

August 24, 1998

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

Monday, August 24, 1998

7:00 P.M. Regular Session

MINUTES

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

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

Absent: Commissioner William V. Bell (excused)

Presider: Chairman Black

Opening of Regular Session

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

Agenda Adjustments

County Attorney Chuck Kitchen requested the Commissioners, after the conclusion of the meeting, adjourn into Closed Session to preserve the attorney-client privilege pursuant to North Carolina General Statute 143-318.11(a)(3).

Vice-Chairman Reckhow asked to discuss and adopt a resolution opposing Senate Bill 421.

Vice-Chairman Reckhow wished to give an update on the schools dropout prevention plan.

Chairman Black asked to add one item concerning railroad crossings in Durham County.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the following Minutes of the Board as submitted:

- a. June 19, 1998 Budget Worksession
- b. June 22, 1998 Budget Worksession
- c. June 22, 1998 Regular Session

The motion carried unanimously with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

August Anchor Award Winner--Nita Wiggins

Nita Wiggins, Accounting Technician in Social Services, was the August 1998 Anchor Award winner. Mrs. Cassandra Myers, operator of Sandra's Family Daycare, referred to Ms. Wiggins in a letter as "someone on the other end of the telephone that is not only

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prompt and very helpful, but handles every question no matter how in-depth it may be with kindness.” Ms. Wiggins was recognized for consistently meeting deadlines and for providing outstanding customer service to daycare providers in the community.

County Manager’s Recommendation: Present the August Anchor Award to Nita Wiggins along with the sincere congratulations of the entire organization.

Daniel C. Hudgins, Director of Social Services, introduced Ms. Wiggins and made remarks about her excellent job performance.

Chairman Black presented Ms. Wiggins the Anchor Award and a check for \$200.

Ms. Wiggins made remarks of appreciation for the recognition.

Resolution for DCABP Honoree Senator Jeanne Hopkins Lucas

A resolution honoring Senator Jeanne Hopkins Lucas as honoree of the Durham Committee on the Affairs of Black People--63rd Anniversary Founder’s Banquet was prepared for the Board’s approval.

County Manager’s Recommendation: Approve the requested resolution and present at the occasion.

Chairman Black read the following resolution into the official record:

RESOLUTION

WHEREAS, each year, the Durham Committee on the Affairs of Black People chooses outstanding individuals who have contributed greatly to the Durham community; and

WHEREAS, Senator Jeanne H. Lucas has been selected as one of two honorees for the organization’s 63rd Anniversary and Founder’s Banquet; and

WHEREAS, Senator Jeanne H. Lucas is a Durham native who attended the local public schools, graduating from Hillside High School; and

WHEREAS, she received an undergraduate degree in Foreign Languages from North Carolina College and her graduate degree in School Administration from North Carolina Central University; and

WHEREAS, Senator Lucas enjoyed an outstanding career as a teacher and administrator in Durham Public Schools from 1957 until 1993, when she retired as Director of School Community Relations; and

WHEREAS, in 1993 she became North Carolina’s first African-American female to serve in the North Carolina Senate and remains so, representing the 13th District including Durham, Granville, Person, and Wake Counties; and

WHEREAS, Senator Lucas has gained a reputation for her advocacy of the least, the last, and the lost in our community through her legislation on issues relative to children, the elderly, the mentally and physically challenged, the environment, and small businesses; and

WHEREAS, for her tireless efforts on behalf of others she received many honors and awards including Public Service Sorority Merrick-Fisher-Spaulding Deltas, YWCA-Woman of Achievement Silver Medallion Nominee, Mount Gilead Music/Service Award, National Association of Negro Business and Professional Women’s Clubs Inc., and the 1998 Elna B. Spaulding Founder’s Award:

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NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

Senator Jeanne Hopkins Lucas

an outstanding leader who has given her talents unselfishly to help others. We call upon all citizens to join the Durham Committee on the Affairs of Black People at its 63rd Anniversary and Founder's Banquet on August 29, 1998, as this tremendous community leader is honored.

This the 24th day of August, 1998.

/s/ Five Commissioners
Durham County Commissioners

Resolution for DCABP Honoree Representative H. M. "Mickey" Michaux

A resolution honoring Representative H. M. "Mickey" Michaux as honoree of the Durham Committee on the Affairs of Black People--63rd Anniversary Founder's Banquet was prepared for the Board's approval.

County Manager's Recommendation: Approve the requested resolution and present at the occasion.

Chairman Black read the following resolution into the official record:

RESOLUTION

WHEREAS, each year, the Durham Committee on the Affairs of Black People chooses outstanding individuals who have contributed greatly to the Durham community; and

WHEREAS, Representative H. M. "Mickey" Michaux has been selected as one of two honorees for the organization's 63rd Anniversary and Founder's Banquet; and

WHEREAS, Representative Michaux is a Durham native who attended the local public schools, graduated from the Palmer Memorial Institute, and received a Bachelor of Science degree and a Juris Doctor with honors from North Carolina Central University; and

WHEREAS, Representative Michaux is a Senior Partner with Michaux and Michaux, PA., admitted to practice before all North Carolina Courts and the United States Supreme Court; and

WHEREAS, he served as Chief Assistant District Attorney in Durham from 1969 until 1972; and

WHEREAS, in 1977, he became the first African-American U. S. Attorney appointed in the South with an appointment by President Jimmy Carter, and served until 1981; and

WHEREAS, Representative Michaux first served in the North Carolina State House of Representatives from 1973 until 1977, and returned in 1985 where he currently serves from the 23rd District; and

WHEREAS, he is well known for his legislative and business accomplishments including providing affordable housing in the Durham-Raleigh area, providing funds for upgrading the North Carolina Central University Law School, and for his work to improve statewide minority economic development; and

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WHEREAS, for his tireless efforts on behalf of others he has received many honors and awards including awards from N. C. Sickle Cell Syndrome Council, NCCU Trustees Commendation, Durham Chamber of Commerce, and a Doctor of Laws from North Carolina Central University:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

Representative H. M. "Mickey" Michaux

an outstanding leader who has given his talents unselfishly to help others. We call upon all citizens to join the Durham Committee on the Affairs of Black People at its 63rd Anniversary and Founder's Banquet on August 29, 1998, as this tremendous community leader is honored.

This the 24th day of August, 1998.

/s/ Five Commissioners
Durham County Commissioners

Recognize the Durham County Sheriff's Office for Achieving CALEA Accreditation

The Durham County Sheriff's Office has joined a select group of highly-respected law enforcement organizations around the country. On August 1, Sheriff Worth Hill received recognition from the Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA) at a ceremony in Hersey, Pennsylvania. Durham County's Office of the Sheriff is currently the only one in the state accredited by CALEA.

County Manager's Recommendation: Congratulate Sheriff Hill and his staff for working almost three years to achieve this recognition.

Sheriff Hill and Captain Ricky Buchanan made remarks and discussed the international accreditation standards.

Chairman Black called on the Commissioners to make remarks and to congratulate the Office of the Sheriff for this recognition.

Chairman Black presented the Sheriff a plaque that read:

Law Enforcement Accreditation
Durham County Sheriff's Office
August 1, 1998
Sheriff Worth Hill

Consent Agenda

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

- *(a) Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- (b) Request by Raleigh-Durham Airport Authority to accept grant offer (authorize the County Manager to execute the grant offer as submitted);
- *© Capital Projects Budget Ordinance Amendment for the Willowhaven/Placid Valley Area Sewer Project, Bond Project #33 (approve FY 1998-99 Capital Projects

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- Budget Ordinance Amendment No. 99CPA000001 in the amount of \$18,600);
- *(d) Durham County Mental Health (approve FY 1998-99 Budget Ordinance Amendment No. 99BCC000006 in the amount of \$4,633);
- *(e) Durham County Sheriff's Office: Request for Civil Court Advocate Position (approve FY 1998-99 Budget Ordinance Amendment No. 99BCC000007 in the amount of \$32,302); and
- (f) Standard non-reimbursable utility contract for extension of the County sewer system (authorize the County Manager to execute the two contracts).

The motion carried unanimously with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
 Noes: None
 Absent: Bell

*The documents related to these items follow:

Consent Agenda 8(a). Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of July 1998.

For FY 98-99, releases and refunds amounted to \$11,936.18 in taxes for personal property, \$11,069.82 in taxes for registered motor vehicles, and \$200.00 in City vehicle fees.

For prior years, releases and refunds amounted to \$28,400.23.

(Recorded in Appendix A in the Permanent Supplement of the August 24, 1998 Minutes of the Board.)

Consent Agenda 8©. Capital Projects Budget Ordinance Amendment for the Willowhaven/Placid Valley Area Sewer Project, Bond Project #33 (approve FY 1998-99 Capital Projects Budget Ordinance Amendment No. 99CPA000001 in the amount of \$18,600).

The capital projects budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1998-99 Capital Projects Budget Ordinance
 Amendment No. 99CPA0000001

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Willowhaven/Placid Valley Area Sewer Project.

SEWER BOND PROJECTS FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Willowhaven Sewer Project	\$2,758,698	\$18,600		\$2,777,298

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

This the 24th day of August, 1998.

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

Consent Agenda 8(d). Durham County Mental Health (approve FY 1998-99 Budget Ordinance Amendment No. 99BCC000006 in the amount of \$4,633).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000006

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 Durham County Mental Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,493,856	\$4,633		\$175,498,489
<u>Expenditures</u>				
Human Services	\$208,452,299	\$4,633		\$208,456,932

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

This the 24th day of August, 1998.

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

Consent Agenda 8(e). Durham County Sheriff's Office: Request for Civil Court Advocate Position (approve FY 1998-99 Budget Ordinance Amendment No. 99BCC000007 in the amount of \$32,302).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000007

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 Durham County Sheriff's Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,498,489	\$32,302		\$175,530,791

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Expenditures

Public Safety	\$27,908,092	\$32,302	\$27,940,394
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 24th day of August, 1998.

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

Continuation of a Public Hearing to Consider Amendments to the Sign Section of the Zoning Ordinance Originally Considered at the August 10, 1998 Meeting

An ordinance amending the sign section of the Zoning Ordinance (Section 12) was considered at a public hearing on August 10, 1998. At that meeting, the matter was delayed for technical changes. The ordinance proposal was unchanged except for wording which assures that freestanding signs are not located within the vision clearance area.

Ms. Bonnie Estes was at the meeting to present this item.

County Manager's Recommendation: Approval of the amendments.

County Attorney Chuck Kitchen suggested additional detail be included regarding the sign setback to improve clarity of the amendment.

Ms. Estes said the effective date should be December 1, 1999, not September 1, 1999.

Deputy County Attorney Lowell Siler made remarks about future amendments to the sign ordinance.

The Commissioners asked questions and made comments about the proposed amendments to which Ms. Estes responded.

Mr. Siler also assisted with the answers.

County Attorney Kitchen suggested the amendments not be approved tonight because another public hearing may be required.

Chairman Black requested no action be taken on this agenda item at this time. The proposal would be sent back to the City-County Planning Department for review.

Public Hearing--Street Closing--SC98-3; Gorman Church Road

Gorman Baptist Church presented its request to close 72,005± square feet of Gorman Church Road, west 1,195± linear feet from Red Mill Road.

Vonda Frantz, Senior Planner, Durham City-County Planning Department, was present to answer questions of staff regarding the request.

County Manager's Recommendation: That the County Commissioners approve the request to permanently close 72,005± square feet of Gorman Church Road.

Chairman Black opened the public hearing that was properly advertised.

Mr. Jim Thames, 2610 Ferrell Road, Building Committee Chairman, was present to answer questions.

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

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Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to permanently close 72,005± square feet of Gorman Church Road.

The motion carried unanimously with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

The order follows:

COUNTY OF DURHAM
ORDER PERMANENTLY CLOSING
72,005± SQUARE FEET OF GORMAN CHURCH ROAD

WHEREAS, the Durham Board of County Commissioners adopted a Resolution on August 10, 1998, declaring its intent to close the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein;

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a Notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for two successive calendar weeks; and

WHEREAS, this matter came on for hearing before the Board of County Commissioners of Durham County at its regular meeting on August 24, 1998; and all persons who desired to be heard were heard at that time:

NOW, THEREFORE, the Board of County Commissioners of Durham County, having carefully considered the question of permanently closing the street or alley or portion thereof as is more fully described in Attachment A, finds:

1. That closing of the street or alley described in Attachment A is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE ORDERED:

1. That the street described in Attachment A is permanently closed subject to the retention of any utility improvements and/or easements described therein.
2. That a certified copy of this Order shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
3. That property owners adjacent to the closed street shall take right, title, and interest as is provided in G.S. 160A-299 (c).

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4. That this Order is effective upon and after the date of its adoption as shown by the stamp of the County Clerk below.

Approved By The
Board of County Commissioners
August 24, 1998
/s/ Garry E. Umstead
Clerk to the Board

Legal Description

BEGINNING at a stake at the southwestern right-of-way of the intersection of Gorman Church Road (SR #1816) and Red Mill Road (SR #1632) which is N 41° 03' 10" W 12.07' from the northwest intersection of the Red Mill Road right-of-way and Norfolk Southern, thence with the southern right-of-way of Gorman Church Road S 68° 48' 27" W 49.14' to a stake a point of curve; thence continuing with the southern right-of-way of Gorman Church Road with a right hand curve a radius of 850.00' 246.05' to a stake a point of tangency; thence continuing with the southern right-of-way of Gorman Church Road S 85° 23' 35" W 298.59' to a stake a point of curve; thence continuing with the southern right-of-way of Gorman Church Road with a left hand curve a radius of 685.03' 596.55' to a stake a point of tangency; thence continuing with the southern right-of-way of Gorman Church Road S 35° 29' 51" W 44.00' to a stake the point and place of beginning of a cul-de-sac; thence with a left hand curve in a northeasterly direction a radius of 50.00' 90.23' to a stake in the northern right-of-way of Gorman Church Road a point on a curve; thence with the northern right-of-way of Gorman Church Road with a right curve a radius of 745.03' 643.81' to a stake a point of tangency; thence continuing with the northern right-of-way of Gorman Church Road N 85° 23' 35" E 298.58' to a stake a point of curve; thence continuing with the northern right-of-way of Gorman Church Road with a left hand curve a radius of 790.00' 228.68' to a stake a point of tangency; thence continuing with the northern right-of-way of Gorman Church Road N 68° 48' 27" E 27.74' to a stake at the intersection of the northern right-of-way of Gorman Church Road (SR #1816) and the western right-of-way of Red Mill Road (SR #1632); thence with the western right-of-way of Red Mill Road with a left hand curve a radius of 830.00' 20.69" to a stake a point of tangency; thence continuing with the western right-of-way of Red Mill Road S 41° 03' 10" E 43.01' to a stake the point and place of beginning. For a more particular description see a plat recorded in PB ___ P ___ Durham County Registry.

For further description of the above described parcel, see "FINAL PLAT," survey showing STREET CLOSING AND RECOMBINATION FOR GORMAN CHURCH ROAD (CLARK ROAD), Oak Grove Township, Durham County, North Carolina, dated July 24, 1998, and prepared by: Credle Engineering Company Inc., Registered Land Surveyor #L-1912, and recorded in the Durham County Register of Deeds Office in plat book _____, page _____.

ORDER CLOSING
GORMAN CHURCH ROAD

NORTH CAROLINA
DURHAM COUNTY

I, Susan B. Page, Notary Public of the aforesaid County and State, certify that Garry E. Umstead, County Clerk of the County of Durham, personally appeared before me this day, and duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the Order adopted by the Board of County Commissioners of the County of Durham at its meeting held August 24, 1998, and the same is taken from and compared with the recordation of said Order as Ordinance Number _____, on file in the Office of the County Clerk.

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Witness my hand and notarial seal, this 25th day of August, 1998.

/s/ Susan B. Page
Notary Public

My Commission Expires:
December 20, 2000

The foregoing certificate of _____, notary public of Durham County, NC, is certified to be in due form and correct. This instrument and this certificate are duly registered at the date and time in the book and page shown on this instrument.

/s/ Willie L. Covington, Register Of Deeds
Durham County, North Carolina

Public Hearing for the Consideration of Allocating Economic Development Investment Funds to Tivoli, a Subsidiary of the IBM Corporation

Tivoli, a subsidiary of the IBM Corporation, designs, develops, manufactures, and sells network management software. IBM is considering significantly expanding local Tivoli operations by locating two new software manufacturing facilities in Durham County. IBM is considering constructing two 100,000-square-foot facilities on property near the intersection of Miami Boulevard and Chin Page Road. The total construction costs of these facilities are estimated to be at least \$28 million. Upon completion, the facilities will house IBM's software manufacturing and development operations for Tivoli. IBM expects to create an additional 100 to 200 new jobs in software development and customer support over the next two years.

IBM is in the process of making the final decision on where to locate the new Tivoli facilities. Other areas outside of North Carolina are being evaluated for this investment. IBM has communicated to the County Manager and staff that Durham County's financial support for this project will be a key consideration in the final decision. IBM has requested that the County participate in the costs of sanitary sewer installation for the proposed facilities.

Staff recommended that the County participate in this project by reimbursing IBM up to \$420,000 for the design and construction costs of extending sewer utilities to the proposed development and for the costs of associated sewer connection fees. The reimbursement payments would be made in equal installments over a five-year period with revenues from the County's Enterprise Fund beginning the fiscal year after construction of the new facilities has been completed.

County Manager's Recommendation: Approve the contract between Durham County and IBM Corporation to allow for the reimbursement of costs associated with extending sanitary sewer to the proposed Tivoli development.

David Powell, Real Estate Manager/Economic Development Manager, presented an overview of the Tivoli project to the County Commissioners.

The Commissioners asked questions and made comments about the proposed project to which Mr. Powell responded.

Commissioner Bowser stated he would support the project.

The Commissioners expressed their support for the project and praised IBM for considering Durham County and for bringing additional jobs to the County.

Chairman Black opened the public hearing that was properly advertised.

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Jack Steer, 2416 Dawn Trail, representing The Friends of Durham, said “we have been pleased with IBM being a good neighbor and we certainly hope the Commissioners will approve the request.”

Ralph McKinney, 500 Fairfield Road, said he was pleased with IBM developing jobs in the area.

Patrick Byker, 2614 Stuart Drive, representing the Chamber of Commerce, said the Tivoli project is a part of the partnership with the Durham Chamber, Durham County Government, and the N. C. Department of Commerce. This project has been a team effort and we are pleased to bring this project before the Commissioners.

Tom White, 2729 Sevier Street, representing the Greater Durham Chamber of Commerce, said this is a great project for the City and County. It will increase the tax base and provide good paying jobs for our citizens.

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

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the contract between Durham County and IBM Corporation (with changes just mentioned) to allow for the reimbursement of costs associated with extending sanitary sewer to the proposed Tivoli development.

The motion carried unanimously with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

Public Hearing on Southeast Durham Plan

Southeast Durham is one of 15 small areas that comprise Durham County. The planning area is approximately 29 square miles and is located between NC 147, NC 98 and the Durham-Wake County line, and T. W. Alexander Parkway. Southeast Durham is a mix of rural, suburban, and urban neighborhoods with a growing industrial base on the edge of the Research Triangle Park.

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

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

County Manager's Recommendation: Conduct a public hearing of the Southeast Durham Plan and solicit public comment. At the end of the public hearing, it would be appropriate to either approve the plan or to instruct staff to make additional modifications as per the Board's direction.

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The Commissioners asked questions and made comments about the plan to which Mr. Luck responded.

Chairman Black opened the public hearing that was properly advertised.

Dr. George Conklin, 2905 Scuppernong Lane, spoke in general terms about the plan. He urged the Commissioners to delay plan approval pending the resolution of the green area on the map. The area is rural/rural district which is not realistic since Raleigh is ready to charge across the border.

Mr. Luck responded to Dr. Conklin's remarks at the request of Chairman Black. Planning Director Paul Norby also assisted with the response to Dr. Conklin's remarks.

Mr. Ralph McKinney, 500 Fairfield Road, spoke about racism, housing, protection of our citizens, and health concerns.

Ms. Virginia Bowman, 311 Watt Street, representing the Durham Coca-Cola Bottling Company, stated the company owns 178 acres in a 700-acre tract in the Southeast Durham planning area. She endorsed the plan and thanked the Commissioners for letting them participate in the process.

Ms. Charlotte Myer, 5201 Shagbark Drive, President of Stirrup Creek Homeowners Association, stated the citizens wish to keep the area single-family residence. The southeast area is very desirable to live in. Our main focus is to maintain single-family residence along Lumley Road and to maintain the property values. The plan addresses our need in reference to the Lumley Road area maintaining single-family residence.

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

The Commissioners asked additional questions to which Mr. Luck responded.

The Commissioners concurred to defer action on the Southeast Durham Plan and to refer it back to the City-County Planning Committee for additional work before sending the plan to City and County Governments for approval.

Senate Bill 421: Freeze Property Tax Values in 2000

Vice-Chairman Reckhow asked County Attorney Chuck Kitchen to give the Commissioners background information on Senate Bill 421.

County Attorney Kitchen explained the legislation and told of its implications for Durham County.

County Manager David F. Thompson also spoke about the legislation.

Vice-Chairman Reckhow read the Resolution Opposing Senate Bill 421 into the official record.

The resolution follows:

RESOLUTION OPPOSING SENATE BILL 421

WHEREAS, a bill, S421, has been introduced in the North Carolina Senate which would restrict revaluation of real property to those times the property is purchased, newly constructed, or a change in ownership has occurred; and

WHEREAS, the inflationary rate could only be adjusted by 2 percent per year; and

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WHEREAS, this bill would have the effect of shifting the property tax burden from industry to the ordinary citizen in that residential property is sold more often than industrial property; and

WHEREAS, where such proposals have been adopted, there have been large impact fees imposed on the sale of new houses to pay for services; and

WHEREAS, where such proposals have been adopted, there has been a proliferation of special tax districts to pay for services which the government cannot afford to pay for out of property taxes; and

WHEREAS, since fees for special tax districts are not deductible from Federal Income Tax as are property taxes, the Federal Income Tax burden is increased significantly:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH RESOLVE:

1. The legislative delegation representing the citizens of the County of Durham are called on to oppose Senate Bill 421.
2. The County Manager is directed to mail a copy of this Resolution to each member of the legislative delegation and to the Association of County Commissioners.

This the 24th day of August, 1998.

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

Attest: /s/ Garry E. Umstead
Clerk to the Board

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the resolution opposing Senate Bill 421 and to send it to each member of the legislative delegation and to the Association of County Commissioners.

The motion carried unanimously with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Bell

School Dropout Program Update

Vice-Chairman Reckhow said Durham Public Schools is moving forward with developing a dropout prevention plan requested by the Commissioners during the budget process. The school system is holding focus groups to gather data and information before developing the final plan.

Durham County Railroad Crossings

Chairman Black expressed concern about automobiles trying to outrun trains at railroad crossings. Mark Ahrendsen, Director of City Transportation, advised Chairman Black to write a letter to the railroad company, City Transportation, and to the North Carolina Department of Transportation asking them to do something about the problem by installing safety equipment to make the crossings safer.

Chairman Black asked County Manager Thompson to meet with Mr. Ahrendsen and compose a letter to send to the railroad company, city, and state.

The County Manager commented he will follow up with Mr. Ahrendsen on the letter.

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Closed Session

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adjourn into Closed Session to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a)(3).

The motion carried unanimously with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: None

Absent: Bell

Reconvene Into Open Session

The Commissioners reconvened into open session. No action was taken as a result of the Closed Session.

Adjournment

Chairman Black adjourned the meeting at 9:18 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS