

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

Monday, March 8, 1999

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, Joe W. Bowser, 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**

Commissioner Heron announced that the Department of Transportation, Division of Aviation, is having meetings to receive input on the strengths and weaknesses of the state aviation program. The nearest hearing to Durham is in Sanford.

Commissioner Heron said the comment period on the widening of NC55 to US64 has been scheduled. A letter might be in order stating our stand on that. The widening should begin in Durham County to US64. Chairman Black and County Manager David F. Thompson discussed the letter earlier in the day.

Vice-Chairman Reckhow announced that there will be a citizen informational workshop at the fire station at the intersection of NC55 and Carpenter Road from 4:00 p.m. to 8:00 p.m. There will be a meeting for local officials at 2:00 p.m. We should send someone to that meeting.

Vice-Chairman Reckhow stated there will be two outreach meetings related to our long-range transportation planning process. The meetings are scheduled for Tuesday, March 16, 1999 at the North Durham Library at 4:00 p.m. to 7:00 p.m. and Tuesday, March 23, 1999 at the Southwest Durham Library at 4:00 p.m. to 7:00 p.m. The subject is on the efficiency analysis report. This information will be used on the long-range 20/25 Master Transportation Plan.

Vice-Chairman Reckhow urged the Commissioners to return their calendars to Councilman Paul Miller so the first City-County merger meeting can be set up.

Chairman Black asked the Clerk to deliver the calendars to City Hall on Tuesday, March 9, 1999.

Chairman Black added an item number 9½ to allow Mr. Lee Mortimer to speak for three minutes on the subject of four-year County Commissioner terms.

### **Consent Agenda**

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

- \* (a) Public Health—Resolution in Support of Placing all Programs Traditionally in the Division of Environmental Health Under the Organization of Department of Health and Human Services (adopt resolution);
- (b) Advertising of tax liens (authorize the Tax Administrator to provide public notice and advertise the 1998 delinquent tax liens the week of March 22, 1999);
- (d) Board and commission appointments—Nursing Home Community Advisory Committee (appoint Ms. Mary Lou W. Fogleman, Ms. Betty R. Howell, and Mr. William T. Coman to represent the chief administrators on the committee. Ms. Fogleman and Ms. Howell's appointments will expire February 2002; Mr. Coman's initial appointment will expire February 2000);
- \* (e) Juvenile Crime Prevention Council (approve the membership of the council per Senate Bill 1260, N.C.G.S. 147-33.49); and
- \* (f) FY1998-99 Budget Ordinance Amendment No. 99BCC000047 to appropriate \$111,593 from Fund Balance for real estate purchase (payment to the Mutual Community Savings Bank).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 3(a). Public Health—Resolution in Support of Placing all Programs Traditionally in the Division of Environmental Health Under the Organization of Department of Health and Human Services (adopt resolution).

The resolution follows:

RESOLUTION IN SUPPORT OF PLACING ALL PROGRAMS TRADITIONALLY IN  
THE DIVISION OF ENVIRONMENTAL HEALTH UNDER THE ORGANIZATION  
OF DEPARTMENT OF HEALTH AND HUMAN SERVICES

WHEREAS, delivery of Environmental Health services to the citizens of North Carolina is carried out at the county level by local health department employees; and

WHEREAS, delivery of Environmental Health services at the local level is funded by local dollars (97% local and 3% state); and

WHEREAS, Environmental Health services at the local level include on-site wastewater (i.e. septic systems), food, lodging, and institutional sanitation (restaurants, nursing homes, food borne disease investigation), child care sanitation, child lead program, swimming pools, rabies control, safe drinking water; and

WHEREAS, the State relies on local employees who are authorized as agents of the State Division of Environmental Health to carry out mandated State environmental health programs; and

WHEREAS, having two different proposed State environmental health authorities for local health departments is inefficient and will cause regulatory confusion for the public and severely impact centralized training, authorization, regulatory direction and uniformity; and

WHEREAS, the N.C. Association of County Commissioners, the N. C. Association of Local Health Directors, the Association of North Carolina Boards of Health, the N. C. Environmental Health Supervisor's Association, and the N. C. Public Health Association have endorsed the position to keep environmental health programs together under the State Health Director:

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners strongly supports the need to ensure all aspects of environmental health be under the organizational structure of the Department of Health and Human Services in order to continue to provide the most effective regulatory program for the citizens of North Carolina for the protection of the public health and preservation of the environment.

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

Consent Agenda 3(c). Juvenile Crime Prevention Council (approve the membership of the council per Senate Bill 1260, N.C.G.S. 147-33.49.

The appointees follow:

<b>Specified Members (G.S. 147-33.61)</b>	<b>Name/Title of Person</b>	<b>Member YSAC</b>
1) School Superintendent <i>or their designee</i>	Donna Smith, Asst. Superintendent	No
2) Chief of Police	Teresa Chambers, Chief	No
3) Local Sheriff <i>or their designee</i>		
4) District Attorney <i>or their designee</i>	Ralph Strickland, Asst. DA	No
5) Chief Court Counselor <i>or their designee</i>	Archie Snipes, Chief Court Counselor	Yes
6) Director, AMH/DD/SA <i>or their designee</i>	Steve Ashby, Ph.D., Director	No
7) Director DSS <i>or their designee</i>	Arnold Dennis, Asst. Director	Yes
8) County Manager <i>or their designee</i>	David Thompson, County Manager	No
9) Substance Abuse Professional	Paul Savery, Substance Abuse Coordinator	Yes
10) Member of Faith Community	Peggy A. Kernodle, Missionary	Yes
11) County Commissioner	Becky Heron, Commissioner	No
12) Person under age 21		
13) Juvenile Defense Attorney		
14) Chief District Judge <i>or their designee</i>	Elaine O'Neal, District Court Judge	Yes
15) Member of Business Community		
16) Local Health Director <i>or their designee</i>	Gayle Harris, Director of Nursing	No
17) Rep. United Way/other nonprofit	Karen Thompson, Volunteer	Yes
18) Representative/Parks and Recreation		
19) County Commissioner appointee	Terrance R. Taylor	Yes
20) County Commissioner appointee	Karen Epp Mortimer	Yes
21) County Commissioner appointee	Willie Gibson	Yes
22) County Commissioner appointee	Corrinne A. Mabry	Yes
23) County Commissioner appointee	Pauletta B. Bracy	Yes
24) County Commissioner appointee	Mary E. Robinson	Yes
25) County Commissioner appointee	Gregory L. Thomas	Yes

Consent Agenda 3(f). FY1998-99 Budget Ordinance Amendment No. 99BCC000047 to appropriate \$111,593 from Fund Balance for real estate purchase (payment to the Mutual Community Savings Bank).

The Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 1998-99 Budget Ordinance  
 Amendment No. 99BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Economic Development Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Economic & Physical Development	\$3,928,087	\$111,593		\$4,039,680
<u>Revenues</u>				
Other Financing Sources	\$3,260,587	\$111,593		\$3,372,180

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

This the 8<sup>th</sup> day of March, 1999.

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

Commissioner Bell requested that Consent Agenda Item 3(c) be removed from the agenda for discussion. The item follows:

Camera television production system for the BOCC Chambers (accept staff's recommendation for the replacement of a video camera television system that will enhance the production quality of the transmission signal to cablevision, maximize the low light levels present in the Board Chambers, and provide a higher quality of picture for the viewing audience. Declare the existing video equipment surplus and authorize the County Manager for the trade-in. Authorize the County Manager to enter into a contract with Quail Video Products of Raleigh not to exceed \$34,992 per Invitation for Bid #99-032).

**Adoption of Resolution & Designation of Members for 1999 E&R Board**

North Carolina General Statute 105-322 requires adoption of a resolution to appoint a special Board of Equalization and Review to hear tax appeal matters. The Board of County Commissioners must determine membership to this board by the first commission meeting in March. The Board of County Commissioners shall also appoint the chairman and vice chairman for this special board and set the rate of compensation.

The rate of compensation for the 1998 Board of Equalization and Review was \$50.00 per session. A session consisted of a three-hour block of time that board members actually attended for official meetings.

County Manager's Recommendation: Adopt resolution to appoint a special Board of Equalization & Review, designate membership to this Board, appoint chair and vice chair, and establish rate of compensation for serving on this Board at \$50.00 per session.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adopt the resolution to appoint the E & R Board and to appoint Mr. Call Smith as Chair and Mr. Floyd Wicker as Vice-Chair.

The motion carried unanimously.

---

Commissioner Heron moved, seconded by Commissioner Bowser, to set the fee for compensation at \$50 per meeting (3 hours).

The motion carried unanimously.

#### RESOLUTION TO APPOINT SPECIAL BOARD OF EQUALIZATION AND REVIEW

WHEREAS, the Board of County Commissioners is authorized by North Carolina General Statutes Section 105-322 to appoint a special Board of Equalization and Review to examine and review the listings and valuations assigned to property located in Durham County, hear property owners' appeals concerning property listings and valuations, and make adjustments and necessary changes to insure that valuations meet standards established by State law; and

WHEREAS, the Board of County Commissioners is authorized by North Carolina General Statutes Section 105-312 to delegate its authority to compromise, settle or adjust the County's claim for taxes arising from discovered property to a special Board of Equalization and Review; and

WHEREAS, the Board of County Commissioners has determined that it is reasonable and desirable to appoint a special Board of Equalization and Review to exercise those powers and perform those duties allowed by law:

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners for the County of Durham does hereby establish a special Board of Equalization and Review as follows:

1. EFFECTIVE DATE AND DURATION

This resolution shall be effective upon its adoption by the Board of County Commissioners and shall continue in effect until revised or rescinded by the Board of County Commissioners. This resolution supersedes any previous resolutions adopted by the Board of County Commissioners regarding the establishment of a special Board of Equalization and Review in Durham County.

2. MEMBERSHIP

- a. The Board shall consist of five members, each having one vote.
- b. Three members shall constitute a quorum.

3. QUALIFICATIONS

Each member of the special Board of Equalization and Review shall:

- a. Be a real property owner in Durham County;
- b. Be a registered voter in Durham County;
- c. Be in current payment of all Durham City and County property taxes; and
- d. Be familiar with the power and duties of the Board of Equalization and Review as set forth in North Carolina General Statutes Section 105-322(g).

4. TERM OF OFFICE

The term of office for each member of the special Board of Equalization and Review shall be one year.

5. APPOINTMENT OF MEMBERS

- a. Each Commissioner shall have the opportunity to nominate one member of the Board of Equalization and Review. Nominations shall be made by submitting names and addresses of qualified individuals to the Clerk to the Board no later than the first Monday in March.
- b. Appointment of members and designation of the chairperson of the special Board of Equalization and Review shall be made by the Board of County Commissioners from the slate of nominees presented by the Clerk to the Board at the second scheduled meeting of the Board of County Commissioners in February.
- c. A Commissioner shall serve as a member of the special Board of Equalization and Review by either submitting his/her own name in lieu of some other qualified individual, or by failing to submit the name and address of a qualified nominee to the Clerk to the Board prior to the second scheduled meeting in March.

6. VACANCIES

- a. Vacancies shall be filled by the Board of County Commissioners, with individuals qualified as described in Paragraph 3, above. An individual appointed to fill a vacancy shall serve until the end of the unexpired term.
- b. Any member appointed by the Board of County Commissioners may be removed from the special Board of Equalization and Review by the Board of County

Commissioners with or without cause. A vacancy caused by such removal shall be filled as set forth above.

- c. Any Commissioner serving as member of the special Board of Equalization and Review may vacate his/her seat by requesting that the Board of County Commissioners appoint a replacement. Such Commissioner shall continue to serve on the special Board of Equalization and Review until such time as a qualified individual can be appointed by the Board of County Commissioners to fill the vacancy caused by Commissioner's resignation, as set forth above.

7. COMPENSATION

The members of the special Board of Equalization and Review shall be compensated at a rate determined by the Board of County Commissioners.

8. POWERS AND DUTIES

The special Board of Equalization and Review shall have those powers and duties set forth in North Carolina General Statutes, Section 105-312 and 105-322, and such other powers, duties and responsibilities as are contained in Chapter 105, Subchapter II of the North Carolina General Statutes known as the "Machinery Act."

9. CLERK TO THE BOARD AND MINUTES OF THE BOARD

The Tax Assessor shall serve as Clerk to the Board of Equalization and Review, be present at all meetings, maintain accurate minutes of the actions of the Board, and give to the Board such information as he/she may have or can obtain with respect to the listing and valuation of taxable property in Durham County.

10. STAFF ASSISTANCE

The special Board of Equalization and Review may call upon members of the Planning Department and Tax Administration for technical assistance in carrying out its duties and powers. The special Board of Equalization and Review may call upon the County Attorney's Office for advice and assistance interpreting and putting into effect Chapter 105, Subchapter II of the North Carolina General Statutes as it relates to the Board's responsibilities and duties.

11. NOTIFICATION TO DEPARTMENT OF REVENUE

A copy of this resolution shall be forwarded to the North Carolina Department of Revenue within fifteen (15) days after its adoption.

By motion properly made and seconded, adopted this the 8<sup>th</sup> day of March, 1999.

/s/ MaryAnn E. Black  
MARYANN E. BLACK, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

(SEAL)



/s/ Garry E. Umstead  
GARRY E. UMSTEAD, CMC  
CLERK TO THE BOARD

**Proposal for Disposing of County Surplus Property (915 and 923 North Mangum Street)**

County staff is requesting authority to enter into a six-month Grant of Option agreement with the North Carolina Historic Preservation Society of Durham (HPSD) for the purchase of County surplus property located at 915 and 923 North Mangum Street. North Carolina G.S. 153A-176 allows counties to sell historic property using private sale procedures for real and personal property valued at \$10,000 or greater. This statute provides counties the ability to bypass upset bid procedures.

The upset bid process does not provide flexibility to determine with any certainty the end use of surplus property. This process requires the County to sell surplus property to the highest bidder regardless of end use. By entering into an option agreement with HPSD, the County can determine with a high level of certainty that the end use will preserve the neighborhood status and support downtown revitalization efforts. The option agreement also allows staff the ability to support the Board's goal of "[implementing] the *Smart Growth* recommendations of the 20/20 Plan by increasing housing and jobs in the center city and transit corridors."

The County's investment in the properties totals \$179,452.40, which includes unpaid property taxes and legal expenses. The option agreement would include a minimum sale price of \$75,000 for 915 N. Mangum and \$80,000 for 923 N. Mangum plus the payment of \$12,160.37 for unpaid property taxes. The net result is a \$12,292.33 loss for the County. The benefits of owner-occupancy and the historic restoration of the houses far exceed the loss.

Resource Person: David Powell, Economic Development/Real Estate

County Manager's Recommendation: Provide staff authority to enter into a six-month Grant of Option agreement with the North Carolina Historic Preservation Society of Durham for the purchase of County surplus property located at 915 and 923 North Mangum Street. Set a minimum sale price of \$75,000 for 915 N. Mangum and \$80,000 for 923 N. Mangum plus the payment of \$12,160.37 for unpaid property taxes.

David Powell said the County Manager's recommendation has been rewritten to request input from the Commissioners since we are still in the development stage.

County Manager David F. Thompson said staff wants to get input from the Board relative to what the Commissioners want in the contract. Staff will draft the contract and bring it forward on the March 22 Regular Session consent agenda.

John Compton, 232 Knox Circle, representing the Historic Preservation Society of Durham, said this project is being done by N.C.G.S. 153-A-176. He briefly explained the requirements of the General Statute. The primary goal is for the preservation of the properties. We are asking for proposals from individuals who want to preserve the property. Covenants will be placed on the property to prohibit demolition, obligate the owner to rehabilitate the property and maintain the property, and give the Historic Preservation Society design review. The protective covenants go with the deed.

Ann Sundberg, 118 West Lynch Street, President, Old North Durham Neighborhood Association, said the association supports the proposal being discussed. There are four reasons for the support. They are as follows: To stabilize this particular block of Mangum Street, Mangum Street is a major corridor into Downtown Durham, historic preservation, and promote owner occupancy.

The following citizens spoke in strong support of the proposal that is being discussed:

Jim Vickery, 922 N. Mangum, Old North Durham Inn

Debbie Vickery, 922 N. Mangum, Old North Durham Inn

Trudy Burdette, 911 N. Mangum Street

Suzie Wortham, 921 Morreene Road, Old North Durham Neighborhood Association & Prudential/Carolinas Realty

Jeff Burdette, 911 N. Mangum Street, Old North Durham Neighborhood Association

Tom Miller, 1110 Virginia Avenue, Historic Preservation Society Representative

The Commissioners, County Manager David F. Thompson, and David Powell had a lengthy discussion about the proposal. County Attorney Chuck Kitchen also participated.

Commissioner Heron moved, seconded by Commissioner Bowser, to declare the two properties as surplus.

The motion carried unanimously.

---

Commissioner Bowser moved, seconded by Commissioner Heron, to move forward with this item and add a caveat such that the two properties be sold for a minimum price of \$155,000. If the properties should be sold for a price between \$155,000 and \$179,452.70 (or more), the County will recoup what it has been spent and the North Carolina

Historic Preservation Society of Durham may recoup any expenses it puts forward and keep further profit.

The motion carried unanimously.

County Manager David F. Thompson asked the Commissioners to give him the authority to enter into the contract with the main purpose to protect the County's interest in the original amount of this deal.

The County Manager advised the County Attorney will be involved in setting the final agreement.

**Aisin AW/Shimizu Treyburn Grading Plan**

Shimizu America Corporation is seeking approval of a site plan request to partially grade a 123-acre tract. The site is located on the south side of Teknika Parkway and Old Oxford Highway, west of Red Mill Road, and east of International Drive. (Tax Map 950, Block 01, Parcel 001). The site is zoned I-2 and F/J-A and allows for this use. The grading plan is needed to expedite development for this company, which made its site selection after a national search process. A site plan showing the actual development being proposed will be submitted shortly and will be brought before the Board at a later date.

Steve Medlin, Senior Planner, Durham City-County Planning, will present the case and answer questions.

County Manager's Recommendation: Recommend approval of the site plan submittal.

Steve Medlin presented the proposal for the Commissioners.

Randy King, Engineer with Arcadis Geraghty & Miller, 2301 Rexwoods Drive, Raleigh, NC 27622-1388, architectural and civil consultant for the project, made comments and answered questions about the site plan.

The Commissioners asked several questions about the site plan. Steve Medlin responded to the questions and comments.

Commissioner Heron requested to see the mitigation plan for the wetlands on the site.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the site plan.

The motion carried unanimously.

(Tax Map number; 950, Block 01, Parcel 001; recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**1998 Solid Waste Survey Results and Follow-Up Recommendation**

Michael Turner, Director of General Services, will report to the Board of County Commissioners on the 1998 Solid Waste Survey results and recommend the BOCC reduce the hours of operation of the County convenience centers by six hours per week.

During the Department of General Services FY 1998-99 budget presentation to the Board of County Commissioners, Vice-Chairman Reckhow recommended that a solid waste survey be distributed to all County residents. The purpose of this survey was for County residents to assess the current level of solid waste services being provided by the County and to allow residents the opportunity to identify other areas of interest or concern.

On the Board's November 23, 1998 Regular Session, Chairman Black directed the General Services Director to include one additional question in the solid waste survey. The question was to allow County residents the opportunity to indicate their preference of closing the County convenience centers on Sunday or for a small increase in the permit fee to place additional containers at the convenience centers.

Of the 13,336 solid waste surveys mailed in December 1998, 1,021 residents (7.6%) responded as of January 15, 1999. Of the 1,021 residents responding to our survey, 827 residents (81%) opted for the closing of the convenience centers on Sunday. The remaining 194 residents (19%) opted for the small increase fee to place additional containers at the convenience centers.

Based on the consensus of the responding citizens, it is the recommendation of staff to reduce the hours of operation at the County convenience centers from the current schedule of 7:00 a.m. until 7:00 p.m., Monday through Saturday and 1:00 p.m. until 7:00 p.m. on Sunday (78 hours) to the new schedule of 7:00 a.m. until 7:00 p.m. Monday through Saturday (72 hours).

Resource Person: Michael Turner, Director of General Services, will present this item.

County Manager's Recommendation: Receive the Solid Waste Survey results, recognize the outstanding level of service being provided by General Services staff as indicated in the survey, and decide whether to reduce the hours of operation of the County convenience centers from 78 hours per week to 72 hours per week.

Michael Turner presented the agenda items to the Commissioners.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to reduce the hours of operation of

the County convenience centers, beginning July 1, 1999, from 78 hours per week to 72 hours per week, and to close on Sundays.

The motion carried unanimously.

**Reauthorization of the Interlocal Cooperation Agreement for Open Space and Trails Planning Creating the Durham Open Space and Trails Commission**

In January 1994, the Board of County Commissioners approved the "City of Durham and County of Durham Interlocal Cooperation Agreement for Open Space and Trails Planning." The City Council had approved the same agreement in December 1993. The Durham Open Space and Trails Commission (DOST) was created as a merger of the City's Urban Trails and Greenways Commission and the County's Open Space Commission. The framework for the DOST was developed by a committee from the two existing commissions and was drafted by Planning Department staff. The City and County Attorney's offices each reviewed and commented on the agreement before recommending approval. DOST receives \$1000 per year from the City and \$1000 from the County for its education and publication budget.

The initial agreement was to run for four years and expire on December 31, 1998. Because of the Durham Open Space and Trails Commission's success in working on programs for mutual benefit of the City and the County, it respectfully requests that the interlocal agreement establishing its existence and responsibilities be reauthorized to run from January 1, 1999 through December 31, 2003. The features of the new agreement would be substantially unchanged from those of the 1994 agreement. The City Council Public Works Committee sent the item forward to the March 1, 1999 Council meeting.

Staff recommends that the agreement be reauthorized. The County Manager recommends this action, also. Beth Timson, Senior Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding the request.

Dick Hails presented the interlocal cooperation agreement overview to the Commissioners for their review and consideration. He responded to questions and comments.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the agreement.

The motion carried unanimously.

**Appeal of Mitsubishi Semiconductor America Inc. (MSA)**

This appeal concerns the appraisal and assessment of certain business personal property for the 1996 tax year. The taxpayer was initially denied the opportunity to present this appeal to the Durham County Board of Equalization and Review because the appeal was not filed in a timely manner. The taxpayer challenged the County's contention that it had filed its appeal in an untimely manner before the North Carolina Property Tax Commission. In a decision filed on July 15, 1997, the Commission found that because the guidelines for the appeal of business personal property appraisals are not specific, the timeliness issue could not be determined and the taxpayer was entitled to be heard before the appropriate County board.

The Board of County Commissioners is charged with the task of reviewing the assessment and appraisal of the taxpayer's business personal property for the tax year 1996. At this time, the Board is asked to decide on a date and time to conduct the necessary hearing.

County Manager's Recommendation: Discuss and select a date and time to conduct a hearing to consider the assessment and appraisal of MSA's business personal property for 1996.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to schedule a hearing for March 25, 1999 beginning at 7:00 p.m.

The motion carried unanimously.

County Attorney Chuck Kitchen presented the request and answered questions about the appeal.

Consent Agenda 3(c). Camera Television Production System for the BOCC Chambers. The Department of General Services requests Board of County Commissioners (BOCC) approval to enter into a contract with Quail Video Products of Raleigh in the amount of \$34,992.00 for the replacement of the existing camera television production system in the BOCC Chambers. Quail Video Products agrees to provide a complete turnkey operation, testing, and training of a new camera television production system, which includes three television cameras, one control system, and three Pan/Tilt Heads.

The purpose of replacing the existing equipment is to enhance the production quality of the transmission signal to Cablevision of Durham for the broadcast of Durham County Commissioner meetings. With the assistance of Mr. Jim Fields, General Services and Purchasing Department, staff developed specifications and a scope of work for bidding this project. Invitations for Bids (IFB) #99-032 was publicly advertised and mailed to four companies on January 25, 1999. Bids were received and evaluated on February 8, 1999. Quail Video Products was the most competitive bidder for this project. In

addition, Quail Video Products will donate to TROSA (Triangle Residential Options for Substance Abusers) the trade-in equipment valued at \$3,760.00.

Staff recommends the County enter into a contract with the lowest responsible bidder, Quail Video Products, not to exceed \$34,992.00 for the replacement of video equipment in the BOCC Chambers. Funding for this project was approved in the General Services FY 1998-99 budget.

Resource Person(s): Michael Turner, Director of General Services, and Bahaa Jizi, Buyer, Purchasing Department, will present this item.

County Manager's Recommendation: Accept staff's recommendation for the replacement of a video camera television system that will enhance the production quality of the transmission signal to cablevision, maximize the low light levels present in the board chambers, and provide a higher quality of picture for the viewing audience. Declare the existing video equipment surplus and authorize the County Manager for the trade-in. Authorize the County Manager to enter into a contract with Quail Video Products of Raleigh not to exceed \$34,992.00 per Invitation for Bid #99-032.

Commissioner Bell raised questions regarding the bid process for this proposed purchase. He stated that after the bids were opened, one of the bidders called him to express concern (the bidder that called had the low bid due to the fact that the lowest bidder had bid on equipment that was not available). The caller said instead of being awarded the contract, he was told the item would have to be rebid. He then expressed concern that his bid was fully disclosed.

Commissioner Bell requested an explanation of what happened.

After a lengthy discussion with the Purchasing Department staff, the item was returned to the staff and County Manager for a review of the formal bid process. The Purchasing Department will present a report at the next meeting to the Board on the formal bid process.

### **Four-Year Terms for the Commissioners**

Mr. Lee Mortimer, 4116 Livingstone Place, made comments to the Commissioners relative to four-year terms. His remarks addressed the following points:

1. Consideration of four-year terms at this time can only disrupt the good progress the Commissioners have been making toward city-county merger;
2. Asking the Legislature to enact longer terms for Commissioners without approval from the voters breaks faith with the voters and is highly irregular;
3. Because there has been virtually no public discussion of this proposal, the public knows next to nothing about what it calls for or even when it would begin;

4. A private organization, which is neither accessible nor accountable to the public, should not be a proxy for substantially altering a local government institution belonging to all the people of Durham; and
5. The Commissioners should designate a specific agenda time to fully explain this proposal to the people they represent.

The Commissioners made brief remarks about extending the length of terms of the Commissioners from two years to four years.

Vice-Chairman Reckhow requested that a copy of the proposed legislation be submitted to the Commissioners at the March 22, 1999 Regular Session.

No official action was taken on this agenda item.

### **Board and Commission Appointments**

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

- Cable TV Advisory Board
- Historic Preservation Commission
- Nursing Home Community Advisory Committee
- Open Space and Trails Commission
- Volunteer Farmland Protection Program

The following votes were cast to make appointments to the listed boards and commissions. Asterisks indicate the appointees.

Cable TV Advisory Board: One position (term expires December 31, 2000).

\*Gregory Thomas—Bell, Black, Bowser, Heron, and Reckhow

Historic Preservation Commission: One unexpired “representative of a lending institution or attorney” position (term expires September 1, 1999).

\*James C. Worthington—Bell, Black, Bowser, Heron, and Reckhow

Nursing Home Community Advisory Committee: Eight expired terms (expire February 2000). Subsequent terms are for three years.

\*Dolores Davis Paylor—Bell, Black, Bowser, Heron, and Reckhow

\*Joan Poteat Pepper—Bell, Black, Bowser, Heron, and Reckhow



Open Space and Trails Commission: One expired term to represent Triangle Township (term expires December 31, 2001) (must live in township).

\*George A. Brine—Bell, Black, Bowser, Heron, and Reckhow

Volunteer Farmland Protection Program: One at-large member actively engaged in farming.

\*S. Douglas Daye—Bell, Black, Bowser, Heron, and Reckhow

### **Adjournment**

Chairman Black adjourned the meeting at approximately 9:05 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board