

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

Monday, December 14, 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, Vice-Chairman Ellen W. Reckhow, and Commissioners William V. Bell (arrived late), Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Closed Session

Chairman Black stated the Commissioners went into Closed Session at the end of the 5:30 p.m. quasi-judicial public hearing. A portion of the Closed Session was completed; the second portion would be held at the end of this meeting. The Commissioners directed the County Attorney to proceed with several legal issues brought before them.

Opening of Regular Session

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

Motion to Excuse Commissioner Heron From the January 4, 1999 Worksession

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to excuse Commissioner Heron from the January 4, 1999 Worksession.

The motion carried unanimously.

Agenda Adjustments

County Manager David F. Thompson asked to make a comment prior to approval of the consent agenda.

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Chairman Black said the Commissioners must set a date for a quasi-judicial public hearing regarding Case M98-1—Gearon Communications.

Chairman Black advised that a date be decided upon for a Commissioner retreat in January 1999.

Chairman Black commented that backup material will be distributed for two agenda items before approval of the consent agenda.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the October 26, 1998 Regular Session, November 2, 1998 Worksession, and November 9, 1998 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

Public Health--Recognition of Van Tanner as Laboratorian of the Year

The Health Department requested recognition of Van Tanner as North Carolina Public Health Association Laboratorian of the Year. Mr. Tanner worked as Laboratory Supervisor at Durham County Health Department from October 25, 1993 through July 17, 1998. He is presently pursuing certification as a Physician's Assistant at Duke. Mr. Tanner's many accomplishments include: saving the County more than \$45,000 through negotiating volume discounts for outside laboratory tests; implementing on-line, real-time computerized laboratory reporting to eliminate duplication of staff time in record retrieval; and initiating lab services for Durham County Mental Health to provide more rapid results and generate increased revenue. He has also volunteered to draw blood in the Jail infirmary to eliminate the need to transport prisoners for this service, and has established chlamydia testing at remote sites in the County. Mr. Tanner successfully attained compliance certification for the Laboratory under the Clinical Laboratory Improvement Act of 1988 (CLIA 88) and coordinated the Durham County blood drive for the last two years. He has earned the enduring thanks and gratitude of the 200 Health Department employees with his continued enthusiasm for "Doing the Right Thing for the Right Reason."

Janice D. Stratton, MD, Assistant Health Director, was the resource person for this item.

County Manager's Recommendation: The Manager was pleased to join the Commissioners in congratulating Mr. Tanner for his accomplishments in receipt of this award.

Dr. Stratton made remarks about the recognition and presented the plaque to Mr. Tanner.

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The plaque read:

Laboratorian of the Year Presented to Van Tanner in Recognition of Outstanding
Laboratory Service in the Field of Public Health in North Carolina
September 16, 1998

Mr. Tanner made remarks of appreciation for the recognition.

Presentation of Finalist Award to Durham County Government by the Greater Durham Chamber of Commerce for “Education: Top Priority”

Education: Top Priority is a partnership between the Chamber of Commerce and Durham Public Schools. The program is intended to improve the schools, prepare for a more vibrant economic future, and encourage employees to pursue a higher level of education. Employees in area businesses offer volunteer services to the schools in the areas of tutoring, mentoring, etc. Each year the program focuses on one project to help schools. This year, employee volunteers, including Durham County employees, are tutoring students at five elementary schools with the poorest reading levels (based on 1996-97 ABC test results). The Chamber took this opportunity to recognize the County for its continuing contribution to this community effort.

Resource Persons: Harry Land, Chairman; Thomas J. White, President and CEO

County Manager’s Recommendation: The Board of County Commissioners has continuously emphasized the importance employee involvement as volunteers in the Durham Public Schools system. This award is an indicator that County employees have embraced being actively involved as volunteers. Accept this award on behalf of our employee family.

Tracy Gotez, Vice Chairman of the Education and Community Division for the Greater Durham Chamber of Commerce, represented the Chamber’s 1998 “Education: Top Priority” nonprofit award to the Durham County Commissioners and Durham County Manager David F. Thompson.

Chairman Black accepted the plaque with words of appreciation. She thanked Durham County employees for volunteering their time to this project.

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The plaque inscription follows:

EDUCATION
1998
EDUCATION: Top Priority Award
Finalist
presented to
DURHAM COUNTY GOVERNMENT
Non-Profit Division
for
Translating Your Commitment To Education
Into Action

Presented by: Greater Durham
Chamber of Commerce

Consent Agenda

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

- (a) Untimely application for property tax exemption—Christian Assembly Church (support the Tax Administrator’s recommendation to accept the untimely application for exemption and release the 1998 property taxes for Christian Assembly Church);
- * (b) Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- * (c) Vehicles—General Services, Animal Control, Fire Marshal, Mental Health, and Sheriff’s Departments (authorize the County Manager to enter into a contract with University Ford Inc. for \$755,544.00 and Bobby Murray Chevrolet for \$21,348.24 for the procurement of 41 vehicles);
- * (d) Property imaging services (authorize the County Manager to negotiate and enter into a contract with Mobile Video Services Inc. in an amount of \$129,563.05 for the services. The County Manager also requests authority to make adjustments to this contract if the scope of work changes as per the needs of the reappraisal);

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- * (e) FY 1998-99 Budget Ordinance Amendment No. 99BCC000020 (Public Health—recognize grant revenue [\$3,374] for promotion of the Health Choice Insurance Program for Children);
- * (f) FY 1998-99 Budget Ordinance Amendment No. 99BCC000021 (Public Health—recognize grant revenue [\$2,380] for the Breast and Cervical Cancer Control Program in Health Education);
- * (g) FY 1998-99 Budget Ordinance Amendment No. 99BCC000022 (Public Health—recognize grant revenue [\$1,000] for the STD/HIV Risk Reduction Program in Health Education);
- * (h) FY 1998-99 Budget Ordinance Amendment No. 99BCC000023 (Public Health—recognize grant revenue [\$20,000] to provide health education for Carolina Access II enrollees);
- * (i) FY 1998-99 Budget Ordinance Amendment No. 99BCC000024 (Public Health—recognize funds received [\$14,512] in the General Health Clinics of the Health Department);
- * (j) FY 1998-99 Budget Ordinance Amendment No. 99BCC000025 (encumbrances—approve budget amendment as submitted);
- * (k) Contract—two new ambulances—Emergency Medical Services (authorize the County Manager to proceed with a contract to Wheeled Coach Inc. for \$142,500);
- * (l) Contract—two ambulance remounts—Emergency Medical Services (authorize the County Manager to proceed with a contract to TransMed Inc. for \$88,563);
- * (m) Approval of electrical renovations contract for the James A. Whitted School building (authorize execution of the contract to Advanced Electrical Technologies Inc., the low bidder, in the amount of \$150,000 and authorize the County Manager to execute change orders, if necessary, not to exceed \$160,000);
- * (n) Closed Session Minutes—approval of minutes to be opened (approve the following Closed Session Minutes:
 - Monday, June 3, 1996
 - Tuesday, June 4, 1996
 - Tuesday, September 3, 1996
 - Monday, October 7, 1996

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- Monday, November 25, 1996
Monday, January 13, 1997
Monday, January 27, 1997
Monday, February 10, 1997
Monday, April 14, 1997
Monday, April 28, 1997
Monday, May 5, 1997
Monday May 12, 1997
Monday, August 4, 1997
Monday, November 10, 1997
Monday, June 15, 1998
Monday, November 23, 1998);
- * (o) Resolution to release funds to Triangle J Council of Governments (approve the resolution in the amount of \$2,481.89);
 - * (p) Coordinated Transportation/DSS—1998-99 Work First Transitional/Employment Transportation Assistance (authorize Cooperative Extension and Department of Social Services to apply and accept SFY1998-99 Work First Transitional Transportation Assistance funds from the state of North Carolina);
 - * (q) Standard non-reimbursable utility contract for extension of the County sanitary sewer system (authorize execution of the standard non-reimbursable utility contracts for extension of the County sanitary sewer system); and
 - * (r) Appointments—boards and commissions (appoint Beth Froehling to the Animal Control Advisory Committee to represent the District Attorney’s Office per the Animal Control Ordinance).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 6(b). Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator 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 November 1998.

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For current FY 98-99, releases and refunds amounted to \$103,087.94 in taxes for real property, \$1,445,313.95 in taxes for personal property, \$33,618.00 in taxes for registered motor vehicles, \$465.00 in City vehicle fees, and \$275.00 in solid waste fees.

For prior years, releases and refunds amounted to \$31,621.35 in taxes and fees.

(Recorded in Appendix A in the Permanent Supplement of the December 14, 1998 Minutes of the Board.)

Consent Agenda 6(c). Vehicles—General Services, Animal Control, Fire Marshal, Mental Health, and Sheriff’s Departments (authorize the County Manager to enter into a contract with University Ford Inc. for \$755,544.00 and Bobby Murray Chevrolet for \$21,348.24 for the procurement of 41 vehicles).

**SUMMARY OF BID TABULATION - IFB NO. 99-019
Vehicles - Durham County General Services, Animal Control, Fire Marshal, Mental
Health, and Sheriff’s Departments**

Bidder	Bid Price
Bobby Murray Chevrolet Inc. 1820 Capital Blvd. Raleigh, NC 27616	\$245,861.89
Capitol Ford 4900 Capitol Blvd. Raleigh, NC 27616	No Response
Cross Roads Ford 1101 Buck Jones Road Raleigh, NC 27606	No Response
Elkins Chrysler 125 E West Expressway Durham, NC 27701	No Response
Swab Wagon Co. One Chestnut Avenue Elizabethville, PA 17023	No Response
Morgan Dodge 3601 Hillsborough Road Durham, NC 27705	No Response
Oxford Ford 314 Roxboro Road Oxford, NC 27565	No Response
Performance Chevrolet P O Box 2287 Chapel Hill, NC 27515	No Response
RPM Lincoln Mercury 3621 Chapel Hill Blvd. Durham, NC 27707	No Response
Superior Specialty Vehicles	No Response

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P O Box 1196 Wake Forest, NC 27588	
Rick Hendrick Chevrolet 600 E. Main Street Durham, NC 27702	No Response
University Ford 600 Carr Street Durham, NC 27702	\$678,736.00
Don Lacefield Chevrolet Churton Street Extension Hillsborough, NC 27278	No Response

SUMMARY OF RECOMMENDED BID AWARD

<u>Vehicle Type and Department</u>	<u>Initial Qty Requested</u>	<u>Additional Qty Requested</u>	<u>University Ford</u>	<u>Bobby Murray Chevrolet</u>
Specification #1 Sheriff Department Police Package 1999 Full-Size 4-Door Sedans	21	6	\$537,705	
Specification #2 Sheriff Department Police Package 1999 Mid-Size 4-Door Sedans	7		\$103,943	
Specification #3 Sheriff Department 1999 Full-Size 4-Door Sedan	1		\$ 22,899	
Specification #4 General Services 1999 ¾ Pickup Truck	1		\$ 17,342	
Specification #5 General Services 1999 Compact Pickup Truck	1		\$ 11,866	
Specification #6 General Services 1999 ¾ 3 + 3 Crew Cab Pickup Truck	1		\$ 20,472	
Specification #7 General Services 1999 Pickup Truck	1		\$ 17,200	
Specification #8 Fire Marshal 1999 Full-Size 4-Wheel Drive Truck	1		\$24,117	
Specification #10 Mental Health 1998/99 15 Passenger Van	1			\$21,348.24
TOTAL TO BE AWARDED	35	6	\$755,544	\$21,348.24

Note:

Specification #9 Animal Control
1999 Full-Size 2-Wheel Drive Truck

Bids rejected: Modification to vehicle specifications required.

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Consent Agenda 6(d). Property imaging services (authorize the County Manager to negotiate and enter into a contract with Mobile Video Services Inc. in an amount of \$129,563.05 for the services. The County Manager also requests authority to make adjustments, increasing or decreasing by \$10,000, if the scope of work changes as per the needs of the reappraisal).

PROPOSAL TABULATION
PROPERTY IMAGING SERVICES
RFP #99-018

NAME OF FIRM	TOTAL PROPOSAL COST	RESPONSES
Mobile Video Services Inc.	\$129,563.05	Met all proposal requirements
Digital Descriptor Systems Inc.	\$179,572.00	Met all proposal requirements
Cole-Layer-Trumble Company	\$241,400.00	Met all proposal requirements

Consent Agenda 6(e). FY 1998-99 Budget Ordinance Amendment No. 99BCC000020 (Public Health—recognize grant revenue [\$3,374] for promotion of the Health Choice Insurance Program for Children).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovt'l	\$175,849,724	\$3,374		\$175,853,098
<u>Expenditure</u>				
Human Services	\$208,743,633	\$3,374		\$208,747,007

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

This the 14th day of December, 1998.

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

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Consent Agenda 6(f). FY 1998-99 Budget Ordinance Amendment No. 99BCC000021 (Public Health—recognize grant revenue [\$2,380] for the Breast and Cervical Cancer Control Program in Health Education).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000021

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovt'l	\$175,842,098	\$2,380		\$175,844,478
<u>Expenditure</u>				
Human Services	\$208,747,007	\$2,380		\$208,749,387

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

This the 14th day of December, 1998.

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

Consent Agenda 6(g). FY 1998-99 Budget Ordinance Amendment No. 99BCC000022 (Public Health—recognize grant revenue [\$1,000] for the STD/HIV Risk Reduction Program in Health Education).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000022

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

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GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovt'l	\$175,844,478	\$1,000		\$175,845,478
<u>Expenditure</u>				
Human Services	\$208,749,387	\$1,000		\$208,750,387

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

This the 14th day of December, 1998.

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

Consent Agenda 6(h). FY 1998-99 Budget Ordinance Amendment No. 99BCC000023 (Public Health—recognize grant revenue [\$20,000] to provide health education for Carolina Access II enrollees).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovt'l	\$175,845,478	\$20,000		\$175,865,478
<u>Expenditure</u>				
Human Services	\$208,750,387	\$20,000		\$208,770,387

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

This the 14th day of December, 1998.

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

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Consent Agenda 6(i). FY 1998-99 Budget Ordinance Amendment No. 99BCC000024 (Public Health—recognize funds received [\$14,512] in the General Health Clinics of the Health Department).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000024

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovt'l	\$175,865,478	\$14,512		\$175,879,990
<u>Expenditure</u>				
Human Services	\$208,770,387	\$14,512		\$208,784,899

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

This the 14th day of December, 1998.

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

Consent Agenda 6(j). FY 1998-99 Budget Ordinance Amendment No. 99BCC000025 (encumbrances—approve budget amendment as submitted).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000025

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 budget ordinance is hereby amended to reflect budget adjustments for encumbrances.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Other Financing Sources	\$3,260,587	\$1,747,070		\$5,007,657

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Expenditures

General Government	\$17,714,079	\$360,348	\$18,074,427
Public Safety	\$27,940,394	\$452,051	\$28,392,445
Environmental Protection	\$1,596,003	\$6,300	\$1,602,303
Economic & Physical Development	\$3,874,399	\$1,470	\$3,875,869
Hum Svcs	\$208,774,899	\$768,273	\$209,543,172
Cultural and Recreation	\$6,737,310	\$158,628	\$6,895,938

REVALUATION FUND

Revenues

Fund Balance Appropriated	\$204,488	\$4,637	\$209,125
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Expenditures

Revaluation Fund	\$204,488	\$4,637	\$209,125
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SEWER UTILITIES

Revenues

Fund Balance Appropriated	\$8,092,228	\$151,948	\$8,244,176
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Expenditures

Project Management	\$8,092,228	\$151,948	\$8,244,176
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EQUIPMENT LEASING FUND

Revenues

Fund Balance Appropriated	\$1,976,503	\$28,410	\$2,004,913
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Expenditures

Equipment Leasing Fund	\$1,976,503	\$28,410	\$2,004,913
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of December, 1998.

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

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Consent Agenda 6(k). Contract—two new ambulances—Emergency Medical Services (authorize the County Manager to proceed with a contract to Wheeled Coach Inc. for \$142,500).

DURHAM COUNTY BID TABULATION
BID NO. 99-007
TWO NEW AMBULANCES
BID OPENING: NOVEMBER 18, 1998
2:00 P.M.

BIDDER	TERMS/DELIVERY	MAKE/MODEL	UNIT PRICE	TOTAL BID
Braun Industries Inc. 104 N. Fourth Street Oakwood, Ohio 45873	No Response			
Road Rescue Inc. 1133 Rankin Street St. Paul, Minnesota 55661	No Response			
TransMed Industries Inc. 255 O'Dell Road Griffin, Georgia 30224	Delivery--90 days	1999 E-450 XL Super Duty	\$71,515.00	\$143,030.00
Excellance Inc. 453 Lanier Road Madison, Alabama 35758	No Response			
Frazer Inc. 7219 Rampart Houston, Texas 77274	No Response			
Wheeled Coach Inc. P O Box AP Falkland, NC 27827		1999 Type III Super Duty	\$71,250.00	\$142,500.00*
Superior Specialty Vehicles P O Box 1196 Wake Forest, NC 27588	Delivery--90-110 days	1999 Custom 1640 Marque E-450	\$73,999.00	\$147,998.00
National Ambulance Builders 230 North Ortman Drive Orlando, Florida 32805	No Response			
McCoy-Miller 1110 DI Drive Elkhart, Indiana 46514	No Response			
Muster Associates P O Box 160 Calhoun, Kentucky 42327	No Response			
Chiefs Fire & Rescue P O Box 1179 Jefferson, NC 27640	No Response			
Westside Specialty Vehicles 21 Westside Drive Asheville, NC 28806	No Response			

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Universal Emergency Vehicles 1100 Ashbury Avenue Ashbury Park, NJ 07712	No Response			
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*Low Bid

Consent Agenda 6(l). Contract—two ambulance remounts—Emergency Medical Services (authorize the County Manager to proceed with a contract to TransMed Inc. for \$88,563).

DURHAM COUNTY BID TABULATION

BID NO. 99-008

TWO (2) AMBULANCE REMOUNTS

BID OPENING: NOVEMBER 18, 1998

3:00 P.M.

BIDDER	TERMS/DELIVERY	MAKE/MODEL	UNIT PRICE	TOTAL GROSS BID PRICE	Offer To Purchase Two (2) Surplus Chassis	TOTAL NET BID PRICE
Braun Industries Inc. 104 N. Fourth Street Oakwood, Ohio 45873	No Response					
Road Rescue Inc. 1133 Rankin Street St. Paul, Minnesota 55116	No Response					
TransMed Industries Inc. 255 O'Dell Road Griffin, Georgia 30224	Delivery - 60-90 days	1999 Ford E-350 XL	\$46,281.50	\$ 92,563.00	Chassis #1 - \$1,500 Chassis #2 - \$2,500	\$ 88,563.00*
Excellance Inc. 453 Lanier Road Madison, Alabama 35758	Delivery - 45-90 days	1999 Ford E-350 138" RV Cutaway	\$58,280.33	\$118,560.66	Chassis #1 - \$1,500 Chassis #2 - \$1,500	\$115,560.66
Frazer Inc. 7219 Rampart Houston, Texas 77274	No Response					
Wheeled Coach Inc. P O Box AP Falkland, NC 27827	No Response					
Superior Specialty Vehicles P O Box 1196 Wake Forest, NC 27588	Delivery - 45-60 days	Ford E-350	\$59,300.00	\$118,600.00	Chassis #1 - \$1,000 Chassis #2 - \$1,000	\$116,600.00
National Ambulance Builders 230 North Ortman Drive Orlando, Florida 32805	No Response					
McCoy-Miller 1110 DI Drive Elkhart, Indiana 46514	No Response					
Muster Associates P O Box 160 Calhoun, Kentucky 42327	No Response					
Chiefs Fire & Rescue P O Box 1179 Jefferson, NC 27640	No Response					
Westside Specialty Vehicles 21 Westside Drive Asheville, NC 28806	No Response					
Universal Emergency Vehicles 1000 Ashbury Ave. Asbury Park, NJ 07712	No Response					

*Low Bid

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Consent Agenda 6(m). Approval of electrical renovations contract for the James A. Whitted School building (authorize execution of the contract to Advanced Electrical Technologies Inc., the low bidder, in the amount of \$150,000 and authorize the County Manager to execute change orders, if necessary, not to exceed \$160,000).

Durham County General Services Department
 Project: James A. Whitted School Electrical Renovations
 Location: 200 East Umstead Street, Durham, NC 27707
 Subject: Bid Summary (Re-Bid)
 Date: November 19, 1998

Item #	Description	License #	5% Bond	Addendum 1 Received	Addendum 2 Received	Base Bid	Alternate #1	Alternate #2	Total
1.00	Advanced Electrical Technology 1251 N.W. Maynard Rd, Suite 351 Cary, NC 27513 M/WBE Form Included	19952-U	Yes	N/A	N/A	\$150,000	N/A	N/A	\$150,000*
2.00	Pendergraph Electric 1910 E. Pettigrew Street Durham, NC 27703 M/WBE Form Included	18491-U	Yes	N/A	N/A	\$221,526	N/A	N/A	\$221,526

*Low Bid

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Capital Projects Budget Ordinance
 Amendment No. 99CPA000002

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Whitted School Pay-As-You Go Project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Whitted School</u>	\$20,000	\$160,000		\$180,000

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

This the 14th day of December, 1998.

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

Consent Agenda 6(n). Closed Session Minutes—approval of minutes to be opened (approve the following Closed Session Minutes:
 Monday, June 3, 1996

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Tuesday, June 4, 1996
Tuesday, September 3, 1996
Monday, October 7, 1996
Monday, November 25, 1996
Monday, January 13, 1997
Monday, January 27, 1997
Monday, February 10, 1997
Monday, April 14, 1997
Monday, April 28, 1997
Monday, May 5, 1997
Monday May 12, 1997
Monday, August 4, 1997
Monday, November 10, 1997
Monday, June 15, 1998
Monday, November 23, 1998);

(The minutes are recorded in a black binder (“Unsealed Closed Session Minutes”) in the Clerk’s office. They are an integral part of the recorded minutes.)

Consent Agenda 6(o). Resolution to release funds to Triangle J Council of Governments (approve the resolution in the amount of \$2,481.89).

RESOLUTION 98/99
BY DURHAM COUNTY

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and

WHEREAS, the General Assembly continued to recognize this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members’ dues or assessments to Lead Regional Organizations or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the State’s General Funds; and

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WHEREAS, in Region J, funds in the amount of \$48,015 will be used to carry out the economic development plan approved by the COG Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to, and consequently, the benefits of the Research Triangle Park:

NOW, THEREFORE, BE IT RESOLVED that Durham County requests the release of its \$2,481.89 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of section 16.5 of Senate Bill 352, the 1997 ratified budget bill. Adopted this 14th day of December, 1998 at 7:15 p.m. by:

_____ (signature)

SEAL

Chief Elected Official
MaryAnn E. Black, Chairman

_____ (signature)

Witness
Garry E. Umstead, CMC, Clerk to the Board

Consent Agenda 6(p). Coordinated Transportation/DSS—1998-99 Work First Transitional/Employment Transportation Assistance (authorize Cooperative Extension and Department of Social Services to apply and accept SFY1998-99 Work First Transitional Transportation Assistance funds from the state of North Carolina).

APPLICANT SEEKING PERMISSION TO APPLY AND ACCEPT
SFY1998-99 WORK FIRST TRANSITIONAL/EMPLOYMENT
TRANSPORTATION ASSISTANCE FUNDS

A motion was made by Board of County Commission member Ellen W. Reckhow and seconded by member Becky M. Heron for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/or other employment transportation needs; and

WHEREAS, the SFY1998-99 funds are available for eligible program costs for the period specified by the North Carolina Department of Transportation; and

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WHEREAS, the Durham County Board of Commissioners has approved the local entity(s) designated to receive the operating allocation for Work First and employment transportation; and

WHEREAS, the Durham County Board of Commissioners hereby assures and certifies that it will comply with state statutes, executive orders, and all administrative requirements which relate to applications, made to and assistance received from the North Carolina Department of Transportation for the Work First Transitional/Employment Transportation Assistance program:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners hereby submits an application for SFY1998-99 Work First Transitional/Employment Transportation Assistance funds for use by the designated local entity(s) and assures that it will provide to the North Carolina Department of Transportation information regarding the use of the funds at such time and in such manner as the Department may require.

I Garry E. Umstead, CMC, Clerk to the Board, do hereby certify that the above is a true and correct copy of an excerpt of the minutes of a meeting of the Durham County Board of Commissioners duly held on the 14th day of December, 1998.

/s/ Garry E. Umstead

Signature of Certifying Official

Subscribed and sworn to me on December 15, 1998

/s/ Susan B. Page

Notary Public

Durham County Government Administrative Complex

200 E. Main Street, Durham, NC 27701

My commission expires on 12-20-2000.

Public Hearing to Consider Allocating Economic Development Investment Funds to AISIN AW COMPANY, LTD.

AISIN AW COMPANY, LTD is considering locating a 250,000-square-foot automotive components assembly facility in Treyburn Corporate Park which is located in the northern part of Durham County. The value of this facility will be at least \$75 million. Upon completion, the facility will assemble torque convertors, oil pumps, clutches, and stampings for Toyota. AISIN AW expects to create at least 150 new production jobs within the first year of operation.

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AISIN AW is in the process of making the final decision on the proposed facility location. Staff is aware of a backup site in another North Carolina county which is being considered for this investment. AISIN AW 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. AISIN AW is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading, and the extension of water and sewer utilities.

Staff recommended that the County participate in this economic development project by reimbursing AISIN AW up to \$2,000,000 for the costs of site preparation activities, extending water and sewer utilities to the site, and associated development fees. The reimbursement payments would be made in equal installments over a five-year period with revenues from the County's General Fund beginning the fiscal year *after* construction of the new facility has been completed.

County Manager's Recommendation: Approve the contract between Durham County and AISIN AW COMPANY, LTD to allow for the reimbursement of costs associated with site preparation activities and extending water and sewer utilities to the proposed facility. According to the contract, AISIN AW will need to construct an automotive parts assembly facility with a value of at least \$75 million and create at least 150 new jobs prior to receiving reimbursement payments.

David Powell, Economic Development Director, presented the County Commissioners an overview of the proposal. The public hearing was required since the company wished to access the County's Economic Development Investment Fund up to \$2,000,000.

Chairman Black opened the public hearing that was properly advertised.

Harry Land, 2405 Moors Mill Road, Rougemont; Phail Wynn Jr., 5915 Williamsburg Way, Durham; and Tom White, 2729 Sevier Street, Durham, spoke in strong support of the proposed project and urged the County Commissioners to support the project through the County's Economic Development Investment Fund.

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

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the contract between Durham County and AISIN AW COMPANY, LTD to allow for the reimbursement of costs associated with site preparation activities and extending water and sewer utilities to the proposed facility.

The motion carried unanimously.

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Triangle Township Plan Amendment—Public Hearing

The Triangle Township Plan adopted by the Board in October of 1993 is under review for amendment. The amendment would change the land use designation shown on the Triangle Township Plan Future Land Use map of an area east of Page Road and south of Globe Road in eastern Durham County from Office to Industrial. The area in question abuts the border with Wake County. The amendment is in response to a ruling of the County Attorney regarding the plan.

Paul Norby, Durham City/County Planning Department, was present to present this item.

Mr. Norby presented a detailed report of the plan amendment. He stated that staff recommended change in the plan.

Chairman Black opened the public hearing that was properly advertised.

James T. Hedrick, attorney for Brier Creek Associates, LP, spoke about the rezoning Case P98-43. This request was deferred by the Board on November 23, 1998 to allow the Triangle Township PAC to review the request and amend the Triangle Township Plan to match this rezoning request. Mr. Hedrick supported the amendment.

George A. Brine, 6505 Hunters Lane, said the proposed amendment is reasonable; he recommended approval. Mr. Brine was on the original committee that drafted the Triangle Township Plan.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Board amend the Triangle Township Plan A98-1 as in the staff report.

The motion carried unanimously.

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The amendment follows:

AREA PLAN AMENDMENT
TRIANGLE TOWNSHIP PLAN

WHEREAS, land use decisions are reviewed from time to time; and

WHEREAS, development assumptions are based on current knowledge and trends; and

WHEREAS, land use designations in the Future Land Use Map of the Triangle Township Plan are based on development assumptions; and

WHEREAS, the circumstances governing land development have changed in the vicinity of the Wake County boundary as a result of decisions by other jurisdictions:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners reviews the Future Land Use Map of the Triangle Township Plan; and

BE IT FURTHER RESOLVED that the Durham County Board of Commissioners amends the Triangle Township Plan to designate the area (Tax Map 581-3-4 and south) east of Page Road and south of Globe Road identified for Office land uses to Industrial land uses; and

BE IT FURTHER RESOLVED that this amendment be effective upon passage.

Public Hearing--Brier Creek Associates, LP (Rezoning Case P98-43)

P98-43 (Brier Creek Associates, LP) was deferred by the Board on November 23 to allow the Triangle Township PAC to review the request and amend the Triangle Township Plan to match this rezoning request. In addition, the request was deferred by the Board on October 26 for the applicant to submit a development plan. [Because of a scheduling hardship on the project, the applicant declined to attach a development plan to the rezoning because of the additional time required to prepare and process a new development plan with this rezoning request.](#)

[Staff supports the original request without the development plan because the site does not impact sensitive environmental resources or neighborhoods on or adjacent to the site. In addition, major development of this type is underway adjoining this site in Wake County and along Chin Page Road in Durham County.](#)

Dick Hails, Durham City-County Planning Department, said the public hearing was opened on October 26, 1998 and the matter was continued for consideration of adding a possible development plan. The Zoning Committee unanimously endorsed the rezoning request and staff was in support of the request.

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James T. Hedrick, attorney for Brier Creek Associates, LP reviewed the rezoning request. The applicant proposed possible offices, warehouses, flex space, or other uses permitted in the I-2 zone. This is part of a larger tract of Wake County involving land in Raleigh's zoning jurisdiction recently rezoned to Thoroughfare District for similar uses. Mr. Hedrick urged the Commissioners to approve the rezoning request.

Commissioner Bell asked questions to which Planning Director Paul Norby and Mr. Hedrick responded.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the Brier Creek Associates, LP rezoning Case P98-43 to I-2 zone.

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Public Hearing for Approval of Standard Reimbursable Utility Contract for Extension of County Sewer to Service Highway 54 at Berrington Place

The Utility Division requested approval of the County's Standard Reimbursable Utility Contract for the extension of an extra 182 lineal feet of 8" sanitary sewer. Petula Associates, LTD is building the system to serve the Berrington Flex Space on the east side of Highway 54 just south of Emperor Blvd. This extra sewer line will allow sanitary sewer service to the west side of Highway 54 to the Wake County line. The total reimbursable amount is \$5,701.49. The Sewer Connection Application shows that the reimbursement will be taken out of the Line Frontage Fees due for the project.

Notice of Public Hearing was published in the Durham Herald Sun on November 30.

Glen Whisler, County Engineer, was present to discuss staff's recommendation to the Board.

County Manager's Recommendation: The County Manager recommends that the Board authorize execution of the above reimbursable utility contract for 182 LF of extra sanitary sewer construction for \$5,701.49.

Chairman Black opened the public hearing that was properly advertised.

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

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

The motion carried unanimously.

Southeast Durham Plan

Southeast Durham is one of fifteen small areas that comprise Durham County. The planning area is approximately 29 square miles and is located between NC 147, NC 98 and the Durham-Wake County line, and T. W. Alexander Parkway. Southeast Durham is a mix of rural, suburban, and urban neighborhoods with a growing industrial base on the edge of the Research Triangle Park.

The Southeast Durham Plan is a detailed guide for future land use and development in the area based on the adopted *Durham 2020 Comprehensive Plan*. Outside of the Urban Growth Area, the plan recommends rural land uses. Inside the Urban Growth Area, the plan calls for new suburban housing areas, new commercial centers along major roads, and new employment centers near the Research Triangle Park. The first segment of Eno Drive scheduled to be constructed traverses the planning area and will significantly improve access to the area. Future public sewer services in the Lick Creek basin will likely stimulate demand for new housing and commercial development. The Southeast Durham Plan seeks to accommodate new development while protecting the integrity of existing neighborhoods.

At the request of the Board, Planning staff conducted another meeting with citizens in the Southeast Durham area and reviewed changes proposed for the draft plan since the last community meeting. In addition, staff discussed citizens' concerns about parks facilities in the Southeast Durham area. Mr. Ford, City Parks and Recreation Director, asked community members to assist in developing a parks master plan. Citizens requested that an additional statement be included in the plan to reflect their concerns. Planning staff concurred.

Keith Luck was the principal planner for the small area plan and presented this item to the Board.

County Manager's Recommendation: Adopt the March 4, 1998 Draft Southeast Durham Plan with the modifications indicated on the October 23, 1998 Addenda.

Mr. Luck said in November the Board of County Commissioners and the City Council asked Planning staff to conduct another meeting with citizens in the Southeast Durham area. The meeting was held on December 3, 1998, and Planning staff reviewed proposed

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changes to the draft Southeast Durham Plan. Those in attendance seemed comfortable with items 1 through 12 on the Addenda.

In addition, City Parks and Recreation Director Johnny Ford, attended to respond to citizen concerns about park facilities in the Southeast Durham area. Mr. Ford discussed an upcoming process to develop a parks master plan and solicited further involvement from area residents. Mr. Ford and members of the community intend to meet in January 1999 to continue the dialogue about the area's park and recreation needs. Citizens asked that an additional statement be included in the plan to reflect their concerns. Planning staff recommended that the following sentence be added to the Implementation Measure under Parks Facilities Planning (page 29): "In the short term, work with residents to create a parks master plan to address park and recreation needs in the rapidly growing Bethesda area of Southeast Durham."

The Planning Department recommended, as in the past, that the elected boards adopt the Southeast Durham Plan.

Commissioner Heron asked questions and made comments to which Mr. Luck responded.

The following people spoke about the Southeast Durham Plan:

Charlotte Hyer, 5201 Shagbark Drive, Stirrup Creek Homeowners Assoc.

George Conklin, 2905 Scuppernong Lane, Stirrup Creek Homeowners Assoc.

Brian Lord, 3 Icon Court, Ashley Forest Homeowners Assoc.

Britt Nettles, 5003 Rolling Meadows Drive, Ashley Forest Homeowners Assoc.

The speakers were in support of the final draft Southeast Durham Plan.

Chairman Black referred the matter back to the Board.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the Southeast Durham Plan as presented.

Vice-Chairman Reckhow said the Commissioners must consider in the Capital Improvement Plan a branch library in the eastern part of the community.

The motion carried unanimously.

Commissioner Bowser supported a library facility in northern Durham.

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Appointments—Transportation Advisory Committee (TAC)

Mark D. Ahrendsen, Chairman, Transportation Advisory Committee, requested on behalf of the Durham-Chapel Hill Carrboro Metropolitan Planning Organization that the Board of County Commissioners reaffirm its current appointments to the TAC or appoint new members and/or alternates. Currently, Commissioner Heron is the Commissioner representative and Vice-Chairman Reckhow is the alternate.

Commissioner Bowser moved, seconded by Commissioner Bell, to reappoint Commissioner Heron as the Commissioner representative and Vice-Chairman Reckhow as the alternate member to the Transportation Advisory Committee (TAC).

The motion carried unanimously.

Designation of Voting Delegate to the Legislative Goals Conference

The Board of County Commissioners was asked to designate a Commissioner or other official as the voting delegate to the North Carolina Association of County Commissioners Legislative Goals Conference at the Sheraton Imperial Hotel in Research Triangle Park, North Carolina on January 14-15, 1999.

County Manager's Recommendation: Traditionally, the Board has designated the Chairman as the voting delegate and the Vice Chairman as the alternate.

Commissioner Heron moved, seconded by Commissioner Bowser, to appoint Chairman Black as the voting delegate and Vice-Chairman Reckhow as the alternate to the North Carolina Association of County Commissioners Legislative Goals Conference to be held January 14-15, 1999.

The motion carried unanimously.

Cancellation of the December 28, 1998 Board of County Commissioners' Regular Session

As per the Chairman of the Board, the County Commissioners discussed the cancellation of the December 28, 1998 Regular Session.

Commissioner Bell moved, seconded by Commissioner Heron, to cancel the December 28, 1998 Board of County Commissioners Regular Session.

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The motion carried unanimously.

Board of County Commissioner Retreat--Setting Date

Chairman Black asked County Manager David F. Thompson to poll the Commissioners as to dates for the Commissioner retreat and budget retreat.

Case M98-1 Gearon Communications: Major Special Use Permit for a 280' Lattice Telecommunications Tower, Equipment Building, and Five Co-Location Sites Within a 100-Foot by 100-Foot (10,000-Square-Foot) Lease Parcel—Set Quasi-Judicial Hearing Date

Chairman Black requested Paul Norby, Planning Director, contact all parties before a hearing date is set.

Closed Session: Potential Expansion of an Existing Industry

The Board of County Commissioners went into Closed Session to discuss the potential expansion of an existing industry in Durham County pursuant to North Carolina General Statute 143-318.11(a)(4).

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to go into Closed Session to discuss the potential expansion of an existing industry in Durham County pursuant to North Carolina General Statute 143-318.11(a)(4).

The motion carried unanimously.

Reconvene Into Open Session

David Powell, Economic Development Director, told the Commissioners that Durham County proposes to participate in an economic development project by reimbursing the costs of certain site preparation activities, such as extending water and sewer utilities, site clearing and site grading, and associated County development fees to Freudenberg Nonwovens. Freudenberg is proposing to expand its facility by constructing a new 190,000-square-foot manufacturing facility in Durham County to manufacture nonwoven synthetic textiles. The costs of the site preparation activities and associated development fees are estimated to be \$485,000. The Board of County Commissioners intends to reimburse these costs over a five-year period with revenues from the County's General Fund after the proposed facility is constructed. This industrial enterprise is expected to stimulate the local economy, promote business, increase the tax base, and result in the creation of at least 85 new jobs.

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A public hearing on the proposed County expenditure for this economic development project will be held on Monday, January 11, 1999 at 7:00 p.m. in the County Commissioners' Room located on the second floor of the Durham County Administrative Complex. All interested persons are invited to attend and present their views.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to set the public hearing for Monday, January 11, 1998 on the proposed County expenditure for the economic development project.

The motion carried unanimously.

Adjournment

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS