

January 14, 2002

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

Monday, January 14, 2002

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, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

**Opening of Regular Session**

Chairman Black opened the meeting with the Pledge of Allegiance.

**Agenda Adjustments**

Commissioner Bowser added one item to the agenda in reference to cosponsoring regional meetings concerning nuclear power plants and emergency planning.

Chairman Black wished to add an item regarding her visit to the Food Bank. Also, she added agenda item Nos. 9 and 13 to the consent agenda.

**Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the August 27, 2001 Regular Session and November 11, 2001 Worksession Minutes of the Board as submitted.

The motion carried unanimously.

January 14, 2002

**Resolution for Winner's Circle Dining Program**

Tracey Bates, Health Promotion Nutritionist for the Public Health Department, is currently leading a coalition that is implementing a new program called "Winner's Circle Health Dining Program" in Durham County. This program is a statewide initiative sponsored by the North Carolina Prevention Partners, North Carolina Public Health, and Start With Your Heart Cardiovascular Health Program. The program's motto is: "Where Nutritious Meets Delicious." A resolution of support was prepared for the Board's approval.

County Manager's Recommendation: Approve the resolution and present it to Ms. Bates.

Vice-Chairman Reckhow read the following resolution into the official record:

RESOLUTION

Whereas, diet is a primary risk factor for chronic diseases, necessitating healthy eating options at restaurants; and

Whereas, health professionals in Durham County have formed a coalition solely for the implementation of a Healthy Dining Program; and

Whereas, the local coalition has and will spend time promoting the program in the local media and in person; and

Whereas, the local coalition has spent an extensive amount of time in training for the implementation of the program; and

Whereas, the local coalition has recruited restaurant owners who are also interested in meeting the health needs of their customers by providing menu items that are healthy; and

Whereas, various food service establishments in the county are voluntarily participating in the program in order to meet the health needs of their customers:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners strongly supports the continued implementation and progress of the Winner's Circle Healthy Dining Program to create healthy dining out options in Durham County and foster opportunities for healthy nutrition as a preventative measure against chronic disease.

This the 14<sup>th</sup> day of January, 2002.

/s/ Five Commissioners  
Durham County Commissioners

Ms. Bates spoke about the Winner's Circle Dining Program. She explained to the Commissioners how the program works, the purpose of the program, and thanked the Commissioners for supporting the program.

Vice-Chairman Reckhow presented the resolution to Ms. Bates.

**Cherry, Bekaert & Holland to Address the Board of County Commissioners**

The independent auditing firm of the County, Cherry, Bekaert & Holland, has asked to come before the BOCC for a brief presentation regarding the audit of the County's financial statements and single audit for fiscal year ended June 30, 2001.

Resource Person(s): Finance Director, George Quick; Deputy Finance Director, Susan Fox-Kirk; and System Administrator/Senior Financial Analyst, Chantel Campbell

County Manager's Recommendation: The Manager recommended that the BOCC grant the request and hear the presentation by Mr. Paul Fedorkowicz and Mr. Scott Duda of the County's financial independent audit firm of Cherry, Bekaert & Holland.

Mr. Quick introduced the agenda item.

Mr. Fedorkowicz reported on the financial audit, and Mr. Duda talked about the compliance audit. The County received an unqualified opinion which is the highest level of assurance given to financial statements. A tremendous improvement has occurred in the entire audit process over the last four years.

Chairman Black thanked Mr. Quick, County Manager Ruffin, and other staff for doing a good job and for taking care of Durham County Government. It is a tremendous improvement to go from 14 findings to three.

Mr. Quick introduced members of his staff who were responsible for completing the audit.

**Consent Agenda**

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- \*(a) Property Tax Releases and Refunds for Fiscal Year 01-02 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report; these are normal recurring releases and refunds);
- \*(b) Report—Sale of County-Owned Surplus Personal Property (accept the report on the sale of surplus property from the auction held on November 17, 2001);
- \*(c) Street Annexation Petitions—Albury Place, Genesee Drive, and Worland Drive (Willow Hill Subdivision) (adopt the resolutions to approve the addition of Albury Place, Genesee Drive, and Worland Drive (Willow Hill Subdivision) to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- (d) Mobile Command Post Bid IFB No. 02-016 for the Office of the Sheriff (authorize the County Manager to enter into a contract with the lowest bidder, Farber Specialty Vehicles for \$117,130.00);
- (e) Request for Release of Penalties (deny the request by Sloan Financial Group of waiver of penalties under statute 105-380; no taxes to be released, refunded, or compromised);
- \*(f) Approval of Memorandum of Understanding with the Durham Public Schools (review and approve the changes to the Memorandum as requested by the Board of Education);
- (g) Standard Non-Reimbursable Contracts for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the Utility Contracts for these additions to the County sanitary sewer system);
- \*(h) Reimbursement Resolution for School Bonds (approve the resolution so the County can be reimbursed for the school expenditures from bond proceeds);
- \*(i) Revisions to County's 10-Year Capital Improvement Program and Approval of Capital Project Amendment No. 02CPA000009 (approve the Revised 10-year CIP as detailed in the Funding Source Summary and approve the Capital Project Amendment No. 02CPA000009 for the EMS Lebanon Capital project—\$10,224);
- \*(j) Reimbursement Resolution for Senior Center (approve the resolution so the County can be reimbursed for the Senior Center expenditures from bond proceeds);
- (k) Execution of Architectural Design Service Contract with Lucien Roughton Architects for the Renovation/Expansion of the Durham County Animal Shelter—RFQ 01-016 (authorize the execution of the contract in the amount of \$144,160, with reimbursable items in the amount of \$1,550

January 14, 2002

and design of the Garage for Animal Control as an alternate for \$5,000—for an authorized total of \$150,710—and execute any other related contracts if necessary;

- \* (9) Adoption of Nonprofit Agency Funding Policy (approve the policy); and
- (13) Service Contract for Federal Financial Participation assistance (approve the service contract for Federal Financial Participation Assistance and authorize the Manager to execute the contract).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 5(a). Property Tax Releases and Refunds for Fiscal Year 01-02 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report; these are normal recurring releases and refunds).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of December 2001.

Releases & Refunds for 2001 Taxes:

Real	\$1,144,981.50
Personal	\$ 32,899.99
Registered Vehicles	\$ 48,326.01
Vehicle Fees	\$ 630.00
Solid Waste	<u>\$ 900.00</u>
Total for 2001 Taxes and Fees	\$1,227,737.50

Prior Years (1997-2000) releases and refunds for December 2001 are in the amount of \$9,392.37.

Total Current Year and Prior Year Releases and Refunds: \$1,237,129.87

(Recorded in Appendix A in the Permanent Supplement of the January 14, 2002 Minutes of the Board.)

Consent Agenda 5(b). Report—Sale of County-Owned Surplus Personal Property (accept the report on the sale of surplus property from the auction held on November 17, 2001).

Tabulation of Sale of Surplus Property  
Public Auction Held November 17, 2001

Gross Sales	\$17,001.50
Selling Expenses:	
Auctioneer's Fee	\$2,205.94
Vehicle Replacement Keys and Repairs	458.38
Towing Fee	80.00
Total Selling Expenses:	\$ 2,744.32
Net Proceeds to the County	\$14,257.18

Consent Agenda 5(c). Street Annexation Petitions—Albury Place, Genessee Drive, and Worland Drive (Willow Hill Subdivision) (adopt the resolutions to approve the addition of Albury Place, Genessee Drive, and Worland Drive (Willow Hill Subdivision) to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The requests for addition to the state maintained secondary road system follow:

January 14, 2002

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR ADDITION OF STATE MAINTAINED  
SECONDARY ROAD SYSTEM

North Carolina  
County of Durham  
Road Description: Albury Place in Subdivision Willow Hill (off Guess Road)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,\* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 14<sup>th</sup> day of January, 2002.

Witness my hand and official seal this the 15<sup>th</sup> day of January, 2002.

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

\*In the office of the Clerk to the Board.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR ADDITION OF STATE MAINTAINED  
SECONDARY ROAD SYSTEM

North Carolina  
County of Durham  
Road Description: Genesee Drive in Subdivision Willow Hill (off Guess Road)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,\* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 14<sup>th</sup> day of January, 2002.

Witness my hand and official seal this the 15<sup>th</sup> day of January, 2002.

January 14, 2002

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

\*In the office of the Clerk to the Board.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION  
REQUEST FOR ADDITION OF STATE MAINTAINED  
SECONDARY ROAD SYSTEM

North Carolina  
County of Durham  
Road Description: Worland Drive in Subdivision Willow Hill (off Guess Road)

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,\* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 14<sup>th</sup> day of January, 2002.

Witness my hand and official seal this the 15<sup>th</sup> day of January, 2002.

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

\*In the office of the Clerk to the Board.

Consent Agenda 5(f). Approval of Memorandum of Understanding with the Durham Public Schools (review and approve the changes to the Memorandum as requested by the Board of Education).

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered this 14<sup>th</sup> day of January 2002 by and between the DURHAM COUNTY BOARD OF COMMISSIONERS and the DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION.

WHEREAS, the Durham Public Schools has presented and the Durham County Commissioners have approved its proposed Fiscal Year 2001-2002 Budget; and

WHEREAS, the Board of County Commissioners and the Board of Education mutually desire to improve the educational achievements of Durham school children; and

WHEREAS, members of the Board of County Commissioners and the Board of Education understand the importance of regular communications during the budget process and throughout the school year:

IT IS NOW THEREFORE AGREED THAT:

January 14, 2002

1. The Durham Public Schools shall follow the budget process for the 2003 Fiscal Year that was utilized for the 2000-2001 and 2001-2002 fiscal years. The budget document will incorporate measurable objectives and key accomplishments.
2. The Durham Public Schools shall provide the Board of County Commissioners with reports according to the established 2001-2002 Schedule for Information Reports as prepared by the Durham Public Schools Office of Public Affairs. The reports will include disaggregated information. These reports shall be disseminated to the Board of County Commissioners at the same time that copies are provided to the media.
3. A copy of all reports provided to the Office of Civil Rights will be provided to the Clerk to the County Commissioners. Reports/topics will be addressed during semi-annual joint meetings.
4. The Durham Public Schools shall provide the Board of County Commissioners with copies of the following program evaluations upon completion:
  - Lakeview School Projects
  - DPS Third Grade Reading Goal
  - Programs that Academically Challenge DPS Students
  - Laboratory Schools
  - Magnet Schools
5. The Board of Education, with input from concerned citizens, including but not limited to members of organizations in the African-American and Latino communities and other appropriate stakeholders representing the population most at risk, will continue to set measurable goals and outcomes in an effort to further reduce the dropout rate.
6. The Durham Public Schools shall continue to work with Durham County to develop alternative education programs for all suspended students with the goal of reducing the number of long- and short-term suspended students.
7. The Durham Public Schools and the Durham County Board of Commissioners shall provide one another appropriate information regarding school funding as such information is released to the public.
8. The Superintendent of Durham Public Schools and the Durham County Manager, working with representatives from both boards, will direct appropriate staff members to develop future school sites in a manner that ensures maximum use (co-locating parks, libraries on school sites, or jointly using existing and expanded facilities) by the public. This will require joint planning prior to the purchase of school sites and prior to finalizing the architectural specifications for school buildings.
9. The Durham Public Schools will develop a Minority Achievement Plan by July 1, 2002, involving concerned citizens including but not limited to members of organizations in the African-American and Latino communities and other appropriate stakeholders, to address the performance gap of African-American and Latino students along with other minorities.
10. The Durham Public Schools will consult with the Durham County Board of Commissioners on school construction and develop energy-efficient and cost-effective plans and specifications.
11. The Board of County Commissioners and the Durham Public Schools Board of Education shall jointly meet, at least semi-annually, to review compliance with this Memorandum of Understanding prior to the commencement of budget discussion for the 2002-2003 Fiscal Year.

COUNTY OF DURHAM

DURHAM PUBLIC SCHOOLS  
BOARD OF EDUCATION

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

/s/ Kathryn Meyers  
Chair, DPS Board of Education

January 14, 2002

Attest: /s/ Garry E. Umstead  
Clerk

/s/ Debbie Terrell  
Board Liaison

Consent Agenda 5(h.). Reimbursement Resolution for School Bonds (approve the resolution so the County can be reimbursed for the school expenditures from bond proceeds).

The resolution follows:

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF  
DURHAM, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE SAID  
COUNTY FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS  
FOR CERTAIN EXPENDITURES IN CONNECTION WITH CERTAIN SCHOOL  
FACILITIES

WHEREAS, the County of Durham, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County or the Durham County Board of Education (the "Board of Education") has paid, beginning no earlier than November 15, 2001, and will pay, on and after the date hereof, certain expenditures in connection with erecting additional school buildings and other school plant facilities, remodeling, enlarging, and reconstructing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings, and equipment therefor, in order to provide additional school facilities in said County to maintain the school term as required by Section 2 of Article IX of the Constitution (collectively the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that certain moneys of the County previously advanced no earlier than November 15, 2001 and to be advanced on and after the date hereof by the County or the Board of Education to pay such expenditures (the "Expenditures") are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings in the form of one or more issues of general obligation School Bonds of the County that were approved at the referendum thereon on November 6, 2001 (collectively the "Tax-Exempt Financings");

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County's intent to reimburse the County with the proceeds of the Tax-Exempt Financings for the Expenditures made on and after November 15, 2001, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-Exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-Exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County or the Board of Education so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County or the Board of Education.

Section 3. The maximum principal amount of the Tax-Exempt Financings expected to be entered into with respect to the Project is \$51,800,000.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-Exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.



January 14, 2002

Section 5. This resolution shall take effect immediately upon its passage.

Consent Agenda 5(i). Revisions to County’s 10-Year Capital Improvement Program and Approval of Capital Project Amendment No. 02CPA000009 (approve the Revised 10-year CIP as detailed in the Funding Source Summary and approve Capital Project Amendment No. 02CPA000009 for the EMS Lebanon Capital Project—\$10,224).

DURHAM COUNTY, NORTH CAROLINA  
FY 2001-02 Capital Projects Ordinance  
Amendment No. 02CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Lebanon Building project.

Lebanon Building Project

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
Lebanon Building	\$855,000	\$10,224		\$865,224

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

This the 14<sup>th</sup> day of January, 2002.

(Capital Projects Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Consent Agenda 5(j). Reimbursement Resolution for Senior Center (approve the resolution so the County can be reimbursed for the Senior Center expenditures from bond proceeds).

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF  
DURHAM, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE SAID  
COUNTY FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS  
FOR CERTAIN EXPENDITURES IN CONNECTION WITH CERTAIN RECREATIONAL  
FACILITIES

WHEREAS, the County of Durham, North Carolina (the “County”), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County has paid, beginning no earlier than November 15, 2001, and will pay, on and after the date hereof, certain expenditures in connection with providing additional recreational facilities of the County, including the construction of a new center for senior citizens in the downtown area of the City of Durham on land donated to the County and the acquisition of necessary rights of way, furnishings, and equipment therefor (collectively the “Project”); and

WHEREAS, the Board of Commissioners for the County (the “Board”) has determined that certain moneys of the County previously advanced no earlier than November 15, 2001 and to be advanced on and after the date hereof by the County to pay such expenditures (the “Expenditures”) are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings in the form of one or more issues of general obligation Recreational Facilities Bonds of the County that were approved at the referendum thereon on November 6, 2001 (collectively the “Tax-Exempt Financings”):

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County’s intent to reimburse the County with the proceeds of the Tax-Exempt Financings for the Expenditures made on and after November 15, 2001, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-Exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-Exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County or the Board of Education.


Section 3. The maximum principal amount of the Tax-Exempt Financings expected to be entered into with respect to the Project is \$5,550,000.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-Exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Consent Agenda 5(9). Adoption of Nonprofit Agency Funding Policy (approve the policy).

The Nonprofit Agency Funding Policy follows:

	<b>DURHAM COUNTY</b>	
	<b>Nonprofit Agency Funding Policy</b>	
Lead Department: Budget	Effective Date: January 14, 2002	Revision Date:
Signature: Michael M. Ruffin, County Manager		

1.0 PURPOSE

The purpose of this policy is to set forth parameters and establish guidelines for the funding of nonprofit agencies.

2.0 POLICY STATEMENT

Durham County is committed to providing financial assistance to those nonprofit agencies which assist Durham County Government in carrying out its mission "to enhance the quality of life for its citizens, by providing education, safety and security, health and human services, economic development, cultural and recreational resources." Funding for this purpose shall be allocated annually during the annual budget process. It shall be the policy of Durham County to consider providing assistance to nonprofit agencies meeting the criteria detailed below.

2.1 Eligibility Requirements

- A) Nonprofits, which assist Durham County in carrying out its mission, shall be eligible for funding.
  - 1) A nonprofit agency providing a service to the community through means that are more cost effective than the government shall be eligible to receive nonprofit funding.
  - 2) A nonprofit agency, which supplements or extends a County human service at a reduced cost, shall be eligible for funding.

3) In addition to fulfilling the mission of Durham County, nonprofit agencies that are able to fill in gaps that may exist between government services and community needs shall be eligible for funding.

B) All nonprofits shall verify their nonprofit status and submit detailed financial documents for review by County auditors and/or finance personnel.

All applicants shall provide copies of:

- Federal tax identification number
- Most recent 990
- Most recent solicitation license (if exempt, submit exemption letter)
- IRS tax-exempt letter confirming 501(c)(3) nonprofit status
- Certificate of liability insurance

## 2.2 Accountability

Nonprofit agencies shall adhere to accountability standards set by the County Manager and as required by law. Compliance with these standards is a criterion for future funding. These standards include but are not limited to:

- Providing an annual list of the agency's Board of Directors
- Complying with all financial requirements including the submission of a mid-year and end-of-year report/audit as the contract specifies
- Attending annual Nonprofit Orientation
- Complying with all other terms of the contract including meeting all deadlines

## 2.3 Funding Categories

Nonprofit agencies are eligible to receive one of the four categories of grants:

1. One-time project grant
  - These grants fund such projects as capital campaigns, money to match a grant, money to publish directories, or any other type of special project.
  - The maximum amount awarded is \$5,000.
2. Start-up grant for new programs
  - A one-time initial grant for new programs within established nonprofit agencies
  - Programs are only eligible within the first two years of existence.
  - A two-year grant can be awarded. The second year of funding is half (50%) of the initial year's funding.
3. Start-up grant for new nonprofit agencies
  - A one-time grant for new agencies
  - Agencies are only eligible during the first two years of existence.
  - A two-year grant can be awarded with the second year's funding 50% of the initial year's funding.
4. Sustaining grant
  - These grants fund core operational expenses such as overhead costs including rent, utilities, director's salaries, phone, etc.
  - Agencies must be providing an essential service that the County would have to provide at a potentially greater expense if the nonprofit agency were not available to do so.

## 3.0 PROCEDURE & RESPONSIBILITY

3.1 The Board of County Commissioners shall set funding goals on an annual basis to guide the nonprofit agency funding process.

3.2 The Board of County Commissioners shall direct the County Manager to establish a system of accountability in the funding of nonprofits. There shall be accountability for the use of government funds, by nonprofits to the County, and accountability of the County to the community.

3.3 The Board of County Commissioners shall direct the County Manager to devise a fair and efficient funding process with careful monitoring of agencies' compliance with contracts.

- 3.4 The Board of County Commissioners shall direct the County Manager to conduct a review by a related County department to determine the relevant and essential nature of the services to be provided.
- 3.5 County staff will create an evaluation checklist demonstrating each agency's compliance with the accountability standards for the Board of County Commissioners' information and review.

**Consent Agenda Item Removed for Discussion**

Consent Agenda 5 (l). Execution of Architectural Design Service Contract with DTW Architects and Planners, Ltd., for the Renovation of the Judicial Building Annex (Formerly First Union Building) RFQ 01-031—Project No. DC068-46 (authorize the execution of an architectural design contract in the amount of \$107,000 and execute any other related contracts, if necessary, not to exceed the estimated project budget of \$123,400).

Vice-Chairman Reckhow pulled this item to convey her consistency over the year in expressing the high renovation cost of this building. She wished to discuss the cost and to vote against the project.

Commissioner Heron concurred with Vice-Chairman Reckhow about the high cost of the renovation project. She requested that staff review the project to see if the cost could be reduced.

Glen Whisler, County Engineer, and County Manager Ruffin talked about the possibility of saving money as the project moves to completion.

Commissioner Bowser moved, seconded by Commissioner Cousin, to approve consent agenda item No. 5(l).

The motion carried with the following vote:

Ayes: Black, Bowser, Cousin, and Heron

Noes: Reckhow

**Public Hearing to Consider Allocating Economic Development Investment Funds to AW North Carolina Inc.**

AW North Carolina Inc. is considering expanding its current plant by building an additional manufacturing facility in Treyburn Corporate Park, located in northern Durham County. Upon completion of the facility, AW North Carolina will produce a new line of automobile transmission components.

The proposed investment for the new manufacturing plant is approximately \$160 million dollars and represents an estimated depreciated taxable value of approximately \$70 million dollars. Upon completion of the new plant, it is expected that AW North Carolina will bring 300 new jobs to Durham County.

AW North Carolina Inc. is in the process of making the final decision as to the location of the proposed facility. Staff is aware of several other sites being considered for this investment. AW North Carolina has communicated to the County Manager and staff that Durham County's financial support for this project will be a key consideration in the final decision. AW North Carolina is requesting that the County participate in the costs of site preparation activities.

Staff recommended that the County participate in this economic development project by reimbursing AW North Carolina Inc. up to two million dollars (\$2,000,000) over a five-year period for the costs of site preparation activities, including associated County development fees.

This public hearing was advertised on Friday, January 4, 2002 as required by N.C. Statute.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

January 14, 2002

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing, and based upon the information received, approve the contract between the County of Durham and AW of North Carolina Inc. to allow for the reimbursement of costs associated with the site preparation.

Deputy County Manager Titus made introductory remarks about AW North Carolina Inc. requesting economic development funds to expand their manufacturing facilities in Treyburn Corporate Park.

The Commissioners had no questions of Deputy County Manager Titus.

Chairman Black opened the public hearing that was properly advertised.

Deborah Craig-Ray, Public Information Officer, called on the following people who signed to speak at the public hearing:

J. Peter Anlyan, Chairman-Elect, Greater Durham Chamber of Commerce, 912 Englewood Avenue, Durham, NC 27701

Steve Brantley, North Carolina Department of Commerce

Phillip Vereen, Vice President of Governmental Affairs, Greater Durham Chamber of Commerce, 1001 Gatehouse Lane, Durham, NC 27702

Ted Conner, Vice President of Economic Development, Greater Durham Chamber of Commerce, 3305 Park Overlook Drive, Durham NC 27712

Beth Hill, Vice-President of Workforce Development, Greater Durham Chamber of Commerce

Gordon Copeland, Associate Dean of Corporate Education, Durham Technical Community College

Thomas J. White, President/CEO, Greater Durham Chamber of Commerce, 2729 Sevier Street, Durham, NC 27705

Each speaker supported the request of AW North Carolina Inc. for economic development funds.

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

Chairman Black said she sincerely hopes that the Board will vote to allocate the economic development investment funds to AW North Carolina Inc.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the contract between the County of Durham and AW North Carolina Inc. to allow reimbursement of costs associated with site preparation.

The motion carried unanimously.

**Public Hearing to Establish a Six-Month Moratorium on New Telecommunications Tower Applications**

Adopt an ordinance establishing a six-month moratorium on consideration of applications for all new towers allowed by right or by use permit and all towers replacing nonconforming towers. Applications received prior to the start of the moratorium can be processed provided the applicant can show to the satisfaction of staff that no interference with emergency communications or governmental dispatch capabilities will result.

Resource Person(s): Sheila Stains-Ramp, Acting Assistant Planning Director, and Dick Hails, Interim Planning Director

County Manager's Recommendation: The Manager's recommendation was that the Board hold the public hearing and adopt the ordinance, if appropriate, based upon public comment.

Ms. Stains-Ramp presented the County Commissioners an overview of the proposed moratorium.

January 14, 2002

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 to the Commissioners for action.

County Attorney Kitchen announced that an issue is before the United State Supreme Court involving moratoria and whether that can constitute a taking under the constitution.

Vice-Chairman Reckhow moved, seconded by the Commissioner Bowser, to approve the ordinance with the amended time frame ending July 14, 2002.

The motion carried unanimously.

AN ORDINANCE AMENDING THE ZONING CODE OF THE COUNTY OF DURHAM  
TO ESTABLISH A MORATORIUM ON CONSIDERATION OF NEW  
COMMUNICATION TRANSMISSION TOWERS

Whereas, the Board of County Commissioners is concerned with the on-going proliferation of towers for transmission and receipt of electronic signals; and

Whereas, the Board of County Commissioners has, as a result, identified a need for master planning to guide future tower placement; and

Whereas, the Board of County Commissioners has also identified a need for revision of dimensional standards to take into account newer technologies; and

Whereas, the Board of County Commissioners is concerned with the potential for interference with police, fire and rescue emergency communications and with radio dispatch required for municipal and county services; and

Whereas, the Board of County Commissioners has adopted a zoning ordinance amendment providing for the hiring of an independent consultant to evaluate the technical documentation submitted by applicants for communication towers (Section 7.39); and

Whereas, the access to an independent consultant to do this technical evaluation is important because the technical expertise is not available on staff; and

Whereas, the consideration of applications for new communications towers (either by use permit or by right) and for towers replacing nonconforming communications towers is to await this independent technical expertise; and

Whereas, adoption of a formal moratorium on such consideration is in the best interests of the County:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THAT:

Section 1. For the time period January 14, 2002 through July 14, 2002, the following language is added at the beginning of Section 7.39 Towers for transmitting and receiving electronic signals (or same section as renumbered) of the Zoning Ordinance:

“Moratorium on approvals for communication towers: Notwithstanding any other provision in this zoning code allowing the construction or placement of communication towers, no application for a building permit, site plan, use permit or any other permit or approval for a tower for transmitting or receiving electronic signals shall be accepted, processed or granted from January 14, 2002 through July 14, 2002. This moratorium does not apply to antenna co-location, or antenna on existing buildings or structures. It does apply to all new towers and proposed replacements for nonconforming towers.”

Section 2. Notwithstanding the above moratorium, applications received prior to January 14, 2002 may be processed for approval and granted, where appropriate if the applicant can show

to the satisfaction of the County that the tower and its equipment, including antennae, will not cause any interference with emergency communications and municipal, county, state, or federal radio dispatch capabilities.

Section 3. This ordinance shall become effective upon adoption.

(Ordinance recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Durham Open Space Commission Matching Grants Recommendation**

The Durham Open Space and Trails Commission (DOST) received four applications for Matching Grants Program funds to assist nonprofit community organizations with recreational and open space projects. The following financial summary briefly shows the Commission's recommendation to the Board for funding three applications, a total of \$59,725.00, using the contractual funds requested and approved under the General Fund "Open Space Matching Grants" Organization of the County's FY 2001-02 Budget. A condition of this recommendation to fund the Durham-Orange Mountain Bike Association's trail project to be located in the Little River Regional Park is that the project be contracted contingent to approval by the Orange County Board of Commissioners for locating the trail in the park.

<u>Project/Application</u>	<u>Request</u>	<u>Cost</u>	<u>Grant</u>
Durham Central Park Inc./Park Trail	\$25,425	\$51,036	\$25,375
Durham-Orange Mountain Bike Assoc./Bike Trail	\$ 4,150	\$ 8,770	\$ 4,150
Ellerbe-Creek Watershed Assoc./Land Purchase	\$30,200	\$60,700	\$30,200

Resource Person(s): Annette Montgomery, Commission Chairman, and Bill Renfrow, County Budget and Management Department

County Manager's Recommendation: Members of the Durham Open Space and Trails Commission evaluated and revised this year's applications for matching funds to assist nonprofits with providing recreational opportunities and preserving open space for the citizens of Durham County. This recommendation to allocate \$59,725 of grant funds represents a gain to the County of \$60,781 in matching funds as more than half the projects' value of \$120,506. The County Manager recommended approval for funding three projects and the allocation of the \$59,725 of the budgeted Matching Grants funds.

Ms. Montgomery presented the County Commissioners an overview of the three applications that will receive a grant from the Open Space and Trails Commission this funding cycle. She urged the Commissioners to approve the grants at this meeting.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve funding the three projects and the allocation of the \$59,725 of the budgeted funds.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow  
(Commissioner Cousin was out of the room during the vote.)

**Land Use Plan Amendment #A01-10 (Southeast Durham Plan)**

Receive an update from staff and follow the recommended actions to deny the request to amend the Future Land Use Map of the Southeast Durham Plan.

The Southeast Durham Plan directs non-residential development generally along two main corridors, US 70 and NC 98. The intersection of Sherron Road and NC 98 is identified in the plan as a small neighborhood commercial node. The plan specifically states that small neighborhood-scale commercial areas can contain a grocery and drug store; however, the plan limits these stores to the same quadrant of an intersection.

Staff supported allowing limited neighborhood commercial zoning at the intersection of Sherron Road and NC 98 to provide needed goods and services at the Urban Growth Boundary to serve residents in and outside the Urban Growth Area. Commercial activity

January 14, 2002

already exists or is planned for all quadrants of this intersection. However, the expansion of intense commercial activity on both corners of the intersection is not reflected in the adopted plan.

On April 25, 2001, the Planning Commission approved Case A01-07 to slightly expand the commercial node west of Sherron Road, to significantly expand the commercial node east of Sherron Road, and to allow high density residential or office uses east of Sherron Road. The current request proposes to further increase the size of the commercial area in the southwestern quadrant and to reduce the density of the residential portion of the southeastern quadrant. The applicant has stated the intent to locate a drug store and grocery on opposite corners of the intersection contrary to the aims of the plan. The Durham Planning Commission reviewed the applicant's proposal at its meeting on July 25, 2001 and recommended denial (6-1).

Resource Person(s): Dick Hails, Interim Planning Director, and Dwight Yarborough, Senior Planner

County Manager's Recommendation: The Manager's recommendation was that the Board deny the request to amend the Southeast Durham Plan to further expand the commercial node.

Mr. Hails presented the County Commissioners an overview of the Land Use Plan Amendment #A01-10. He explained the changes that had been made.

Chairman Black called on the Commissioners for questions and comments.

Several questions were asked and comments were made. Mr. Hails responded.

Chairman Black asked Ronald Horvath, applicant, to make a presentation concerning the revised proposal and to explain that the trend has changed for drug stores to build separate buildings as opposed to the previous trend of grocery and drug stores being connected in a strip mall.

Chairman Black asked if any of the 10 persons signed to speak were opposed to the plan presented tonight. Three of the persons asked to speak as follows:

Hugh Schrowang, 514 N. Waters Edge Drive, Durham 27703, representing the Grove Park Homeowners Association, said that he was opposed to any plan other than the one proposed.

Lee Lambert, 5210 Wake Forest Highway, Durham 27703, representing several citizens, said he supported the revision.

George W. Ray, 5112 Wake Forest Highway, Durham 27703, supported the commercial use for a grocery store. He urged the Commissioners to approve the plan.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the proposed Southeast Durham Future Land Use Plan Amendment.

Vice-Chairman Reckhow said she has been somewhat disturbed by this process. In the future, the Planning Department should be more pragmatic about the recommendation.

The motion carried unanimously.

Chairman Black said when the Commissioners heard this item on December 10, they asked the Planning Department for an additional review and revision. When the information comes back to us, it should be highlighted for easier review.



January 14, 2002

**Budget Ordinance Amendment No. 02BCC000044 to Transfer Funds From the Sewer Utility Fund to the Wastewater Treatment Plant Improvement Project, Capital Project Amendment No. 02CPA000008, and Approval of Construction Contracts for Phase I of the Wastewater Treatment Plant Improvements Project**

The Board was asked to appropriate \$1,558,972 from the Sewer Utility Fund retained earnings into the Wastewater Treatment Plant Capital Project (SE045), and authorize the County Manager to enter into construction contracts for Phase I of the Wastewater Treatment Plant Improvements Project as follows:

General Construction	Beers Construction Co. of Winston-Salem	\$6,630,625
Electrical	National Electric Co.	1,364,000
HAVOC	Acorn Industrial, Inc	78,000
Subtotal		<u>8,072,625</u>
5% Contingency		<u>403,631</u>
Total		<u>\$8,476,256</u>

This project has been in planning and design for several years. Phase I includes a new influent pump station, effluent pump station, and ultraviolet disinfection. The most recent presentation to the Board was on August 6, 2001, when the Board directed staff to proceed with the project to provide the capacity for future customers and the treatment quality to comply with North Carolina legislative (and subsequent permit) requirements. This direction came specifically after negotiations with the City of Durham failed to result in reasonable alternatives to this project. The contracts requested in this agenda item will allow this project to proceed as directed by the Board and continue to be the least-cost alternative. The total of the bids of \$8,072,625 is \$886,375 less than the engineer's estimate of \$8,959,000.

On February 14, 2000, the Durham County Board of Commissioners approved a reimbursement resolution, declaring its intention to reimburse the County from the proceeds of one or more tax-exempt financing for certain expenditures in connection with certain wastewater treatment facilities.

Phase I of the project was initially funded through 2/3rds Bonds in March 2000. Phase II of the Wastewater Treatment Plant (WWTP) Improvements was approved in August 2001 by the Board of Commissioners as part of the County's 10-Year Capital Improvement Program. Phase II of this project will be funded through Special Obligation Bonds. The \$1,558,972 appropriation from Sewer Utility Fund retained earnings will supplement existing 2/3rds Bonds funding until Special Obligation Bond funding for the remainder of the project is acquired and the Sewer Utility Fund can be reimbursed.

The current budget was developed with preliminary cost estimates and funded with a share of 2/3rds Bonds in FY 1999-2000 (these funds must be spent in the next 18 months). The Phase I cost estimate has increased since FY 1999-2000 due to elapsed time (inflation) and a minimal amount of Phase II construction moving into Phase I to save money on the total project. The current total cost estimate of \$42,888,900 was established in June 2001 during the negotiations with the City and the development of the CIP request. The requested appropriation does not impact the total project cost estimate.

This project was advertised in the local newspapers on September 26, 2001. A Pre-Bid Conference was held on October 26, 2001. Bids were publicly opened and read on November 20 at 3:00 p.m. Twenty bids were received for the project (7 for Division I – General Construction; 5 for Division II – Electrical; 3 for Division III – HVAC; and 5 for Division IV – Single Prime). The bid tabulations include columns showing the bids as submitted as well as the bids as corrected after finding math errors. There was only one major error in these bids. Haren Construction (Tennessee) submitted a Division IV – Single Prime bid of \$8,530,000 that was corrected to \$7,249,000. This \$1,281,000 (15%) error results in the lowest bid, but the error was obvious and Haren submitted a letter asking not to receive the award. Engineering and the project consultant have recognized the error and reviewed the situation with the County Attorney. The recommended contractors are the lowest responsible bidders for this project.

The MWBE participation has been reviewed, and the projected participation for the project is \$752,235 (9% of the total bid amount of \$8,072,625).

January 14, 2002

Resource Person(s): Wendell Davis, Deputy County Manager; Glen Whisler, County Engineer; Pam Meyer, Budget Director; and Chuck Hill, Utility Division Manager

County Manager's Recommendation: Approve the appropriation of \$1,558,972 from the Sewer Utility Fund retained earnings (Budget Ordinance No. 02BCC000044) to the Wastewater Treatment Plant Capital Project (Capital Project Amendment No. 02CPA0000008) which will be reimbursed upon issuance of Special Obligation Bonds related to this project. Also, authorize the County Manager to enter into contracts as follows:

General Construction	Beers Construction Co. of Winston-Salem	\$6,630,625
Electrical	National Electric Co.	1,364,000
HVAC	Acorn Industrial, Inc	78,000
5% Contingency		<u>403,631</u>
Total		<u>\$8,476,256</u>

Mr. Whisler presented the County Commissioners an overview of the contracts for the award of Phase 1 Triangle Wastewater Treatment Plant Improvement Project.

The County Commissioners asked questions and made remarks about the agenda item to which Mr. Whisler responded.

Vice-Chairman Reckhow commented that before proceeding to Phase II of the Wastewater Treatment Plant project, staff should consider the issues that Pat Davis, Triangle J Council of Governments, included in his report on value engineering, revisiting the demand side of the equation, and other issues. After staff has had an opportunity to review the report, she suggested that the report be placed on a worksession agenda for discussion.

Chairman Black said the County Manager has been directed to start studying the recommendations in the report. Staff will come back with a report for the Commissioners.

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

The motion carried unanimously.

Budget Ordinance Amendment No. 02BCC000044 and the Capital Project Ordinance Amendment No. 02CPA000008 follow:

DURHAM COUNTY, NORTH CAROLINA  
FY 2001-02 Budget Ordinance  
Amendment No. 02BCC000044

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Sewer Utility Fund.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Transfer to Water Sewer/ 2000 Special Ob. Bond Fund	\$ -0-	\$1,558,972		\$1,558,972
<u>Revenues</u>				
Appropriated Retained Earnings	\$1,000,000	\$1,558,972		\$2,558,972

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

This the 14<sup>th</sup> day of January, 2002.

(Budget Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

January 14, 2002

DURHAM COUNTY, NORTH CAROLINA  
FY 2001-02 Capital Projects Ordinance  
Amendment No. 02CPA000008

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Wastewater Treatment Plant Improvement Project.

Wastewater Treatment Plant Improvement Project

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Wastewater Treatment Plant Improvement Project	\$8,153,284	\$1,558,972		\$9,712,256

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

This the 14<sup>th</sup> day of January, 2002.

(Capital Projects Ordinance Amendment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Preliminary Resolution on Issuance of Special Obligation Bonds**

This preliminary resolution provides for the initiation of the process whereby the County would sell Special Obligation Bonds to finance a portion of Phase I and all of Phase II of the Wastewater Treatment Plant renovation and expansion. Special Obligation Bonds are debt instruments which pledge a revenue stream to repay the holders of the bonds. It is anticipated that the revenues from the Wastewater Treatment Plant will be pledged to secure the bonds. In addition, another revenue source is required to be pledged so that coverage requirements can be met. Coverage requirements for this issue will probably be between 175% and 200% of the amount of the repayment schedule.

The financial data is currently being developed and will be presented to the Board at a later date. This preliminary resolution affirms the selection of certain professionals who are working on this project and allows the County Administration to begin the process of issuing the bonds. A public hearing will be required prior to approval of the bonds. This hearing will be set at a later meeting.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: Approve the preliminary resolution so that the County can begin the financing portion of this important project.

County Attorney Chuck Kitchen said this is the financing for the Wastewater Treatment Plant. He wanted to get the preliminary resolution approved so the process could begin. He also wanted to explain the Special Obligation Bonds to the County Commissioners.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the resolution.

The motion carried unanimously

RESOLUTION RELATING TO THE AUTHORIZATION OF WASTEWATER  
TREATMENT FACILITIES SPECIAL OBLIGATION BONDS OF THE COUNTY OF  
DURHAM, NORTH CAROLINA

Whereas, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering authorizing the issuance of wastewater treatment facilities special obligation bonds (the "Bonds") without voter approval pursuant to Chapter 159I of the North Carolina General Statutes, as amended, and particularly Section 159I-30 thereof, for the purpose of providing funds, with any other available funds, for enlarging, improving, and reconstructing the Triangle Wastewater Treatment Plant of the County and acquiring any

January 14, 2002

necessary land, furnishings, and equipment therefor, as more particularly described in Appendix A hereto (the "Project"); and

Whereas, it is necessary to take certain related action at this time:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. The County Manager, the Finance Director, and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the "Local Government Commission") and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of the Bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified, and confirmed.

Section 2. The Local Government Commission is hereby requested to sell the Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the County.

Section 3. The Board recommends the selection of the following professionals to be on the financing team for the Bonds and that their services be utilized to the extent required and where appropriate:

Co-bond counsel	Robinson, Bradshaw & Hinson, P.A. Charlotte, North Carolina
	Marsh and Marsh, Attorneys at Law Durham, North Carolina
Finance advisor	Davenport & Company LLC Richmond Virginia
Feasibility study consultant	Raftelis Financial Consulting

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. At a later date, the Board will make recommendations for the selection of a trustee, a bond registrar, a paying agent, one or more underwriters, underwriters' counsel, and any other persons required in connection with the issuance of the Bonds.

Section 1. This resolution shall take effect immediately upon its passage.

#### APPENDIX A

The Project includes the following work:

##### Phase I

- **Influent Pump Station**  
Abandon existing aging station and relocate new station on main plain site above flood hazard. New station will also resolve OSHA and safety issues existing related to the age of the facility.
- **Cascade Aeration**  
This process will add dissolved oxygen to the flow to comply with the County's NPDES Permit.
- **Ultraviolet Disinfection**  
Present flow is disinfected with chlorine gas, which is creating VOCs (Volatile Organic Compounds) restricted by the County's NPDES Permit. UV will provide a safer method, and eliminate the production of the VOCs.

- Effluent Pump Station  
Present flow exits plant by gravity, and is restricted when receiving stream is high. New station will allow plant to maintain flows, protect proposed UV system, and provide the capability to install the proposed cascade aeration system.

#### Phase II

- Increase Treatment Level  
An increased level of treatment is required by the implementation of a new law (HB 515) which is more stringent than the County's current permit and treatment capabilities. The major difference between the current and proposed treatment systems is the capability to remove Nitrogen. This will be accomplished using a five-stage biological nutrient removal process.
- Increase Treatment Capacity  
Increased capacity is required to accommodate growth and enable new industries to locate within the service area (including the Durham County portion of the Research Triangle Park). This part of the Project increases the plant capacity from the current 6MGD to 12MGD.
- Improve Sludge Processing Facilities  
This part of the Project will provide for efficient production of Class A Sludge and will include the abandonment of two clay-lined lagoons currently used in the process to produce a Class B product.
- Provide Re-Used Wastewater  
This part of the Project is designed to treat the wastewater sufficiently to re-use the treated water for limited uses and prolong the capacity of the potable water sources in the community. The new on-site office and laboratory facility will utilize the re-used wastewater for toilets and HVAC.

#### Board and Commission Appointments

Garry E. Umstead, CMC Clerk to the Board, distributed ballots to make appointments to the following boards and commissions. The asterisks indicate appointees.

##### Animal Control Advisory Committee

Two expired at-large positions; terms expire January 2005.

- \*Raymond Hardy—Black, Bowser, Heron, and Reckhow
- Sean Newton Haugh—no votes
- Kimberly O'Neil—Cousin
- \*Kimberly E. Willis—Black, Bowser, Cousin, Heron, and Reckhow

##### Open Space and Trails Commission

One expired position to represent Triangle Township and one expired at-large position; terms expire December 2004.

- \*George A. Brine (Triangle Township Representative)—Bell, Black, Bowser, Heron, and Reckhow

##### Public Health Board

One expired dentist position, one expired nurse position, and one expired veterinarian position: terms expire June 2005.

- Patricia E. Brisley (Nurse)—no votes
- Steven L. Johnson (Nurse)—no votes
- \*Philip D. McHugh (Veterinarian)—Black, Bowser, Cousin, Heron, and Reckhow
- \*Sandra A. Peele (Nurse)—Black, Cousin, Heron, and Reckhow
- \*Ronald D. Spain (Dentist)—Black, Bowser, Cousin, Heron, and Reckhow

January 14, 2002

Wrestling and Boxing Commission

Three expired position; terms expire January 2004.

\*Willie B. Jones—Black, Bowser, Cousin, Heron, and Reckhow

**Cosponsor of Regional Meetings On Nuclear Power Plants and Emergency Planning**

Commissioner Bowser said he had received a letter from the Orange County Board of Commissioners' Vice Chairman in reference to meetings concerning nuclear power plants and emergency planning. He wished to know whether the Durham County Board of Commissioners would be willing to cosponsor these meetings with Orange and Chatham Counties. There is no cost to these meetings. Commissioner Bowser requested that the County Manager's office contact the Orange County Manager's office to find out what must be done to cosponsor the meetings.

Chairman Black suggested that staff do the planning and have them send the information to the Commissioners for consideration.

Commissioner Bowser wanted to let the Orange County Commissioners know if the Durham County Commissioners would support them by cosponsoring the meetings as elected officials. We need to go on record to support their efforts.

Commissioner Heron wanted to call the Orange County Commissioners to let them know we will participate in the meetings. Some of the Commissioners will attend the meetings.

Chairman Black felt that the Triangle J Council of Governments should coordinate the planning efforts.

The Durham County Commissioners would support and attend the meetings.

**Food Bank Opening in Durham County**

Chairman Black attended the food bank opening in Durham County last week. She talked about the Food Bank and the service it provides to the citizens in this area. The facility is located in Northeast Central Durham.

**Adjournment**

Chairman Black adjourned the meeting at approximately 8:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board