

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

Monday, November 28, 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, Michael D. Page, and Philip R. Cousin Jr.

Absent: None

Presider: Chairman Reckhow

**Opening of Regular Session**

Chairman Reckhow welcomed everyone to the Monday, November 28, 2005 Regular Session of the Board of County Commissioners. She then asked those in attendance to stand and join in the Pledge of Allegiance.

**Agenda Adjustments**

Chairman Reckhow stated that the following items would be removed from the agenda due to a technical problem that must be addressed with the Durham Public Schools Board of Education:

- Capital Project Amendment No. 06CPA000006—Durham Public Schools 2001 & 2003 General Obligation Bond Project Adjustments; and
- Capital Project Amendment No. 06CPA000007—Durham Public Schools (DPS) Applications to the Public School Building Capital Fund

The two items would be addressed at a future meeting.

**Announcements**

Chairman Reckhow publicized that the final Forum on the Ten-Year Plan to End Homelessness in Durham would be held December 8, 2005 at St. Philip's Episcopal Church from 7:00 p.m. to 9:00 p.m. The title of the forum is *Impact of Homelessness Upon Children*.

Chairman Reckhow announced that the Commissioners' December 5 Worksession would begin at 1:00 p.m. due to a 9:00 a.m. BOCC/City Council Meeting regarding the Unified Development Ordinance also being held on December 5. In addition, the Commissioners'

December 12 Regular Session will start at 7:30 p.m. instead of 7:00 p.m. so the Commissioners can attend an earlier event.

### **Minutes**

Chairman Reckhow noted the revised cover page for the November 14, 2005 Regular Session Minutes. She asked that the Clerk to the Board amend the revision to reflect that Commissioner Page was excused from the meeting.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve as submitted the November 7, 2005 Worksession Minutes and as corrected the November 14, 2005 Regular Session Minutes of the Board.

The motion carried unanimously.

### **Truancy Hotline**

Chairman Reckhow conveyed that she was pleased to announce a Truancy Hotline to assist the public in reporting possible violations. The Sheriff's Office implemented the Hotline due to a recommendation at a recent PAC 4 meeting. Chairman Reckhow thanked PAC 4 Chairman Harold Chestnut, who has taken a strong interest in the truancy issue. She requested that notices publicizing the telephone numbers be posted throughout Durham County.

Wes Crabtree, Chief Deputy, Sheriff's Office, expressed appreciation to the Commissioners for being invited to the meeting. He stated that due to Chairman Reckhow's leadership, Durham Public Schools has made a renewed commitment to address the symptom of truancy, has placed special emphasis on attendance for this academic year, and intends to contact parents whose children are absent from class. Currently, two full-time deputies are assigned to the Durham County Sheriff's Office Truancy Unit and work very closely with the School Resource Officers, school administrators, and school system. Their primary responsibility is to investigate and enforce violations of the Compulsory School Attendance Law. Truancy cases originate through referrals from the school system or by self-initiation. These cases are then assigned to the officers who are tasked with making juvenile and family contacts to inform those involved of their legal obligations and consequences for violating the law. Chief Deputy Crabtree encouraged citizens to call 697-9024 or 697-9025 (cell numbers of the Truancy Officers) to report school age youngsters not in school on a regular day.

Chairman Reckhow shared that a CEO of a local billboard company has agreed to work with the school system to publicize the importance of students remaining in school.

Commissioner Cheek recommended that the Hotline information be advertised using all means possible to increase the possibility and probability that it will be utilized. He asked Chief Deputy Crabtree to request that the newspapers publish the telephone numbers as a weekly public service announcement.

Chief Deputy Crabtree remarked that the Sheriff's Office is currently working with Public Information Specialist Wil Glen about newspaper announcements. The "Bull City Streets" cable television program will announce the numbers in future broadcasts. Additional methods of advertisement are being considered and will be presented to the Commissioners within the next few months.

Commissioner Page concurred with Commissioner Cheek's comments about advertising the Hotline, stressing that all avenues should be considered including PACs, PTAs, and churches.

Chairman Reckhow suggested communication with City Police about utilizing the Hotline.

Due to a question posed by Vice-Chairman Heron, Chief Deputy Crabtree explained the role and the authority of a Sheriff's Deputy concerning youngsters not present in school.

#### **Request by Commissioner Cousin**

Commissioner Cousin requested permission from the Board to allow an explanation from a citizen who had been displaying two pictures during the entire meeting.

Chairman Reckhow asked the citizen if she wished to come forward for comments.

Ms. Sheryl Smith informed the Board that the pictures were of her son who was shot and killed on November 5, 2005. She expressed her opinion about the lengthy response time of the ambulance, the disrespectful treatment she received from the Police Department, and the lack of support from Durham Public Schools prior to the incident.

Commissioner Cousin informed Ms. Smith and the viewing audience that the County Commissioners are very much concerned with crime and will continue to do all they can to reduce crime.

Chairman Reckhow remarked that she and the County Manager are working with business leaders, human service agencies, and the school superintendent on the County's dropout situation. The problems will not be solved quickly, but an unwavering momentum exists around the critical issue.

#### **Recognition of the \$1,112,000 Clean Water Management Trust Fund Grant for the Duke/Erwin Trace Acquisition**

Chairman Reckhow spoke briefly about the \$1,112,000 grant approved by the State of North Carolina Clean Water Management Trust Fund (CWMTF) Board on November 14, 2005. The grant will be shared by Durham County, Orange County, City of Durham, and Chapel Hill to reduce the amount of each jurisdiction's financial commitment for the Duke University/Erwin Trace acquisition. The CWMTF grant will provide \$1,000,000 towards the Duke University/Erwin Trace acquisition and also includes \$112,000 to be used to assist Orange County with the acquisition of Wade and Carolyn Penny's floodplain property.

Chairman Reckhow highlighted that during the spring, the Pennys had also pledged to donate additional conservation easements on upland acreage that adjoins their floodplain and the Duke property. The award of CWMTF grant funds included a requirement that the funds are contingent upon the completion of this additional donated acreage. The Pennys further renewed their commitment to donate the easements in writing during November.

Chairman Reckhow recognized Jane Korest, Open Space and Real Estate Manager, to outline the details.

Ms. Korest reported that Durham County agreed to purchase the 42.8-acre Duke tract in April 2005 for \$1,500,000 after the other local governments agreed to participate with up to \$375,000 of the purchase price. In keeping with the purposes of CWMTF's mission, after the property is acquired, conservation easements will be placed on the bulk of the property to ensure it will remain in open space for water quality purposes.

The Triangle Land Conservancy (TLC), in partnership with the Erwin Area Neighborhood Group (EANG), is also providing a critical \$225,000 of the overall purchase price, with the bulk of these funds provided by EANG pledges. The EANG held a strong grass-roots public education campaign to gain public support of the acquisition. They also held a tour of the property for CWMTF Board members and state legislators in July to highlight the proposed CWMTF grant request by Durham County.

Durham County's financial commitment towards the \$1,514,000 project cost was up to \$914,000 if no grant funds were received to assist with the project. Based on the provisions in the draft Interlocal Agreement, Durham's share of the grant funds would be \$762,357, lowering Durham County's expected costs to \$151,643. Chapel Hill had committed \$100,000 to the acquisition; its costs would be lowered to \$36,629. The City of Durham had committed \$75,000 to the acquisition; its costs would be lowered to \$27,471. Orange County had committed \$200,000 to the acquisition; its costs would be lowered to \$73,257.

Commissioner Cousin thanked Ms. Korest for her hard work.

Vice-Chairman Heron praised Ms. Korest and the EANG for their efforts.

Chairman Reckhow extended thanks to the County Manager, County Attorney, Ms. Korest, and the EANG for their vision and for raising money through pledges. She pointed out that the Triangle Land Conservancy (on behalf of EANG) (a private nonprofit) now has the highest financial obligation. Chairman Reckhow also thanked the Triangle Land Conservancy and the Pennys for their cooperation and support.

Chairman Reckhow requested a meeting with County Manager Ruffin in the near future to amend the draft Interlocal Agreement for the Acquisition, Planning, and Operation of the Hollow Rock Portion of the New Hope Creek Plan and to discuss disseminating it to the local governments.

**Consent Agenda**

Commissioner Cousin 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 October 2005 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report); and
- \*c. GIS Interlocal Agreement with the City of Durham (approve and authorize the Manager to execute the agreement).

The motion carried unanimously.

\*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 October 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 October 2005.

Releases & Refunds for 2005 Taxes:

Real Estate	\$ 23,381.87
Personal	\$ 6,986.74
Registered Vehicles	\$ 23,158.69
Vehicle Fees	\$ 675.00
Solid Waste	\$ <u>160.00</u>
Total for 2005 Taxes and Fees	\$ 54,362.30

Prior years' (2000-2004) releases and refunds for October 2005 are for \$4,887.47. The total current year and prior years' releases and refunds amount to \$59,249.77.

(Recorded in Appendix A in the Permanent Supplement of the November 28, 2005 Regular Session Minutes of the Board.)

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Consent Agenda Item No. c. GIS Interlocal Agreement with the City of Durham (approve and authorize the Manager to execute the agreement).

North Carolina  
Durham County

GIS  
Interlocal Cooperation Agreement

This is an Interlocal Cooperation Agreement (hereinafter "Agreement") between the City of Durham, North Carolina, (hereinafter the "City") a municipal corporation, and the County of Durham, (hereinafter the "County") a political subdivision of the State of North Carolina. This Agreement is made pursuant to Chapter 160A, Article 20 of the North Carolina General Statutes. The date of the Agreement is December 1, 2005.

The City and County agree as follows:

**Section I. Purpose**

The purpose of the agreement is to establish a service agreement which addresses countywide administration of the Geographic Information Systems.

**Section II. Administration**

1. The City's GIS division (hereinafter "GIS division") of the Technology Solutions department is designated as the administrative body for directing the day-to-day operation, planning, and management of the Geographic Information Systems for the City and County. The GIS division will be under the City Manager's authority and be governed by City policies in the same manner as all other City government departments.
2. The GIS division shall perform the services described in Section III of this Agreement.
3. The GIS division shall prepare and submit an annual budget based on a service plan for countywide GIS activities. The budget shall be based on the priority items identified by the City Manager and County Manager. Budget submissions shall be prepared following the City's budget format.
4. The GIS division shall provide a quarterly status report to the City Manager and County Manager.

**Section III. Work Plan**

1. The GIS division shall provide management, planning, regulatory, administrative, and support services as are required or provided for under the approved annual budget. A Work Plan shall be developed on an annual basis which shall describe detailed objectives which address priority items for each organization and the level of services the GIS division will provide each year. The Work Plan shall be approved by the City Manager and County Manager as part of the budget process. Failure to approve the Work Plan by either the City Manager or County Manager, after consultation with one another and the Director of Technology Solutions, may result in either party exercising its right to terminate this Agreement. The GIS division's responsibility in managing the countywide GIS operation includes, but is not limited to:
  - a) Installing and maintaining GIS hardware and software.
  - b) Managing the GIS databases which reside on the GIS servers. These responsibilities include daily backups, security configuration, resource allocation, access management, and documentation.
  - c) Coordinating with the City and County in managing network configuration and performance for GIS operation.

- d) Planning, organizing, and providing GIS training programs for internal and external users.
  - e) Troubleshooting and providing technical assistance for GIS hardware and software.
  - f) Assisting users in evaluation of GIS hardware, software, and application needs.
  - g) Providing customized services. During the budget process each year, the City and County Managers shall identify and prioritize the required customized service requests and applications to be developed for the year. Total hours allocated for application and database development and customized services shall be determined based on the needs of the organization and staff levels of the GIS division. The City and County shall receive reasonably equivalent hours for this service. The GIS division shall maintain an activity log and provide both Managers' offices with a quarterly status report on each project included in the service plan.
2. The GIS division shall budget and administer all GIS hardware and software maintenance agreements for the countywide GIS operation.
  3. The GIS division shall develop standards and policies on GIS data distribution which will be followed by all City and County departments.

#### **Section IV. Data Maintenance**

Many users will be relying on the accuracy of the GIS system, making it important that the database be maintained accurately with up to date information. The City and County departments that are responsible for maintaining the citywide or countywide geographic data shall keep the information up to date. The City Public Works Department will make necessary modifications to the street centerline map and database, City limits boundaries, and planimetric map and database. The City/County Planning Department will maintain the zoning map and database. The County Tax Assessor's Office will be responsible for the cadastral map and database maintenance. The following time frames shall apply in making updates to geographic data:

##### City Public Works

- Street Centerline - within thirty (30) days of City Council acceptance.
- City Limit Boundaries - Within seven (7) days of effective date of annexation.
- Planimetric - No updates will be made until the development of new Aerial Photography. At that time, a time frame for the updating of this information will be specified.

##### City & County Planning

- Zoning - within two (2) days after the approval of rezoning by the required governing bodies, which may be the City Council, the County Board of Commissioners, or both.

##### County Tax Assessor

- Cadastral Mapping - Within five (5) weeks after the recordation.

#### **Section V. Method of Funding**

1. The City Manager and County Manager shall meet annually to consider and decide upon the GIS division's annual budget and shall submit their recommendations to the City

Council of the City of Durham (hereinafter "Council") and the Board of County Commissioners of Durham County (hereinafter "Board") respectively. The Council and Board shall then each consider the submitted annual budget and take such action as each shall deem appropriate. If the Council and Board do not both agree to the annual budget as submitted by the Managers, the Managers shall meet again to try to create another budget proposal, and the Board and Council shall again attempt to come to agreement. The failure of the Council and Board to agree upon the annual budget after a second attempt at agreeing on a budget shall be grounds for terminating this Agreement.

2. The direct costs of the countywide GIS operation, as agreed to in each year's budget, shall be apportioned equally between the City and County.
3. The County shall pay the City on a monthly basis, in advance, an amount equal to one-twelfth (1/12) of the approved annual budget. The payments shall be made by wire transfer no later than 12:00 noon on the first business day of each month.
4. At the end of each fiscal year, the Finance Director of the City and the Finance Director of the County shall meet to conduct a review and reconciliation of amounts paid and payable under this Agreement. The goal of this reconciliation is to insure that the City and County contributed equally to the costs of the countywide GIS operation. Such adjustments or payments as may be necessary to effectuate the reconciliation agreed upon by the Finance Director of the City and the Finance Director of the County shall be promptly made. Reconciliation shall be completed prior to October 15<sup>th</sup> immediately following each fiscal year.
5. Either the City or the County may fund services over and above those approved in the annual budget. When such additional services are requested by either the City or the County, and are performed for the benefit of the requesting organization, then the requesting organization shall pay the full costs associated with such services.
6. If extraordinary expenses arise, being those expenses not included in the annual budget but necessary for the continued operation of the GIS System, the Managers will meet and determine how to address payment of those expenses. If the City and County cannot agree on how to meet those expenses, either party may exercise its right to terminate this Agreement.

#### **Section VI. General Terms of Agreement**

1. Term. The term of this Agreement shall begin on December 1, 2005, and continue from year to year until such time as it is terminated. This Agreement will be reviewed once every two (2) years and may be amended at any time by execution of a written amendment by the City and County.
2. Termination. Except as otherwise provided in Sections III and V above, this Agreement may only be terminated as of the end of any fiscal year. Notice to terminate must be given in writing by the terminating party on or before the March 31 prior to the proposed June 30 termination date.
3. Governing Law. This Agreement shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this Agreement shall be brought in the General Court of Justice in the County of Durham and the State of North Carolina.
4. Entire Agreement. This Agreement together with the agreements referenced in this Agreement shall constitute the entire understanding between the City and the County and

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shall supersede all prior understandings and agreements relating to the subject matter hereof.

5. Contract Not Divisible. This Agreement is not divisible. The obligations exchanged by the City and County under each part of this Agreement constitute consideration for each and every part of this Agreement.
6. Headings. The subject headings of the paragraphs are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
7. Appointment of Personnel. The City Manager shall designate the persons to carry out the City's obligations under this Agreement. The County Manager shall designate the persons to carry out the County's obligations under this Agreement.
8. Claims/Limitation of Data. City shall not be liable for any Claims arising out of the County's performance under the Agreement and the County shall not be liable for any Claims arising out of the City's performance under this Agreement. A Notice regarding the limits of the accuracy of the data, substantially similar to the following, shall be placed on the front page of the GIS mapping site:

“Maps and tabular data presented on the Interactive Maps pages which follow are developed from public records and data sources including recorded deeds, plats, and other public records. Users of these mapping applications are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this website. While efforts have been made to use the most current and accurate data, The City of Durham, Durham County, NC and the mapping and software companies assume no legal responsibility for the information contained in the Interactive Map Webpages. **To ENTER the Interactive Mapping Applications Area please click on the button below to indicate your UNDERSTANDING and ACCEPTANCE of the limits to data accuracy as stated above.**”

IN WITNESS WHEREOF, the City and County have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date first written above.

CITY OF DURHAM  
Patrick W. Baker, City Manager

COUNTY OF DURHAM  
Michael M. Ruffin, County Manager

**Consent Agenda Items Removed for Discussion**

Consent Agenda Item No. b. NCDOT Community Transportation Grant Approval Request (approve the resolution authorizing Durham County Cooperative Extension to submit the FY 2006-2007 Community Transportation Program Grant to the North Carolina Department

of Transportation; commit \$30,000 for inclusion in the County's FY 2006-2007 budget to meet local match requirements).

Cheryl Lloyd, Cooperative Extension Services Director, responded to Vice-Chairman Heron that the \$30,000 local match requirement must be a cash match, not an in-kind match.

Vice-Chairman Heron asked Ms. Lloyd when Requests for Proposals will be solicited in an attempt to reduce the cost for transportation services provided by Durham County's Community Transportation Program.

Ms. Lloyd replied that the department is currently conducting a transportation study with two other counties. The study should be completed prior to requesting new bids for the transportation project.

Ms. Lloyd assured Vice-Chairman Heron that the department will continue to consider options for maintaining a cost efficient program although transportation costs are escalating due to increased gas prices.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve the resolution authorizing Durham County Cooperative Extension to submit the FY 2006-2007 Community Transportation Program Grant to the North Carolina Department of Transportation and to commit \$30,000 for inclusion in the County's FY 2006-2007 budget to meet local match requirements.

The motion carried unanimously.

#### RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding,  
Enter Into Agreement with the North Carolina Department of Transportation  
and to Provide the Necessary Assurances

Whereas, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

Whereas, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

Whereas, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service

alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

Whereas, Durham County Government hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.:

NOW, THEREFORE, BE IT RESOLVED that Chairman Ellen W. Reckhow of the Durham County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications, and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

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Consent Agenda Item No. d. Budget Ordinance Amendment No. 06BCC000028—Tax Office—Request for Additional Revaluation Positions (authorize the establishment of four positions; the funding source is fund balance from the Revaluation Fund, which is set up for these types of expenditures and is anticipated to cost no more than \$90,339 for the 2005-06 Fiscal Year).

Ken Joyner, Tax Administrator, replied to a question posed by Commissioner Page that the four positions would be regular, full-time employees. The \$90,339 is needed for salaries to complete FY 2005-06.

Chairman Reckhow noted that the funding source is fund balance from the Revaluation Fund. She inquired about the funding source for upcoming years and the yearly amount that has been transferred to the Revaluation Fund.

Mr. Joyner explained that for the purposes of reporting to the state, the Revaluation Fund will continue as the funding source. In previous years, approximately \$100,000 has been transferred into the Revaluation Fund.

Chairman Reckhow pointed out that the appropriation to the Revaluation Fund must be increased next year because the current \$100,000 is insufficient compensation for the new positions for a full year.

Commissioner Page moved, seconded by Commissioner Cousin, to approve Budget Ordinance Amendment No. 6BCC000028—Tax Office—Request for Additional Revaluation Positions (authorize the establishment of four positions; the funding source is fund balance from the Revaluation Fund, which is set up for these types of expenditures and is anticipated to cost no more than \$90,339 for the 2005-06 Fiscal Year).

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA  
FY 2005-06 Budget Ordinance  
Amendment No. 06BCC000028

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	\$71,705	\$90,339	\$162,044

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Reappraisal Reserve Fund	\$71,705	\$90,339	\$162,044

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

This the 28<sup>th</sup> day of November, 2005.

**Adjournment**

There being no further business, Chairman Reckhow adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Vonda C. Sessoms  
Clerk to the Board