

April 13, 1998

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

Monday, April 13, 1998

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

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

Absent: None

Presider: Chairman Black

Opening of Regular Session

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

Agenda Adjustments

Chairman Black moved agenda item No. 4, "Durham Regional Lease to Duke University Medical Center," to follow the consent agenda (item No. 10).

Commissioner Bowser added a resolution to the agenda to remember the life of Dr. Martin Luther King Jr. on the 30th anniversary of his assassination.

Vice-Chairman Reckhow requested an item be added regarding the budget meeting schedule.

Commissioner Bell asked that an item be added concerning what the County is doing about developers "clear cutting" wooded areas.

Chairman Black removed the March 23, 1998 Regular Session Minutes to recognize several changes made by the County Attorney.

Minutes

April 13, 1998

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the February 23, 1998 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the March 9, 1998 BOCC/Area Mental Health Board Minutes as corrected.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Bell, to approve the March 9, 1998 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Commissioner Heron said the administration was directed to appoint a committee to establish formal linkages with County Durham, England. Commissioner Heron wanted to know if the committee had been established.

County Manager David F. Thompson responded that David Powell is leading this initiative. Mr. Powell and Chairman Black will visit England to represent Durham County. (County Manager Thompson will not be going due to the 1998/1999 budget preparation.) After the initial visit, Mr. Powell wishes to propose a work plan. County Manager Thompson agreed with Mr. Powell's approach.

Commissioner Heron expressed concern about the trip because the Board was not requested to give its approval.

The Commissioners thought the committee would be established first, then it would develop the linkage.

Commissioner Heron said travel outside the country should come before the Board for approval.

Mr. Thompson said he will not make travel plans of this type in the future without coming to the Commissioners for final approval.

Introduction of New Health Director

April 13, 1998

Vice-Chairman Reckhow introduced Mr. Brian E. Letourneau who joined Durham County's organization as Health Director. Mr. Letourneau previously worked as Administrator of Regional Healthcare Network Support for Memorial Health System in Springfield, Illinois. Mr. Letourneau has also worked as Director of Public Health for the Springfield Department of Public Health and as Assistant Director of Surgical Services at the University of North Carolina at Chapel Hill Hospitals and Clinics.

Mr. Letourneau holds an undergraduate degree in Health Services Administration from Florida International University, as well as a graduate degree in Health Administration from the University of North Carolina at Chapel Hill.

County Manager's Recommendation: Welcome Mr. Letourneau and ask for remarks.

Mr. Letourneau made comments to the Commissioners.

The Commissioners welcomed Mr. Letourneau to Durham County.

The Commissioners asked questions about health inspections because a recent newspaper article referred to a shortage of inspectors due to starting salaries and an increased workload.

Proclamation Recognizing April as "Public Health Month"

A proclamation naming the month of April as "Public Health Month" was prepared for the Board's approval.

County Manager's Recommendation: Approve the requested proclamation.

Chairman Black asked Vice-Chairman Reckhow, liaison to the Public Health Board, to read the following proclamation into the record:

PROCLAMATION

WHEREAS, public health measures to control and eliminate infectious diseases and implement environmental sanitation practices have been the single greatest cause of improved health and increased life expectancy for North Carolina's citizens in this century; and

WHEREAS, Durham County's Public Health Department is fortunate to have an exceptional cadre of health professionals engaged in providing critical health services to citizens, including health education, clinical services, dental services, screening for diseases, pre-natal care, home health, restaurant inspections, well and septic tank inspections, and more; and

April 13, 1998

WHEREAS, Durham County Public Health will sponsor a Block Party on Saturday, April 18, to allow citizens the opportunity to learn more about the program and services of the department; and

WHEREAS, only public health has the unique responsibility and expertise required to ensure that communities everywhere are healthy places in which to live; and

WHEREAS, the benefits of the public health approach exist everywhere, every day, and for everyone without regard to religious, ethnic, or socioeconomic background:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim the month of April, 1998 as

“PUBLIC HEALTH MONTH”

in Durham County. We ask all citizens to recognize the role that public health has in all our lives, and invite citizens to participate in planned events that will help to celebrate this month.

This the 13th day of April, 1998.

/s/ Five Commissioners
Durham County Commissioners

Vice-Chairman Reckhow said a Health Fair will be held on Saturday, April 18, from 11:00 a.m. to 3:00 p.m. at the Health Department parking lot.

Resolution—Dr. Martin Luther King Jr.

Chairman Black called on Commissioner Bowser to read into the minutes the following resolution:

RESOLUTION

WHEREAS, Dr. Martin Luther King Jr. was assassinated April 4, 1968 in Memphis, Tennessee while pursuing his dream of nonviolence, peace, dignity, and justice for all people; and

WHEREAS, Dr. King was a great leader who espoused peace and the brotherhood of man; and

WHEREAS, Dr. King advanced the cause of social change for the benefit of all people; and

April 13, 1998

WHEREAS, Dr. King admonished us that it is far better to love than hate, to seek justice rather than revenge, to refrain from acts of violence or condone those who engage in violence or profess hatred for any people, group, or race:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby urge all citizens of Durham County, on this 30th anniversary of the assassination of Dr. Martin Luther King, Jr., to remember the life of Dr. King, whose struggle for civil rights and noble pursuit of equality for all Americans deserves our heartfelt appreciation.

This the 13th day of April, 1998.

/s/ Five Commissioners
Durham County Commissioners

Resolution Regarding the “Triangle Regional Summit on America’s Promise and Volunteerism”

A resolution supporting the “Triangle Regional Summit on America’s Promise and Volunteerism” was prepared for the Board’s approval.

County Manager’s Recommendation: Approve the requested resolution.

Chairman Black read the resolution into the record.

RESOLUTION

WHEREAS, investing in the future of our young people is a crucial responsibility of this community both through our institutions and through the work of individual citizens; and

WHEREAS, the President’s Summit for America’s Future in April 1997, and the Governor’s Summit in January 1998 illuminated the critical needs of all children, the importance of caring communities, and the needs of children including the following basics:

- an ongoing relationship with a caring adult
- safe places and structured activities
- a healthy start
- education and learning experiences that will lead to marketable skills, and
- opportunities to give back to the community; and

WHEREAS, there are large numbers of children living in the Triangle area who do not have access to these basic resources; and

April 13, 1998

WHEREAS, the goal of the Triangle Summit is to provide these basic resources to close to 6,000 children by the year 2000; and

WHEREAS, Governor Jim Hunt has declared 1998 as the “Year of the Volunteer” in North Carolina:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby endorse the commitment to addressing the needs of youth as a key strategy for investment in the future well-being of our community; and

BE IT FURTHER RESOLVED that this Board further affirms the value of volunteers and commits itself

- to utilize volunteers to support youth served within our system whenever possible
- to encourage employees to work as volunteers with youth, and
- to support opportunities for youth to serve this community.

This the 13th day of April, 1998.

/s/ Five Commissioners
Durham County Commissioners

Proclamation Recognizing “National County Government Week”

A proclamation naming the week of April 19 - 25 as “National County Government Week” was prepared for the Board’s approval.

County Manager’s Recommendation: Approve the requested proclamation.

Chairman Black read the following proclamation into the record:

PROCLAMATION

WHEREAS, county government has been a major partner in providing services to the citizens of North Carolina since 1663, when the County of Albermarle was authorized by King Charles II; and

WHEREAS, all 100 counties are involved in providing many valuable services to their citizens and the role of county government continues to change as the needs of our people have changed; and

WHEREAS, the myriad of services provided by Durham County government include: child and adult social services, health care, mental health care, libraries, waste recycling and disposal, public safety and law enforcement, rural fire protection, deed registration,

April 13, 1998

building inspections, emergency management, water quality protection, countywide mapping and planning, and more; and

WHEREAS, Durham County is a major partner in public education, having provided close to \$57 million in 1997-98 to Durham Public Schools and \$2.3 million to Durham Technical Community College; and

WHEREAS, county government today is on the front line of many crucial issues facing our state and region: environmental protection, welfare reform and job training, and increasing demands for services for children at risk and the aging; and

WHEREAS, finding solutions to these and other issues will require innovation and the cooperation of many groups and individuals, and Durham County is committed to seeking and strengthening its relationship with those in our community and state who will help us reach our potential as a county:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim the week of April 19 - 25, 1998 as

“NATIONAL COUNTY GOVERNMENT WEEK”

in Durham County. We further urge all citizens to be involved in and more aware of issues facing our county.

This the 13th day of April, 1998.

/s/ Five Commissioners
Durham County Commissioners

April 13, 1998

Resolution of Postal Guidelines for Businesses in the RTP Tax District

A resolution suggesting guidelines to help businesses communicate proximity to the Research Triangle Park and eliminate extant confusion was prepared for the Board's approval. This item was requested by the Durham Convention and Visitors Bureau.

County Manager's Recommendation: Approve the requested resolution.

RESOLUTION

WHEREAS, the Research Triangle Park tax district of Durham County is served by a Durham Postal Substation with post office boxes assigned at RTP, NC 27709; and

WHEREAS, businesses use these boxes to give the impression they are located within the Park, though their physical location may not even be in Durham County, let alone the Park; and

WHEREAS, visitors to the Durham Visitor Information Center and the Research Triangle Foundation Information Desk have complained about this confusion; and

WHEREAS, in an effort to clear confusion that this practice brings to visitors to this area, the Durham Convention and Visitors Bureau seeks the following guidelines from this governing body:

- Only if a business or organization is physically located within the special RTP tax district would it say it is "in the Park."
- Businesses and organizations within 2 miles of any part of the Park (adjacent) would be encouraged to give their location as "Durham at Research Triangle Park," or eventually "Morrisville at Research Triangle Park," or "Cary at Research Triangle Park."
- Businesses and organizations located farther from RTP or other communities would be encouraged to simply give the mileage to RTP and the communities that encompass it.
- The United States Postal Service would be encouraged to withdraw post office boxes from businesses that do not fit the guidelines, and preserve them for those that do:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby adopt the aforementioned guidelines to help eliminate confusion regarding the locations of businesses in the Research Triangle Park tax district of Durham County.

This the 13th day of April, 1998.

/s/ Five Commissioners
Durham County Commissioners

April 13, 1998

Vice-Chairman Reckhow suggested a letter be sent, along with the resolution, to the Postmaster at the 27709 postal substation.

Consent Agenda

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

- * (a) FY 1997-98 Budget Ordinance Amendment No. 98BCC000033 (authorize the appropriation of deferred donation [\$60,140] as requested by the Department of Social Services);
- * (b) FY 1997-98 Budget Ordinance Amendment No. 98BCC000034 (approve budget amendment to accept additional intergovernmental revenues [\$517,294] to expand Child Day Care services);
- * (c) FY 1997-98 Budget Ordinance Amendment No. 98BCC000035—Durham County Mental Health (approve budget ordinance amendment to accept additional intergovernmental revenues [\$174,089]); and
- * (d) Hazard Mitigation Grant—agent designation (approve the County Manager as the County’s designated agent regarding FEMA Hazard Mitigation Grants).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 10(a). FY 1997-98 Budget Ordinance Amendment No. 98BCC000033 (authorize the appropriation of deferred donation [\$60,140] as requested by the Department of Social Services).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000033

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

GENERAL FUND

April 13, 1998

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$174,597,375	\$60,140		\$174,657,515
<u>Expenditures</u>				
Human Services	\$206,837,185	\$60,140		\$206,897,325

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

This the 13th day of April, 1998.

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

Consent Agenda10(b). FY 1997-98 Budget Ordinance Amendment No. 98BCC000034 (approve budget amendment to accept additional intergovernmental revenues [\$517,294] to expand Child Day Care services).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000034

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 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>Revenues</u>				
Intergovernmental	\$174,657,515	\$517,924		\$175,175,439
<u>Expenditures</u>				
Human Services	\$206,897,325	\$517,924		\$207,415,249

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

This the 13th day of April, 1998.

April 13, 1998

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

Consent Agenda 10(c). FY 1997-98 Budget Ordinance Amendment No. 98BCC000035—Durham County Mental Health (approve budget ordinance amendment to accept additional intergovernmental revenues [\$174,089]).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000035

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Mental Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,174,809	\$174,089		\$175,348,898
<u>Expenditures</u>				
Human Services	\$207,414,619	\$174,089		\$207,588,708

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

This the 13th day of April, 1998

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

Consent Agenda 10(d). Hazard Mitigation Grant—agent designation (approve the County Manager as the County’s designated agent regarding FEMA Hazard Mitigation Grants).

The resolution follows:

DESIGNATION OF APPLICANT’S AGENT
RESOLUTION

April 13, 1998

BE IT RESOLVED by the Board of Commissioners of the County of Durham that David F. Thompson, County Manager, is hereby authorized to execute for and in behalf of the County of Durham, North Carolina, a public entity established under the laws of the State of NC, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

That the County of Durham, a public entity established under the laws of the State of North Carolina, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 13th day of April, 1998.

MaryAnn E. Black, Chairman

Ellen W. Reckhow, Vice Chairman

William V. Bell, Joe W. Bowser, and Becky Heron, Commissioners

Certification

I, Garry E. Umstead, duly appointed and Clerk to the Board of Durham County Commissioners, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Commissioners of the County of Durham on the 13th day of April, 1998.

Date: April 14, 1998

/s/ Garry E. Umstead

Clerk to the Board

Durham Regional Lease to Duke University Medical Center

Chairman Black updated the Board on this issue. She referred to the letter dated April 13, 1998, to County Attorney Chuck Kitchen from Dr. Ralph Snyderman, Chancellor for Health Affairs at Duke University Medical Center. She asked if any Commissioner had questions about the letter.

Commissioner Heron began with the following questions, comments, and concerns:

1. She expressed concern about the lease and what would happen at the end of 20 years regarding Duke's options and payments for the next 14 years. What kind of mechanism would be put in place to examine the payment amount? \$3.5 million discounted at the rate of 8 percent will have less value in 20 years than today.

April 13, 1998

2. The prepayments will end after 10 years and the yearly payments over the next ten years will decrease in value. We do not know how much money the County will have to use in health activities or “at the County’s discretion.” How much is in the reserve account? It started out as \$27 million and some how has been spent down to \$18 million. We really don’t know the amount. Are we using the right terminology because the \$18 million apparently is in the hospital account, not money from DUMC. As we start the second ten years, that money can be used for other things such as capital needs. At the end of 20 years, the \$18 million may be spent and the one leasing the hospital may not want to lease for an additional 14 years. If that were to happen, the operation of the hospital could be placed back with Durham Regional and it wouldn’t have cash to operate. We must have some protection.
3. We must consider whether the debt becomes Duke’s or Durham Regional’s.
4. The governance appears to be different from the initial proposal.

Vice-Chairman Reckhow followed Commissioner Heron with her concerns, questions, and comments.

1. The major outstanding issue is the lease term. Durham County wanted a 20-year lease; Duke wanted a 34-year lease. Now Duke is offering a 20-year lease with a 14-year renewal option with “extension criteria to be negotiated.” Vice-Chairman Reckhow asked that County Attorney Chuck Kitchen discuss the “extension criteria to be negotiated.” If we have a 20-year lease with a 14-year renewal option, extension criteria should include citizen satisfaction and other softer measures to allow for lease termination. The length of the lease must be negotiated.
2. The Commissioners must approach carefully the severing of the money to be paid up front.
3. Another concern related to the withdrawal terms. We must negotiate the fact that we are required to pay a penalty for withdrawal and DUMC is not.
4. Vice-Chairman Reckhow said she would support the motion with the understanding that she placed a “red flag” on this lease term issue for the attention of the negotiators. Also the section, “opportunity for withdrawal,” will require much work.

Chairman Black asked the Commissioners to choose key points from the citizen comment letters and give them to the Clerk to the Board to be disseminated.

Commissioner Bell commented he is familiar with Dr. Snyderman’s latest letter dated April 13, 1998. He viewed the letter as a template. The issues raised by Commissioner Heron and Vice-Chairman Reckhow will be addressed at the micro level when we get into the definitive agreements.

Chairman Black said the Commissioners should appoint the County Attorney as the County’s designee relative to the lease term agreement and all other documents related to the possible partnership of Durham County/Durham Regional Hospital and Duke University Medical Center.

April 13, 1998

Chairman Black called for a motion.

Commissioner Bowser moved, seconded by Commissioner Bell, to appoint County Attorney Kitchen as the designee for the County on the lease term agreement all other documents related to the possible partnership of Durham County/Durham Regional Hospital and Duke University Medical Center.

The motion carried unanimously.

Chairman Black requested a motion to add that Chairman Black and Commissioner Bell work with County Attorney Chuck Kitchen on this project.

Commissioner Bowser moved, seconded by Commissioner Bell, that Chairman Black and Commissioner Bell work with the County Attorney in arriving at a term agreement with DUMC and Durham Regional Hospital.

The motion carried unanimously.

Commissioner Heron requested that she and Vice-Chairman Reckhow be kept thoroughly informed of the County's direction. "I assume you would like for this final agreement to be a unanimous decision of this Board."

Chairman Black said all the Commissioners will be kept informed and involved in this process. Agreements will come to the Board for review and comment.

Commissioner Heron requested that relative information be given to the Commissioners as it becomes available; the Commissioners should have plenty of time for review and consideration.

Commissioner Bell said it is important to adopt this template as we move forward. It covers key areas of the definitive agreements. It will give Duke comfort that the County is in agreement with the areas that need work.

Commissioner Bell moved, seconded by Commissioner Bowser, to adopt the April 13, 1998 letter to County Attorney Chuck Kitchen from Dr. Ralph Snyderman as the template for moving forward with the definitive agreements.

A lengthy discussion ensued.

April 13, 1998

Vice-Chairman Reckhow reiterated that she would support the motion with the understanding that she placed a “red flag” on the lease term issue for the attention of the negotiators. The section, “opportunity for withdrawal,” will require much work.

Commissioner Heron said she wants it clearly understood that if she supports this motion, major concerns still exist.

The motion on the floor carried unanimously.

Ms. Victoria Peterson, an interested citizen, spoke to the Commissioners about her concerns relative to the hospital merger. She thought that a subcommittee of citizens should be formed to work with the Commissioners on the lease agreement. One or two citizens should be selected to serve with Chairman Black and Commissioner Bell. Ms. Peterson was of the opinion that voters need an opportunity to speak on the hospital issues; lease discussion meetings should be open to the public. Ms. Peterson felt the \$41 million should be spent on health care and economic development, not on pensions. Hospital board meetings should also be opened to the public. The lease agreement should read that Durham Regional Hospital Board meetings will be opened to the public.

Dr. Snyderman expressed gratitude to the County Commissioners for choosing DUMC as the partner for Durham Regional Hospital. “This is the right choice for the community and we are committed to working with the community, the Commissioners, and the Durham Regional Hospital Board to make this a success for everyone.”

County Attorney Kitchen asked the Commissioners to authorize Public Consulting Group Inc. to continue as the County moves forward with the process. Also, an outstanding tax issue exists regarding the Certificates of Participation. County Attorney Kitchen asked that the Commissioners authorize him to employ a bond counsel (Robinson Bradshaw and Hinson, P.A.) to examine this tax matter and to transfer \$10,000 from contingency into the Legal Department’s budget for this expense.

Commissioner Bell moved, seconded by Commissioner Bowser, to grant County Attorney Chuck Kitchen’s request to employ a bond counsel (Robinson Bradshaw and Hinson, P.A.) to examine this tax matter and to transfer \$10,000 from contingency into the Legal Department’s budget for this expense.

The motion carried unanimously.

Other Human Services--Teen Court and Restitution

Authorization was requested to recognize \$73,778 in intergovernmental revenues from the Administrative Office of the Courts, Community Based Alternatives, and Durham Public

April 13, 1998

Schools for Teen Court and the Juvenile Restitution Program. Durham County is serving as the fiscal agent through which the grant funds pass and are distributed to the programs.

Teen Court is designed to provide middle and high school students with an alternative system of justice that will increase their understanding of the legal system and allow positive peer pressure to operate as an effective deterrent to delinquent and criminal behavior. The Durham Juvenile Restitution Program is a centralized program that holds certain offenders accountable by placing them in supervised community service work projects and monitoring compliance. This program will provide Juvenile Court with a viable resource--a cost-effective means of restorative justice--that will allow offenders to develop positive values, skills, and discipline and provide reparation to victims and service to the community.

No local dollars are involved and no subsequent year impact on local funding is anticipated.

County Manager's Recommendation: I recommend approval of budget amendment 98BCC000032 as submitted.

Ms. Jane Volland, Program Director for Teen Court and the Juvenile Restitution Program, gave the Commissioners an overview of the programs, goals, and progresses.

The Commissioners made comments and expressed support of Teen Court and the Juvenile Restitution Program.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve FY 1997-98 Budget Ordinance Amendment No. 98BCC000032 in the amount of \$73,778.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1997-98 Budget Ordinance
Amendment No. 98BCC000032

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1997-98 Budget Ordinance is hereby amended to reflect budget adjustments for Teen Court and the Juvenile Restitution Program in Human Services.

GENERAL FUND

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

April 13, 1998

Revenues

Intergovernmental	\$174,523,597	\$73,778	\$174,597,375
-------------------	---------------	----------	---------------

Expenditures

Human Services	\$206,763,407	\$73,778	\$206,837,185
----------------	---------------	----------	---------------

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

This the 13th day of April, 1998.

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

Case M97-8: Major Special Use Permit For City Auto Salvage--Adopt Order

City Auto Salvage requested the granting of a Major Special Use Permit to allow for a salvage operation and yard, including the construction/repair to an existing one-story, 13,000-square-foot metal building. The site is located at 1301 South Miami Boulevard (US Highway 70 East) on the northeast side of US 70 between Mineral Springs Road and Pleasant Drive. Tax Map 657-1-1 & 2.

The Board of Commissioners, at its March 23, 1998 meeting, directed the Planning Director to prepare an order granting with conditions the use permit in Case M97-8.

Harold Smith, Senior Planner, presented the order and answered questions.

County Manager's Recommendation: Approve the order granting the Major Special Use Permit with conditions.

Chairman Black called for a motion to approve the order.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the order granting the Major Special Use Permit with conditions.

The motion carried unanimously.

The order follows:

ORDER GRANTING, UPON CERTAIN CONDITIONS, A MAJOR SPECIAL
USE PERMIT FOR CITY AUTO SALVAGE (CASE M97-8)

April 13, 1998

The Durham County Board of Commissioners, having conducted a hearing on Case M97-8 (March 23, 1998) 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 COMMISSIONERS HEREBY FINDS that the use meets the requirements of 7.35 and 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; and
3. Will not adversely affect the health or safety of the public.

THE BOARD OF COMMISSIONERS ALSO FINDS that satisfactory consideration has been given to the considerations listed in 13.2.4 of the Ordinance.

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

1. That a formal easement be recorded at Durham County Register of Deeds establishing the 80-foot-wide undisturbed existing vegetation buffers on the abutting properties owned by the applicant, Mr. Joseph R. Guarglia, adjacent to the eastern and southern property lines of the I-2(D) zoned City Auto Salvage site, prior to the issuance of building permits.
2. That a formal easement be recorded at Durham County Register of Deeds establishing 80-foot-wide undisturbed existing vegetation buffers on adjacent land to the west and to the north, currently under contract to be purchased by the applicant.
3. If the additional land is not acquired, the applicant shall provide the landscaped buffers along the northern and western property lines of the I-2(D) zoned City Auto Salvage site as shown on the approved site plan.
4. That the salvage operation yard shall not extend beyond the approved 10-foot Special Use Boundary as shown on the approved 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.

This determination and Order is effective upon and after the date of its adoption as shown by the stamp of the County Clerk below.

Approved By The
Board of County Commissioners

April 13, 1998

April 13, 1998
/s/ Garry E. Umstead
Clerk to the Board

Purchase of Routers for Library Government Information Access System: Public Internet Access

The Board was requested to authorize the County Manager to enter into a contract with GTE for the acquisition of Bay Network Routers as specified in Invitation For Bid #98-026 for the Library Government Information Access System: Public Internet Access Project, for a total amount of \$39,625.37. The routers requested will be located at Durham County Government's Information Services Department and all Durham County Library System locations. The funds for this acquisition are in PAYG for this FY '98 budget.

On Monday, October 13, 1997, the Commissioners approved the Library Government Information Access System: Public Internet Access Project as part of the consent agenda for PAYG projects with an approved budget of \$350,000.

IS staff developed the specifications for wide area network (WAN). Purchasing staff prepared IFB #98-026. The bid was sent out on March 19, 1998 to nine vendors. There were three responses; GTE was the low bid.

Durham County Library may be eligible for a 60-percent refund on telecommunications and information services under the Schools and Libraries Universal Service for this acquisition. Request for eligibility must be mailed by April 14, 1998, for the Durham County Library to be eligible for the first round of telecommunication discounts awarded to schools and libraries. Eligibility will be determined in the upcoming months. If the County does receive such refund, it would be returned to the General Fund.

Resource persons for this item are Dale Gaddis, Sandra Phillips, and Perry Dixon.

County Manager's Recommendation: Approve the expenditure and authorize the County Manager to enter into a contract with GTE for the acquisition of the Bay Network Routers.

Ms. Gaddis, Director of Libraries, presented the proposal.

The Commissioners asked questions and made comments about the proposal.

The bid tabulation follows:

BAY NETWORK ROUTERS
IFB #98-026

April 13, 1998

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>	<u>BID RESPONSES</u>
Anixter	\$51,674.00	Includes Installation
GTE	\$39,625.37	Includes Installation
Alphanumeric Systems	No bid	Cannot be competitive

- It is in the best interest of the County to make an award on a lump sum basis to obtain a more favorable delivery date as indicated in the Special Terms and Conditions, Paragraph 4, Contract Award clause of IFB #98-026.
- Award is made to the lowest responsive and responsible bidder as specified in the bid requirements.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the expenditure and authorize the County Manager to enter into a contract with GTE for the acquisition of the Bay Network Routers.

The motion carried unanimously.

Tree Ordinance Development

Commissioner Bell asked what is being done in the County relative to development and the preserving of trees. He asked the status of the overlay zone being considered by the Joint City-County Planning Committee.

Commissioner Heron responded that the committee is examining ordinances to protect steep slopes, wetlands, and trees. We hope to have ordinances to protect the sensitive areas.

County Attorney Chuck Kitchen made comments about the proposed ordinances under consideration.

Vice-Chairman Reckhow requested information from County Attorney Kitchen on the statute regulating clear-cutting businesses.

Budget Calendar

Vice-Chairman Reckhow requested the County Manager present the FY 1998-99 proposed budget to the Commissioners in mid May.

County Manager David F. Thompson discussed the proposed budget calendar and related matters.

April 13, 1998

Chairman Black requested a meeting be scheduled with the Durham Public Schools Board of Education.

Board Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make an appointment to the Environmental Affairs Board.

Mr. Earl G. McCune was appointed to an unexpired term on the board to fill the air resources position. His term expires June 1, 2001.

Closed Session Motion

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to move into Closed Session to preserve the attorney-client privilege, and to discuss the case of *In the Matter of the County of Durham, DV 97-017* pursuant to G.S. 143-318.11(a)(3).

The motion carried unanimously.

Vice-Chairman Reckhow Excused

Vice-Chairman Reckhow stated she wished to be excused from the start of the next Commissioner meeting scheduled for April 27, 1998; she will be returning from out of town around 7:00 p.m.

Commissioner Heron moved, seconded by Commissioner Bowser, to excuse Vice-Chairman Reckhow from the first portion of the April 27, 1998 Regular Session.

The motion carried unanimously.

Closed Session

The Board of Commissioners moved into Closed Session.

Reconvene Into Open Session

County Attorney Chuck Kitchen said the Commissioners discussed the matter of the County of Durham, DV 97-017. This was a fine that has been posed by the State on the County for the Triangle Wastewater Treatment Plant sewage spill. Mr. Kitchen asked the Board to direct him to file a request for a remission or mitigation of this fine with the State.

April 13, 1998

Commissioner Heron moved, seconded by Commissioner Bowser, to authorize the County Attorney to fill a request for a remission or mitigation of the fine with the state.

County Attorney Kitchen said, for the record, that the facts stated in this assessment are not correct, especially the portion placing blame on staff. However, the process of mitigation will not allow us to protest those facts.

Chairman Black instructed County Attorney Kitchen to send a letter to the State saying we do not agree with the findings pertaining to staff. The letter should be included in the State's record to protect County staff.

Adjournment

Chairman Black adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS