within the County’s jurisdiction; and

WHEREAS, changed community conditions, the age of the adopted plan, development activity within the planning area, and other factors may warrant a change to an adopted plan; and

WHEREAS, the Durham County Board of Commissioners has adopted a resolution that requires that the Board consider changes to adopted land use plans when requested;

NOW THEREFORE BE IT RESOLVED BY THE DURHAM COUNTY BOARD OF COMMISSIONERS:

SECTION 1

That the *Durham Comprehensive Plan* be amended as follows:

To add the language shown below, describing the Plan Amendment process into the Introduction section of the Introduction and Administration Element immediately following the section “Adopting the Plan.”

Amending the Plan

Plans, to be useful, must be regularly monitored and reviewed to ensure that they remain effective tools to help achieve the future that the community desires. Accordingly, this Plan requires that the Planning Department annually prepare an evaluation and appraisal report of the Plan for the governing bodies. This report will update baseline information, describe the activities that were called for in the Plan and completed in the previous year,

as well as recommendations for revisions to the Plan through the Plan Amendment process. The Evaluation and Appraisal Report shall also include a report on any Plan Amendments adopted by one governing body over the previous year so that the Plans of both the City and County can be rectified in order to maintain a common Comprehensive Plan for both jurisdictions.

In addition to the amendments recommended by the Planning Department through the Evaluation and Appraisal Report, either governing body may initiate amendments to the Plan as it affects their jurisdiction at any time.

Citizens may also request amendments to the Plan through the Planning Department. These could be amendments to the text of the Plan or to the Plan maps, including the Future Land Use Map. Such amendments to the Future Land Use Map shall be required whenever a property is proposed for rezoning to a classification inconsistent with what is shown on the Future Land Use Map to ensure that area residents are apprised of the development potential of their communities. Applicants for amendments to the Plan shall provide a justification, which could include factors such as an error in the Plan, a level of detail not considered in the adoption of the Plan, or a change in circumstances since the adoption of the Plan, for the proposed change.

All plan amendments shall be presented to the Joint City-County Planning Committee to ensure that elected officials from both jurisdictions are apprised of proposed amendments. They shall also require review and recommendation by the Planning Department. Following that review, all proposed amendments (except those designed to rectify differences between the City and County versions of the Plan) shall be reviewed by the Planning Commission in a public hearing, at the conclusion of which a recommendation shall be made to the appropriate governing body. Following the hearing before the Planning Commission, the governing body shall hold a public hearing on the proposed amendment, considering the recommendations of the Planning Department and the Planning Commission, as well as any testimony given during the public hearing. At the conclusion of the public hearing, the governing body shall make a final determination on the proposed Amendment. Any amendments approved by the governing body shall be reflected in the Comprehensive Plan and considered as part of the adopted Comprehensive Plan.

SECTION 2

This change shall become effective upon the adoption of this resolution.

This 12th day of September, 2005.

Major Site Plan—Coley Road Substation (D05-219)

Frank M. Duke, AICP, Planning Director, informed the Commissioners that Davis-Martin-Powell & Associates Inc., on behalf of Progress Energy, submitted a major site plan for a public utility facility on an 89.84-acre site, zoned RD and F/J-B. (The property is located at 3014 Coley Road, on the west side of Coley Road between Kemp and Carpenter Pond Roads. PIN 0870-03-41-4757) As the request meets all Ordinance requirements, Planning staff recommended approval of the site plan.

Chairman Reckhow called on signed speaker Robert S. Fife, 3301 Coley Road, Durham, NC 27703, for remarks.

Mr. Fife stated that he is a horse breeder and owner of Renegade Farms Inc. The development of the substation presents no problem; however, the addition of a second set of H-poles on his 30 acres of land will overburden the easement and will interfere with his business. He stated that he never received information regarding the proposed site plan or the cutting of trees on his property. He expressed his efforts to be a good steward of land, stating that the project will interfere with the creek barrier, which is within the bounds of the Falls Lake Watershed.

Commissioner Cheek asked about the Board's flexibility in dealing with a major site plan.

Mr. Duke replied that the Board's responsibility is considered an administrative action, evaluated on technical compliance.

Commissioner Cheek concluded that the Commissioners have little flexibility.

John Harris, 3122 Coley Road, Durham, NC 27703, expressed concern that installation of the power lines will devalue his property and cause potential health risks.

Steve Wilson, 412 S. Wilmington St., Raleigh, NC 27610, Project Manager for Progress Energy, gave the background on the project, which began in the early 1980s. The 230kv switching station was built at that time. Plans were made to later install an additional transmission line and build a 500kv power substation. The land and right-of-ways were purchased. Completion of the project is essential to meet the increased demand for power. Mr. Wilson referenced the Durham Falls 230kv transmission line planned to cross Mr. Fife's property. The new line must be installed to receive the power and prevent overloading the current lines. The right-of-way to Mr. Fife's property was purchased by Progress Energy a number of years ago when the property was owned by Mr. Harris. Mr. Wilson explained the process by which property owners were notified of the plans of Progress Energy. The public workshop regarding Durham Falls 230kv transmission line construction was held May 25 and attended by approximately 40 citizens.

The following questions were asked of Mr. Wilson:

Chairman Reckhow:

- Since the substation is to be constructed in Durham County, why was the public workshop held in the Wakefield community in the northeastern part of Wake County (a considerable distance for Durham residents to drive)?
The school in that area was appropriate for the meeting as far as size. In addition, the greater number of residents to be affected by the transmission lines live in Wake County.
- Is there any willingness to have another meeting with people in the area of the substation?
The only complaints have been from Mr. Fife and Mr. Harris. Progress Energy will be happy to meet with them to address their specific concerns.

Commissioner Cousin:

- Are other property owners in close proximity to proposed site?
The 216-acre site is in a rural area, surrounded by woods, and very well buffered from the public.
- Are transmission lines crossing easements on any other property?
Yes, but not that many in Durham County. The majority of property owners live in Wake County.
- Did any other property owners raise issue concerning the transmission lines?
The only complaints in Durham County were from Mr. Fife and Mr. Harris.

Vice-Chairman Heron:

- Do you buy the easements?
Progress Energy buys easement rights.
- When were they bought?
The easement rights were acquired over time from the early 1980s to the early 1990s.
- How do you pay for the easements?
In one lump-sum, initial payment.
- Are larger transmission lines being installed?
No, a new line (two-pole structures with cross arms) will be constructed on the new easement that parallels an existing easement.
- Will the new station serve Durham County?
This is a grid project to maintain a reliable transmission grid across the state.

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to defer action for two weeks to give Progress Energy the opportunity to meet with area residents of Coley, Kemp, and Carpenter Pond Roads to address their concerns.

Mr. Wilson agreed to the request to meet with area residents.

Discussion ensued about whether two weeks would provide sufficient time for Progress Energy to notify the residents and hold the meeting.

Mr. Fife recommended that a Commissioner attend the meeting or provide a mediator.

Chairman Reckhow advised Mr. Fife to discuss the matter with Progress Energy since the Board does not act as a mediator in such circumstances.

Vice-Chairman Heron amended the motion to defer action for up to two meeting cycles (October 10) to allow ample time for the meeting(s) to be held and concerns addressed.

The motion carried unanimously.

Major Site Plan—Lot 10 Wolfpack Lane (D04-579)

Frank M. Duke, AICP, Planning Director, stated that the item before the Board is a request by Brunssen Engineering Services, PA, on behalf of Brad Fry, to approve a major site plan for a 12,000-square-foot warehouse and a 500-square-foot office on 1.6 acres, zoned I-2 and F/J-B. The applicant is requesting a 50-percent buffer reduction to 40 feet along the southeastern property line. (The property is located on the south side of Wolfpack Lane and west of Old Oxford Highway. PIN 0833-02-78-4563) The request meets all Ordinance standards; therefore, Planning staff recommended approval of the site plan and the buffer reduction requested by the applicant.

Chairman Reckhow suggested that in future reports, Mr. Duke state his professional opinion about whether a proposed buffer is appropriate, given the abutting use.

Mr. Brunssen of Brunssen Engineering Services, PA responded to a question by Vice-Chairman Heron that he has attempted to purchase the adjoining piece of property containing the abandoned house on Old Oxford Hwy. The property owner would not sell or sign a waiver on the buffer.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve the Major Site Plan—Lot 10 Wolfpack Lane (D04-579).

The motion carried unanimously.

Request Approval of Revised Legal Written Description of the Five-Mile Lebanon Fire Insurance District

Jeffrey L. Batten, Fire Marshal/Emergency Management Director, stated that due to numerous annexations around the area of Milton Road, the Lebanon Volunteer Fire Department moved its complete fire operation from Milton Road to its fire station located on Russell Road. With its relocation of fire operations to Russell Road, the Board of County Commissioners' approved legal written description of the five-mile Insurance District must be revised to reflect the relocation of the fire station to meet the requirements of the North Carolina Department of Insurance pursuant to N.C.G.S. § 153A-233. This written description is used by the Department of Insurance to set ratings within fire districts.

Vice-Chairman Heron asked Mr. Batten questions about the response areas.

Mr. Batten responded that the revised legal written description would not affect the response areas; this is only for insurance ratings.

Commissioner Cheek moved, seconded by Commissioner Page, to approve the Revised Legal Written Description of the Five-Mile Lebanon Fire Insurance District.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board