

March 9, 1998

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

Monday, March 9, 1998

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 MaryAnn E. Black and Commissioners William V. Bell, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Introduction

Chairman Black welcomed Boy Scouts from Brogden Middle School. The scouts were working on their Citizenship Merit Badge.

Agenda Adjustments

Commissioner Bell requested time on the agenda to discuss a planning issue.

Chairman Black asked that an agenda item be added to address the "Purchase of Computers for Library Government Information Access System: Public Internet Access Project."

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Chairman Black asked Deputy County Manager Michael Palmer to introduce Ms. Beth Kidder, a public policy masters student at Duke University. She observed Mr. Palmer during his workday to obtain a better understanding of a county manager's duties.

Chairman Black introduced Mr. Lee Worsley, an intern from the University of North Carolina at Chapel Hill. Mr. Worsley is working in the County Manager's office.

Chairman Black also introduced Ms. Heather Flodstrom, a public policy graduate student from Duke University. Ms. Flodstrom observed the County Manager's work for the entire day.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the January 26, 1998 BOCC/Durham Public Schools Minutes as submitted.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the February 9, 1998 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the February 16, 1998 Budget Retreat Minutes of the Board as submitted.

The motion carried unanimously.

Proclamation Recognizing "Employ an Older Worker Week"

A proclamation naming the week of March 8-14, 1998 as "Employ an Older Worker Week" was prepared for the Board's approval.

County Manager's Recommendation: Approve the resolution.

Chairman Black read the resolution into the official record.

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PROCLAMATION

WHEREAS, middle-aged and older workers bring both ability and experience into the labor market; and

WHEREAS, older workers contribute increased productivity, judgment, and reliability to the workforce; and

WHEREAS, people are living longer and retaining their health and vigor longer due to medical advances; and

WHEREAS, employers everywhere are discovering the advantages of hiring older workers and the significant skills and experiences they bring to business and industry:

NOW, THEREFORE BE IT RESOLVED that I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby proclaim the week of March 8-14, 1998, as

“Employ an Older Worker Week”

in Durham County, and urge all citizens to recognize and support this observance.

This the 9th day of March, 1998.

/s/ MaryAnn E. Black, Chairman
Board of County Commissioners

Ms. Beth Hill, representing the Job Link Career Center at the Employment Security Commission in Durham, accepted the proclamation. She made remarks about the activities planned to recognize working citizens 55 years of age and older.

Proclamation Recognizing “Professional Social Work Centennial Month”

Chairman Black read the following resolution into the record:

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PROCLAMATION

WHEREAS, social work came about 100 years ago in response to poverty, homelessness, ill treatment of prisoners and those suffering from mental illness, and the condition of widows and orphans; and

WHEREAS, professional social workers have a century of experience assisting the least of those among us; and

WHEREAS, the first training classes for social workers were held in 1898; and

WHEREAS, social workers have been at the forefront of every major social reform movement in this country, from settlement houses to labor reform, to the New Deal and civil rights; and

WHEREAS, professional social workers can be found everywhere providing valuable services in schools, hospitals, mental health agencies and more, speaking out on behalf of the poor, the vulnerable and those without an effective voice; and

WHEREAS, day after day, professional social workers work one-to-one with individuals and families, helping them to move from a life mired in dependency to self sufficiency:

NOW, THEREFORE, BE IT RESOLVED that I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of March 1998 as

“Professional Social Work Centennial Month”

in Durham County, and urge all citizens to recognize the extraordinary work that social workers perform to help improve the lives of others.

This the 9th day of March, 1998.

/s/ MaryAnn E. Black, Chairman
Board of County Commissioners

Award—Social Services Receives Top Honors

The Durham County Department of Social Services has been selected as the National Association of Social Workers—North Carolina Chapter, “1998 Agency of the Year.” Daniel C. Hudgins is the Director of Durham County Social Services. In 1997, the department’s Child Protective Services program received the state’s high rating--Exemplary.

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The department has established a Parenting Education curriculum that focuses on building both parenting skills and overall life skills for the participants. The 12-week program is currently operating at the department and in a public housing community.

For the past two years, DSS has sponsored a contest during National Child Abuse Prevention month on “A Good Parent Is....,” where children in elementary schools are invited by DSS to use their artistic talents to express their view/description of a “good parent.” Local County and City elected officials, as well as DSS management staff and board members, judge the drawings and award prizes donated by local businesses at a public ceremony. This popular contest has helped put a positive, proactive focus on child abuse prevention in the Durham community.

Social Services Termination of Parental Rights Smart Team has produced a reduction in the backlog of children awaiting permanency; 1997 showed a reduction from 58-26 children awaiting permanency with none of the 26 having to wait more than a year. The department also established a Specialized Foster Care program staffed by clinical social workers who carry a limited number of cases to ensure appropriate placements for children with special needs.

Last fall, a program was established to address teen pregnancy and teen parenting through a collaborative effort with Duke University Medical Center. Duke is providing a two-year grant to the department to hire two clinical social workers to work with a group of teen moms and a group of at-risk adolescents in the foster care system.

In the administration of the Job Opportunities and Basic Skills Act (JOBS), the department operated a voluntary program for participants. Based on an evaluation by the UNC School of Social Work, the program has the highest average wage of any county JOBS program in North Carolina. Other initiatives in recent years have included a special grant-funded program to provide intensive social work services to families living with HIV/AIDS and services to the homeless through a three-year HUD grant.

The department’s adopted mission statement, code of ethics, and confidentiality statement illustrate Social Services’ commitment to professional social work practice. The department has also made a commitment to the hiring of professional social workers inclusive of the administrative structure, program managers, and line social work supervisors. The director and other management staff have actively participated in lobbying for changes in social policy that reflect good social work practice.

Chairman Black asked Paul Vick, Chairman of the Durham County Social Services Board, and Mr. Hudgins to come to the podium to recognize the Department of Social Services for its good work.

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Mr. Hudgins spoke to programs which were instrumental in the department receiving the award.

Mr. Vick thanked the County Commissioners for their support of Child Protective Services which began several years ago. He also thanked Chairman Black for her leadership and program support provided over the years.

Chairman Black thanked Mr. Vick for all his hard work.

Mr. Hudgins recognized the pain-staking work of staff which made this award possible.

Consent Agenda

- (a) Board and commission appointment--Nursing Home Community Advisory Committee (appoint Ms. Fogleman to represent the chief administrators on the Nursing Home Community Advisory Committee);
- (b) Setting the date for the 1998-1999 Consolidated Action Plan Draft public hearing (set the date for the 1998-99 Consolidated Action Plan Draft public hearing to be held on March 23, 1998 to fulfill requirements of the adopted Citizen Participation Plan for use with the HUD Consolidated Plan);
- * (c) Street closing—Pleasant Hill Drive (SC 97-11)—set a public hearing (adopt the resolution declaring the intent of the Commissioners to consider permanently closing Pleasant Hill Drive and set a public hearing for March 23, 1998);
- * (d) Offer to purchase County property (308 Lancelot Drive) (receive the higher offer submitted by Mr. McCarter and adopt the accompanying resolution whereby the property is advertised as an ‘upset bid’ sale); and
- (e) Purchase of computers for Library Government Information Access System: Public Internet Access Project (authorize the County Manager to enter into a contract with CompuCom in the amount of \$37,657.20 for the purchase of 20 personal computers for the Public Internet Access Project).

Commissioner Bell requested that item No. 5(e) be removed from the consent agenda.

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Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the consent agenda items with the exception of item No. 5(e).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 5(c). Street closing—Pleasant Hill Drive (SC 97-11)—set a public hearing (adopt the resolution declaring the intent of the Commissioners to consider permanently closing Pleasant Hill Drive and set a public hearing for March 23, 1998).

RESOLUTION DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM TO CONSIDER PERMANENTLY CLOSING 14,447 SQUARE FEET OF PLEASANT HILL DRIVE AND CALLING A PUBLIC HEARING THEREON.

WHEREAS, the Clerk to the Board of County Commissioners of the County of Durham has received a petition to close 14,447 square feet of Pleasant Hill Drive, west of Roxboro Road and south of Midland Avenue:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Durham that:

1. The Board of County Commissioners proposes to consider permanently closing 14,447 square feet of Pleasant Hill Drive, west of Roxboro Road and south of Midland Avenue.
2. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 23rd day of March, 1998 in the Board of County Commissioners' Chambers, Durham, North Carolina.
3. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
4. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.
5. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.
6. If it appears to the satisfaction of the Board of County Commissioners after said public hearing that the closing of all of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and

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gress to his property, the Board of County Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.

7. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald once a week for two successive weeks, the first publication to be not less than ten days nor more than 25 days before the date fixed for the hearing.

This the 9th day of March, 1998.

Consent Agenda 5(d). Offer to purchase County property (308 Lancelot Drive) (receive the higher offer submitted by Mr. McCarter and adopt the accompanying resolution whereby the property is advertised as an 'upset bid' sale).

The resolution follows:

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Parkwood Township, Durham County, North Carolina and properly described as follows:

308 Lancelot Drive
Tax Parcel 794-8-011

WHEREAS, Mr. Charles McCarter has made an offer to the County to purchase the above property for \$4,500 and has made a bid deposit in the amount of \$225 which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;

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6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on March 9, 1998.

/s/ Garry E. Umstead
Clerk, Board of Commissioners

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Work First Plan Update

Daniel C. Hudgins presented the January monthly update on the department's annual plan for Work First.

WORK FIRST

Purpose of Program: Provide eligible families with short-term assistance to facilitate their movement to self-sufficiency through employment.

Primary objective: Increase the number of families that are economically self sufficient through employment as measured by monthly caseload.

Benchmark: September 1: 3,527 families receiving cash assistance

	<u>Goal</u>	<u>Actual</u>
October 1	3,352	3,291
November 1	3,152	3,084
December 1	2,902	2,937
January 1	2,869	2,919
February 1	2,836	2,930

As of January 1, caseload reduction since July 1, 1997 was 18.1 percent.

Strategies

1. Increase number of participants entering employment:

	<u>Goal</u>	<u>Actual</u>
September	100	143
October	150	162
November	200	208
December	125	123
January	125	154

2. Increase number of cases terminated each month:

	<u>Goal</u>	<u>Actual</u>
September	350	389
October	350	406
November	400	234
December	225	214
January	225	177

3. Limit number of cases approved each month:

	<u>Goal</u>	<u>Actual</u>
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September	175	194
October	150	229
November	225	184
December	225	228
January	225	211

November CET Referrals: 6 referred and 2 enrolled

December CET Referrals: 4 referred and 5 enrolled

January CET Referrals: 37 referred and 19 enrolled

Mr. Hudgins answered Commissioner questions and comments after his presentation.

The Commissioners had a general discussion with the County Manager and Mr. Hudgins about the Work First program.

Mr. Hudgins said he would provide additional information requested by the Commissioners.

No official action was taken on this agenda item.

Consent Agenda Items Removed for Discussion

Consent Agenda 5(e). Purchase of computers for Library Government Information Access System: Public Internet Access Project (authorize the County Manager to enter into a contract with CompuCom in the amount of \$37,657.20 for the acquisition of 20 personal computers for the Public Internet Access Project).

On Monday, October 13, 1997, the Commissioners approved the Library Government Information Access System: Public Internet Access Project as part of the consent agenda for PAYG projects with an approved budget of \$350,000. In addition, the Durham County Library has received a grant from the North Carolina State Library in the amount of \$50,000 for public Internet access. The deadline for submission of final records to the state under this grant is April 15, 1998.

The computers requested will be located at all Durham County Library System locations for the purpose of public access to the Internet. The original recommendation and approval was for 18 computers. As prices for this equipment have dropped over the past several months, the Library can now purchase 20 computers within the same budgetary dollars.

The Library has worked with appropriate IS staff to develop a configuration and recommendation for this purchase. The IS recommendation is to purchase from

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CompuCom, which is the vendor that has the state contract for IBM personal computers; the term contract number is 250-15. The computer purchase will include all components needed for the project with the exception of modems and printers, which will be purchased separately from other State contract vendors. The total cost for the 20 personal computers is \$37,657.20. This figure includes three-year, on-site maintenance.

Sandra Phillips, County Purchasing Director, has given verbal approval for the purchase. The purchase request has been completed by George McCormick of the IS staff. Library Director Dale Gaddis has also given her approval for this purchase. Library project director is Kathleen Moeller-Peiffer.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with CompuCom in the amount of \$37,657.20 for the purchase of 20 personal computers for the Public Internet Access Project.

Commissioner Bell expressed concern about the cost of the computers. The \$1,800 cost per computer is not unreasonable; however, the modems must be purchased also. In most systems today, the modems are already installed. Commissioner Bell asked about various characteristics of the systems from CompuCom.

Ms. Moeller-Peiffer responded to Commissioner Bell's questions.

Commissioner Bell stated the price is no real bargain for this type of equipment.

The Commissioners asked several questions about the purchase.

Commissioner Bell said the prices should be compared with other prices.

Chairman Black asked staff to obtain additional bid prices and come back to the Commissioners for approval at the March 23, 1998 Regular Session.

Office of the Sheriff—1997 Local Law Enforcement Block Grant Funds Public Hearing and Budget Amendment Agenda

The Office of the Sheriff submitted an application for Durham County's share of the 1997 Local Law Enforcement Block Grant (LLEBG) and received subsequent approval of a \$44,121 block grant award from the U.S. Department of Justice—Bureau of Justice Assistance. The purpose of the LLEBG program is to reduce crime and improve public safety. The award can only be used in accordance with the seven purpose areas described in the statute.

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These intergovernmental funds awarded to Durham County will be used for mobile data expansion (portable computers) and desktop computer enhancements for the Office of the Sheriff. To comply with a special condition of this grant award, the Sheriff established an advisory board that met on January 21, 1998, to recommend the proposed use for these funds. Additional portable computers (with auto adapters) and related software will be purchased to provide mobile computing and incident reporting capabilities to additional/new areas of the Sheriff's Office, such as DARE, SRO (School Resource Officers) and SCOPE units, etc. This is an expansion of the Phase I automated field reporting system implemented through funding from a COPSMORE technology grant from the U.S. Department of Justice. New desktop personal computers and software/equipment upgrades are needed to provide data system improvements for Warrant Control, CRIMES reporting/records, GIS/CAD, future wireless mobile data network, and Year 2000 compliance. Such computer equipment and technology enhancements will improve information reporting, access, and sharing for the entire Sheriff's Agency. One of the special conditions of this grant award program is to conduct a public hearing to receive public comment as to the use of these funds.

No additional County funding is required and no subsequent year budget impact is anticipated. A required grantee local cash match of \$4,902 will be provided by the Office of the Sheriff from the current budget. The total appropriation is for \$44,301 of which \$180 is from the 1996 LLEBG interest earned, and the remainder from the 1997 LLEBG award. The project period is October 1, 1997 through September 30, 1999.

Nancy Dellinger, Director of Planning and Development, and Janet Birenbaum, the Sheriff's Comptroller, were present to discuss their recommendation to the Board.

County Manager's Recommendation: Congratulate the Sheriff on applying and receiving another Local Law Enforcement Block Grant to enhance and expand the department's technological infrastructure. This computer equipment will also assist in implementing the comprehensive plans of the Durham Crime Cabinet.

Ms. Dellinger presented the proposal.

The Commissioners asked several questions about the proposal relative to cost, type of equipment, and make up of the advisory board.

Ms. Dellinger responded to the questions and comments.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

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Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve agenda item No. 6, "Office of the Sheriff—1997 Local Law Enforcement Block Grant Funds."

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000029

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Office of the Sheriff.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Revenues</u>				
Intergovernmental	\$174,508,573	\$44,121		\$174,552,694
Misc. Income	\$ 2,616,307	\$ 180		\$ 2,616,487
<u>Expenditures</u>				
Public Safety	\$ 21,440,615	\$44,301		\$ 21,484,916

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

This the 9th day of March, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Adoption of Resolution and Designation of Members for 1998 E & R Board

North Carolina General Statute 105-322 requires adoption of a resolution to appoint a special Board of Equalization and Review to hear tax appeal matters. Membership to this board needs to be determined by the Board of County Commissioners by the first

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commission meeting in March. The Board of County Commissioners shall also appoint the Chairman and Vice Chairman for this special board and set the rate of compensation.

The rate of compensation for the 1997 Board of Equalization and Review was \$50 per session. A session consisted of a three-hour block of time that board members actually attended for official meetings.

County Manager's Recommendation: Adopt a resolution to appoint a special Board of Equalization & Review, designate membership to this board, appoint a Chair and Vice Chair, and establish a rate of compensation for serving on this board at \$50 per session.

Chairman Black asked the Commissioners if they had questions for Charles Clark, Tax Administrator.

Mr. Clark gave the names of the citizens recommended by the Commissioners for appointment to the 1998 Board of Equalization and Review.

The Commissioner recommendations follow:

Call Smith
5110 Green Oak Drive
Durham, NC 27712
477-3397

by Commissioner Heron
to serve as Chairman

Floyd Wicker
623 Orindo Drive
Durham, NC 27713
361-5823 h
493-4523 w

by Chairman Black
to serve as Vice Chairman

Charles McBroom
2617 Fitzford Court
Durham, NC 27712
383-1210
appointed by Commissioner Bowser

George A. Scott
909 Brandon Road
Durham, NC 27713
596-8370
appointed by Commissioner Bell

Kelly Matherly
2413 Wrightwood Avenue
Durham, NC 27705
489-2331
appointed by Vice-Chairman Reckhow

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Commissioner Heron moved, seconded by Commissioner Bell, to appoint the citizens listed above to the 1998 Equalization and Review Board, and appoint Call Smith as Chairman and Floyd Wicker as Vice-Chairman. The compensation will be \$50 per session (three-hour block of time).

The motion carried unanimously.

Time Warner Rate Increase

Time Warner Cable increased its cablevision rates on January 1, 1998. In the portion of Durham County outside the Durham City limits, the basic service was increased \$.30 and the standard service was increased \$3.10. After receiving several complaints from citizens (as is required before proceeding with a complaint), the County Attorney served a draft complaint on Time Warner Cable. No response was received by the County within the 30-day time period fixed by FCC rules. The Board of Commissioners may now direct that the complaint be filed with the FCC. An individual citizen can not file a complaint.

The County Attorney was present to answer questions. A representative of Time Warner was also present to answer questions.

County Manager's Recommendation: After receiving the explanation from Time Warner, direct the County Attorney to file the complaint with the FCC if appropriate.

County Attorney Chuck Kitchen said many complaints have been received by his office and the Public Information and Governmental Affairs Office concerning the Time Warner Cable rate increase effective January 1, 1998. Mr. Kitchen sent a draft of the Federal Communication Commission (FCC) complaint to Time Warner. He had not received a reply to this complaint.

Willis Smith, General Manager, Durham Cablevision, was asked to address the rate increase.

The Commissioners asked Mr. Smith several questions about cablevision to which he responded.

Chairman Black instructed the County Attorney to file the FCC form 329 (Cable Programming Services Rate Complaint Form) to the FCC.

Chairman Black said the information would be forwarded to the Durham Cablevision Advisory Board for the board to review and provide feedback to the Commissioners.

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Carolina Theatre--Cancellation of Loan Agreement

In FY1993, the Carolina Theatre entered into a loan agreement with Durham County borrowing \$200,000 to purchase equipment needed to outfit the Theatre in time for its opening and operation. The loan agreement was restructured in November 1995 to allow the Theatre to pay off its remaining balance (\$144,500) over a seven-year period at 4 percent interest. The Carolina Theatre Board developed an amortization schedule to be paid using fundraising revenues. The Board of County Commissioners supported this agreement with the view that the Theatre represents an investment in downtown and thus is a part of the larger economic development efforts to improve the County's tax base and community.

The Theatre was requesting that the Board of County Commissioners forgive the loan beginning July 1, 1998. The outstanding balance on this loan shall be \$94,162.73. Several reasons existed for this request: 1) The Carolina Theatre and the City of Durham are about to enter into a multi-year agreement for the operation of the city-owned facility. The definition of ownership is critical to the determination of which entity will be responsible for future repair and replacement of the equipment; 2) it removes donors' objections to support of the theatre that funds go to debt rather than to operating costs; and 3) it will free funds currently directed to debt that could be used by the Theatre to enhance programs and benefit the community.

As the Board may recall, the equipment purchased and subsequently owned by the Theatre totaled \$400,000 with the City of Durham and the County each loaning the Theatre \$200,000. If the County forgives the loan and allows the Carolina Theatre to convey its interest in the equipment to the City, the City is prepared to pay the County a 50%/50% split of any proceeds realized by the City upon the sale of the equipment, if and when that were to occur. An advantage of this arrangement is that the transfer of equipment ownership to the City is that the City will take on the responsibility for the maintenance and future replacement of the equipment.

Stephen Scott-Martin, Executive Director of the Carolina Theatre, presented this item.

County Manager's Recommendation: The County Manager requests that the Board decide whether to relieve the Carolina Theatre of this loan commitment. To put it simply, the Carolina Theatre is requesting that the County forgive the outstanding balance of \$94,162.73 in exchange for 50 percent of the equipment that was bought with this funding if it is ever sold. The bottom line is that the County will probably never see the proceeds of the sale of this equipment. The Board is basically being asked to contribute these funds to endorse the operation of the Carolina Theatre. If the Board decides to approve this

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request, the Manager recommends making this action contingent on the City's execution of the agreement.

Mr. Scott-Martin gave the Commissioners an overview of the events that have taken place since FY 1993 relative to the \$200,000 bridge loan Durham County made to the Carolina Theatre. He also explained the proposal before the County Commissioners.

The Board of County Commissioners had a lengthy discussion about the proposal.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Commissioners not relieve the Carolina Theatre of the loan commitment at this time and that the Board encourage the City to work with the Carolina Theatre Board to help make good its commitment to the County.

The motion carried unanimously.

Update—Capital Improvements Plan—Water and Sewer Projects

The Environmental Engineering Office developed a prioritized list of water and sewer project needs for Durham County. This list was presented at the BOCC Budget Retreat last month.

To proceed with this program of water and sewer extensions, the Environmental Engineering Office is pursuing a new interlocal agreement with the City and requesting approval of one Project Manager staff position.

To proceed with the Santee Road water project, the Environmental Engineering Office is requesting approval of a detailed engineering study. The recommendation is to amend the contract with Coulter Hart Jewell Thames, the Durham firm that prepared the August 1997 study which included the Santee Road water project.

County Manager's Recommendation: County staff will be requesting guidance from the Board as to the list of projects. The Manager has also asked them to bring forth the Santee Road and Willow Hill projects as they appear to be priorities of this Board.

County Manager David F. Thompson called to the attention of the County Commissioners the Santee/Baptist Road Surrounding Community Water Feasibility Study critical path flow chart document prepared by the consulting engineer firm. He asked that the Commissioners not approve the project budget since staff does not know the project cost.

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Mr. Hill gave the Commissioners an overview of the Santee Road water project and the Willow Hill sewer project.

The Commissioners asked the County Manager several questions about the two projects to which he responded.

Donnie McFall, Director of the Environmental Health Division, Public Health Department, said there has been no documentation or confirmed public health risk in the Santee Road area regarding water quality. The department will not issue a letter to that effect.

The Commissioners had a lengthy discussion with the County Manager and staff about the two projects.

Vice-Chairman Reckhow moved, seconded by Chairman Black, to approve the sewer project for Willow Hill with a project budget of \$500,000 as stated by staff; direct staff to move forward with a feasible study for the Santee Baptist Road area taking into account health issues and authorize a budget of up to \$50,000.

Tom Kagarise, Environmental Engineering, stated this motion does not cover sewer issues. Additional funding would be required.

County Manager Thompson said an interlocal agreement with the City is needed to build the Willow Hill project. However, preliminary engineering work can begin on the project before the interlocal agreement is completed.

The motion carried unanimously.

The capital projects budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Capital Projects Budget Ordinance
Amendment No. 98CPA000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Capital Projects Budget Ordinance is hereby amended to appropriate funds for the following PAYG projects.

PAYG FUND

<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
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Projects

Santee Road Water Project	\$ 0	\$ 50,000	\$ 50,000
Willow Hill Sewer Project	\$ 0	\$500,000	\$500,000

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

This the 9th day of March, 1998.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Approval to Purchase Magistrate's Warrant Control System Software

The Board was requested to authorize the County Manager to enter into a contract for \$111,350 with Vision Software Inc. to purchase the Magistrate's Warrant Control Software, including software, training, first-year maintenance, and project management for software installation. The Magistrate's Warrant Control System project is being funded through a Governor's Crime Commission Grant to Durham County approved last year.

The Board approved Vision Software Inc. as a sole source on December 15, 1997. Shortly after the Board's approval, the Governor's Crime Commission informed staff that a formal bid process would be required to meet current approval requirements. This request was followed and the invitation for bid, No. 98-018, was publicly advertised on December 24, 1997 in both the Carolina Times and Durham Herald/Sun and sent to six vendors. Bids were publicly opened January 20, 1998 and only Vision Software Inc. responded with a bid package. The Governor's Crime Commission then informed staff since the bid exceeded \$100,000, the County would need further approval from the Federal Bureau of Justice Assistance. Since that time, staff submitted the proper documentation to the Federal Bureau of Justice Assistance and was expecting approval.

Perry Dixon, Director of Durham County Information Services, and Sandra Phillips, Director of Purchasing, recommended approval of this purchase. Mr. Dixon, Ms. Phillips, and Brad Young, Project Manager, attended the meeting to answer any questions.

County Manager's Recommendation: The Manager is requesting authorization to enter into a contract in the amount of \$111,350 with Vision Software Inc. for the Magistrate's Warrant Control System, including software, training, first-year maintenance, and project management for software installation. This approval is fully contingent on approval by the

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Governor's Crime Commission and the Federal Bureau of Justice Assistance. The initial approval in December was for software only. Through the bid process, the County has now received firm pricing on all components of this critical project.

Mr. Dixon presented the agenda item to the Commissioners.

Commissioner Bowser moved, seconded by Commissioner Heron, to authorize the County Manager to enter into a contract in the amount of \$111,350 with Vision Software Inc. for the Magistrate's Warrant Control System, including software, training, first-year maintenance, and project management for software installation. This approval is fully contingent on approval by the Governor's Crime Commission and the Federal Bureau of Justice Assistance.

The motion carried unanimously.

Approval to Purchase Magistrate's Warrant Control System Servers

The Board was requested to authorize the Information Services Department to purchase the budgeted Magistrates Warrant Control Servers as follows:

<u>Item</u>	<u>Quantity</u>	<u>Cost</u>	<u>Vendor</u>
Compaq Proliant Primary Controller	1	\$18,608.00	Alph. Systems, Inc.
Compaq Proliant Main Server	1	\$9,813.00	"
Compaq Proliant Backup Server	<u>1</u>	<u>\$18,608.00</u>	"
Servers Total	<u>3</u>	<u>\$47,029.00</u>	

These goods are provided through the State of North Carolina Convenience Term Contract for Micro-Computers and Peripherals #250.

Perry Dixon, Director of Durham County Information Services, and Brad Young, Project Manager, recommended approval of this purchase. Mr. Dixon and Mr. Young attended the meeting to answer any questions.

County Manager's Recommendation: Authorize the Information Services Department to purchase the budgeted Magistrate's Warrant Control Servers valued at \$47, 029. The 25 percent match for the equipment is already budgeted with the Information Services Department. The other 75 percent of cost is funded by our Governor's Crime Commission Grant.

Mr. Dixon presented the proposal to the Commissioners.

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The Commissioners asked several questions about the proposal to which Mr. Young responded.

Commissioner Heron moved, seconded by Commissioner Bowser, to authorize the Information Services Department to purchase the budgeted Magistrate's Warrant Control Servers valued at \$47,029.

The motion carried unanimously.

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Request to Establish Formal Linkages With County Durham, England

Durham County and the Greater Durham Chamber of Commerce recently hosted Phil Eadon, Director of Marketing for County Durham (England) Development Company, during his recent visit to Durham. The purpose of his visit was to identify potential areas and activities upon which to establish economic, tourist, and educational links between Durham County and County Durham, England. This was a follow-up meeting to one that was held previously with Ken Frankish, Director of Economic Development and Planning for County Durham.

The proposed link between the two counties would go beyond the educational and cultural links in place through the Sister City program between the City of Durham and City Durham (40,000 population), England. The link would also extend beyond the geographic boundaries of City Durham, England to include the entire County Durham which has a population of approximately 500,000. The link between Durham County and County Durham would include links in economic development and tourism that could possibly entail:

- cooperation to encourage business links between organizations and enterprises;
- cooperation to identify and match joint business ventures or strategic alliance opportunities to expand commercial markets;
- participation in Economic Development Trade Fairs (especially the County Durham Medical Devices & Scientific Innovation Fair to be held October 1998 in County Durham);
- promotion of tourism activities and representation at Travel and Tourism Fairs; and
- research exchange programs and student exchange programs between Duke University, North Carolina Central University, and Durham University. A link already exists between Duke University and Durham University.

To fully explore the benefits of a formal link between the two counties, County Durham has established a steering committee composed of representatives from the County Council, County Durham Development Company, Durham University, Glaxo Wellcome, and the Chamber of Commerce. In addition, the County Council formally provided the County Durham Development Company with the authority to pursue establishing a link with Durham County.

County Manager's Recommendation: The County Manager requests that the Board provide him with the authority to pursue establishing a formal link with County Durham, England. The Manager is also requesting authority to establish a steering committee to develop a strategy for maximizing the potential links between the two counties. The Manager will present a proposed committee listing at the County Commission meeting.

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County Manager David F. Thompson made the following presentation to the Commissioners:

Background

During October, a meeting was held with Duke University Senior Vice-President Charles Putnum, City of Durham Chamber of Commerce representatives, Mr. Ken Frankish (Director of Economic Development for County Durham, England), and County Manager Thompson to begin examining the feasibility of strengthening relationships between the two counties. Dr. Putnum has been working with Dr. Julius Chambers to solidify a number of ongoing programs with the University of Durham. At the meeting, Mr. Frankish and County Manager Thompson both agreed not to be interested in a linkage that was just on a cultural exchange basis. There are opportunities for shared economic development missions and ventures. To be successful, the development of strategic initiatives with specific implementation plans must be explored.

County Durham is located in Northern England close to the Scottish border. The County is over 861 square miles in size with a population of approximately 494,000. The local economy was once based on steel-making plants and coal mines. Over the past 25 years, the County has had to adapt to the changing demands of industry and commerce. High technology companies, advanced communications and research, and development enterprises have now replaced steel plants and coal mines--much like high tech companies in RTP and medical facilities have replaced textiles and tobacco plants in Durham. Major companies located in County Durham include Glaxo Wellcome, Black & Decker, Fujitsu, Siemens, Samsung, and Sanyo. County Durham is also the home of the prestigious Durham University, which is the third oldest university in England with degree programs in the fields of science and health care.

Since the October meeting, Durham County has hosted with the Chamber of Commerce a visit by Mr. Phil Eadon who reports to Mr. Frankish as the Director of Marketing for County Durham Development Company. County Manager Thompson was appreciative of the efforts by David Powell, Economic Development Director, for his efforts to make Mr. Eadon's visit an enjoyable and productive one. This visit resulted in a better definition of possible partnerships between County Durham and our community. The proposed link between the two counties would go beyond the educational and cultural links in place through the Sister City program between the City of Durham and City Durham (England, population 40,000).

Current Situation

In conversations with Mr. Eadon and follow-up discussions between the County Manager and Mr. Frankish, the following are some possibilities for partnership:

- cooperation to encourage business links between organizations and enterprises;

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- cooperation to identify and match joint business ventures or strategic alliance opportunities to expand commercial markets;
- participation in Economic Development Trade Fairs (especially the County Durham Medical Devices & Scientific Innovation Fair to be held October 1998 in County Durham);
- promotion of tourism activities and representation at Travel and Tourism Fairs;
- enhancement of research exchange programs and student exchange programs between Duke University, North Carolina Central University, and Durham University. A link already exists between Duke University and Durham University;
- school exchanges and links using information technology;
- development of joint Internet site;
- development of summer sports schools in both counties;
- development of best government practices exchanges between the counties; and
- cooperation between the Counties' Library and Museum services.

Mr. Frankish has been given authority to pursue this relationship between the two communities and to establish a working group in County Durham to work with his office. This group comprises representatives from the County Council, County Durham Development Company, Durham University, Glaxo Wellcome, and the Chamber of Commerce. He was also given the authority to invite representatives from Durham County's Chamber, Universities, and Durham County to visit County Durham to meet with the civic and business representatives in the same manner that they met with us. This working group will also work to develop strategies that would be unveiled this coming summer in a joint ceremony to be held in Durham, North Carolina.

County Manager's Recommendation: I recommend that I be charged with the establishment and staffing of a committee to further pursue this joint venture. At this point in time, the committee should be composed of members from the following organizations. It may need to be fluid as to membership as the partnerships are refined.

- Duke University
- Glaxo Wellcome
- Greater Durham Chamber of Commerce
- Durham County Government (County Durham Council Chair is leading their committee)
- Durham Public Schools
- Durham Convention and Visitors Bureau
- North Carolina Central University
- Durham Technical Community College
- Sister City Representative
- City of Durham

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- Other representatives of specific ventures as required.

Mr. Powell will serve as the staff person coordinating this committee's activities.

In addition, the County Manager was requesting that the Durham County Board of Commissioners approve a resolution of support that can be presented to County Durham Council when he meets with its representatives in mid April.

Commissioner Bowser suggested that Treyburn be included in the list of organizations.

County Manager Thompson agreed.

The Commissioners discussed the establishment of a formal linkage with County Durham, England.

Commissioner Bowser moved, seconded by Commissioner Heron, that the Board authorize the County Manager to establish formal linkages with County Durham, England.

The motion carried unanimously.

The resolution follows:

RESOLUTION IN SUPPORT OF ESTABLISHING
A FORMAL LINK BETWEEN DURHAM COUNTY, NORTH CAROLINA AND
COUNTY DURHAM, ENGLAND

WHEREAS, Durham County, North Carolina and County Durham, England are both interested in identifying areas and activities upon which to establish cultural, economic, tourist, and educational links between the two counties; and

WHEREAS, a link between Durham County, North Carolina and County Durham, England would include cooperation to encourage business links between organizations and enterprises located in both of the counties; and

WHEREAS, a link between Durham County, North Carolina and County Durham, England would include cooperation to identify and match joint business ventures and strategic alliance opportunities to expand commercial markets in both of the counties; and

WHEREAS, a link between Durham County, North Carolina and County Durham, England would include promotion of tourism and cultural activities in both of the counties; and

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WHEREAS, a link between Durham County, North Carolina and County Durham, England would include cooperation to encourage closer links between Duke University, North Carolina Central University, and Durham University, England:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners hereby supports the establishment of a formal link between Durham County, North Carolina and County Durham, England and supports the establishment of a steering committee to fully explore the benefits of such a link:

BE IT FURTHER RESOLVED that the Clerk to the Board of Durham County Commissioners send this resolution to the County Durham, England council with the hope for a future, productive partnership.

/s/ Five Commissioners

Durham County Commissioners

Offer to Purchase County Property (6821 Matterhorn Road)

Durham County obtained the property located at 6821 Matterhorn Road in 1994 after completing a tax foreclosure sale.

Redditt and Ida Alexander, the former owners of the property, have submitted a request to purchase the property for the sum of \$2,032.37.

North Carolina General Statute 105-376(c) provides that a taxing body which purchases property at a tax foreclosure sale may, at the discretion of its body, resale the property to the former owner at a private sale for an amount not less than the taxing unit's interest in the property. Durham County's interest in the property amounts to \$2,032.37.

The County has also received an offer from Mr. Charles McCarter in the amount of \$4,500 to purchase this property.

This property is accessible only by walking.

The County's investment (taxes and foreclosure fees) amounts to \$2,032.37 and the tax valuation is \$4,000. City and County departments were informed of the availability of this property and there has been no inquiry by governmental departments.

Mr. Marvin Pope and Mr. David Powell were resource persons for this agenda item.

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County Manager's Recommendation: To receive the higher offer submitted by Mr. McCarter and adopt the resolution whereby the property is advertised as an 'upset bid' sale.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to receive the higher offer submitted by Mr. McCarter and adopt the resolution whereby the property is advertised as an 'upset bid' sale.

The motion carried unanimously.

The resolution follows:

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in Parkwood Township, Durham County, North Carolina and properly described as follows:

6821 Matterhorn Road
Tax Parcel 794-07-013

WHEREAS, Mr. Charles McCarter has made an offer to the County to purchase the above property for \$4,500 and has made a bid deposit in the amount of \$225 which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;

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8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on March 9, 1998.

/s/ Garry E. Umstead
Clerk, Board of Commissioners

Planning—Proposed Ordinance Discussion

Commissioner Bell expressed concern about developers clear-cutting tracts of land. He asked Commissioners Heron, Reckhow, and Black to put this item on the City-County Planning Committee agenda for discussion.

Chairman Black said the County Commissioners and City Council must discuss this problem in joint session.

Commissioner Heron stated this concern was discussed at the City-County Planning Committee meeting last week. The committee is considering a protective-type ordinance to protect steep slopes and greenery. The committee is also going to be working on a tree preservation ordinance.

Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions:

- Area Mental Health Board
- Boxing and Wrestling Commission
- Durham Planning Commission
- Nursing Home Community Advisory Committee
- Transportation Advisory Board
- Youth Services Advisory Board

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The following votes were cast to make appointments to the boards and commissions (appointees are designated with asterisks):

Area Mental Health Board

Three positions—one for an individual with experience in finance and the ability to understand and interpret audits and other financial reports; one attorney position; and one at-large position (terms expire July 2002). All applications were for the at-large position.

Vickie L. Ellis—Black

Stephen P. Puckett—no votes

*Rachel S. Reckford—Bell, Bowser, Heron, and Reckhow

Boxing and Wrestling

Three expired positions; terms expire January 2000.

*Cedric M. Bright—Bell, Black, Bowser, Heron, and Reckhow

*Ricky L. Hart—Bell, Black, Bowser, Heron, and Reckhow

*Gregory L. Thomas—Bell, Black, Bowser, Heron, and Reckhow

Durham Planning Commission

One unexpired at-large position (must be a City resident); term expires June 30, 2000.

Anne M. Guyton—no votes

Robert W. Jentsch—no votes

Annette G. Montgomery—no votes

Paula P. Murphy—no votes

James B. Newman—no votes

*Todd C. Patton—Black, Heron, and Reckhow

Robert Alan Reid—Bell and Bowser

Beth Steenberg—no votes

Gregory L. Thomas—no votes

Nursing Home Community Advisory Committee

Six expired terms (expire February 1999).

*Catherine P. Jones—Bell, Black, Bowser, Heron, and Reckhow

*Phyllis Thomas-Thorp—Bell, Black, Bowser, Heron and Reckhow

*Ruth C. Wallace—Bell, Black, Bowser, Heron, and Reckhow

Transportation Advisory Board

One unexpired term (expires October 1999).

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*David Witte Keaveney—Bell, Black, Bowser, Heron, and Reckhow

Youth Services Advisory Board

One expired term (expires September 2000) and one unexpired term (expires September 1998).

*Gregory L. Thomas—Bell, Black, Bowser, Heron, and Reckhow

Adjournment

Chairman Black adjourned the meeting at 10:16 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS