

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

Monday, March 27, 2000

7:33 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, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser and Becky M. Heron

Absent: Commissioner William V. Bell (excused)

Presider: Chairman Black

Opening of Regular Session

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

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to adjourn to closed session to discuss the location of industries or other businesses and to consider economic development incentives pursuant to G.S. § 143-318.11(a)(4) at 6:00 p.m. prior to the regular session.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

Agenda Adjustments

Chairman Black said agenda item No. 11, "Public Hearing—Regions Development, LLC (Rezoning Case P99-66)" will be considered before agenda item No. 10, "Public Hearing—Regions Development, LLC (Rezoning Case P99-37)."

Chairman Black said agenda item No. 13, "Space Needs Analysis and Facility Master Plan for Durham County," will remain as No. 13 on the agenda.

County Attorney Chuck Kitchen called the Commissioners' attention to agenda item No. 17, "Durham County Privilege License Ordinance."

Interim County Manager Carolyn P. Titus said a "Gun Safety Committee Report" will be placed on the agenda following the "Proclamation for Lead Awareness Day, April 8."

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the January 31, 2000 Regular Session and the February 7, 2000 Worksession Minutes of the Board as submitted.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Resolution Honoring Henry J. Pankey

A resolution honoring Mr. Henry J. Pankey was prepared at the request of Chairman MaryAnn Black. Mr. Pankey, who has been named Durham Public Schools "Principal of the Year," is credited with transforming Southern High School into one of the system's best performing high schools during his tenure.

County Manager's Recommendation: Present the resolution to Mr. Pankey and extend sincere congratulations to him for his efforts to improve the educational standards at Southern High School.

Chairman Black read the resolution into the record and presented it to Mr. Pankey. Mr. Pankey accepted the resolution and offered thanks.

The resolution follows:

RESOLUTION

WHEREAS, Henry J. Pankey joined Durham Public Schools as principal of Southern High in July 1998, and;

WHEREAS, his mission was to change the learning climate and raise standards at the school, and he has succeeded in making Southern High School a safe, orderly, and academically-oriented school; and

WHEREAS, through Mr. Pankey's unusual approach and his dynamic efforts, the formerly "low performing" school was transformed into an "exemplary" rated school over the course of one year; and

WHEREAS, due to the innovative and creative leadership of Mr. Pankey in significantly raising the standards at Southern High School, U. S. Secretary of Education Richard Riley recently chose the school as the location from which to present his 7th Annual State of American Education Address; and

WHEREAS, recent honors for Mr. Pankey and Southern High include recognition as Durham County "Principal of the Year," Herald-Sun Newspaper True Grit Awards in 1998 and in 1999, Honorary Sheriff of Durham County, N. C. State Safe School Award, and Exemplary Status for Southern High; and

WHEREAS, while Mr. Pankey has received many positive accolades for his success at Southern High, he credits his professional staff for working with him to build students' self-esteem and to motivate them to achieve academic excellence:

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

Henry J. Pankey

for transforming Southern High School into a school in which the Durham community can take considerable pride. We further congratulate him for instituting the unique "Diamonds in the Rough" Scholarship Program, which seeks to provide \$1000 to each graduating student that enrolls in college. We call upon the entire Durham community to join in recognizing one of education's brightest stars.

This the 27th of March, 2000.

/s/ Five Commissioners
Durham County Commissioners

Proclamation for Lead Awareness Day, April 8

The Chairman was asked to issue a proclamation for "Lead Awareness Day" on April 8, 2000. The program will be held from 10:00 a.m. until 2:00 p.m. at the Communities in Schools Academy on N. Driver Street.

The goal of Durham's Lead Awareness Day is to prevent lead poisoning of young children. The Health Department will do free lead tests of children ages 12 months to six years. Health Educators, Nutritionists, housing staff, and others will inform citizens about what can be done to prevent lead poisoning. The event is sponsored by PEACH

(Partnership Effort for the Advancement of Children's Health), NCCU Health Education Department, Durham County Health Department, Durham City Housing & Community Development Department, and the Durham Affordable Housing Coalition. Representatives were available to speak about the importance of lead awareness.

Resource Persons: Chairman MaryAnn Black and representatives of the Partnership Effort for the Advancement of Children's Health (PEACH) Lead Awareness Coalition.

County Manager's Recommendation: Present the proclamation to representatives of the Lead Awareness Coalition declaring April 8, 2000 as Lead Awareness Day.

Chairman Black read the proclamation into the record.

PROCLAMATION

WHEREAS, lead poisoning is a preventable disease of young children that causes developmental delays and learning disabilities; and

WHEREAS, the prevention of lead poisoning is an attainable goal for every child; and

WHEREAS, the County of Durham is active in the effort to prevent lead poisoning; and

WHEREAS, Durham citizens are working to prevent lead poisoning by testing young children for lead and eliminating lead paint hazards in homes and the environment; and

WHEREAS, all citizens should be informed and involved in activities to prevent lead poisoning:

NOW, THEREFORE, BE IT RESOLVED that I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby proclaim April 8th as

“LEAD AWARENESS DAY.”

I further urge all citizens to participate in a festival to prevent lead poisoning on Saturday, April 8, 10:00 a.m. - 2:00 p.m. at the CIS Academy, 401 N. Driver Street, and to work every day to prevent lead poisoning of young children.

This the 27th day of March, 2000.

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

Lorisa Seibel, Durham Affordable Housing, made remarks about Lead Awareness Day and the festival to prevent lead poisoning. She urged everyone to be aware of lead poisoning.

Gun Safety Committee Report

This was a report on the Gun Safety Committee's plans for implementation of a gun safety program in Durham County. This committee has just begun its preliminary work and the first activity will be on May 6, 2000 at the Health Department's Block Party. The Sheriff's Office and the Health Department are working closely together in outlining a comprehensive approach for implementation of this project.

Resource Person(s): Nancy Dellinger, Director of Planning & Development, Sheriff's Office

County Manager's Recommendation: Hear the presentation and provide feedback.

Ms. Dellinger presented the report on the Gun Safety Committee's plans for implementation of a gun safety program in Durham. The first activity will be on May 6, 2000 at the Health Department's Block Party. The Sheriff has signed an agreement with Project Home Safe to provide 1,500 gun locks for distribution to citizens in Durham County. The gun safety program will include a demonstration on how to handle a gun in a safe manner and how to use the gun locks.

Deputy Sheriff Howell demonstrated how to use the gun locks.

The Commissioners will be asked to proclaim one month in the near future a gun safety month. That proclamation will be the start of the gun safety efforts. This project is a joint effort of the Office of the Sheriff and the Public Health Department.

Announcement

Chairman Black announced the upcoming Million Mom March on Mother's Day weekend in Washington, DC. The purpose of the national march is to talk about child safety. Several buses will leave Durham for Washington, DC in early morning and return at night. The cost is \$30 per person for bus transportation.

Consent Agenda

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

- *(a) The Durham Center—Budget Ordinance Amendment No. 00BCC000043 to recognize an increase in intergovernmental revenue (approve Budget Amendment No. 00BCC000043 in the amount of \$908,313 to increase The Durham Center budget to

- reflect increased State allocations and the local grant from the Smart Start Program);
- (e) Second Approval—Ambulance Franchise Request for Durham Fire Department (approve the application for the second time granting the franchise for additional non-emergency ambulance service);
 - *(f) Report—Sale of County-Owned Surplus Personal Property (accept this report on the sale of surplus property from the auction held on November 19 and 20, 1999); and
 - (g) Standard Non-Reimbursable Utility Contract for Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract with Ronnie R. Cox to extend the County sanitary sewer system).

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
 Noes: None
 Absent: Bell

*Documents related to these items follow:

Consent Agenda 8(a). The Durham Center—Budget Ordinance Amendment No. 00BCC000043 to recognize an increase in intergovernmental revenue (approve Budget Amendment No. 00BCC000043 in the amount of \$908,313 to increase The Durham Center budget to reflect increased State allocations and the local grant from the Smart Start Program) follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1999-2000 Budget Ordinance
 Amendment No. 00BCC000043

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Mental Health.

GENERAL FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Expenditures</u>				
Human Services	\$206,242,668	\$908,313		\$207,150,981

Revenues

Intergovernmental	\$175,422,192	\$908,313	\$176,330,505
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of March, 2000.

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

Consent Agenda 8(f). Report—Sale of County-Owned Surplus Personal Property (accept this report on the sale of surplus property from the auction held on November 19 and 20, 1999) follows:

TABULATION OF SALE OF SURPLUS PROPERTY
PUBLIC AUCTION HELD NOVEMBER 19 AND 20, 1999

Gross Sales-----	\$6,939.58
Selling Expenses:	
Auctioneer's Fee-----	\$538.42
Vehicle Replacement Keys-----	\$376.00
Total Selling Expenses:-----	\$ 914.42
Net Proceeds to the County-----	\$6,025.16

Consent Agenda Items Removed for Discussion

Consent Agenda 8(b). DSS—Budget Ordinance Amendment No. 00BCC000044—Request to accept new DSS revenues (approve Budget Amendment No. 00BCC000044 to recognize additional revenues in day care funding, Smart Start, Work First Transportation, and Special Adoption Fund).

Commissioner Bowser asked Daniel C. Hudgins, Director of Social Services, to speak to child day care relative to the YMCA. Commissioner Bowser wanted to know if the Social Services Department could provide any help to parents that need the child care.

Mr. Hudgins commented that the parents can come in and get a voucher to go to another child care provider, provided Social Services is sponsoring the child. Funding follows the parent, not the day care center.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$207,150,981	\$3,196,070		\$210,347,051
<u>Revenues</u>				
Intergovernmental	\$176,330,505	\$3,196,070		\$179,526,575

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

This the 27th day of March, 2000.

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

Consent Agenda 8(c). DSS—Budget Ordinance Amendment No. 00BCC000045 to accept new revenues and to establish DSS Social Worker position (approve Budget Amendment No. 00BCC000045 to accept new revenues and to establish a DSS Social Worker position in Adult Protective Services).

Commissioner Heron asked Mr. Hudgins about the duties and responsibilities of the new position.

Mr. Hudgins said investigations would be done in the community and facilities. The position will reduce the work load of other staff members so the response time will be quicker and the investigations will be thorough.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000045

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$210,347,051	\$19,868		\$210,366,919
<u>Revenues</u>				
Intergovernmental	\$179,526,575	\$19,868		\$179,546,443

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

This the 27th day of March, 2000.

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

Chairman Black and Commissioner Bowser requested information from Social Services concerning the number of calls regarding complaints about nursing homes. Commissioner Bowser wanted to know the number of substantiated and non-substantiated complaints regarding nursing home care.

Consent Agenda 8(d). Transfer of Control of Cable Television of Cable Television Franchise from Time Warner Inc. to AOL Time Warner Inc. (approve the transfer).

Commissioner Heron wanted to know if the County's franchise has any impact on the problems with Time Warner and American Broadcasting Company.

County Attorney Chuck Kitchen called on Deputy County Attorney Lowell Siler to answer the question.

Mr. Siler responded to the question.

After some discussion, the Commissioners decided to hold a public hearing at the Regular Session on April 10, 2000. Action was deferred on this item until the April 10, 2000 meeting.

Consent Agenda 8(h). Endorse Durham County and City Governments Solar Communities Program (endorse the designation of Durham County as a "Solar Community by the NC Solar Center. Authorize Cooperative Extension to proceed with the planning and implementation of this project, returning to the Board with updates as needed).

Vice-Chairman Reckhow suggested that the Environmental Affairs Board be used as the steering committee for the program.

Consent Agenda 8(i). Approval of Purchase of Personal Computers for the Department of Social Services (authorize the County Manager to enter into a contract with IBM Corporation to purchase the personal computers).

Commissioner Heron suggested that the computers that were being replaced could be placed in the schools, community centers, housing projects, etc. for children to access.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item Nos. 8(b), (c), (d), (h), and (i) with a change to No. 8(d). A public hearing would be set on April 10 at the Regular Session for item No. 8(d), with advertising to be made in the first week of April.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Public Hearing—Expansion of RTP for Biogen

Biogen Inc. and the Research Triangle Foundation requested that the Board of Commissioners hold a public hearing to consider the expansion of Research Triangle Park to include property currently owned by Biogen Inc. The property lies in both Wake and Durham Counties. The two parties requested this action by both Durham and Wake County Boards of Commissioners.

The Board previously adopted the report on the expansion of RTP, which report has been open for public inspection in the Clerk's Office. The report contains the plat of the area, as well as the necessary finding for the approval. The public hearing was originally scheduled for January but was re-advertised due to the cancellation of the Board's meeting due to snow.

Following the public hearing, the Board is requested to adopt the resolution annexing the Biogen property into Research Triangle Park research and production service district.

Resource Person(s): Chuck Kitchen, County Attorney; Charles Case, Attorney for Biogen; Hal Price, Biogen; and Robert Teer, Consultant to Biogen.

County Manager's Recommendation: Hold the public hearing to consider annexing the property in Research Triangle Park Research and Production Service District. Following the public hearing, adopt the resolution if appropriate based on any additional information received and the report previously adopted by the Board.

Mr. Kitchen presented the agenda item to the Commissioners.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Vice-Chairman Reckhow moved, seconded by
Commissioner Heron, to approve the item.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Commissioner Bowser asked several questions and made comments about the agenda item.

The resolution follows:

**RESOLUTION ANNEXING PROPERTY INTO RESEARCH TRIANGLE PARK
SERVICE DISTRICT**

Whereas, the Board of County Commissioners received a request jointly from Biogen Inc. and the Research Triangle Foundation to annex certain property into the research and production service district known as Research Triangle Park; and

Whereas, the Board of Commissioners caused a report to be prepared as required by G.S. § 153A-314, which report has been on file in the Clerk to the Board's Office and available for public inspection at least four weeks prior to the public hearing on the matter; and

Whereas, a public hearing has been held on the question of annexing the subject property into Research Triangle Park research and production district, which public hearing was duly noticed as required by statute including sending notice by first class mail to the property owners of the property proposed to be included in the district:

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

1. The property which has been proposed to be annexed into Research Triangle Park research and production district is described as follows:

Being that certain parcel or tract of land lying within Durham County, North Carolina, and as shown by plat entitled "Survey for Biogen Inc.," by Greenhorne & O'Mara Inc., dated April 11, 1995, which plat is on file in the Office of Clerk to the Board of Commissioners for Durham County, NC.

The property is further described as the portion of those certain parcels or tracts of land lying in Durham County, North Carolina with the entire tracts described as follows:

Tract 1:

Being all of Tract 1, containing approximately 79.056 acres as shown on the plat entitled "Survey for Biogen Inc." prepared by Greenhorne & O'Mara Inc. and recorded in Plat Book 138, Page 167, Durham County Registry and Books of Maps 1997, Page 1316, Wake County Registry.

Tract 2:

Being all of Tract 2, containing approximately 5.598 acres, as shown on the plat entitled "Survey for Biogen Inc." prepared by Greenhorne & O'Mara Inc. and recorded in Plat Book 138, Page 167, Durham County Registry and Book of Maps 1997, Page 1316, Wake County Registry, and being that property described in that deed recorded in Book 1741, Page 937, Durham County Registry, and in Book 5209, Page 771, Wake County Registry.

2. The property proposed to be annexed into Research Triangle Park research and production district as described above meets the requirements of G.S. § 153A-314(a) to be annexed into a research and production district.
3. The property described in paragraph 1 above is hereby annexed into the Research Triangle Park research and production district; said annexation to be effective on July 1, 2000.

This the 27th day of March, 2000.

Public Hearing—Regions Development, LLC, (Rezoning Case P99-66)

Regions Development LLC presented to the Board of County Commissioners a request to rezone a 49.553-acre site comprised of 6 parcels on Communications Drive, identified as Tax Map 780, Block 1, Lots 2, 2D, 7, 8 partial, 9 and 9A. Corresponding PIN numbers: 834-03-32-3783, 834-03-22-3737, 834-03-12-7382, 834-03-12-6353, 834-03-12-9244 and 834-03-12-9310. Request: I-2(D) (Light Industrial District with Development Plan) to I-2 (Light Industrial District); F/J-B & E/B. The 2020 Plan supports Suburban Neighborhood uses. The site is in the North Durham Planning Area, and a small area

plan for the area was adopted in 1994. Mr. William G. Garrand is the owner of the property. The Future Land Use Map (FLUM) shows Industrial for the site. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 6-1 to recommend approval.

The public hearing for this request was advertised on March 10 and 17, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails and Norman Standerfer, Planning Department

Managers Recommendation: The Manager's recommendation is that the Board receive public comment after the staff presentation and approve, if appropriate, based on the comments provided during the public hearing.

Mr. Hails reviewed rezoning case P99-66 for the Commissioners.

The Commissioners asked questions and made comments to which Mr. Hails responded.

Commissioner Heron commented she would not support the rezoning request without an attached development plan.

Chairman Black opened the public hearing that was properly advertised.

Mr. Julius T. Bartell, 4911 Denfield Street, said the area residents have no problem rezoning the area I-2 without a development plan. There is a protest petition on agenda item No. 10.

Deputy County Attorney Lowell Siler said the protest petition for Rezoning Case P99-37 is not a valid protest petition. The petition filed was deemed invalid as the majority of persons who signed lived outside the 100-foot area referred to in the general statute.

Mr. Bartell wanted to know how many people live within the 100-foot area.

Mr. Siler said only one person who signed the petition was eligible to sign. Mr. Siler explained why the protest petition was not valid. There were not enough people who live within the radius to sign the protest petition.

Commissioner Heron felt there was a more recent statute that refers to a greater distance from the area to be rezoned than the one hundred feet.

County Attorney Chuck Kitchen said there was none.

Vice-Chairman Reckhow suggested that the Commissioners postpone the vote on agenda item No. 11, hold the public hearing on agenda item No. 10, and adopt the two agenda items with one vote.

Mr. Bill Ripley, developer, discussed the rezoning request with the County Commissioners.

As no one else asked to speak at the public hearing, Chairman Black closed the hearing and referred the item to the Commissioners for consideration.

Public Hearing—Regions Development, LLC (Rezoning Case P99-37)

Regions Development LLC presented to the Board of County Commissioners a request to rezone an 89.9-acre site comprised of 3 parcels on Hebron Road north of the intersection with Danube Lane, identified as Tax Map 780, Block 1, Lots 1D partial, 2, and 3A. Corresponding PIN numbers are: 834-03-32-3783; 834-03-11-8946; and 834-03-21-8453. Request: R-20 (Residential 20) and I-2 (Light Industrial District) to PDR 5.06 (Planned Density Residential at 5.06 units per acre); F/J-B & E-B partial. The 2020 Plan supports Suburban Neighborhood uses. The site is in the North Durham Planning Area and a small area plan for the area was adopted in 1994. Mr. William G. Garrand is the owner of the property. The Future Land Use Map (FLUM) shows Industrial for the portion of the site zoned I-2 and High Density Residential for the remainder of the site. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on March 10 and 17, 2000 in the Durham Herald-Sun.

Action on this case should come after action on P99-66.

Resource Person(s): Dick Hails and Norman Standerfer, Planning Department

Managers Recommendation: The Manager's recommendation is that the Board receive public comment after the staff presentation and approve, if appropriate, based on the comments provided during the public hearing.

Mr. Hails presented Rezoning Case P99-37 to the County Commissioners for their information.

The Commissioners asked several questions and made remarks about the rezoning request.

A lengthy discussion followed about the rezoning case.

Chairman Black suggested that this rezoning request come back in two weeks for resolution.

County Attorney Chuck Kitchen advised the Chairman Black to open the public hearing and then continue the public hearing without re-advertising for two weeks. The developer may want to address the issues that have come up tonight or defer the comments for two weeks.

Chairman Black opened the public hearing that was properly advertised and then deferred the hearing.

Vice-Chairman Reckhow said that by deferring this item, Planning staff and the developer could talk to get a higher level of comfort or the developer could make a change. The City Transportation Department should be comfortable that no left turn lane is needed at the Denfield Street access.

Commissioner Heron asked staff to look at the area that has no development plan and determine what can be done with that area. If you want the five acres to be residential, in the future you should bring the plan back to the Board with a PDR on it or with an extension of the I-2(D).

Commissioner Heron said Commissioner Bowser felt very strongly about the entry onto Denfield that staff alluded to in the other report. She requested a map showing the watershed and rock quarry.

Chairman Black declared the public hearing that was properly advertised open for agenda item No. 10. The public hearing would be continued for two weeks. No action will be taken until April 10, 2000.

Commissioner Heron moved, seconded by Commissioner Bowser, to continue agenda item Nos. 10 (Rezoning Case P99-37) and 11 (Rezoning Case P99-66).

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Chairman Black requested an agenda item on the May 1, 2000 Worksession so the Commissioners and Planning staff could discuss what the Commissioners want to see on the plans when they come before the Board.

Public Hearing—2/3 Bond

The Board was requested to hold a public hearing on the bond orders for the proposed issuance of 2/3 bonds. The orders are in the amount of \$1,700,000 for school bonds and \$7,180,000 for wastewater treatment bonds. Necessary findings relating to the issuance of the bonds were made at a prior meeting of the Board.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: Hold the public hearing and adopt the two bond orders prepared by the County's bond counsel.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to adopt the bond order entitled "Order Authorizing \$1,700,000 School Bond."

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to adopt the bond order entitled "Order Authorizing \$7,180,000 Wastewater Treatment Bonds."

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

The bond orders follow:

A regular meeting of the Board of Commissioners for the County of Durham, North Carolina was held in the County Commissioners' Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, the regular place of meeting, at 7:00 P.M. on March 27, 2000.

Present: Chairman MaryAnn E. Black, presiding, and Commissioners Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: Commissioner William V. Bell

* * * * *

At 7:15 P.M., the Chairman announced that this was the hour, date, and place fixed by the Board of Commissioners for the public hearing upon the orders entitled: "ORDER AUTHORIZING \$1,700,000 SCHOOL BONDS" and "ORDER AUTHORIZING \$7,180,000 WASTEWATER TREATMENT BONDS" and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the question of the validity of said orders or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the question of the validity of said orders or the advisability of issuing said bonds and the Clerk to the Board of Commissioners announced that no written statement relating to said questions had been received.

Thereupon, upon motion of Commissioner Joe W. Bowser, seconded by Commissioner Ellen W. Reckhow and carried, the order introduced and passed on first reading on March 13, 2000 entitled: "ORDER AUTHORIZING \$1,700,000 SCHOOL BONDS" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Commissioners MaryAnn E. Black, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Noes: None

The Chairman then announced that the order entitled: "ORDER AUTHORIZING \$1,700,000 SCHOOLS BONDS" had been adopted.

Thereupon, upon motion of Commissioner Ellen W. Reckhow, seconded by Commissioner Joe W. Bowser and carried, the order introduced and passed on first reading on March 13, 2000 entitled: "ORDER AUTHORIZING \$7,180,000 WASTEWATER TREATMENT BOND" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Commissioner MaryAnn E. Black, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Noes: None

The Chairman then announced that the order entitled: "ORDER AUTHORIZING \$7,180,000 WASTEWATER TREATMENT BONDS" had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish each of said orders, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Herald Sun.

* * * * *

I, Garry E. Umstead, Clerk to the Board of Commissioners for the County of Durham, NC, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on March 27, 2000 as relates in any way to the holding of a public hearing upon and the adoption of two orders authorizing bonds of said County and that said proceedings are recorded in Minutes Book No. ____ of the minutes of said Board, beginning on page ____ and ending on page ____.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the County Commissioners' Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. § 143-318.12.

WITNESS my hand and the corporate seal of said County, this 28th day of March 2000.

/s/ Garry E. Umstead
Clerk to the Board

Space Needs Analysis and Facility Master Plan for Durham County

This item was to consider the Durham County Space Needs Analysis and Facility Master Plan. The purpose of the Space Needs Analysis and Facility Master Plan project is to identify the space needs of Durham County Government for the next 20 years and develop an implementation plan to meet the needs of the involved departments and agencies. On September 1, 1999, the project consultant, O'Brien/Atkins Associates, PA in conjunction with GSA, Ltd., provided an update to the BOCC prior to development of the facility plan component. The update reviewed the data collection, interviews, projections and determination of future needs.

On November 1, 1999, the project consultant presented four facility configuration concepts which met Durham County's facility needs. Following input and direction from the BOCC, an additional scenario which included a Human Services facility on East Main Street was developed and presented at the December 6, 1999 BOCC meeting. The BOCC conducted a walking tour of the East Main Street area and the adjacent

neighborhoods on February 15, 2000. Following the tour, the consultant presented a scenario, which incorporated the Board's December 6, 1999 comments.

Specifically, the scenario included facilities for the human service agencies (Public Health, Mental Health and Social Services) on the 300 block of East Main Street and preserved all or portions of buildings considered having historical significance. The scenario preferred by the Commissioners on February 15, 2000 has been further refined to reflect Commissioners' and citizens' comments, and is included in the Master Plan document as the implementation plan for this project.

Resource Person(s): Glen Whisler, County Engineer and Kevin Montgomery, O'Brien/Atkins Associates, PA

County Manager's Recommendation: The County Manager's recommendation is that the BOCC adopt the Master Facility Plan document in order for staff to begin costing out the project components and integrating this data into the out years of the Capital Improvements Program which the Board reviewed at it March 20, 2000 meeting.

Wendell Davis, Deputy County Manager, made opening remarks about the Space Needs Analysis and Facility Master Plan. He gave a brief history of the events that have occurred since the inception of this plan.

Mr. Davis discussed the five scenarios that were prepared by O'Brien/Atkins Associates, PA. After the walking tour and neighborhood input, the architect developed an implementation scenario.

Mr. Davis called on Mr. Montgomery to present his implementation scenario to the County Commissioners. The implementation scenario is presented in detail in the Durham County Space Needs Analysis and Master Plan dated March 8, 2000.

The Commissioners asked questions and made comments about the implementation scenario to which Mr. Montgomery responded. Interim County Manager Carolyn P. Titus also responded to several of the questions and comments.

Commissioner Heron discussed with the architect the many problems that exist with the Durham County Animal Shelter facility. The problems relate to quarantine facilities, handling facilities, ventilation problems, a lack of an exercise area, drainage problems, roof leaks, and space.

Mr. Montgomery responded that there are expansion plans for Animal Control and the Animal Shelter. There is a significant effort for that expansion that will help to correct the existing problems.

Chairman Black gave the citizens an opportunity to speak on the Facility Master Plan although it was not a public hearing item.

The following citizens spoke about the advantages and disadvantages of the implementation scenario. Comments were also made about the homeless shelter and the adverse effect it has on the Holloway Street Historic District. Positive and negative remarks and suggestions were made about the Facility Master Plan proposal.

Jim Conner, 311 E. Main Street, Phoenix Partners

Charles B. Markham, 204 N. Dillard Street

Janice Jones, 3702-102 Chimney Ridge Place, Holloway Street Historic District (yielded her time to Charles Markham)

Thomas R. Transue, 3702 Chimney Ridge #102, Holloway Street Historic District

Douglas Beckham, 510 Holloway Street, Holloway Street Historic District

Denise R. Barnes, 510 Holloway Street, Holloway Street Historic District

Anne McGinnis-Sikora, 712 Holloway Street, Holloway Street Historic District

Aqyeelah As-Splaam, 712 Holloway Street

William K. Kalkhof, 39 Westridge Drive, Downtown Durham Inc.

Frank Pokrass, 513 Holloway Street, Holloway Street Historic District Neighborhood Association

Arnold Samuel, 806 Holloway Street

Chairman Black said Mr. Montgomery and John Atkins were willing to meet with the residence of the Holloway Street Historic District neighborhood to address their concerns relative to the health services complex, homeless shelter, and the Facility Master Plan.

Chairman Black requested Interim County Manager Titus and the architects schedule a meeting to discuss the proposed plan with the citizens in the neighborhood.

Vice-Chairman Reckhow said since the neighbors are concerned about the Social Services campus and homeless shelter, the proposed meeting should be held with the new executive director of the shelter and the shelter architect so the neighbors can talk about their concerns with all parties.

Commissioner Bowser said he wouldn't have a problem with moving this shelter out of the present location. But I would have a problem with relocating it in east Durham. I think we have to take into consideration that legitimate families use that shelter. And it would be dead wrong for us to put it some place off the main bus line whereby these people would not have access to it. And as far as moving it from the east side of Durham—I never mentioned it before, but I always felt like it was a good idea. And if we were to move it—and I would support it—I would support an area that is still close to downtown Durham and is still on the bus line. I think the ideal location would be the old Temporary Quarters location. It would be near the Police Department. Legitimate

families would, I'm sure, feel some kind of security there. And I really think it's time for us to look at moving this shelter.

Chairman Black proposed that with all the suggestions that the various Commissioners made, we will turn this back over to staff, Madam Manager and Deputy Manager, and we will put it in your hands to make the decisions about what needs to be done. We can even ask our facility helpers over here to help us look at some other options for the homeless shelter. But please be very clear about something—that is not our decision. Staff can work with the board and work with the new executive director of the homeless shelter. But, ultimately, that decision has to be a decision made by the board of the homeless shelter.

Extension of Meeting

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to extend the meeting until 11:30 p.m.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

Interim County Manager Titus asked for clarification from the Board. Her understanding was that staff would work with the community members. She also wanted to commend the community members because they have been in touch with the County. We have had a breakfast meeting and we've had correspondence and so forth. And they have been good citizens to work with, and we will continue then, to work on this.

In clarification for the Board in terms of the Master Facility Plan—it's your wish that we bring this back to you after the resolution of the homeless shelter. Did you have particular goals as well regarding the human services complex since the shelter is not a part of the Master Facility Plan?

Chairman Black said the Board needs to give direction because we must start "costing out" various items and moving further.

A motion was made by Vice-Chairman Reckhow and seconded by Commissioner Bowser to adopt the Master Facility Plan.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

Appropriation of Pay-As-You-Go Funds for the Social Services Building Roof Replacement

The Board was requested to authorize the appropriation of funds in the amount of \$66,000 in accordance with PAYG Capital Improvements Plan for the Social Services Building (DSS) Roof Replacement. Funding was available in the PAYG fund to establish this project.

The current DSS roof system was installed in 1984 and has exceeded its useful service life of 12-15 years. Several leaks have been repaired and more are expected unless the roof is replaced. The amount of roof area requiring repairs exceeds the area for which patching is practical. Patching will not prevent leaks from continuing. Initial estimates on a 15-year life roof were in excess of \$150,000. In considering the proposed Facility Master Plan, staff is recommending a roof with a five-year life in the event that the Social Services Building is demolished within a six- to eight- year time frame.

The following budget outlines the cost associated with this project:

<u>Total Estimated Project Cost</u>	
Roof Construction Cost	\$ 55,000
Design (10 % of Roof Construction)	\$ 5,500
Contingency (10 % of Roof Construction)	<u>\$ 5,500</u>
Total Estimated Project Cost	\$ 66,000

Completion of this project is required to protect the building interior and provide a safe work environment for the occupants. In addition, this project will reduce maintenance costs and improve service delivery by eliminating roof leaks.

Resource Person (s): Mike Turner, Director of General Services
Glen Whisler, County Engineer, Engineering Department
Claudia Odom, Director, Budget and Management Services
Ademola Shobande, Project Manager, Engineering Department

County Manager's Recommendation: The County Manager recommends that the Board appropriate funds in the amount of \$66,000 to establish the DSS roof replacement project in the Pay-As-You-Go fund (00CPA000014).

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the item.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None
Absent: Bell

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Capital Projects Budget Ordinance
Amendment No. 00CPA000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-00 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the DSS roof replacement.

PAYG FUND

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
DSS roof replacement	\$ -0-	\$66,000		\$66,000

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

This the 27th day of March, 2000.

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

Lease for the Youth Coordinating Board

The Board was requested to authorize the execution of a lease between the County of Durham and TeerMark Associates, LLC for 1,645 square feet of space located at 212 West Main Street, Durham, NC Suite #104. This is a three-year lease at a cost of \$10.50/square foot held constant over the term of the lease, an annualized cost of \$17,268.00. The term of the lease is July 1, 2000 through June 30, 2003. TeerMark Associates is providing an option to renew the lease for an additional two-year term at a rate of \$10.91 per square foot, a 4 percent increase, automatically extended at the end of the initial three-year term unless otherwise notified. The County shall have the right to terminate the lease at any time during the optional two-year period with a six-month prior written notice of desire to terminate. This space is needed for the daily operations of the Youth Coordinating Board (YCB), and funds have been budgeted in the YCB's FY '99-00 budget.

From its inception in August 1998 until July 1999, the YCB was housed with the Durham Community Prevention Partnership (DCPP) at 115 Market Street, Suite 400. The City of Durham provided this space at no charge to the County. Due to decisions by the City and County to transfer the DCPP staff to The Durham Center, the City terminated the lease of

this space. Since July 1999, the YCB has been located at 121 Market Street. When presented with a five-year, \$12.00/square-foot lease at 117 Market Street in August 1999, the Board expressed concerns about the term and rate, and asked staff to seek a more affordable location. A four-month lease was approved in the interim. All three Market Street locations are a part of the Bull City Business Center.

Under the TeerMark lease, the Landlord shall be responsible for electricity, water, sewer, heating and air conditioning, and the maintenance of such systems, roof and exterior structural walls, elevators and associated maintenance, stairs, common area maintenance, and all real estate taxes and assessments. The County shall be responsible for telephone and related equipment/services, janitorial services for the primary lease space, maintaining the space in neat, clean, safe and sanitary condition, and repair of damage due to any act or negligence on the part of the County or its guests.

With the exception of one clause, the County Attorney has approved the lease as to legal form. The County Attorney cannot agree to the Exculpation Clause as a legal matter, and TeerMark cannot agree to removal of this Clause. In the event of default, the Exculpation Clause allows the County to only look to the Landlord's equity in the premises for satisfaction of remedies and does not allow for personal liability in such an event.

Resource Person(s): Sandra W. Phillips, Director of Purchasing, and Anita Daniels-Kenney, Director of the Youth Coordinating Board.

County Manager's Recommendation: The Board considered this lease agreement at its February 28, 2000 meeting. However, members expressed concern regarding the five-year term and asked staff to return to the Board within 30 days. The lease agreement has been re-negotiated to accommodate the Board's request for a shorter term. The County Manager recommends that the Board approve this lease for a three-year term at the rate noted, inclusive of the Exculpation Clause. Upon examination of the County's potential exposure, it was determined that worst case scenario in the event of Landlord default and inadequate Landlord equity in the premises is approximately three months of lease payments (~\$5,000.00). The County Manager believes that it is operationally in the best interest of the County to proceed with the lease as proposed. Funds have been budgeted in YCB's FY'99-00 budget to cover the cost of the lease.

Vice-Chairman Reckhow moved, seconded by
Commissioner Bowser, to approve the item.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Purchase of Manual External Defibrillators for Emergency Medical Services

The Board was requested to authorize the County Manager to enter into a contract with Zoll Medical Corporation in the amount of \$61,160 for the purchase of four manual external defibrillators, and to declare surplus and authorize through trade-in the disposal of four existing defibrillators. Funds for this acquisition were appropriated in the FY'99-00 budget.

Invitation for Bids (IFB#00-011) was publicly advertised and mailed to five companies on November 8, 1999. Bids were received on November 30, 1999. EMS conducted an extensive technical evaluation of the two responses received. The results of this evaluation show that only Zoll Medical Corporation met all the specifications of the bid package. The memo and supporting documentation from the Director of EMS, Mickey Tezai, highlights the history and current environment for providing emergency medical services. The memo details a technical comparison of the specifications of the models offered by the two firms, and contains recent industry data about performance. While Medtronic Physio-Control Corporation was the low-dollar bidder, it did not meet many of the bid specifications required to enable paramedics to provide the level of patient care deemed necessary by EMS. An examination of Attachment B will reveal that while the units from both companies are comparably priced, there is a significant difference in the trade-in allowance provided by the companies. EMS purchased the units to be traded-in in the 1990-1991 time frame at a cost of approximately \$8,000.00 each.

Resource Person(s): Mickey Tezai, Director of Emergency Medical Services, and Sandra W. Phillips, Director of Purchasing

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Zoll Medical Corporation in the amount of \$61,160.00 for the purchase of four (4) manual external defibrillators and declare surplus and authorize through trade-in the disposal of four (4) existing defibrillators.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the item.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

The bid tabulation follows:

Bid Date & Time: 11/30/99 @ 2:00 p.m.

Opened By: Bahaa Jizi

Manual External Defibrillators
IFB# 00-011

Durham County Privilege License Ordinance

For the past few years, the North Carolina Legislature has reduced the categories under Schedule B which counties are allowed to tax. Schedule B includes fortunetellers, loan agencies, peddlers, pawn brokers etc. Given these category reductions, it is a greater cost for the County to collect Schedule B taxes in comparison to the amount of revenue generated. This is a request that the Board amend the Durham County Privilege License Ordinance to not levy against Schedule B Privilege License. Mr. Bill Campbell with the Institute of Government made a recommendation in October of 1999 during a conference pertaining to privilege license and suggested that counties stop taxing on the Schedule B because of the limitations imposed by the State. The total amount collected for 1999 Schedule B taxes was \$20,285. Staff and other resource costs to facilitate this activity are in excess of \$30,000. The staff person assigned to this activity will be reassigned to the Business Personal Property Tax operations. This amendment does not include the enforcement of Beer and Wine License.

Resource Person(s): Wendell M. Davis, Acting Assessor/Deputy County Manager
Kimberly Simpson, Administrative Officer

County Manager's Recommendation: Recommend that the Privilege License Ordinance be amended to not include the levy of Schedule B Privilege License inasmuch as the cost for enforcement and collections exceed the amount of revenue collected.

The Commissioners asked several questions and made remarks about the agenda item to which Ms. Simpson responded.

Chairman Black instructed that the item be brought back before the Board on April 10. The Board approved by consensus.

Board and Commission Appointments

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

The following votes were cast to make appointments to the following boards and commissions. (Asterisks indicate appointees.)

Animal Control Advisory Committee

Two expired positions--one at-large position and one veterinarian position (terms expire January 2003).

*Ronald T. Johnston—Black Bowser, Heron, and Reckhow

Area Mental Health Board

Three positions—one professional position in the field of psychology, social work, nursing, or religion; one individual with experience in finance and the ability to understand and interpret audits and other financial reports; and one at-large. All terms expire July 2003.

*Karen Crumbliss—Bowser, Heron, and Reckhow

James A. Russell—Black and Bowser

*Hugh K. Wright Jr.—Black Bowser, Heron, and Reckhow

Nursing Home Community Advisory Committee

Five expired terms (expire January 2002). Subsequent terms are for three years:

*Theodora R. Brinkley—Black Bowser, Heron, and Reckhow

*Nancy Grinstead—Black Bowser, Heron, and Reckhow

*Althea Harman—Black Bowser, Heron, and Reckhow

Leonard R. Platt--Black

*Charles Winston Rogers Sr.—Bowser, Heron, and Reckhow

Frances R. Willmarth—Bowser and Reckhow

Quinnilla H. Moyer--Black

Ms. Mildred Barnes has been selected by the Nursing Home Administrators to represent them on the committee. The Board is required by General Statute to appoint the administrators' choice provided it is willing to waive the Durham County policy that a committee member may not serve more than three 3-year terms.

*Mildred Barnes—Black Bowser, Heron, and Reckhow

Adjournment

Chairman Black adjourned the meeting at 11:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board