

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

Monday, January 22, 2001

7:00 P.M. Regular Session

**MINUTES**

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

**Opening of Regular Session**

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

**Agenda Adjustments**

Vice-Chairman Reckhow requested a discussion be held on the Fountains Office Park revised site plan and a report on tax collection.

Chairman Black said the report on the tax collection would come before the consent agenda. The Fountains Office Park revised sight plan will be placed at the end of the agenda before the board and commission appointments.

**Minutes**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the December 4, 2000 Special Session, December 11, 2000 BOCC/Durham Public Library Board of Trustees, and December 11, 2000 Regular Session Minutes of the Board as submitted.

The motion carried unanimously.

**Resolution Endorsing Crime Prevention through Environmental Design (CPTED) Principles**

Commissioner Ellen W. Reckhow, Cochair of the Durham Crime Cabinet, requested that a resolution be prepared endorsing Crime Prevention Through Environmental Design (CPTED) principles. The key to crime prevention is involvement from all levels of local government, community members, developers, and citizens, as well as law enforcement. The Board of County Commissioners was asked to approve the resolution to show its support for including CPTED principles as part of the Crime Cabinet's scope of work.

County Manager's Recommendation: Approve the resolution and present to Commissioner Reckhow to further share with the Durham Crime Cabinet.

Vice-Chairman Reckhow said that in November, the Crime Cabinet sponsored a workshop on Crime Prevention Through Environmental Design (CPTED). It was co-sponsored by the City and County and many private groups in the community. There was a lot of interest in incorporating CPTED principles into the operations of City and County governments.

The Crime Cabinet endorsed a resolution for the City and County to consider which would operationalize CPTED in government.

Vice-Chairman Reckhow read the resolution into the record as follows:

RESOLUTION ENDORSING CRIME PREVENTION THROUGH  
ENVIRONMENTAL DESIGN (CPTED) PRINCIPLES

WHEREAS, the Durham County Board of Commissioners, in conjunction with the Durham Crime Cabinet, finds that crime prevention is so critical to the safety and general welfare of our citizens that crime prevention measures must be considered by officials at all levels of local government and not only by law enforcement officials; and

WHEREAS, the Durham County Board of Commissioners is particularly desirous that crime prevention principles and concepts be integrated into land use planning, building design, and neighborhood planning; and

WHEREAS, the Durham County Board of Commissioners further finds that the early involvement of knowledgeable law enforcement agencies in the conceptual planning of land development projects can lead to improvement in the quality of life and to the reduction in the fear of and the incidence of crime; and

WHEREAS, the Durham County Board of Commissioners finds that the adoption of CPTED principles and concepts will assist in the creation and maintenance of an

environment that increases the perception of safety of citizens and increases the perception of risk for would be offenders:

NOW, THEREFORE BE IT RESOLVED by the Durham County Board of Commissioners that:

SECTION 1. The Durham County Board of Commissioners agrees to incorporate CPTED principles into local government operations and community development in the following ways:

- Use planning methods consistent with CPTED principles;
- Adopt laws, regulations, policies, and procedures that support and facilitate use of CPTED principles;
- Incorporate CPTED into training and professional development of local law enforcement officers, planners, and other personnel; and
- Offer CPTED educational materials to community groups and neighborhood associations.

SECTION 2. The Durham County Board of Commissioners encourages the Durham Crime Cabinet to appoint members to a CPTED Task Force who have either received CPTED training from the National Crime Prevention Council or are familiar with CPTED principles to promote CPTED concepts within City and County government and the broader Durham community.

SECTION 3. The Durham County Board of Commissioners agrees to incorporate CPTED principles in capital facility planning and road design standards in order to enhance community safety in the planning and construction of new facilities.

SECTION 4. It is the intention of the Durham County Board of Commissioners to consider appropriate amendments to the Zoning Ordinance to ensure CPTED principles are made part of the review process by which land development and redevelopment projects are evaluated.

This the 22<sup>nd</sup> day of January, 2001.

/s/ Five Commissioners  
Durham County Commissioners

The Crime Cabinet is hopeful we will bring forward further initiatives related to CPTED.

**Resolution for Mrs. Johnnie McLean**

The Board of Elections requested that a resolution of appreciation be prepared for Mrs. Johnnie McLean for her months of technical support which allowed Durham County

to have a successful election last fall. Mrs. McLean is the Deputy Director of the North Carolina State Board of Elections.

In the absence of a director, an assistant director, and a full staff, the office was facing a crisis situation. She spent countless hours working in Durham County from mid October until the November election was successfully completed.

Resource Person(s): Ron Gregory and Michael Ashe

County Manager's Recommendation: Approve the resolution and present to Mrs. McLean, along with sincere congratulations from the Board of County Commissioners for her extraordinary work to ensure the success of the November 2000 election in Durham County.

RESOLUTION  
DURHAM COUNTY BOARD OF COMMISSIONERS  
DURHAM COUNTY, NORTH CAROLINA

WHEREAS, in the summer of 2000, the Durham County Board of Elections lost several key staffers and board members, which led to a severe staff shortage in the critical months leading to the November presidential election; and

WHEREAS, the state Director of Elections was asked to provide technical and human resources to help the Durham County Board of Elections administer a successful election; and

WHEREAS, beginning October 16, 2000, the Deputy Director of the State Board of Elections, Mrs. Johnnie McLean, came to the Durham County Board of Elections office to assist with the difficult task of ensuring a successful election period; and

WHEREAS, Mrs. McLean brought considerable experience to the role, having been an employee of the State Board of Elections for 16 years, and having served as deputy director since 1994; and

WHEREAS, in addition to the normal duties associated with executing an election, Mrs. McLean was also tasked with helping the elections staff to administer the new early voting process, known as "No Excuse, One Stop Absentee Voting;" and

WHEREAS, in the weeks prior to November 7, she worked with the members of the Board of Elections and the newly-hired Director of Elections to manage and direct the processes that had to be undertaken; and

WHEREAS, she endured 14- to 16-hour days for over three weeks and did not leave Durham County Board of Elections until the official canvass and certification were complete: and

WHEREAS, Mrs. McLean will forever be regarded as a taskmaster, mentor, cheerleader, friend, boss, and as an inspiration by the board members, director, and staff of the Durham County Board of Elections:

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

MRS. JOHNNIE McLEAN

for dedicated and faithful service to Durham County Government while assuming additional management duties in the Durham County Board of Elections Office. Because of her wisdom, technical expertise, and tireless work, Durham County realized a successful presidential election in November 2000. We further call upon all citizens to join us in recognizing her invaluable contribution in ensuring the success of future elections in Durham County.

This the 22<sup>nd</sup> day of January, 2001.

/s/ Five Commissioners  
Durham County Commissioners

Mrs. McLean made remarks of appreciation for the resolution the County Commissioners presented to her.

Chairman Black, on behalf of the Commissioners, thanked Mrs. McLean for her help during the election.

Mr. Gregory, Chairman, Board of Elections, stated that we are indebted to Mrs. McLean for the job she did. We would not have made it without her. Mr. Gregory expressed his thanks and gratitude on behalf of the Board.

Chairman Black asked the Election Board staff to stand and be recognized for their hard work.

### **Presentation of Original Artwork for “The Year of Durham Regional Hospital”**

At its January 8, 2000 meeting, the Board approved a proclamation naming this “The Year of Durham Regional Hospital,” in recognition of the 25<sup>th</sup> Anniversary of the hospital. At the official kickoff of the yearlong celebration held on January 10, original artwork depicting the history of Durham Regional was unveiled.

The artist, Aaron Michael Moore III, is a relative of Dr. Aaron Moore, one of the original founder's of Lincoln Hospital, which is one of the forerunners of Durham Regional Hospital.

County Manager's Recommendation: Receive the artwork on behalf of the citizens of Durham County and extend congratulations to Mr. Aaron Michael Moore III.

Richard Leikweg, CEO, said on behalf of the employees, physicians, and Board of Durham Regional Hospital, we thank the Commissioners for proclaiming this the year of "Durham Regional Hospital" in recognition of our 25<sup>th</sup> anniversary. To mark the anniversary, the board commissioned Mr. Aaron Moore III, a descendent of Dr. Aaron Moore, to create an original artwork that depicts the history of our community hospital. This original piece of artwork was unveiled at a celebration about two weeks ago and will hang at the hospital in a very prominent place beside the proclamation. Mr. Moore was unable to attend this meeting.

Charles Blackmon, Chairman of the Hospital Board of Trustees, made remarks about the kickoff celebration on January 10, 2001 in recognition of the 25<sup>th</sup> anniversary.

Mr. Leikweg made a presentation of the print to the Board of County Commissioners. The print will be displayed in the Commissioners Chambers.

**Recognition of Durham Chamber of Commerce's Receipt of Governor's Work First Business Council Award**

On December 11, 2000, the Greater Durham Chamber of Commerce received the Governor's Work First Business Council Award for Outstanding Chamber of Commerce/Chamber Representative. Since March of 1991, the Greater Durham Chamber of Commerce has enjoyed a mutual and rewarding contractual relationship with the Department of Social Services to promote job development for welfare recipients. In 1997, in an effort to increase the number of people sent to work and reduce its welfare caseload, Durham DSS reorganized its Work First Program. The Chamber, under the direction of President Tom White, took the lead as one of the collaborating community partners to DSS in reaching out to businesses and encouraging them to hire Work First participants. The Chamber also contracted with DSS to place a job developer within the Work First section. Not only has the department reduced its Work First caseload by 52 percent from July 1997 to July 2000, it has exceeded its employment goals every year. In FY 99-00, Durham placed 823 participants into employment, surpassing the goal of 640. The Chamber has played a key role in Durham's performance.

Whenever a business is relocating to the area, Mr. White is there to mention training or jobs for Work First participants. Many companies have hired Work First participants including Washington Duke, Durham Regional Hospital, Duke University, Sheraton

Imperial, IBM, Nortel Networks, Durham County, Glaxo, Blue Cross Blue Shield, Marriott, Mantel, and Food Lion.

Mr. Linzie Atkins, the Chamber's Work First Job Developer, has enhanced the Work First program in building a reputation of efficient, effective quality service to both clients and employers. At the same time, he has helped promote the image of Work First as a positive, productive program that is an important part of the community and economic development.

Mr. White and his staff have been supportive of the department during times of criticism and celebration. We are fortunate in Durham to have a Chamber of Commerce that is committed to assisting our welfare families moving from welfare to self-sufficiency.

Resource Person(s): Dan Hudgins, Director, Department of Social Services

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and extend sincere congratulations to Mr. Tom White and the Greater Durham Chamber of Commerce for earning this prestigious award. In addition, thank them for their consistent support and dedicated efforts as a partner in Durham's Welfare to Work Program.

Mr. Dan C. Hudgins, Director, Department of Social Services, introduced Haywood Holdness, Chairman, Board of Social Services, because the Board felt very strongly about the Chamber's receipt of this award. He wanted to be involved in the recognition of Tom White, the Chamber, and their work. Haywood Holdness made remarks about the award. He praised the work of Tom White and Linzie Atkins, the Chamber's Work First Job Developer. Other Chambers around the state are jealous of Dan Hudgins to have Tom White and Linzie Atkins as their Chamber of Commerce people. This Department of Social Services scored higher on the state report card than any of the other urban Departments of Social Services in the State. This is quiet a commentary and we are very proud to have the alliance we have with the Chamber of Commerce. We are pleased that the Governor has recognized Tom and Linzie for their outstanding work and cooperation to help others who are not as fortunate as we are.

Linzie Atkins and Tom White made remarks about the recognition the Durham Chamber of Commerce received from the Governor. They thanked the Department of Social Services employees for their hard work with the Work First program to make it successful.

Tom White said this a private-public partnership award. We practice what we preach. This is not a Chamber of Commerce award, but a County award.

Chairman MaryAnn E. Black asked the employees and board members of the Department of Social Services and the Chamber of Commerce to stand to be recognized for the hard work that you do.

### **Tax Collection Report**

Chairman Black said this item was added to the agenda because there was some information in the newspaper that the Commissioners think is incorrect. Chairman Black stated that County Manager Ruffin has assured her that the information has been corrected. Tax Administrator Steve Crysel has prepared a report for the Commissioners to review.

Steve Crysel presented to the Commissioners the Tax Settlement Report for 1997, 1998, and 1999 and the tax collections percentages statewide for FY/1998-1999. Durham County's tax collection is 96.66 percent and number 27 statewide. The statewide average collection rate is 95.31 percent. Steve explained the changes that have been implemented to improve collections.

Chairman Black commented that tax collection has always been a high priority with the County Commissioners. Steve had made a statement that revaluation was the high priority for the employees at this time.

Steve Crysel said the staff had found a million-dollar error on the City of Durham's power point presentation. The City's collection rate figure was short by one million dollars based on the computer records in the Tax Administration office.

The Board of County Commissioners asked questions and made comments about the tax collection report to which Steve Crysel responded.

Commissioner Reckhow requested that staff obtain the numbers (tax collection) from the top 10 cities in the state and pass this information to the City of Durham. She suggested that Durham study the methods used by other jurisdictions to collect a higher percentage rate of taxes due—to include greater use of foreclosure.

Commissioner Heron requested the tax department concentrate on improving the collection rate on automobile taxes.

Chairman Black said the Commissioners want the tax collection rate to increase each year. If there is anything the Commissioners can do to help increase the percentage rate, let the County Manager know what we can do to improve the situation.

### **Consent Agenda**

Commissioner Heron moved, seconded by Vice-Chairman



Reckhow, to approve the following consent agenda items:

- (a) Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract for this addition to the County sanitary sewer system);
- \* (b) Property Tax Releases and Refunds for November 2000 (accept 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) Property Tax Releases and Refunds for December 2000 (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- (d) Welcome to Durham Sign (approve the City of Durham's request to install a "Welcome to Durham" sign on the property occupied by the County wastewater facilities and authorize the County Manager to execute an easement agreement for the sign);
- \* (e) Set Public Hearing for the Purchase of the First Union Building located at 201 N. Roxboro Street (set the public hearing for February 12, 2001 and adopt the preliminary resolution);
- \* (f) Budget Ordinance Amendment No. 01BCC000036 to Reconcile FY 99-00 Mangum-Butner Fire District Collections (approve the reconciliation budget amendment in the amounts of \$9,158 and \$10,842 to the "Other Tax Districts" expenditure line for payment of pass-through dollars to the North Carolina Department of the Treasury);
- \* (g) Budget Ordinance Amendment No. 01BCC000037--Durham Center--Partnership for Children Grant (approve Budget Ordinance Amendment No. 01BCC000037 to recognize \$190,000 additional revenue to establish the Comprehensive Services for Newborns Project and approve establishment of the four provisional positions enumerated above for the duration of the grant period);
- \* (h) Budget Ordinance Amendment No. 01BCC000038--Department of Social Services (DSS)--to Accept New State Revenues (approve Budget Ordinance Amendment No. 01BCC000038 to accept new State

revenues for the Department of Social Services' Crisis Intervention Program and Adult Home Specialist Fund);

- \* (i) Budget Ordinance Amendment No. 01BCC000039-- Department of Social Services (DSS)--Recognize New Revenue and Establish Part-Time Social Worker Position (approve Budget Ordinance Amendment No. 01BCC000039 to recognize new revenues in the amount of \$24,000 for Project SPArKs and recommend establishment of the additional half-time provisional DSS social worker position);
- \* (j) Budget Ordinance Amendment No. 01BCC000040-- Department of Social Services (DSS)--New Revenue and Establish Links Program DSS Social Worker Position (approve Budget Ordinance Amendment No. 01BCC000040 to recognize new revenues in the amount of \$54,200 and recommend establishment of the additional DSS social worker position);
- (k) Mapping Contract With L. Robert Kimball & Associates (enter into a contract not to exceed \$75,000 with L. Robert Kimball & Associates for mapping services to complete the final phase of the mapping project for the 2001 revaluation); and
- (l) Amend Emergency Medical Services (EMS) Current Charge Profile to Include Loaded Mileage Charges (approve the change in the EMS charge profile to include in-County loaded mileage charges as per the new Medicare reimbursement structure effective January 1, 2001).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 8(b). Property Tax Releases and Refunds for November 2000 (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outline by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings and clerical errors, etc., the report details release and refunds for the month of November 2000.

Releases & Refunds for 2000 Taxes:

Real	\$ 7,078.34
Personal	\$ 36,297.21
Registered Vehicles	\$ 34,072.21
Vehicles Fees	\$ 520.00
Solid Waste Fees	\$ <u>275.00</u>
Total for 2000 Taxes and Fees	\$ 78,242.76

Prior Years (1993-1999) releases and refunds for November 2000 are in the amount of \$31,076.80.

Total Current Year and Prior Year Releases and Refunds \$109,319.56

(Recorded in Appendix A in the Permanent Supplement of the January 22, 2001 Minutes of the Board.)

Consent Agenda 8(c). Property Tax Releases and Refunds for December 2000 (accept 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 release and refunds for the month of December 2000.

Releases & Refunds For 2000 Taxes:

Real	\$ 15,158.21
Personal	\$ 16,741.77
Registered Vehicles	\$ 44,205.07
Vehicles Fees	\$ 530.00
Solid Waste Fees	\$ <u>495.00</u>
Total for 2000 Taxes and Fees	\$ 77,130.05

Prior Years (1997-1999) releases and refunds for December 2000 are in the amount of \$5,743.09.

Total Current Year and Prior Year Releases and Refunds \$82,873.14

(Recorded in Appendix B in the Permanent Supplement of the January 22, 2001 Minutes of the Board.)

Consent Agenda 8(e). Set public hearing for the purchase of the First Union Building located at 201 N. Roxboro Street (set the public hearing for February 12, 2001 and adopt the preliminary resolution).

The resolution follows:

**RESOLUTION CALLING A PUBLIC HEARING ON APPROVING A PROPOSED AMENDMENT TO AN EXISTING INSTALLMENT FINANCING CONTRACT TO FINANCE A PORTION OF THE COST OF ACQUIRING AN EXISTING BUILDING AND RELATED PROPERTY AND RENOVATING SAID BUILDING AND PROVIDING FOR CERTAIN RELATED MATTERS.**

WHEREAS, the County of Durham, North Carolina (the "County"), First Union National Bank of North Carolina and First Union National Bank of North Carolina, Corporate Trust Department, as Escrow Agent, entered into an Installment Financing Contract, dated May 14, 1996 (the "Contract"), to finance the cost of acquiring and renovating a building for use by the County's Department of Social Services and Department of Mental Health and acquiring an adjoining parking lot;

WHEREAS, a portion of the funds advanced to the County pursuant to the Contract remains unexpended and the Board of Commissioners for the County is considering entering into an amendment to the Contract and certain related documents under which the County would use such unexpended funds to finance a portion of the cost of acquiring an existing building, known as the First Union Building or the Commerce Building and located at 201 North Roxboro Street in Durham, North Carolina, and related property, including a 30-space parking lot, and renovating said building to provide space for a Juvenile Courtroom, offices for the Guardian Ad Litem and the Public Defender and other court-related facilities (the "Project");

WHEREAS, it is necessary to call a public hearing on such proposed amendment to the Contract (the "Contract Amendment") and to provide for certain related matters at this time;

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

Section 1. A public hearing shall be held at 7:00 P.M. on February 12, 2001 in the County Commissioners Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina for the purpose of considering whether the Board of Commissioners for the County (the "Board") should approve the Contract Amendment and certain related documents for the purpose of providing funds, with any other available funds, to pay a portion of the cost of the Project. The County would secure the repayment by it of moneys made available pursuant to the Contract Amendment by granting a security interest in all or some portion of the Project and certain related property in addition to the security interest granted by the County in accordance with the Contract in the property financed under the Contract and certain related property.

Section 2. The Clerk to the Board shall cause a notice of such public hearing to be published in The Herald Sun once at least 10 days before February 12, 2001, such notice to read substantially as follows:

NOTICE OF PUBLIC HEARING ON WHETHER THE BOARD OF  
COMMISSIONERS FOR THE COUNTY OF DURHAM, NORTH CAROLINA  
SHOULD APPROVE A PROPOSED AMENDMENT TO AN EXISTING  
INSTALLMENT FINANCING CONTRACT TO FINANCE A PORTION OF THE  
COST OF ACQUIRING AN EXISTING BUILDING AND RELATED PROPERTY  
AND RENOVATING SAID BUILDING.

NOTICE IS HEREBY GIVEN of a public hearing to be held at 7:00 P.M. on February 12, 2001 in the County Commissioners Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina for the purpose of considering whether the Board of Commissioners for the County of Durham, North Carolina (the "County") should approve a proposed amendment to an existing installment financing contract and certain related documents for the purpose of providing funds, with any other available funds, to pay a portion of the cost of acquiring an existing building known as the First Union Building or the Commerce Building and located at 201 North Roxboro Street in Durham, North Carolina, and related property, including a 30-space parking lot, and renovating said building to provide space for a Juvenile Courtroom, offices for the Guardian Ad Litem and the Public Defender and other court-related facilities (the "Project"). The County would secure the repayment by it of moneys made available pursuant to such proposed installment financing contract amendment by granting a security interest in all or some portion of the Project and certain related property in addition to the security interest granted by the County in accordance with such installment financing contract in the property financed under such installment financing contract and certain related property.

Garry E. Umstead  
Clerk to the Board of Commissioners for the  
County of Durham, North Carolina

Section 3. The Board hereby finds and determines in connection with the Contract Amendment as follows:

(a) The Contract Amendment is necessary or expedient because the existing court-related facilities of the County are inadequate to meet the needs of the citizens of the County and the Project is the most cost-effective option of the County currently available to provide improved court-related facilities. Also, the Project is proximate to the Judicial Building, which should result in operational efficiencies, and is compatible with recommendations made in the County Facility Master Plan. In addition, the second floor of the Project could be occupied within several months of its acquisition.

(b) The Contract Amendment is preferable to a bond issue for the same purpose because the estimated amount needed to fund the Project does not warrant the expenditure of the administrative and issuance costs of a general obligation bond issue.

(c) The sums to fall due with respect to the funds to be made available under the Contract Amendment are adequate and not excessive for its proposed purpose.

(d) The County's debt management procedures and policies are good and will continue to be managed in strict compliance with law.

(e) The increase in taxes, if any, necessary to meet the sums to fall due with respect to the funds to be made available under the Contract Amendment will not be excessive.

(f) The County is not in default regarding any of its debt service obligations.

Section 4. The County Manager, the Finance Officer and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Contract Amendment with the Local Government Commission of North Carolina and authorized to take such other actions as may be advisable in connection with the negotiation of the Contract Amendment and the development of the related financing; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 5. The Board hereby requests the Local Government Commission of North Carolina to approve the Contract Amendment under Article 8 of Chapter 159 of the General Statutes of North Carolina, as amended.

Section 6. The law firms of Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, and Marsh and Marsh, Attorneys at Law, Durham, North Carolina, are hereby confirmed as co-special counsel of the County in connection with the Contract Amendment.

Section 7. This resolution shall take effect immediately upon its passage.

Consent Agenda 8(f). Budget Ordinance Amendment No. 01BCC000036 to Reconcile FY 99-00 Mangum-Butner Fire District Collections (approve the reconciliation budget amendment in the amounts of \$9,158 and \$10,842 to the "Other Tax Districts" expenditure line for payment of pass-through dollars to the North Carolina Department of the Treasury).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000036

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Mangum-Butner Fire District.

<u>Special Revenue</u> <u>Fire Districts</u>	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Expenditures</u>				
Special Revenue Mangum- Butner	\$ -0-	\$20,000		\$20,000
<u>Revenues</u>				
Other Financing Sources	\$ -0-	\$ 9,158		\$ 9,158
Tax District	\$ 890	\$10,842		\$11,732

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

This the 22<sup>nd</sup> day of January, 2001.

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

Consent Agenda 8(g). Budget Ordinance Amendment No. 01BCC000037--Durham Center--Partnership for Children Grant (approve Budget Ordinance Amendment No. 01BCC000037 to recognize \$190,000 additional revenue to establish the Comprehensive Services for Newborns Project and approve establishment of the four provisional positions enumerated above for the duration of the grant period).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000037

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham Center (Mental Health).

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$239,058,587	\$190,000		\$239,248,587
<u>Revenues</u>				
Intergovernmental	\$198,828,745	\$190,000		\$199,018,745

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

This the 22<sup>nd</sup> day of January, 2001.

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

Consent Agenda 8(h). Budget Ordinance Amendment No. 01BCC000038--Department of Social Services (DSS)--to Accept New State Revenues (approve Budget Ordinance Amendment No. 01BCC000038 to accept new State revenues for the Department of Social Services' Crisis Intervention Program and Adult Home Specialist Fund).

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000038

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Social Services Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$239,248,587	\$323,662		\$239,572,249
<u>Revenues</u>				
Intergovernmental	\$199,018,745	\$323,662		\$199,342,407

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

This the 22<sup>nd</sup> day of January, 2001.

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



Consent Agenda 8(i). Budget Ordinance Amendment No. 01BCC000039--Department of Social Services (DSS)--Recognize New Revenue and Establish Part-Time Social Worker Position (approve Budget Ordinance Amendment No. 01BCC000039 to recognize new revenues in the amount of \$24,000 for Project SPArKs and recommend establishment of the additional half-time provisional DSS social worker position).

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000039

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Social Services Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$239,572,249	\$24,000		\$239,596,249
<u>Revenues</u>				
Intergovernmental	\$199,342,407	\$24,000		\$199,366,407

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

This the 22<sup>nd</sup> day of January, 2001.

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

Consent Agenda 8(j). Budget Ordinance Amendment No. 01BCC000040--Department of Social Services (DSS)--New Revenue and Establish Links Program DSS Social Worker Position (approve Budget Ordinance Amendment No. 01BCC000040 to recognize new revenues in the amount of \$54,200 and recommend establishment of the additional DSS social worker position).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000040

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2000-01 Budget Ordinance is hereby amended to reflect budget adjustments for the Social Services Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$239,596,249	\$54,200		\$239,650,449
<u>Revenues</u>				
Intergovernmental	\$199,366,407	\$54,200		\$199,420,607

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

This the 22<sup>nd</sup> day of January, 2001.

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

**Public Hearing for C.A.I. Group, Ltd.--Applicant (Rezoning Case P99-56)**

C.A.I. Group, Ltd. presented to the Board of County Commissioners a request to rezone 3.341 acres located on the east side of Farrington Road, north of NC 54, between Farrington and I-40, PIN #0708-01-47-5781 (TM 486-5-1E, NCDOT r/w being bought; third piece without TM identification). The specific request was to rezone the property from R-20 to OI-2 (D); F/J-B, MTC. The proposal is in conformance with the adopted small area plan and 2020 Plan. The Planning staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on September 12, 2000 and voted 0-7 to recommend denial.

The development plan has changed since the Zoning Committee hearing to reflect exclusion of retail uses otherwise allowed in OI-2; the nudging over of buildings to maintain a minimum 40 feet-building setback; planting of additional material to in part replace vegetative buffer lost by the buffer reduction; and a redesign of the northernmost parking area.

The public hearing for this request was advertised December 22 and 29, 2000 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp, Planning Supervisor, and Norman Standerfer, Planning Director

County Manager's Recommendation: That the Board receive the presentation and approve, if appropriate, based on the Board's deliberations and public comment.

Mr. Standerfer presented the Commissioner an overview and history of rezoning case P99-56.

Chairman Black asked if any of the Commissioners had questions.

The Commissioners asked several questions to which Mr. Standerfer, Ms. Stains-Ramp, and County Attorney Chuck Kitchen responded.

Vice-Chairman Reckhow commented that in the future all orders should go back to the Board for approval to make sure that the wording is exact and that it matches the motion. In the future, I would hope that a document like this would be included in our staff report. It would help a lot to have this. This is directly related to the issue at hand.

Chairman Black opened the public hearing that was properly advertised. The following citizens spoke in opposition to the rezoning request:

Curtis Graves, 5502 Farrington Road, representing the neighborhood association, said he wanted to speak about the safety issues related to the rezoning. This is a very dangerous intersection without having this case approved. The Fountains Office Park and Meadowmount is going to increase traffic without this new project. The traffic is congested now.

John Eaddy, 5708 Crescent Drive, asked everyone to stand that was in opposition of this rezoning request. He spoke about the Southwest Durham Plan being the only approved plan for this area under consideration. This plan is the best zoning for this area. The Southwest Durham Plan should be the guide to considering any new rezoning proposals. The property is unsuitable for any development other than a highway buffer or green space. If this application is approved, this rezoning request would open the doors for additional rezoning requests. He asked the Commissioners to reject the request to rezone this property.

Edward Harrison, 58 Newton Drive 27707, representing the Cross County Communities, said he could not support this rezoning request. The best use for this property would be for public use for a transportation facility. A transportation impact statement was not required on this rezoning. A traffic analysis was not done on this project.

Raymond Melvin, 5609 Crescent Drive, asked the Commissioners what they had in mind for this area. The area was rezoned residential to prevent this type of building. The rezoning was to provide a buffer for the community around I-40. The Commissioners are proposing to remove that buffer from I-40 to disrupt the existing community.

Debbie McCarthy, 168 Trenton Road, representing the Farrington H.A.R.P. Neighborhood Association, commented the residents would like for the area to remain the same as it is now, if possible. The community does not need this type of development. There is enough office space in the area now. The citizens of Durham County do not need

this development. It sets a bad precedent. It is not in compliance with the Small Area Plan or the I-40 plan. She respectfully requested that the Commissioners deny the request.

Kenneth Spaulding, Attorney, representing the applicant in this matter, spoke on behalf of the applicant. The staff will indicate that this area in the Small Area Plan for Southwest Durham does not show this property as residential, but as right-of-way. We are seeking to develop this property as office space. There would not be an impact on the school population. The rezoning would add an office and business tax base to the County with tax revenue of over \$75,000. All retail uses have been eliminated. This reduces the traffic trips by 45 percent or nearly one half. The daily traffic trips will decrease from 985 to 538, nothing like the Fountains Office Park this body approved. That would generate 6,500 trips a day. Eighty trees have been added to the landscape. This project will be annexed into the City in March. He urged the Commissioners to approved the project.

Commissioner Bowser asked questions and made comments about the project to which Mr. Spaulding responded.

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

The Commissioners asked questions and made comments about the project to which the Planning staff responded. Attorney Tom Stark, 8 Poston Court, also responded to the questions.

Vice-Chairman Reckhow said we wanted plan amendments to be more comprehensively considered in a larger context. We should send this request back through the Planning Department and have this looked at more comprehensively. The Planning Board should give us a recommendation on the plan amendment and then bring the plan amendment and proposed rezoning request back to the Commissioners for consideration.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to defer action on the rezoning request, send it back to the Planning Department and Planning Commission for review, and encourage the developer to work with the area residents.

The motion carried unanimously.

### **Public Hearing on M/WBE Ordinance Amendments**

A public hearing was requested on the proposed M/WBE ordinance. The proposed M/WBE ordinance is based on the current M/WBE ordinance of the County with changes in accordance with the disparity study done by Mason Tillman Associates. The changes were being made due to existing discrimination in the contracting arena in which the County operates. One of these changes was changed goals from the current program. To

adopt the amended ordinance with the recommended goals, a public hearing was required by G.S. 143-128.

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

County Manager's Recommendation: Conduct the public hearing on the amended ordinance as required by statute. Following the hearing and the receipt of information on this ordinance, take action to adopt the ordinance, amend the ordinance, or reject the ordinance as appropriate.

Chairman MaryAnn E. Black called on County Attorney Chuck Kitchen to present the Commissioners an overview of the M/WBE ordinance amendments. This is the ordinance that was presented to you earlier as far as the M/WBE program for the County. The County did have the extension of the existing ordinance which went through December 31, 2000. That ordinance is now expiring. The ordinance was amended to incorporate changes suggested by the study commissioned by the County. There are two pieces to this--one is the ordinance and the other is the program. The program is put into place based on the ordinance. The ordinance has in it certain suggested goals. The County cannot have the same goals as the City of Durham. If the City happens to come up with the same goals, that is fine. It is unlikely that will be the case. The court cases have come down and stated that you must have your ordinance and goals based on a study of your own jurisdiction--the jurisdiction being the County and the purchases made by the County. The City and County make very different purchases. The public hearing tonight is required because goals are being set for construction. Under the statute, a public hearing is required before the Board can do that.

Chairman Black referenced a letter that the Commissioners received from Patrick Byker, Chairman of the Friends of Durham. The letter stated that the Friends of Durham support the adoption of Durham County's M/WBE ordinance. However, we do have some suggestions. We hope that the Commissioners will consider these suggestions and implement them wherever feasible. The County Attorney will look at the suggestions to see if any can be used to simplify the program.

Attorney Kitchen said that Deputy County Manager Wendell Davis was working on the M/WBE program. He will be working on this with us.

Chairman MaryAnn E. Black opened the public hearing that was properly advertised.

Mr. Jack Steer, 2416 Dawn Trail, urged the Commissioners to make the goals, objectives, and rules as near as possible to the City's M/WBE ordinance. There is no emphasis on the County of Durham contractors. Durham businesses should get the contracts to do business in Durham.

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

Commissioner Bowser made the motion to adopt the ordinance.  
(his motion was inaudible because his microphone was not turned on).

Commissioner Reckhow made a friendly amendment to the motion. In the second to the last page under subsection D, Monitoring the Program, she added the word “annually” as follows: “The County Manager, with input from the Directors, shall be responsible for monitoring implementation of this article and reporting to the County Commissioners annually regarding the efficacy of the article.”

Commissioner Bowser accepted the friendly amendment to the motion.

The motion carried unanimously.

### **Resolution Supporting A Joint Cost of Services Study With Wake And Orange Counties**

Farmers in Durham County and across the Research Triangle Region are facing increasing financial challenges, both from global economic forces and from increasing urbanization. Yet agriculture is an important part of our rural economy and our rural heritage. As local governments begin to develop farm protection programs, one type of report they often consider is a Cost of Community Services study (COCS).

A Cost of Community Services (COCS) study is an analysis that divides all of the land in the community into separate categories, and then compares the contributions that each category makes to local government finances and the demands that it places on local government services.

A COCS provides information on the relative impact of farmland and other land uses on local government finances.

The Triangle J Council of Governments has proposed that Durham County join other counties in the Triangle Region and conduct a COCS study.

If Durham County requests that the study be conducted without participation from the other counties, the cost to Durham County would be \$14,000. If the other counties participate, the cost to Durham County would be less.

Resource Person(s): Ben Hitchings

County Manager's Recommendation: Receive the information and approve the resolution if appropriate.

Chairman Black asked Ben Hitchings, Senior Planner, Triangle J Council of Governments, to present an overview of this agenda item.

Mr. Hitchings said that Triangle J Council of Governments was invited by the Farmland Protection Board to bring forward a proposal to do a Cost of Communities Service (COCS) study. Mr. Hitchings took a few minutes to explain the study.

The Commissioners asked several questions and made remarks about the proposal to which Mr. Hitchings responded.

Wayne Cash, 3706 Snow Hill Road, Chairman, Farmland Protection Board, urged the Commissioners to participate in the COCS project. There are certain benefits to preserving the rural land.

Commissioner Heron said she had a problem with a mid-budget request. This project, if it is approved, should be included in the upcoming budget request.

Commissioner Reckhow said this is a real good buy for the Board financially since we would get a fiscal impact analysis of land use for a relatively small amount of money. It would serve us in good stead as we plan for the future to understand the cost of services associated with different land uses.

County Manager Ruffin said he would support putting this request in the regular budget process. The project could be implemented in the July or after time frame.

Commissioner Bowser said he could not support this project at the contract price of \$14,000. He would recommend that the project be put out for bids.

Commissioner Reckhow moved, seconded by Commissioner Bowser, to refer this item to staff for a recommendation. Staff should find out what kind of resources would be in order. This item would be a part of the regular budget process.

The motion carried unanimously.

### **Progress Update on Activities at the Community Shelter for HOPE**

On December 6, 1999, the Board of Commissioners granted the County Manager approval to move forward with the renovation and expansion plans for the Community Shelter for H.O.P.E. Since that time, staff has worked to finalize a number of related tasks associated with the renovation and expansion of the Shelter for H.O.P.E. project.

These tasks included: working through several legal issues associated with the loan documents from the North Carolina Housing Finance Agency; determining the County's legal ability to continue funding the Shelter operations under a faith-based merged entity; developing an interim operations plan for the homeless population while renovations were underway; having a successful capital campaign to fund the interim operations plan and furnish and equip the new facility; getting plan approval for the project; and, finalizing a number of easements and other administrative agreements.

In addition to these tasks, the Shelter Board, in a retreat setting last summer, developed comprehensive program elements to address many of the operational and service concerns raised by community residents during the Board's deliberations on the Shelter Project. The new programming elements were presented to the Board at the June 26, 2000 meeting and are scheduled for implementation once the renovations are complete.

Staff, in conjunction with a number of the project participants, were present to provide the Board with an update on the status of the project and to seek the Board's approval on the revised loan documents from the North Carolina Housing Finance Agency (NCHFA). During the Board's initial discussions of this project, there was opposition to moving forward with the renovation and expansion plans at the existing site.

Residents from the Holloway Street Community, the Blooming Garden Bed and Breakfast, the Historic Preservation Society, and Downtown Durham Inc. have expressed concern about the location of the shelter project. The Board, upon making a decision to move forward with the project, directed staff to work with the various interest groups to incorporate their concerns into the overall design of the renovation and development plans.

DTW Architectural Firm has drafted and received plan approval for the Shelter project design. The plan incorporates the community input, enhances the livability and safety of the facility, and improves the curbside appeal.

Resource Person(s): Wendell M. Davis, Deputy County Manager  
Glen Whisler, County Engineer  
Charles Thompson, Chair of the Capital Campaign Committee  
Spencer Bradford, Executive Director of the Shelter for HOPE  
John Thompson, DTW Architects  
Jack Priess, Project Development Manager  
Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation, provide staff with policy guidance on how the Board seeks to proceed with the project cost over-runs, and set a public hearing date to provide an opportunity for public input on the financing of the Shelter project by the North Carolina Housing Finance Agency.



Deputy County Manager Wendell Davis presented the Commissioners an overview of the activities at the Community Shelter for HOPE.

Mr. Davis said the most important thing we want to do tonight is to set a public hearing date to provide an opportunity for public input on the financing of the Shelter project by the North Carolina Housing Finance Agency.

Deputy Manager Davis said there is a significant amount of cost overruns on the project in the amount of \$489,000.

The Board of County Commissioners and the Shelter Board are hoping to have discussion tonight to decide how that gap of \$489,000 can be closed.

**Lease Agreement for 508 Gordon Street (Mental Health Substance Abuse Halfway House)**

The Board was requested to authorize the execution of a lease agreement between the County and Mr. Louis Niemeyer for the Mental Health Substance Abuse Halfway House located at 508 Gordon Street. This item was presented to the Board on July 10, 2000, at which time it was pointed out that additional revisions would be necessary. These revisions were being arranged when the attorney for the Landlord sustained injuries resulting from an automobile accident. The delay in presenting this item to the Board again has resulted from that attorney's extended recovery period.

On June 19, 2000, the Area Mental Health Board of the Durham Center approved the extension of a lease originally entered into on April 1, 1989. The original lease term was for 4 years, 3 months ending on June 30, 1993. It was renewed annually through June 30, 2000. The property was sold to Mr. Niemeyer in 1999. Mr. Niemeyer honored the renewal through June 30, 2000, but insisted upon having a new lease if the County desired to continue occupying the premises. Since the expiration of the last renewal, the County has effectively been holding over awaiting the execution of the new lease. The new lease agreement has a retroactive commencement date of July 16, 2000 and an expiration date of July 31, 2001. This agreement provides the County the option of renewing the lease for a period of one additional year.

The two-story house comprises four bedrooms, seven bathrooms, two offices, a gathering room, and kitchen totaling approximately 3,124 square feet. The rent is \$2,150.00 per month, annualized to \$25,800.00--a charge of \$8.25/square foot. Funding for this lease is included in the FY 00-01 budget. Rent during the optional renewal period--\$2,258.00 per month/\$27,096 per year/\$8.67 per square foot.

The Landlord shall be responsible for all Durham City and Durham County real property ad valorem taxes and assessments. The Landlord is responsible for repairs and

replacements to the premises and house (including house equipment), roof, foundation, interior and exterior structural walls, wiring, heating, air conditioning, and plumbing. Further, the Landlord shall be responsible for fire and extended coverage insurance on the building and the premises.

The County shall be responsible for all daily and routine maintenance and repairs to the premises (interior and exterior), utilities, garbage, electrical, repair of the interior, including but not limited to the paint and wall coverings, carpet, and floor coverings. The security system and monthly charges associated with the alarm, light equipment, non-structural repairs and replacements, maintenance of the lawn, and cleaning expenses will be paid by the County. The County shall be responsible for any routine service for the HVAC and routine plumbing. The County will not be responsible for any routine services for the HVAC if said service exceeds \$2,000 per year.

The County Attorney has approved this lease as to form.

Resource Person(s): Bill Martin, Real Property Manager, and Alvin Johnson, Halfway House Manager

County Manager's Recommendation: The Manager's recommendation is that the Board authorize the execution of this lease in accordance with the agreement.

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

The motion carried unanimously.

### **Resolution and Bond Order**

The Board of Commissioners approved a resolution at its last meeting to refund certain general obligation bonds. The savings were predicted to be approximately \$2,783,854.00. The Board was requested to approve an additional resolution making certain required findings of fact and to introduce a bond order which sets a public hearing for February 12, 2001.

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

County Manager's Recommendation: Adopt the resolution and bond order to move the process forward.

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

The motion carried unanimously.

The Resolution and Bond Order follows:

RESOLUTION RELATING TO THE AUTHORIZATION  
OF REFUNDING BONDS OF THE COUNTY OF  
DURHAM, NORTH CAROLINA

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the “County”), is considering authorizing the issuance of Refunding Bonds of the County in an aggregate principal amount not exceeding \$105,000,000 for the purpose of providing funds, with any other available funds, for refunding (a) all or a portion of the Public Improvement Bonds, Series 1992 of the County, dated February 1, 1992, to be outstanding after February 1, 2001 in the principal amount of \$46,305,000, (b) all or a portion of the Water and Sewer Bonds, Series 1992 of the County, dated February 1, 1992, to be outstanding after February 1, 2001 in the principal amount of \$8,670,000, (c) all or a portion of the General Obligation Public Improvement Bonds, Series 1994 of the County, dated October 1, 1994, outstanding in the principal amount of \$20,215,000 and (d) all of the Public Improvement Bonds, Series 1993 of the County, dated May 4, 1993 and maturing on May 1, 2005 to 2013, inclusive, in the principal amount of \$21,700,000, including paying expenses related thereto; and

WHEREAS, is necessary to take certain related action at this time;

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

Section 1.                   The Board of Commissioners for the County (the “Board of Commissioners”) hereby finds and determines in connection with authorizing the issuance of such Refunding Bonds that (i) the issuance of such Refunding Bonds is

necessary or expedient in order to realize debt service savings for the County, (ii) the proposed principal amount of such Refunding Bonds is adequate and not excessive for the proposed purpose of such issue, (iii) the County's debt management procedures and policies are good and are managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service such Refunding Bonds will not be excessive and (v) such Refunding Bonds can be marketed at reasonable rates of interest.

Section 2.                   The Local Government Commission of North Carolina is hereby requested to ask for sealed bids for such Refunding Bonds by publishing notices and printing and distributing an Official Statement and a Supplement to such Official Statement relating to the sale of such Refunding Bonds. The distribution of such Official Statement prior to the public hearing on and adoption of the order of the Board of Commissioners authorizing the issuance of such Refunding Bonds is hereby specifically approved. Such Official Statement, substantially in the form of the draft thereof presented to the Board of Commissioners, is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Interim Finance Director of the County are each hereby authorized to approve changes in such Official Statement, to approve such Supplement and to execute such Official Statement and such Supplement for and on behalf of the County.

Section 3.                   This resolution shall take effect immediately upon its passage.

**ORDER AUTHORIZING  
\$105,000,000 REFUNDING BONDS**

BE IT ORDERED by the Board of Commissioners for the County of Durham:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Durham, North Carolina, is hereby authorized to issue Refunding Bonds in an aggregate principal amount not exceeding \$105,000,000 for the purpose of providing funds, with any other available funds, for refunding (a) all or a portion of the Public Improvement Bonds, Series 1992 of said County, dated February 1, 1992, to be outstanding after February 1, 2001 in the principal amount of \$46,305,000, (b) all or a portion of the Water and Sewer Bonds, Series 1992 of said County, dated February 1, 1992, to be outstanding after February 1, 2001 in the principal amount of \$8,670,000, (c) all or a portion of the General Obligation Public Improvement Bonds, Series 1994 of said County, dated October 1, 1994, outstanding in the principal amount of \$20,215,000 and (d) all of the Public Improvement Bonds, Series 1993 of said County, dated May 4, 1993 and maturing on May 1, 2005 to 2013, inclusive, in the principal amount of \$21,700,000, including paying expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect upon its adoption.

The Board of Commissioners thereupon designated the Interim Finance Director of the County as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by

The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon the Interim Finance Director filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$105,000,000 REFUNDING BONDS" was passed on first reading.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 7:00 P.M. on February 12, 2001, in the County Commissioners Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the Clerk to the Board of Commissioners to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Herald Sun not later than the sixth day before said date.

**Approval of Construction Contract for the Carmichael Building Rooftop Air-Conditioning Units Replacement--Project IFB# 01-018**

The Board was requested to authorize the County Manager to enter into a contract with Carolina Air-Conditioning Company Inc. in the amount of \$388,800.00 for replacement of the Carmichael Building rooftop air-conditioning units and appurtenances and to execute any change orders, if necessary, not to exceed a project cost of \$410,000.00, which is less than the estimated project cost of \$440,000.00.

The Carmichael Building air-conditioning equipment and controls were installed in 1984. Major components of the current system are four rooftop units with a capacity of 50 tons each. Several failures have occurred and have been repaired; more are expected unless the equipment is replaced. Utilizing more efficient cooling equipment will reduce maintenance and energy costs for this building and improve reliability.

The Carmichael Building rooftop air-conditioning units replacement project was advertised in local newspapers on November 11, 2000; a Pre-Bid Conference was held on November 21, 2000 at 10:00 A.M. One bid was received on December 12, 2000 at 3:00 p.m. but was not opened because three bids were not received. The project was re-advertised on December 15, 2000 and one bid was received, publicly opened, and read on January 04, 2001 at 3:00 p.m.

Carolina Air-Conditioning Company Inc. submitted the lowest price of \$398,800.00 for the construction of replacing the air-conditioning units, etc.; this amount was negotiated to \$388,800.00. The Engineering Department has reviewed the bid proposal with Ish Sud Ph.D., P.E. of Sud Associates P.A., the project engineers, and recommends that the County proceed with the work and award the contract to the low bidder.

Funding is available for this project in the Carmichael Building Pay-As-You-Go account. Completion of this project will provide a reliable cooling system and reduce energy and maintenance costs for the building by replacing equipment that has reached the end of its useful life.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department; Mike Turner, Director of General Services; Anthony Allen, Interim Director of Purchasing; Ademola Shobande, Project Manager, Engineering Department

County Manager's Recommendation: The Manager's recommendation is that the Board authorize the execution of the contract with Carolina Air-Conditioning Company Inc. in the amount of \$388,800.00 and authorize the County Manager to execute change orders, if necessary, not to exceed \$21,200.00.

Commissioner Reckhow moved, seconded by Commissioner Bowser, to approve this agenda item.

The motion carried unanimously.

**Approval of Construction Contract for the Carmichael Building Roof Replacement**  
**--Project IFB# 01-013**

The Board was requested to authorize the County Manager to enter into a contract with Owens Roofing Inc. in the amount of \$379,061.00 for the construction of the new roof system at the Carmichael Building and to execute any change orders, if necessary, not to exceed project cost of \$416,967.00, which is less than the estimated project cost of \$473,000.00.

The existing Carmichael Building roof was installed in 1981 and has reached the end of its useful life. Several failures have occurred and have been repaired; more are expected unless the roof is replaced. The amount of roof area requiring repair exceeds the area for

which patching is practical. (Patching will not prevent leaks from continuing.) The completion of this project is required to protect the building interior and occupants.

The Carmichael Building roof replacement project was advertised in local newspapers on November 11, 2000. A Pre-Bid Conference was held on November 21, 2000 at 10:00 a.m. Nine bids were received, publicly opened, and read on December 12, 2000 at 2:00 p.m.

Owens Roofing Inc. submitted the lowest price of \$379,061.00 for the construction of the new roof system. The Engineering Department has reviewed the bid proposals with Jeff Spady, RRC of CTL Engineering Inc., the project designer, and recommends that the County proceed with the work and award the contract to the low bidder, Owens Roofing Inc.

Funding is available for this project in the Carmichael Building Pay-As-You-Go Account. Completion of this project will provide a reliable roof system for the building by replacing the existing roof that has reached the end of its useful life.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department; Mike Turner, Director of General Services; Anthony Allen, Interim Director of Purchasing; Ademola Shobande, Project Manager, Engineering Department

County Manager's Recommendation: The Manager's recommendation is that the Board authorize execution of contract with Owens Roofing Inc. in the amount of \$379,061.00, and authorize the County Manager to execute any change orders, if necessary, not to exceed \$37,906.00.

Commissioner Reckhow moved, seconded by Commissioner Bowser, to approve this agenda item.

The motion carried unanimously.

**The Fountains Office Park--Change to the Site Plan from the Approved Redevelopment Plan (at NW Corner of Hwy. 54 and 40)**

Commissioner Reckhow presented this agenda item. She gave the Commissioners an overview and a historical summary of the project.

Commissioner Reckhow stated that the Commissioners approved a rezoning in the spring of 1999 for the Fountains project. At that time, the Planning Department recommended denial because there was a lot of opposition to the project. The Commissioners deferred action for a couple of months. There was negotiation on the project. The main reason the Planning Department recommended denial was because of the traffic impact in the area. Since then, a revised sight plan has been submitted that includes several changes.



The Planning Department has a policy of allowing this to go through administratively to the Development Review Board if no one change is greater than 10 percent. I am bringing forward to this Board the concept of providing policy guidance to staff that if negotiations between the developer and the stakeholders do not work out satisfactorily, that this site plan be brought back to this Board for consideration. Subtle features in some of the conditions and changes led this Board to approve it and you can't measure that in 5 percent or 10 percent.

Commissioner Reckhow moved, seconded by Commissioner Bowser, that if the negotiations with the stakeholders do not work out satisfactorily, that this is a substantial change and we would want to review this item.

The Commissioners and County Attorney Chuck Kitchen discussed this item at length. The Planning Department staff was also involved in the discussion.

County Attorney Chuck Kitchen said he is not sure that this Board can put itself in the place of the Planning Director in making that call. This Board can request that the Planning Director seriously consider it. If he finds in his judgment that it is a significant deviation, it could be turned back.

Commissioner Bowser suggested that the Board look at any changes in this plan as being significant and require the Planning Director to bring the plan back to the Commissioners for consideration.

Commissioner Reckhow said she would amend the motion to comply with what the County Attorney and Commissioner Bowser is saying. The proposed amendment would read as follows: If negotiations of the stakeholders break down and they can not reach agreement on the site plan, this Board directs the Planning Director to bring the site plan to the Commissioners because we consider any change in the plan that we approve to be significant.

County Attorney Chuck Kitchen said that the proposed amendment probably goes too far.

Commissioner Reckhow said she thinks the Planning Director has the sense of this Board.

Chairman Black granted permission to the following two citizens to speak:

Tom Miller, spokesman for the Leigh Farm Park Advisory Committee, said he hopes that in time this will all work out and the item will be brought back to you for consideration. There are some procedural problems I want to bring to your attention. The developer has a site plan and development plan approved now.

Tom Stark, 8 S. Poston Court, attorney representing the Durham Open Space and Trails Commission, said the main concern is that when negotiations are entered into with a developer by community groups and various bodies, that is a critical part of the process. We undermine that if those various agreements can be altered through an administrative process after the fact and outside the light of day. That is the point that DOST wanted to reinforce. The critical parts of the agreement should be memorialized in a way so it will be very clear what those agreements are.

Chairman Black said she was going to ask the attorney to look at the ordinance and to come back at a later date with recommendations as to how to tighten it up.

County Attorney Kitchen said the Durham Planning Department is planning to hire a consultant to look at the overall ordinances. These types of issues will be looked at.

Commissioner Reckhow asked the attorney if he would be comfortable with us just adopting this motion as a sense of the Board.

Chairman Black asked Commissioner Reckhow to restate the motion.

Commissioner Reckhow said if the negotiations with the stakeholders do not work out to a satisfactory agreement, that the Board is concerned that the plan does represent a substantial change from what we approved, given the deletion of two parking decks, and we would like to review the new site plan.

Chairman Black said the motion has been made and seconded. All in favor of the motion, let it be known by stating, "Aye." No opposes, so the motion carries. (Commissioner Bowser seconded the motion.)

### **Durham Public Schools Board's Offer of Holloway Street Schools to BOCC**

The Durham Public School Board desires to dispose of the Holloway Street School property. North Carolina General Statute 115C-518 requires that it must first be offered to the Board of County Commissioners. Considering that the property is in need of substantial renovation and repair; that the Facility Master Plan did not identify the need for such a building to meet the County's space needs; and that no County departments or agencies have identified a need for such a facility, it is requested that the Board of County Commissioners declines the Durham Public School Board's offer of the Holloway Street School property. The school property is located at 1107 Holloway Street and is identified as Tax Map Parcel #128-03-001, PIN 0831-11-57-2138.

On November 13, 2000, staff presented this item to the Board of Commissioners for consideration. At that time, staff recommended to the Board of Commissioners that the County--in its right of first refusal--decline to purchase Holloway Street School. This

recommendation was essentially due to the County not having a use for the facility. During the Board deliberations on this item, there were two concerns raised by Commissioners: 1) What would be the impact on the Shelter for HOPE Interim Operations Plan for the Homeless population if the County chose not to purchase Holloway Street School? and; 2) Could a solution be remedied that would allow Northeast Central Durham to continue providing services in Holloway Street School after the facility sold?

In respect to the first Board concern, the Shelter for HOPE Board of Directors have developed an Interim Operations Plan which includes housing the male homeless population at Urban Ministries. Women and children will be housed in the basement level of Oldham Towers until the renovation and expansion project is complete. Each of these agreements is finalized.

Upon discussion with the schools about Northeast Central Durham's tenancy in Holloway Street, the schools agreed to sell the facility under the condition that Northeast Central Durham would be allowed to remain in the facility and continue providing services. Representatives from DPS will be on hand to respond to any further concerns of the BOCC regarding this matter.

The main school building was originally constructed in the late 1920's and was added onto in 1949 and 1954. It is a two-story structure with basement. The gymnasium was constructed in 1975 and is one story. Currently, the school building is partially occupied by the Northeast Central Durham Community Assistance offices and the Weed & Seed program. The remainder of the building is unused at this time.

Site improvements, in addition to the two buildings, include paved parking for approximately 25 vehicles and a playground. The school property fronts on Holloway St., N. Hyde Park Ave., and Spruce St. It is located in both NC (Neighborhood Commercial) and R-3 (Residential 3) zoning districts. Durham County Tax Administration records indicate the land value is \$145,920, the building value is \$1,225,830, and the total value is \$1,371,750. The parcel is 4.864+/- acres. The property was appraised in August 2000 by an independent fee appraiser and the estimated market value was determined to be \$898,000. The appraisal report indicated an estimated cost of \$1,002,000 to convert to office use. No cost figures were provided for remediation/abatement of asbestos materials or lead-based paint or to make the property ADA compliant.

The County's Engineering Department has determined that the overall condition of the Holloway Street School building is fair to poor and that use of the building on a long-term basis would require extensive renovations to meet code and functional requirements. In addition, the main building has considerable lead paint and asbestos products.

Resource Person(s): Wendell M. Davis, Deputy County Manager

Bill Martin, Real Property Manager  
Glen Whisler, County Engineer  
Donald Hasselbach, Assistant Director of General Services  
Calvin J. Dobbins Jr., Associate Superintendent DPS  
Hugh Osteen, Executive Director of Facilities, Durham Public  
Schools

County Manager's Recommendation: The Manager's recommendation is that the Board decline the schools offer to purchase the Holloway Street School in the amount of \$898,000 to the extent that no County Department has identified a use for the facility. The Schools have agreed to sale the property under the condition that the tenants from Northeast Central Durham are allowed to remain in the facility. Furthermore, the Shelter Board has developed an interim solution for the homeless population during shelter renovations and will not make use of Holloway Street School.

Chairman Black asked if any of the Commissioners had questions.

The Commissioners had several questions to which the resource persons responded.

Commissioner Bowser wanted to make sure that the sale of the property would not affect the tenants already on the property. Mr. Osteen assured him they would not be affected. Ms. Kathryn Meyers, Chairman, Board of Education, also assured the lease would be honored.

Chairman Black gave permission for the following citizens to speak on the agenda item being considered:

Stephen Priest, representing Carter Community School, asked the Commissioners if they had any questions on the information presented to the school system relative to Holloway Street School.

Jacqueline Wagstaff commented that the community does not believe what the Board of Education is saying will be a reality for the use of the property. We feel that Northeast Central Durham will be left out in the cold. We will be the ones to suffer from this agreement. The Commissioners have the ball in their court. It is your responsibility to provide for Northeast Central Durham to help the people in need. We don't feel comfortable with what is going on. She urged the Commissioners to delay the decision one cycle in order for Northeast Central Durham to talk to their investors. Northeast Central Durham would like to meet with the Commissioners and the School Board to discuss the building's future.

### **Extension of Meeting**

Commissioner Heron moved, seconded by Commissioner Reckhow,

to extend the meeting to 11:30 p.m.

The motion carried unanimously.

**Holloway Street School (Continued)**

Stephen Hopkins, 526-A Barnes Avenue, spoke in support of Northeast Durham acquiring the Holloway Street School to help the residence in the area.

Debra Davis urged the Commissioners to delay making an official decision tonight and to give Northeast Central Durham time to purchase the building to support the community.

The Commissioners, the County Attorney, and the School Board Chairman discussed the bid process for the building.

Commissioner Reckhow moved, seconded by Commissioner Heron, to decline the schools offer to purchase the Holloway Street School, and to ask the school system to meet with Northeast Central Durham prior to initiating any upset bid process or any other process to sell the property.

The motion carried with the following vote:

Ayes---Black, Cousin, Heron, and Reckhow

Noes---Bowser

Absent—None

Chairman Black said that we have on the public record that the Chairman of the Board of Education stated that they will be happy to honor the request to meet with the leaders of Northeast Central Durham to talk about Holloway Street School.

**Homeless Shelter (continued)**

Mr. Charles E. Thompson, Jr., Chairman of the Capital Campaign Committee, presented the County Commissioners a campaign committee report. The County of Durham, City of Durham, and the North Carolina Housing Finance Agency have contributed \$1,250,000 to the project. The private part of the campaign got started in late October 2000 and its goal is to raise \$750,000 to bring the grand total of the project to \$2,000,000.

Due to the hard work of many volunteers, we have raised \$270,000 to date for the project. The construction project will begin in February 2002.

The Commissioners asked questions and made remarks about the project to which Deputy Manager Wendell Davis responded.

Mr. Davis said the shortfall on the project is approximately \$200,000 at the present time.

### **Extension of Meeting**

Commissioner Bowser moved, seconded by Commissioner Heron, to extend the meeting to 11:45 p.m.

The motion carried unanimously

### **Homeless Shelter (continued)**

The Board of County Commissioners, staff, and resource persons had a lengthy discussion about the funding of the homeless shelter.

John Thompson, DTW Architects, presented the Commissioners a presentation on the plans of the homeless shelter.

Commissioner Reckhow moved seconded, by Commissioner Bowser, to set the public hearing for February 12, 2001 to provide the public the opportunity to express opinion on the funding of the shelter project by the North Carolina Housing Finance Agency. Direct the staff to seek additional funding to meet the funds required associated with cost overruns. If additional funding cannot be found, the staff should look at alternatives to back out of the project.

The motion carried unanimously.

Chairman Black called on John Compton, Executive Director, Historic Preservation Society, to make remarks concerning the homeless shelter.

Mr. Compton said the Historic Preservation Society was to have been consulted relative to this project but that never occurred.

Chairman Black said that Mr. Davis will look into why the Historic Preservation Society was never contacted about the project.

### **Board and Commission Appointments**

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

The following votes were cast to appoint the following positions. (Asterisks indicate appointments.)

Raleigh Durham International Airport Authority

Two expired, two-year terms (expire January 2003).

Roy Beamer—No Votes

Jacqueline B. Hall—No Votes

\*Lionell Parker—Black, Bowser, Cousin, Heron, and Reckhow

Anthony D. Elliott—No Votes

Robert R Miller—No Votes

\*Williams Stephens Toler—Black, Bowser, Cousin, Heron, and Reckhow

Library Board of Trustees

One unexpired term (expires July 31,2001).

Laura D. Boyes—No Votes

John E. Harrington—No Votes

\*William F. McKee III—Black, Bowser, Cousin, and Heron

Caroline Delaney Miller—No Votes

James H. Pickering—No Votes

Elsa Woods—Reckhow

Jacqueline B. Hall—No Votes

Amy Loveland—No Votes

Karen Wallace-Meigs—No Votes

Thomas W. Murray—No Votes

Stephen G. Richardson—No Votes

**Public Health Board**

Three expired at-large positions (expire January 2004).

Patricia E. Brisley—No Votes

\*Lorraine S. Salois Deane—Black, Heron, and Reckhow

Steven L. Johnson—Bowser and Cousin

\*William T. Small—Black, Bowser, Heron, and Reckhow

\*Ruth Smullin—Black, Heron, and Reckhow

Martha C. Brock—No Votes

Jacqueline B. Hall—Bowser and Cousin

Kathleen Mugs—No Votes

Harmon L. Smith—Cousin

Robert E. Williams—No Votes

Chairman Black announced that Commissioner Cousin will serve on the Farmland Preservation Board.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board