

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

Monday, December 12, 2005

7:30 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, December 12, 2005 Regular Session of the Board of County Commissioners. She asked persons to stand and join in the Pledge of Allegiance.

Agenda Adjustments

Vice-Chairman Heron added a brief presentation from an Eno River Association representative (to follow approval of the minutes).

Commissioner Cousin asked to recognize the Scouts in attendance.

Recognition of Scouts from Pack 137

Commissioner Cousin recognized the Scouts from St. Joseph's AME Church, where he is pastor. He asked Mason Brooks (Scouting program administrator), Ralph Foster, Olanda Sample, Billy Childress, James Wills, the Scouts, and their parents to stand.

Commissioner Cousin stated that the Cub Scouts from Pack 137 are working to acquire their Citizenship Badges.

Commissioner Cousin announced that the Boy Scout Troop has produced eight Eagle Scouts; ten more Scouts should achieve this accomplishment in Year 2006. (The Troop has set a very ambitious goal of producing 72 Eagle Scouts.)

Commissioner Cousin congratulated the Scouts, stating that he feels honored to be their pastor.

Announcements

Commissioner Page announced that Antioch Baptist Church on Holloway Street (the church that he pastors) plans to serve lunch to Durham's needy persons on Christmas Day from 11:00 a.m. to 2:00 p.m. He asked that his announcement be publicized throughout the community.

Minutes

Vice-Chairman Heron moved, seconded by Commissioner Cousin, to approve as corrected the August 29, 2005 Joint BOCC/City Council Meeting Minutes.

The motion carried unanimously.

Chairman Reckhow directed the County Clerk to communicate this correction to the City Clerk.

Vice-Chairman Heron moved, seconded by Commissioner Page, to approve as submitted the November 28, 2005 Regular Session Minutes of the Board.

The motion carried unanimously.

Eno River Association Presentation

Robin Jacobs, President, Eno River Association, expressed gratitude to the Commissioners for their support throughout the years, particularly for the monetary support and participation in the Festival for the Eno.

Ms. Jacobs extended an invitation for the New Year's Day hike. She expressed appreciation for the partnership between the Board and the Association by presenting 2006 Eno River calendars (photographed by Mr. Duncan Heron, Vice-Chairman Heron's husband).

Chairman Reckhow expressed gratitude to the Eno River Association for its work in the community and for helping in the efforts to preserve open space.

Resolution for "The Bill of Rights Defense Committee"

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, Durham County Government is committed to the human rights of its citizens and to actions that both protect and preserve those rights; and

WHEREAS, Durham County respects and recognizes the civil rights and liberties guaranteed to all by the Bill of Rights; and

WHEREAS, Durham County supports upholding the civil rights and liberties of all people in Durham County and their free exercise and enjoyment of all rights and privileges secured by the Constitutions and the laws of the State of North Carolina and the United States; and

WHEREAS, those rights include freedom of religion, of speech, of press, and of association, and the right to disagree with governmental policies; and

WHEREAS, the right to privacy within one's home, free of searches and seizures in the absence of probable cause or specific evidence of criminal behavior; and

WHEREAS, the right to humane treatment in all circumstances, including when arrested or jailed, should all be upheld; and

WHEREAS, the Bill of Rights Defence Resolution adopted by the Durham County Board of Commissioners on December 14, 2004 shall be reaffirmed:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby reaffirm our support of

THE DURHAM BILL OF RIGHTS DEFENSE COMMITTEE

and basic rights outlined above, for all residents of Durham County.

This the 12th day of December, 2005.

Joan Walsh, representing the Durham Bill of Rights Defense Committee, thanked the Commissioners for reaffirming their support of civil rights and liberties as guaranteed by the Bill of Rights of the U.S. Constitution. She spoke about a U.S. Bill against torture, which is being considered for veto by the current Administration. Ms. Walsh expressed gratitude to be living in a county that affirms basic human rights.

Recognition of Leaders of the Interfaith Hurricane Relief Task Force

Chairman Reckhow announced that a major issue following Hurricane Katrina was organizing assistance offered by the Durham community to the hundreds of refugees. Commissioner Michael Page suggested coordinating with the faith community to provide a comprehensive assistance program for families displaced by the gulf coast storm. The Interfaith Hurricane Relief Task Force was formed to work with Durham County Government and the Red Cross to meet the needs of families and individuals relocating to this area.

Commissioner Page stated that the initiative represented more than 125 congregations from many denominations and faith traditions. Reverend James Smith of Mt. Calvary Baptist

Church and Reverend Joe Harvard of First Presbyterian Church led the efforts, providing outstanding leadership to this community.

Commissioner Page read the following resolution of appreciation that had been prepared for each of them:

RESOLUTION

WHEREAS, following Hurricane Katrina, one of the most intense hurricanes to ever strike in the United States, more than a million people were displaced as a result of massive flooding and related storm damage in the Gulf Coast region; and

WHEREAS, compassionate people throughout our nation reached out to help people who sought safety and refuge in other communities; and

WHEREAS, the Durham Interfaith Hurricane Relief Task Force, led by Rev. Joe Harvard, pastor of First Presbyterian Church and Rev. James W. Smith, pastor of Mt. Calvary Baptist Church, in concert with the Red Cross and Durham County Government, quickly mobilized an intense community response to help those who moved to Durham and surrounding areas; and

WHEREAS, through the dynamic leadership of Rev. Joe Harvard and Rev. James Smith, more than 125 congregations of many demoninations and faith traditions pooled resources to ensure that shelter, food, furnishings, childcare, transportation and employment opportunities were made available to more than 300 families and individuals who relocated from the gulf coast; and

WHEREAS, Rev. Harvard and Rev. Smith led a team of volunteers who took on the critical task of identifying families: and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby congratulate

REV. JOE HARVARD and REV. JAMES W. SMITH

for their compassionate leadership in helping those seeking a safe harbor to begin the process of rebuilding their lives in the wake of Hurricane Katrina.

This the 12th day of December, 2005.

Commissioner Page, on behalf of Durham County, asked Reverend Harvard and Reverend Smith to come forward and accept their resolutions.

Reverend Harvard stated that he was asked to participate in the initiative by Commissioner Page; therefore, it was impossible for him to refuse. Although he was privileged for the opportunity to respond to such a great need, many others did the difficult work. Reverend

Harvard thanked Winnie Breeden and Nicolas McCoy. He requested persons in attendance who contributed in the efforts to stand and be applauded. Reverend Harvard then recognized the County Manager's office for its support, particularly for the aid of Deputy County Manager Carolyn Titus. He commented that serving the hurricane victims is a great tribute to the Durham community, which has welcomed strangers in distress and offered services out of good will. The community will continue to facilitate relocated victims.

Reverend Smith echoed the comments of Reverend Harvard, stating that he felt privileged and honored to work with Dr. Harvard and all of the volunteers who made the project a success. He expressed gratitude for being recognized by Durham County Government.

Chairman Reckhow thanked both Reverend Harvard and Reverend Smith for their tremendous leadership.

Commissioner Page also recognized Nick McCoy for his invaluable assistance to the Durham Interfaith Hurricane Relief Task Force. Mr. McCoy has much experience dealing with displaced populations in his work with Lutheran Family Services. He immediately joined the team and quickly began a seamless coordination between churches and the Durham County team to provide housing, jobs, and furniture. Mr. McCoy led the successful Katrina Services Fair held a few weeks ago to orchestrate hurricane survivors and services. "Durham County is forever grateful for his dedication and leadership."

Commissioner Page acknowledged Jack Ramsey, although Mr. Ramsey was unable to attend tonight's meeting. Mr. Ramsey was called out of retirement from the Durham Center to be one-half of the Katrina response team. He willingly and graciously agreed to set up an office to work with families and individuals who moved into this area following Hurricane Katrina. "Durham County is deeply indebted to Mr. Ramsey for spending the last few months to improve the lives of so many people."

Commissioner Page honored Winnie Breeden for her role in this endeavor. For the past three months, Ms. Breeden worked tirelessly to access services for the families trying to rebuild their lives. She identified and secured resources in a very short time. Commissioner Page thanked Ms. Breeden for her cooperative spirit and tireless efforts.

Commissioner Page read a certificate from the County Commissioners for Nick McCoy, Winnie Breeden, and Jack Ramsey in recognition of their valuable contributions to Durham County.

Ms. Breeden stated that she was proud of Durham County for providing many necessary services to the refugees.

Mr. McCoy commented that he appreciated the opportunity to work with the County and the faith community in this effort. Of the 300 relocated families, approximately 150 – 160 have been placed in permanent housing. Mr. McCoy wished especially to thank Deputy County Manager Carolyn Titus for her assistance.

Commissioner Page thanked County Manager Ruffin and his staff—Deputy County Manager Carolyn Titus, Deputy County Manager Wendell Davis, Assistant County Manager Heidi Duer, and Assistant County Manager Deborah Craig-Ray—for the numerous hours they contributed to the relief efforts.

Commissioner Page requested applause for the efforts of the many people involved.

Chairman Reckhow expressed that the hard work has been a wonderful testimony to the partnership between the government and faith community of Durham.

Recognize Kevin McDonald for his Support of the Durham County Katrina Relief Effort

Chairman Reckhow conveyed that following Hurricane Katrina, Durham County employees and citizens donated supplies to Jackson County, Mississippi, a community hard hit by the storm.

Kevin McDonald, Executive Director of TROSA, donated a tractor-trailer to make the journey and additionally donated much needed medical supplies. A resolution was prepared to honor his extreme generosity.

County Manager Ruffin related his wonderful experience with TROSA when his family moved him from suburban Atlanta to Griffin. He thanked Mr. McDonald for his contribution to this relief effort.

Chairman Reckhow read the following resolution:

RESOLUTION

WHEREAS, following Hurricane Katrina, Durham County Government launched an immediate call for supplies to help a gulf coast community in need; and

WHEREAS, North Carolina Emergency Management designated Jackson County, Mississippi to receive Durham County's assistance; and

WHEREAS, Durham County employees and citizens donated much needed supplies to this coordinated relief effort; and

WHEREAS, through the dynamic generosity and leadership of Kevin McDonald, Executive Director of TROSA, a 48-foot tractor trailer filled with supplies made the more than 1400-mile journey to the county seat of Pascagoula, Mississippi; and

WHEREAS, in addition to providing the transportation of donated supplies, Mr. McDonald and TROSA also contributed 55 boxes of assorted medical supplies to help the residents of Jackson County, Mississippi recover from the ravages of Hurricane Katrina:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of County Commissioners, do hereby congratulate

MR. KEVIN MCDONALD

for his cooperative spirit and enthusiastic assistance in helping to make a difference in the lives of thousands of people adversely affected by Hurricane Katrina.

This the 12th day of December, 2005.

Chairman Reckhow thanked Mr. McDonald for quickly providing assistance in the endeavor.

Mr. McDonald expressed gratitude for being able to lend a hand to persons in need.

Recognize Durham County Employees Who Transported Supplies to Jackson County, Mississippi

County Manager Ruffin recognized the teamwork of Deputy County Manager Titus, Deputy County Manager Davis, Assistant County Manager Duer, Assistant County Manager Craig-Ray, and Public Information Specialist Wil Glen. He also recognized 15 employees who traveled 1506 miles in three days to Pascagoula, Mississippi to deliver a 48-foot tractor-trailer load of goods to a local distribution center.

Ronnie Butler, Building Maintenance Supervisor, General Services, thanked the volunteers who traveled to Mississippi, while describing their concerted efforts and generous spirits.

James Brown, Maintenance Technician I, General Services, narrated the slide presentation to illustrate highlights of the trip.

County Manager Ruffin identified the “ambassadors” of Durham County, calling forward those in attendance to accept their certificates of appreciation for giving their time to this humanitarian undertaking. Those recognized were:

Troy Adams	Joe Albiston	James Brown	Ronny Butler
Bob Carter	Bryant Cates	Ricky Cook	Andy Lambeth
Jeremy Leamer	Neal Malone	Fred Mayfield	Joe Pearce
Mike Webb	Glen Whisler	Greg Zglinski	

December Anchor Award Winner—Winnie Breeden

Chairman Reckhow proclaimed that Winnie Breeden, a former Durham County social worker who came out of retirement to assist individuals and families displaced by Hurricane Katrina, was selected to receive the December Anchor Award. Ms. Breeden was recognized for this honor because of superior work, particularly for her diligent and seemingly never-ending efforts.

Deputy County Manager Titus reiterated the efforts of Ms. Breeden to assist the County, the community, and the new “Katrina” neighbors. Ms. Breeden put forth maximum effort to assist displaced citizens. She worked nights, weekends, and was available 24 hours a day, seven days a week, for three months. Ms. Breeden helped over 300 displaced individuals in Durham County find employment, housing, and other essentials. She responded to all requests in less than 24 hours.

Ms. Breeden accepted the Anchor Award, the honorary check, and the \$200 check for her service.

Triangle Wastewater Treatment Plant—EDGE Award and LEED Certification

Chairman Reckhow announced that the Triangle Wastewater Treatment Plant (TWWTP) Upgrade and Expansion Project received a 2005 EDGE Award for the project that best exemplifies environmental sensitivity. EDGE Awards are presented by the Triangle Business Journal to recognize excellence in the design, general contracting, engineering, and landscape contracting industries.

In addition, Chairman Reckhow announced that the administration, lab, and maintenance facility completed as part of the Phase II improvements at the County’s Triangle Wastewater Treatment Plant received a LEED certified rating from the U.S Green Building Council. The LEED (Leadership in Energy and Environmental Design) Green Building Rating System is the national standard for developing high-performance, sustainable buildings.

Chairman Reckhow called on Glen Whisler, County Engineer, to say a few words.

Mr. Whisler stated that the Engineering Department was pleased to announce the receipt of the EDGE Award and LEED Certification. The Triangle Wastewater Treatment Plant Administrative Building is the first County building to achieve the LEED rating and is consistent with the Engineering Department’s performance measure to incorporate sustainable design in the implementation of CIP projects.

Mr. Whisler recognized employees of the Engineering Department’s Utility Division. Their hard work over the past several years was indispensable. He asked the following persons to stand:

- Chuck Hill, P.E., Utility Division Manager
- Andy Lambeth, Project Manager for Phase I
- Bob Carter, Project Manager for Phase II

Chairman Reckhow thanked Mr. Whisler for his leadership, along with other Engineering staff who were vital to the projects. She stated that Durham County is very proud of the TWWTP, especially in terms of environmental stewardship, and encouraged citizens to visit the facility.

Consent Agenda

Due to a conflict expressed by Vice-Chairman Heron regarding the Board's January Worksession date, the Commissioners concurred to change the January 3 Worksession to January 4, 2:30 to 5:30 p.m. (consent agenda item No. a). Chairman Reckhow directed the Clerk to revise the schedule.

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

- *a. Durham Board of County Commissioners' 2006 Meeting Schedule (approve the schedule as amended);
- b. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (authorize execution of the contract with TMC Associates, LLC for this addition to the County sanitary sewer system);
- *c. Sheriff's Office—Budget Ordinance Amendment No. 06BCC000029—Recognize Revenue from the Bureau of Justice Assistance (BJA) (approve to authorize the Sheriff's Office to accept the award in the amount of \$82,967);
- *d. Amendment to the Minority and Women Business Enterprise Ordinance (approve the requested amendment to Chapter 8, Article V of the Durham County Code of Ordinances and allow the Finance Department to return at later date to request the funds for a disparity study);
- *e. Budget Ordinance Amendment No. 06BCC000030—Soil & Water Conservation—Establish a Provision Full-Time Position to Support the County's Storm Water Education Program (accept \$24,293 in funding from the Environmental Protection Agency to support a new 1.0 full-time FTE position);
- f. Approval of the US 15-501 Transit Corridor Memorandum of Agreement (discussed at the December 5 Worksession);
- g. Appoint Dr. Andrew Rothschild to the Cultural Master Plan Advisory Board due to the recent resignation of Mr. John Mallard; and
- h. Nonprofit Agency Funding Policy Revision (adopt the revised Nonprofit Agency Funding Policy).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Durham Board of County Commissioners' 2006 Meeting Schedule (approve the schedule as amended).

Durham Board of County Commissioners
2006 Meeting Schedule

- * January 4 Worksession (Wednesday; 2:30 – 5:30)
- January 9 Regular Session
- January 23 Regular Session
- February 6 Worksession
- February 13 Regular Session
- February 27 Regular Session
- March 6 Worksession
- March 13 Regular Session
- March 27 Regular Session
- April 3 Worksession
- April 10 Regular Session
- April 24 Regular Session
- May 1 Worksession
- May 8 Regular Session
- May 22 Regular Session
- June 5 Worksession
- June 12 Regular Session
- June 26 Regular Session
- July 24 Regular Session
- August 7 Worksession
- August 14 Regular Session
- August 28 Regular Session
- * September 5 Worksession (Tuesday)
- September 11 Regular Session
- September 25 Regular Session
- * October 3 Worksession (Tuesday)
- October 9 Regular Session
- October 23 Regular Session
- November 6 Worksession
- November 13 Regular Session
- November 27 Regular Session
- December 4 Worksession
- December 11 Regular Session

*Meetings not held on Monday.

Please note that the July 3 Worksession and the July 10 and December 25 Regular Sessions have been cancelled.

Consent Agenda Item No. c. Sheriff's Office—Budget Ordinance Amendment No. 06BCC000029—Recognize Revenue from the Bureau of Justice Assistance (BJA) (approve to authorize the Sheriff's Office to accept the award for \$82,967).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000029

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	\$296,624,000	\$82,967	\$296,706,967

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$ 42,958,697	\$82,967	\$ 43,041,664

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

This the 12th day of December, 2005.

Consent Agenda Item No. d. Amendment to the Minority and Women Business Enterprise Ordinance (approve the requested amendment to Chapter 8, Article V of the Durham County Code of Ordinances and allow the Finance Department to return at later date to request the funds for a disparity study).

ORDINANCE AMENDING CHAPTER 8 ARTICLE V OF THE
DURHAM COUNTY CODE OF ORDINANCES

WHEREAS, the North Carolina Legislature has, through Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to counties the power to regulate by ordinance acts, omissions or conditions detrimental to the health safety and welfare of its citizens and the peace and dignity of the county; and

WHEREAS, the Commissioners of the County of Durham, pursuant to their authority granted under Article 6 of Chapter 153A of the North Carolina General Statutes, enacted a Minority and Women Business Enterprises (M/WBE) Ordinance establishes a plan of action to help ensure that the county's purchasing practices provide for participation by, and equal opportunities for, businesses owned and controlled by minorities and women; and

WHEREAS, the Board of County Commissioners wishes to amend the M/WBE Ordinance to extend its effective date and include a new definition.

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

- 1) That Chapter 8, Article V, Section 8-133 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 8-133. Definitions.

Unless the context requires otherwise, the following words as used in this article have the indicated meanings:

To *bid* means to offer to furnish goods or services. "Bids" are the means by which the offer is communicated and includes, but is not limited to, formal and informal bids, proposals, and responses to a request for proposals. A bid need not be in writing, unless otherwise required.

Bidder means a business that has bid to provide goods or services to the county.

Business includes businesses regardless of legal status, including persons, corporations, partnerships, joint stock companies, joint ventures, and any other private legal entity.

County means the County of Durham, North Carolina.

County manager means the Durham County Manager or the county manager's designee.

Contractor means a business that has a contract with the county to provide goods or services to the county.

Director means the Durham County Purchasing Director or the designee of the director, unless the context otherwise requires.

Economically Disadvantaged Individual means those socially and disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to the diminished capital and credit opportunities as compared to others in the same business that are not socially disadvantaged.

Goals means M/WBE goals expressed as a percentage of the total dollar volume for participation of minorities and women on county contracts.

Goods means apparatus, supplies, materials, and equipment.

Joint venture means an association of two or more businesses to carry out a single enterprise for profit for which purpose they combine their property, capital, efforts, skills, or knowledge.

MBE means an M/WBE that is a minority business enterprise, which includes minority women.

M/WBE means a business that holds a current certification by the county as a minority or women business enterprise.

Minority means an individual who is a citizen or lawful permanent resident of the United States and who is:

- (1) An "African American," a person having origins in any of the Black racial groups of Africa;

- (2) An "Asian American," a person having origins in any of the racial groups of Asia;
- (3) An "Hispanic American," a person of Spanish culture with origins in Mexico, Central or South America or the Caribbean, regardless of race;
- (4) A "Native American," a person who is a member of, or is eligible to be a member of, a federally recognized Indian tribe. A "federally recognized Indian tribe" means Indian tribe, or band, nation, rancheria, pueblo, colony or other organized group or community, including any Alaska native village, which is recognized by the Secretary of the Interior on January 1, 2000, as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians.
- (5) Socially and Economically disadvantaged individual, as defined herein, or a corporation in which at least 51% of the stock is owned by one or more Socially or Economically Disadvantaged Individuals, as defined herein.

Other professional means professional services other than architecture, engineering, or professional services performed for the human services agencies of the county.

Services means non-construction services.

Socially Disadvantaged Individual means those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regards to individual qualities.

Subcontractor means any business contracting with a contractor to provide goods and/or services in fulfillment of the contractor's obligations arising from a contract with the county.

WBE means an M/WBE that is a women business enterprise.

- 2) That Chapter 8, Article V, Section 8-142 of the Durham County Code of Ordinances is hereby amended to read as follows:

This article shall continue in effect until 12:59 p.m. on December 31, 2006 at which time it shall be deemed repealed without further action by the county commissioners. Unless otherwise provided by an ordinance enacted by the county commissioners or by a contract between the county and the other party to the contract, if a legal action is commenced before the repeal of this article to enforce any contractual provision which incorporates by reference any of this article, the rights of the parties with respect to such contractual provision shall, for purposes of the legal action, continue in effect notwithstanding the repeal.

- 3.) The Chapter, as amended, is effective upon ratification.

This the 12th day of December, 2005.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 06BCC000030—Soil & Water Conservation—Establish a Provision Full-Time Position to Support the County's Storm Water Education Program (accept \$24,293 in funding from the Environmental Protection Agency to support a new 1.0 full-time FTE position).

DURHAM COUNTY, NORTH CAROLINA
FY 2005-06 Budget Ordinance
Amendment No. 06BCC000030

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	\$296,706,967	\$24,293	\$296,731,260

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Eco. & Phys. Development	\$ 2,864,496	\$24,293	\$ 2,888,789

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

This the 12th day of December, 2005.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No i. Amendment to Audit Contract (approve an extension of the audit contract to December 31, 2005 and authorize the Chairman to execute the required documents).

Per a question by Vice-Chairman Heron, Finance Director George Quick explained that the request for audit contract extension from October 31 to December 31 was due to time demands involving the new financial system implementation. He assured Vice-Chairman Heron that from a financial and reporting standpoint, no negative impacts would result. Required deadlines will be met and receipt of the CAFR (Durham County's Comprehensive Annual Financial Report) for the Board retreat will not be delayed.

Commissioner Cheek moved, seconded by Commissioner Cousin, to approve the Amendment to Audit Contract (approve an extension of the audit contract to December 31, 2005 and authorize the Chairman to execute the required documents).

The motion carried unanimously.

FY 2006-2007 Consolidated Action Plan Needs Public Hearing

Chairman Reckhow requested that Bruce Warrington, Federal Program Coordinator, City of Durham Department of Housing and Community Development, present the agenda item.

Mr. Warrington stated that the City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2006-2007 Consolidated Action Plan Needs public hearing on December 12, 2005 to receive citizen comments. The Citizen Participation Plan contained in the adopted Durham 2005-2010 Consolidated Plan requires that two public hearings be held prior to the submission of the Annual Consolidated Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

Durham anticipates receiving approximately \$1,300,000 in FY 2006-2007 HOME Consortium funds from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus in target neighborhoods, including existing homeowner rehabilitation and new homebuyer rehabilitation activities. Approximately \$275,000 in non-federal funds will be needed from the HOME Consortium as a matching funds requirement of the FY 2006-2007 HOME program.

Mike Barros, Director of the City of Durham Department of Housing and Community Development, reviewed the request and recommended that the Board of County Commissioners hold the FY 2006-2007 Consolidated Action Plan Needs public hearing.

Chairman Reckhow opened the public hearing that was properly advertised. She recognized Michelle Zechmann, Adult Mental Health Specialist, The Durham Center, to speak on the Consolidated Action Plan Needs Public Hearing.

Ms. Zechmann thanked the Commissioners for ensuring that housing for individuals with special needs is a priority in the Consolidated Plan. She highlighted the continued housing need for individuals with mental health, developmental disabilities, and substance abuse issues. In the past year, Durham mental health providers have served over 5200 consumers, many of whom have a need for affordable housing. While a long-term need exists for increasing the supply of affordable rental housing units, a short-term need also exists for bridge funding to assist until persons receive permanent housing. The Durham Center is committed to providing the most effective services to consumers using the System of Care approach for both children and adults. One of the most important principles of System of Care is helping families and adults look at their needs in all areas of their lives, not just traditional mental health services. Housing is essential to persons engaged in treatment and is the number one need. The Durham Center and the provider community are enthusiastic about collaborating with the housing community to ensure that housing needs of these individuals are met.

As no one else requested to speak before the Commissioners, Chairman Reckhow closed the public hearing.

Chairman Reckhow reiterated the comments of Ms. Zechmann and asked that Housing personnel consider the remarks when writing the Plan.

Commissioner Page asked if the Plan addresses abandoned/boarded houses.

Mr. Warrington replied that the Plan indirectly addresses this issue by attempting to stabilize neighborhoods where houses are vacant. Other programs are created to encourage home rehabilitation.

Vice-Chairman Heron asked if HOME funds could be used outside the City (within the County) for rehabilitating houses. The funds received for the Scattered Site Housing Program are inadequate.

Mr. Warrington stated that HOME funds were utilized within the past year to supply two County employees with a First Time Homebuyers award and to rehabilitate three dilapidated houses within the County.

Larry Jarvis, Associate Director for Housing and Community Development, stated that Scattered Site Housing funds (\$400,000 every three years) are limited to rehabilitation. The funds can only be used for demolition of an occupied home in order to provide on-site replacement housing or relocation.

Vice-Chairman Heron spoke about the water damage to the homes on Felicia Street due to Hurricane Fran. She requested the Deputy County Manager who is connected to the Scattered Site Housing Program to work with Mr. Jarvis to obtain some HOME funds to help the residents.

Chairman Reckhow conveyed that no action is required. The second public hearing will be held in late April 2006.

News and Observer Reporter

County Manager Ruffin introduced Eric Ferreri, a full-time reporter recently hired by the News and Observer to cover Durham County.

Board and Commission Appointments

Vonda Sessoms, Clerk to the Board, distributed ballots. The following appointments were made; incumbents are underlined:

Adult Care Home Community Advisory Committee

S. Celeste Tombs (At-large)
Susanna C. Reed (At-large)

Animal Control Advisory Board

Jenny W. Nichols (Veterinarian)

Michael B. Nifong (District Attorney)

Community Child Protection Team/Child Fatality Prevention Team

Doreen L. Johnson

Katherine J. Mellown (EMS Representative)

Criminal Justice Partnership Act Advisory Board

Geoffrey L. Hathaway (Probation Officer)

Open Space and Trails Commission

Robert B. Glenn Jr. (At-large)

William M. Greuling (At-large)

Richard L. Robertson Jr. (At-large)

Public Health Board

Robin W. Blanton (Engineer)

William H. Burch (Pharmacist)

Closed Session

Commissioner Cheek moved, seconded by Commissioner Cousin, that the Board adjourn to closed session to instruct the staff concerning the position to be taken in negotiating the material terms for the acquisition of two real properties pursuant to G.S. § 143-318.11(a)(5). The two properties are: 247 S. Mangum owned by AREC 3, LLC (U-Haul Real Estate Company) and 306 S. Roxboro Street owned by Scarborough and Hargett Funeral Home. In addition, adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow announced that during the Closed Session, the Board decided to defer any action related to the two properties mentioned above until the Board's next meeting in January. This decision was based on communication received from the lawyer representing Scarborough & Hargett Funeral Home.

County Attorney Kitchen reviewed the letter from Attorney Jay Ferguson. The Board was requested to delay action regarding condemnation proceedings so Scarborough & Hargett could complete an evaluation of the County's proposal and offer a proposal to the Board.

Adjournment

There being no further business, Chairman Reckhow wished everyone a Happy Holiday and adjourned the meeting at 10:03 p.m..

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board