

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

Monday, February 25, 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

Chairman Black referenced the 4:00 p.m. meeting held today between the County Commissioners and The Durham Center Area Board. The issues discussed related to our mental health system and the changes taking place in the state as it relates to mental health. The discussions also involved the plan that must be written and funding issues related to the new system.

The 6:00 p.m. closed session to consider economic development had been continued until tomorrow (February 26, 2002).

Opening of Regular Session

Chairman Black called the meeting to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Black pulled consent agenda item No. 6(k), "Adoption of Resolution & Designation of Members for 2002 E & R Board," and placed it at the end of the agenda. Also, she added the "2002-2003 Consolidated Action Plan Needs Public Hearing." Consent agenda item No. 6(i), "Renewal of Ambulance Franchise for Johnston Ambulance Service," was removed until a future meeting; additional backup was needed.

Commissioner Bowser wished to discuss the following consent agenda item which had been approved at the February 11, 2002 Regular Session: "Budget Ordinance Amendment No. 01BCC000049—Accounting Services for Water and Sewer Agreed-Upon Procedures (award the contract to perform the accounting services for the water

and sewer agreed-upon procedures to Dixon & Odom in the amount not-to-exceed \$134,900 which represents 50% of the cost of the not-to-exceed amount of \$269,800).”

Board of Elections Commendation

Vice-Chairman Reckhow wanted to commend the Board of Elections for placing the filings for office on the County’s Website in a very timely manner. This is a real service to the public. She hopes this will be a model for other County departments to consider ways to utilize the Internet to facilitate business with county government and inform citizens.

Minutes

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the January 7, 2002 Worksession and the January 28, 2002 Regular Session Minutes of the Board as corrected.

The motion carried unanimously.

The November 26, 2001 Regular Session Minutes were held until an addition is made to the minutes clarifying why Commissioner Bowser voted against adopting the “Priority List for the TIP 2004-2010.”

February Anchor Award Winner—Sharon Faust

Sharon Faust, Durham County Network Administrator, was the winner of the February Anchor Award. In her nomination letter, Network Services Manager John Myatt noted her role in rescuing a critical county department project that was in failure and simultaneously preventing the resignation of a network administrator. According to John, she mentored and encouraged the junior administrator to focus on fixing the problem rather than giving up in frustration over his error. Because of her efforts, a key county department was able to restore its operations, and a worker regained confidence in his ability to perform his job.

County Manager's Recommendation: Present the February Anchor Award to Sharon Faust, along with the sincere congratulations of the entire organization.

Mr. Myatt introduced Ms. Faust and noted her many accomplishments.

Ms. Faust thanked Mr. Myatt, IT Director Perry Dixon, her coworkers, and family for their support which made this honor possible.

Chairman Black presented the \$200 check and Anchor Award plaque to Ms. Faust.

Proclamation for National Athletic Training Month

The North Carolina Athletic Training Association (NCATA) was started in 1974 to support athletic trainers and to advance the profession of athletic trainers in North Carolina. Mr. Ken Brown of Northern High School, who represents District 3 of NCATA, has requested that March be proclaimed “National Athletic Training Month” in Durham County. He represents Durham County athletic trainers working with Durham Public Schools, North Carolina Central University, Duke University, and other sports related agencies.

County Manager's Recommendation: Approve the proclamation and present to Mr. Brown.

Chairman Black read the following proclamation:

PROCLAMATION

WHEREAS, quality health care is vital for individuals involved in physical activity; and

WHEREAS, certified athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge, and skills acquired through their nationally regulated educational processes; and

WHEREAS, certified athletic trainers provide:

- Prevention of injuries
- Recognition, evaluation, and immediate care
- Rehabilitation
- Health care administration
- Education and guidance; and

WHEREAS, since 1990, athletic training has been recognized by the American Medical Association as an allied health care profession; and

WHEREAS, there are over 22,000 certified athletic trainers nationwide employed in professional sports, colleges and universities, high schools, clinics and hospitals, as well as in corporate and industrial settings; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession, and to emphasize the importance of health care for athletes and those engaged in physical activity in the aforementioned settings; and

WHEREAS, these efforts will improve health care for athletes and promote certified athletic trainers as allied health care professionals:

NOW, THEREFORE, I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby proclaim March 2002 as

NATIONAL ATHLETIC TRAINING MONTH

in Durham County. I urge all people in Durham County to celebrate the men and women of Durham County who work as professional athletic trainers in our local high schools and universities.

This the 25th day of February, 2002.

/s/ MaryAnn E. Black, Chairman

Mr. Brown thanked Chairman Black, the Commissioners, and citizens for the proclamation.

Chairman Black presented the proclamation to Mr. Brown.

Consent Agenda

Chairman Black made comments regarding the three budget ordinance amendments submitted by the Public Health Department. The amendments had not been presented first to the Board of Public Health. In the future, she asked that items presented to the Commissioners be presented first to respective boards. Very serious issues could arise because of this.

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

- * (a) Budget Ordinance Amendment No. 02BCC000050—Public Health—To Recognize Revenue for the Health Education Division (approve Budget Ordinance Amendment No. 02BCC000050 to recognize a \$10,000 grant from the Department of Health and Human Services for the Healthy Carolinians Initiative);
- * (b) Budget Ordinance Amendment No. 02BCC000051—Public Health—To Recognize Revenue for the Health Education Division (approve Budget Ordinance Amendment No. 02BCC000051 to recognize a \$1,000 grant from the Health Action Committee);
- * (c) Budget Ordinance Amendment No. 02BCC000052—Public Health—To Recognize Revenue for the Health Education Division (approve Budget Ordinance

Amendment No. 02BCC000052 to recognize a \$1,500 grant from the American Cancer Society for the Health Education Division);

- * (d) Budget Ordinance Amendment No. 02BCC000053— Social Services—Request to Accept New DSS Crisis Intervention Program (CIP) Revenue (approve Budget Ordinance Amendment No. 02BCC000053 to accept the \$314,742 in new revenues for the DSS Crisis Intervention Program);
- * (e) Property Tax Releases and Refunds for Fiscal Year 01-02 (accept the property tax release and refund report for January 2002 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- (f) Appointment of the Animal Cruelty Investigator for the Animal Protection Society of Durham (appoint Mr. Dean Edwards as the 19-A Animal Cruelty Investigator);
- (h) Reschedule the March Worksession to March 4, 2002 (move the March Worksession back to Monday, March 4, 2002 at 9:00 a.m.);
- * (l) Adopt Resolution to Participate in the Debt Setoff Program (adopt the resolution and designate the Tax Administrator to conduct hearings and allow the Finance Officer to set up the inter-transfer fund account);
- * (n) Adoption of Capital Project Ordinance for Two-Thirds and General Obligation Bond Projects (approve the Capital Project Ordinance, authorizing setting up the capital project budget appropriations necessary);
- (o) Operational Agreement for Soil and Water Conservation District (adopt the revised Operational Agreement between the County of Durham, the Durham Soil and Water Conservation District, the Division of Soil and Water Conservation, the Department of Environment and Natural Resources, and the Natural Resources Conservation Service of the United States Department of Agriculture);
- * (p) Offer to Purchase County Property (0 Panama Terrace) (pursue the upset bid process at this time; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- * (q) Offer to Purchase County Property (119 West Cornwallis Road) (pursue the upset bid process at this time; the Board has the authority to accept or reject

any offer at the conclusion of the upset bid process);
and

- *(r) Approval of Major Special Use Permit Order—
Cormetech Inc.--M01-03 (approve this order granting
certain conditions for the Major Special Use Permit;
the Board held the quasi-judicial hearing at the
February 11, 2002 meeting and unanimously endorsed
this Major Special Use Permit).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 6(a). Budget Ordinance Amendment No. 02BCC000050—Public Health—To Recognize Revenue for the Health Education Division (approve Budget Ordinance Amendment No. 02BCC000050 to recognize a \$10,000 grant from the Department of Health and Human Services for the Healthy Carolinians Initiative).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000050

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 Department of Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$276,498,205	\$10,000		\$276,508,205
<u>Revenues</u>				
Misc. Income	\$4,697,578	\$10,000		\$ 4,707,578

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

This the 25th day of February, 2002.

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

Consent Agenda (b). Budget Ordinance Amendment No. 02BCC000051—Public Health—To Recognize Revenue for the Health Education Division (approve Budget

Ordinance Amendment No. 02BCC000051 to recognize a \$1,000 grant from the Health Action Committee).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000051

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 Department of Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$276,508,205	\$1,000		\$276,509,205
<u>Revenues</u>				
Intergovernmental	\$230,924,219	\$1,000		\$230,925,219

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

This the 25th day of February, 2002.

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

Consent Agenda 6(c). Budget Ordinance Amendment No. 02BCC000052—Public Health—To Recognize Revenue for the Health Education Division (approve Budget Ordinance Amendment No. 02BCC000052 to recognize a \$1,500 grant from the American Cancer Society for the Health Education Division).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000052

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 Department of Public Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$276,509,205	\$1,500		\$276,510,705
<u>Revenues</u>				
Intergovernmental	\$230,925,219	\$1,500		\$230,926,719

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

This the 25th day of February, 2002.

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

Consent Agenda 6(d). Budget Ordinance Amendment No. 02BCC000053—Social Services—Request to Accept New DSS Crisis Intervention Program (CIP) Revenue (approve Budget Ordinance Amendment No. 02BCC000053 to accept the \$314,742 in new revenues for the DSS Crisis Intervention Program).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 2001-02 Budget Ordinance
 Amendment No. 02BCC000053

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 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	\$276,510,705	\$314,742		\$276,825,447
<u>Revenues</u>				
Intergovernmental	\$230,926,719	\$314,742		\$231,241,461

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

This the 25th day of February, 2002.

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

Consent Agenda 6(e). Property Tax Releases and Refunds for Fiscal Year 01-02 (accept the property tax release and refund report for January 2002 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of January 2002.

Releases & Refunds for 2001 and 2002 Taxes:

Real	\$ 519,651.81
Personal	\$ 13,582.84
Registered Vehicles	\$ 22,538.09
Vehicle Fees	\$ 345.00
Solid Waste	<u>\$ 1,140.00</u>
Total—2001 and 2002 Taxes & Fees	\$ 557,275.74

Prior Years (1999-2000) releases and refunds for January 2002 are in the amount of \$75,241.76.

Total Current Year and Prior Year Releases and Refunds: \$632,499.50

(Recorded in Appendix A in the Permanent Supplement of the February 25, 2002 Minutes of the Board.)

Consent Agenda 6(l). Adopt Resolution to Participate in the Debt Setoff Program (adopt the resolution and designate the Tax Administrator to conduct hearings and allow the Finance Officer to set up the inter-transfer fund account).

The resolution follows:

RESOLUTION TO AUTHORIZE THE USE OF THE DEBT SETOFF PROGRAM

Whereas, North Carolina General Statute Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue; and

Whereas, the law authorizes the setting off of certain debts owed to local governments against tax refunds; and

Whereas, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearing house to submit debts on behalf of Durham County, as provided by law:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners will participate in the debt setoff program and hereby designates W. Steven Crysel, Tax Administrator, as person to hold hearings as necessary to participate in the debt setoff program.

The Chairman and County Manager are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

By motion properly made and seconded, adopted this the 25th day of February, 2002.

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

(SEAL)

/s/ Garry E. Umstead, CMC
Clerk to the Board

Consent Agenda 6(n). Adoption of Capital Project Ordinance for Two-Thirds and General Obligation Bond Projects (approve the Capital Project Ordinance, authorizing setting up the capital project budget appropriations necessary).

The ordinance follows:

DURHAM COUNTY CAPITAL PROJECT ORDINANCE

Be it ordained by the Board of County Commissioners of Durham County that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. Projects are authorized as described in Section 3 involving the construction and acquisition of capital assets for capital improvement.

Section 2. It is estimated that the following revenues will be available to complete those projects described in Section 3.

Bond Proceeds	85,710,000
Transfer in Other Funds	565,000
Total	86,275,000

Section 3. The following amounts are appropriated for projects of the County Capital Projects Fund:

Judicial Building Renovations	605,142
Animal Shelter Renovations	1,628,402
EMS – Lebanon Building	787,724
Agriculture Building Renovations	418,875
Human Services Complex	2,915,485
North Regional Branch Library	5,905,807
Stanford L. Warren Branch Library	1,152,907
Bond Issuance Costs	494,178
EMS – Relocation of Lincoln Community Health Center	1,146,000
Senior Center	5,500,000
NC Museum of Life & Science – BioQuest	5,785,487
South Regional Library	1,050,000
Southwest Branch Library	400,000
East Regional Branch Library	6,708,909
Bethesda Elementary School	2,284,887
Harris Elementary School	4,246,375
Lakewood Elementary School	6,649,596
Oak Grove Elementary School	1,109,128
Pearsontown Elementary School	210,000
Watts Elementary School	110,000
New Elementary “A” School	11,903,580
Carrington Middle School	8,070,235
Chewning Middle School	3,998,000
Durham School of the Arts	400,000
Neal Middle School	350,000
Rogers-Herr Middle School	11,909,283
Facilities/Transportation	210,000
Mobile Classrooms	325,000
Total	86,275,000

Section 4. The Finance Director is hereby directed to maintain within the County Capital Projects Fund sufficient specific detailed accounting records for each capital project authorized.

Section 5. The Finance Director is directed to report annually on the financial status of each capital project and on the total revenues received.

Section 6. Upon its adoption this capital project ordinance supersedes any previously adopted county construction project ordinances.

Section 7. Copies of this capital project ordinance shall be filed with the Clerk to the Durham County Board of Commissioners and the Finance Director.

Adopted this the 25th day of February, 2002.

Consent Agenda 6(p). Offer to Purchase County Property (0 Panama Terrace) (pursue the upset bid process at this time; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

The resolution follows:

RESOLUTION

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

Parcel ID# 515-05-004
PIN 0729-02-55-0778
0 Panama Terrance

WHEREAS, Mr. Bruce W. Turner has made an offer to the County to purchase the above property for \$1,500 and has made a bid deposit in the amount of \$80 which is no less than 5 percent of the bid; and

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

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

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

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

Upon motion properly made and seconded, adopted by the Board at its meeting on February 25, 2002.

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

Consent Agenda 6(q). Offer to Purchase County Property (119 West Cornwallis Road) (pursue the upset bid process at this time; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

The resolution follows:

RESOLUTION

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

Parcel ID# 084-02-007
PIN 0820-10-36-3448
119 W. Cornwallis Road

WHEREAS, Mr. Anthony P. Holmes has made an offer to the County to purchase the above property for \$3,000 and has made a bid deposit in the amount of \$200 which is no less than 5 percent of the bid; and

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

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

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

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

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

Upon motion properly made and seconded, adopted by the Board at its meeting on February 25, 2002.

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

Consent Agenda 6(r). Approval of Major Special Use Permit Order—Cormetech Inc.--M01-03 (approve this order granting certain conditions for the Major Special Use Permit; the Board held the quasi-judicial hearing at the February 11, 2002 meeting and unanimously endorsed this Major Special Use Permit).

The order follows:

ORDER GRANTING, UPON CERTAIN CONDITIONS, A MAJOR SPECIAL USE
PERMIT FOR CORMETECH INC.
CASE M01-03

The Board of County Commissioners of the County of Durham, having conducted a hearing on Case M01-03 and having considered all evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a Major Special Use Permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS that the use meets the requirements of 13.2.3 of the Durham Zoning Ordinance, and that it is

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this Ordinance;
3. Will not adversely affect the health or safety of the public.

THE BOARD OF COUNTY COMMISSIONERS ALSO FINDS that considerations listed in 13.2.4 of the Ordinance have been addressed.

THE BOARD OF COUNTY COMMISSIONERS FURTHER DETERMINES THAT IT IS NECESSARY TO CONDITION THE GRANTING OF THE USE PERMIT UPON THE FOLLOWING:

1. That the applicant develops the approved use in conformity with the site plan, approved by the Board of County Commissioners on February 11, 2002, as corrected, and any approved revision to such site plan.

THIS SPECIAL USE PERMIT SHALL BECOME NULL AND VOID UPON DETERMINATION BY THE APPROPRIATE OFFICIALS DESIGNATED BY ORDINANCE THAT THE ABOVE CONDITIONS HAVE NOT BEEN COMPLIED WITH.

Consent Agenda Items Pulled for Discussion

Consent Agenda 6(g). Appointments—Durham and Wake Counties Research and Production District (approve the appointments of William Parker, Nortel Networks, and Tom Colwell, Cisco Systems).

Commissioner Bowser pulled this agenda item to say that it is only fair that some of the citizens on this board be from Durham County. The appointees are consistently from Wake County. He will continue to vote against this inequity.

Vice-Chairman Reckhow voiced the same concern. Her suggestion was to substitute Marty Gregory (secondary nominee) for William Parker (primary nominee) to fill the term of Bob Chase because Marty Gregory is a Durham County resident.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Tom Colwell and Marty Gregory to the service district.

The motion carried unanimously.

Consent Agenda 6(j). Declaration of Surplus Property and Approval of Resolution for Public Auction Sale (declare the schedule of property to be surplus and authorize the County Manager to proceed with a public auction of the properties listed on the schedule).

Vice-Chairman Reckhow pulled this item to ask why relatively new cars would be sold.

Purchasing Director George Quick answered that the vehicles had been purchased specifically for the Wheelchair Lift Program, which had been discontinued.

Chairman Black asked that a starting price for the vehicles be set.

Mr. Quick said that the vehicles will only be sold to the highest bidder if the bid is at least equal to fair market value.

Vice-Chairman Reckhow suggested that the auction sale be advertised to attract more people and to give a sense of the merchandise.

Commissioner Bowser wished to know whether other County departments had been contacted to ascertain whether they could use the newer vehicles.

Karen Wimbish, Purchasing Manager, replied that other departments had been contacted but had insufficient funds in their budgets for the purchase. She said that at least six companies who have use for such vehicles had been contacted regarding the sale.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve consent agenda item No. 6(j).

The motion carried unanimously.

The resolution follows:

RESOLUTION AUTHORIZING PUBLIC AUCTION SALE

WHEREAS, the County of Durham accumulated surplus personal property consisting of 19 vehicles no longer needed for County operational purposes; and

WHEREAS, the County of Durham desires to dispose of these items by sale at Public Auction as provided by North Carolina General Statute 160A-270.

NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the sale at Public Auction at the time, place, and conditions set out herein is authorized and directed:

1. The Public Auction for vehicles is to take place at the Carmichael Building, 300 North Duke Street, Durham, North Carolina, on March 15, 2002 beginning at 11:00 a.m.
2. The terms of the sale will be cash or good check. Item(s) purchased must be paid for on the day of the sale.
3. In accordance with statutory requirements, Mr. Michael M. Ruffin, County Manager, shall be

- authorized as the County official in charge of the disposal of the surplus personal property.
4. A tabulation of all "high bids" will be presented to the Board of Commissioners as a matter of record.
 5. Item(s) purchased at Public Auction may remain on the County property until 2:30 P.M., on March 20, 2002; however, it will be at the risk of the purchaser. For any item(s) requiring extensive time for removal, purchasers may arrange additional removal time with Durham County General Services Department.
 6. The successful bidder(s) will also be required to provide evidence of insurance for removal of any item(s) so indicated.
 7. Successful bidder(s) on any item(s) requiring labor, tools or materials for dismantling and removal of the item(s) purchased shall furnish all such tools, materials, and labor and shall hold Durham County free of any claims for any personal injuries, damages, or liabilities incurred for removal of the item(s).
 8. All items will be sold on an "as is" and "where is" basis. The County will make no guarantees and assumes no responsibility for any of the items.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Herald-Sun Newspaper once at least 10 days prior to the date of the sale.

"BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM, THIS 20th DAY OF FEBRUARY 2002."

Commissioner Heron wished to make a comment about consent agenda item No. 6(e), "Property Tax Releases and Refunds for Fiscal Year 01-02 (accept the property tax release and refund report for January 2002 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report; these are normal recurring releases and refunds that are presented for the consent agenda)." After reviewing the refunds, she saw substantial refunds for several thousand dollars. She was amazed at the adjustments being made. She hopes that the appraisals are not that far off. She had great concerns about the high amount of the refunds.

Tax Administrator Steve Crysel responded that some properties got a dramatic decrease in value due to information that came for no-perk lands or information that was not available to the tax office. There is a substantial difference in the value of something that is usable and not usable. Mr. Crysel added that one substantial adjustment referenced by Commissioner Heron had been made by the E & R Board.

Commissioner Bowser commented that the Tax office should pay attention to excessive refunds to the taxpayers by the E & R Board and try to eliminate them. It does not look good on paper for us to be that far off.

Mr. Crysel said that, by statute, the decision of the E & R Board cannot be overruled.

Consent Agenda 6(m). Resolution Approving DPS Board of Education Multi-Year Contract for Capital Outlay with Cisco Systems Capital Corporation (approve the resolution approving the Board of Education multi-year contract for capital outlay).

Commissioner Heron pulled this item to ask the County Manager where the funding is coming from for this.

County Manager Ruffin responded that, if approved, the Durham Public Schools Board of Education will make the appropriation out of the funds given to them.

Finance Director David Lee, Durham Public Schools, said this particular lease is intended to be paid for out of state technology money and not local dollars.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve consent agenda item No. 6(m).

The motion carried unanimously.

The resolution follows:

RESOLUTION

WHEREAS, the Durham Public Schools Board of Education wishes to enter into a continuing contract for capital outlay with Cisco Systems Capital Corporation ("CSC") for file servers and services under N.C. General Statutes 115C-528; and

WHEREAS, the contract may require the Durham Public Schools Board of Education to pay CSC a total of \$284,390 with as much as \$98,268 being paid during three fiscal years, beginning in fiscal year 2001-2002 through fiscal year 2004-2005; and

WHEREAS, the contract totals nearly \$284,390 and therefore may be a continuing contract for capital outlay subject to the provisions of N.C. General Statutes 115C-441(c1) and -528, including the approval of the Durham County Board of Commissioners:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, agree to appropriate sufficient funds to the Durham Public Schools Board of Education in ensuing fiscal years to meet the CSC contract obligations.

Said funds shall be a part of, and not in addition to, regular appropriations made to the Durham Public Schools Board of Education.

This the 25th day of February, 2002

/s/ Five Commissioners
Durham County Commissioners

Consent Agenda 6(k). Adoption of Resolution & Designation of Members for 2002 E & R Board (adopt the resolution to appoint a special Board of Equalization and Review tonight and appoint the Board of Equalization and Review at the March 4, 2002 meeting. The Board will have to also appoint a Chair and Vice Chair, and establish a rate of compensation for serving on this Board at \$50.00 per session (3 hour sessions) and \$15.00 per hour (after the three-hour session) at the March 4, 2002 meeting also).

Chairman Black pulled this item because she thought the Commissioners were being asked to name a chair and vice chair of the E & R Board, name the members, and set the rate of compensation. She did not realize the agenda action form had been revised.

County Manager Ruffin said that the agenda action form had been modified and that the Commissioners were being asked to adopt only the resolution at tonight's meeting. At the March 4, 2002 Board meeting, the Commissioners would be asked to finalize their appointments to that board, appoint the chairman and vice chairman, and set the rate of compensation.

Vice-Chairman Reckhow requested that the Tax Administrator assess the willingness of the current board members to continue to serve and, in addition, she wished to see an attendance record for existing board members.

Commissioner Heron advised that the new E & R Board be given a restricted time frame to accomplish their duties.

Chairman Black suggested a contract be written for the E & R Board so their work will be completed by a certain date.

Vice-Chairman Reckhow asked Mr. Crysel to make sure all the current members read the ethics policy and sign the disclosure form.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the revised consent agenda item No. 6(k).

The motion carried unanimously.

2002-2003 Consolidated Action Plan Needs Public Hearing

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2002-2003 Consolidated Action Plan Needs public hearing on February 25, 2002 to receive citizen comments. The Citizen Participation Plan contained in the adopted Durham 2000-2005 Consolidated Plan requires that two public hearings be held prior to the submission of the annual Consolidated Action Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham.

Durham anticipates receiving FY 2002-2003 HOME Consortium funds in the amount of \$1,051,000 from HUD. In previous years, HOME Consortium funds have been used primarily for housing activities in Durham with special focus in target neighborhoods; including existing homeowner rehabilitation and new homebuyer rehabilitation activities. Approximately \$210,200 in non federal funds will be needed from the HOME Consortium as a matching funds requirement of the FY 2002-2003 HOME program.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development has reviewed this request and recommends that the Board of County Commissioners hold the 2002-2003 Consolidated Action Plan Needs public hearing on February 25, 2002. Michael Pullum, Senior Planner attended the meeting to answer questions.

Resource Person(s): Michael Pullum

County Manager's Recommendation: Hold the FY 2002-2003 Consolidated Action Plan Needs public hearing on February 25, 2002 to receive citizen comments.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing.

Chairman Black stated that the second public hearing would be held at the next regular session on March 11, 2002.

Questions by Commissioner Bowser

Commissioner Bowser referred to the contract with Dixon & Odom approved by the Board of County Commissioners at its February 11, 2002 meeting (Budget Ordinance Amendment No. 01BCC000049—Accounting Services for Water and Sewer Agreed-Upon Procedures (award the contract to perform the accounting services for the water and sewer agreed-upon procedures to Dixon & Odom in the amount not-to-exceed \$134,900 which represents 50 percent of the cost of the not-to-exceed amount of \$269,800). He asked the County Manager if the City would be a 50 percent partner.

County Manager Ruffin replied in the affirmative.

Commissioner Bowser voiced various concerns regarding the contract. He directed questions to Deputy County Manager Wendell Davis.

Mr. Davis answered several of Commissioner Bowser's questions but needed time to review the contract to obtain answers to all the questions.

Chairman Black suggested that staff have an opportunity to review the contract.

Commissioner Bowser wanted the County to make sure the firm can do the work before they start billing Durham County for services they may not be able to provide.

It was decided that the discussion on this item would be continued at 11:30 a.m. tomorrow after the Commissioners' retreat.

Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions (asterisks indicates appointees):

Animal Control Advisory Committee:

One unexpired at-large position (expires January 2005).

Sean Newton Haugh—Bowser

*Kimberly O'Neil—Black, Cousin, Heron, and Reckhow

Nursing Home Community Advisory Committee:

Two expired terms (expire February 2003).

*Martin J. Neagle—Black, Bowser, Cousin, Heron, and Reckhow

Open Space and Trails Commission:

One expired at-large position (expires December 2004).

*Glenda B. Moser—Black, Bowser, Cousin, Heron, and Reckhow

Transportation Advisory Board:

One at-large position (expires October 2004).

*Joseph Marvin Black—Black, Bowser, Cousin, Heron, and Reckhow

Wrestling and Boxing Commission:

Two expired positions (terms expire January 2004).

*S. Marcus Leazer—Black, Bowser, Cousin, Heron, and Reckhow

Adjournment

Chairman Black adjourned the meeting at approximately 8:14 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board