

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

Monday, August 28, 2000

9:00 A.M.

**Closed Session**

The Board is requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or conditions of initial employment of a public officer.

The Clerk to the Board did not attend the Closed Session.

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5:25 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

**Receive the Report from the Managers' Bicycle Task Force**

In October 1999, the City and County Managers authorized the formation of a joint Bicycle Task Force to address the concerns of bicyclists in the community. Bicyclists had expressed disappointment over the slow pace of implementing bicycle improvements recommended in adopted plans, and they were eager to be a part of new Traffic Demand Management strategies.

Both Managers agreed to the task force and appointed members from the Bicycle Committee, staff from relevant City and County departments, and citizens representing various constituencies to make up the group. The task force was charged to provide the Managers with various improvements to be made in the next 12 to 18 months, at not too great a cost, to jump-start the recommendations of the various bicycle plans. The Board asked Bicycle Committee member Ed Harrison to serve as its liaison on the task force.

Resource Person(s): Beth Timson, Senior Planner, Durham City-County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board receive this report from the Task Force.

Ms. Timson made introductory remarks about the Bicycle Task Force.

Stanley Hoffman, 4119 Peachway Drive, served on the Bicycle Task Force. He spoke about the work of the task force. He commented that there is much interest to improve bicycling in Durham and to make the sport safer. We can create hundreds of miles of additional bicycle trails without any additional cost, just by making the roads safer. Task force members said the two governments should hire a full-time bicycle trails pedestrian coordinator to improve bicycling and to work to obtain grant money to assist with bicycle projects. There are bicycle plans but more action is needed. He urged the Commissioners to provide more support.

Ed Harrison, 58 Newton Drive, 27707, said the work of the Bicycle Task Force fits well with the Transportation Demand Management plan adopted last year. Safety must be improved to encourage more people to ride bicycles to work. Mr. Harrison talked about Commissioners' role relative to the bicycle plans. The state should provide more money for bicycle lanes.

The Commissioners asked questions and made remarks about the work of the Bicycle Task Force.

Commissioner Heron said she was going to ask the state for more money for bikeways. The bicycle plans must be implemented and not "put on the shelf to collect dust."

Vice-Chairman Reckhow suggested that the Commissioners go on record to request more money from the state to build additional bicycle trails. The Chairman should write a letter to NCDOT requesting more funding for bike trails. The completion of the American Tobacco Trail should be a top priority item. The report should be implemented to the greatest extent possible. The bicycle map should be updated.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to accept the report and direct the County Manager to bring back this item for action strategy to move forward and to write a letter to NCDOT with a copy for MPO requesting that more transportation money be applied to the bicycle plans for Durham. In addition, the American Tobacco Trail must be completed.

Commissioner Heron requested that a copy of the letter be sent to her to present at an upcoming transportation

meeting and to copy Eric Michaux, NCDOT board member.

The motion carried unanimously.

### **First Union Building Acquisition Update**

For the past several months, staff has negotiated with American Real Estate Holdings regarding the acquisition of the First Union Building property. During the Phase I and II Environmental Assessment, it was determined that there was contamination on the property. American Real Estate Holdings is presently evaluating the time frame needed to clean up the contaminated area.

Staff provided the Board information regarding this process and the time involved with the final stages of the negotiation process. Staff also requested Board direction regarding potential alternatives to the First Union site if the County is unable to move forward with acquiring the property. Listed below are potential alternatives to purchasing the First Union Building if the County does not purchase the property:

- 1) Lease space for some of the administrative functions in the Courts and use the relieved space in the Courthouse to construct an additional courtroom for Family Courts.
- 2) Lease space for administrative and courtroom functions.
- 3) Wait for American Real Estate Holdings to complete site cleanup at the First Union site.
- 4) Identify other potential properties for acquisition.
- 5) Evaluate the Eligibility Building for renovations.

Resource Person(s): Wendell Davis, Deputy County Manager, and Glen Whisler, County Engineer

County Manager's Recommendation: The Manager's recommendation is that the Board receive this update on the First Union Building acquisition and direct staff to pursue one or a combination of the alternatives presented.

Mr. Davis presented the Commissioners an overview of the First Union Building acquisition update. Within three weeks, we will know the extent of the contamination on the property and whether American Real Estate Holdings is going forward with the cleanup. A decision should not be made until the American Real Estate Holdings report is received.

Mr. Davis said he has considered other properties that could possibly be purchased or leased. They are as follows:

- NCNB Building, Corcoran and Main Streets. Sell price--\$1,300,000 (without parking spaces). Parking spaces would be an additional \$350,000.
- Old Library Building, East Main Street. Sell or lease.
- Eligibility Building, Roxboro and East Main Streets. County owns.

Mr. Davis asked for the Board's preference for an alternative if the First Union Building proposal does not materialize.

Commissioner Heron said she would prefer to spend money on our Eligibility Building as a permanent facility or to upgrade our own property on Duke Street.

Vice-Chairman Reckhow wished to wait for the results of the report regarding the First Union Proposal. "I want to stay with First Union." She also suggested that the City Council Chambers be considered as a possible short-term solution. North Carolina Central University's moot courtroom may be a possibility.

Mr. Davis said he would look into Vice-Chairman Reckhow's suggestions.

Chairman Black preferred that the First Union Bank Building be used to solve the Court's space problem.

### **Update on Disparity Study**

The Board authorized the County Manager to enter into a contract with Mason Tillman Associates, Ltd. to conduct a disparity study for the County of Durham. Staff presented an update on the status of this study and presented a timeline for its completion.

Resource Person(s): Sandra Huskamp, Purchasing Director, and Jan Bryant-Berry, Business Development Manager

County Manager's Recommendation: Accept the update of the disparity study and allow staff to respond to any questions.

Ms. Bryant-Berry presented an update on the disparity study.

The task completion schedule follows:

Work Plan Preparation	Completed
Community Meetings	Completed
Utilization Analysis	Completed
Market Area Analysis	Completed
Availability Analysis	September 5, 2000
Disparity Analysis	September 5, 2000
County's Procurement Policies & Program	Completed

Anecdotal Analysis	September 15, 2000
Race & Gender Neutral Policies	Completed
Final Report Draft	September 29, 2000

The final report was scheduled for presentation to the Commissioners on October 16, 2000. The final presentation would be made at the Commissioners' Regular Session on October 23, 2000.

The Commissioners asked questions to which staff responded.

No official action was taken on this agenda item.

### **Discussion of Proposed Items for NCACC Legislative Goals Process for 2001**

Deborah Craig-Ray, Governmental Affairs Director, and County Attorney Chuck Kitchen led a discussion of proposed legislative items that the Board might suggest for inclusion in the 2001 Legislative Goals Process for the North Carolina Association of County Commissioners. A memorandum from the Association seeks input from this Board. Any proposed legislative items must be submitted to Association headquarters by September 8, 2000 along with information on whether each proposal comes from an individual Board member or the full board.

Resource Person(s): Deborah Craig-Ray, Director of Public Relations and Intergovernmental Affairs, and Chuck Kitchen, County Attorney

County Manager's Recommendation: That the Board discuss this item and direct staff on any issues to be forwarded to the North Carolina Association of County Commissioners' headquarters for inclusion in the Legislative Goals Process for 2001.

Ms. Craig-Ray led the discussion on the proposed legislation the Board might suggest for inclusion in the 2001 Legislative Goals Process for the North Carolina Association of County Commissioners.

Jim Blackmon, General Counsel for the Association, put forth the idea of a local income tax.

The Commissioners developed the following ideas to suggest to the State Association:

1. For the Board to go on record seeking additional revenue options to fund capital improvement projects;
2. Put forward the concept that there should be consideration to allow local options, subject to a local referendum, of those types of revenue sources that have already been authorized for other counties in the state;
3. Increase the civil process fee statewide for serving civil process papers;

4. Put forward the need for more inspections staff for nursing homes;
5. Look at incentives to increase quality of care in childcare facilities considering a star rating program that is moving forward; and
6. Statewide goals for long-term care.

Ms. Craig-Ray was asked to work with Vice-Chairman Reckhow and other Commissioners on the wording for the proposed legislation.

### **Closed Session**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adjourn to closed session in order to consult with an attorney and to preserve the attorney-client privilege regarding a claim pursuant to G.S. § 143-318.11(a)(3) and to discuss a personnel issue pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

The Closed Session began at 6:30 p.m.

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7:28 P.M.

### **Opening of Regular Session**

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

### **Agenda Adjustments**

Commissioner Bowser said he wished to talk about an incident at the Main Library last week.

Chairman Black said the item would be No. 16.

Vice-Chairman Reckhow had one announcement to make at the beginning of the meeting.

Vice-Chairman Reckhow requested time during the meeting to speak about the proposed census designation of our metropolitan area.

Commissioner Bell asked to add an agenda item about the Alcoholic Beverage Control Board.

Chairman Black said that regarding consent agenda item No. 5(k), Commissioner Bowser has added Mr. William McKee as his representative to the Work First County Block Grant Plan Committee.

Chairman Black asked to add the recognition of a contribution by the Durham Regional Hospital Auxiliary as agenda item No. 4(a).

### **Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the August 7, 2000 Worksession Minutes of the Board as submitted.

The motion carried unanimously.

The August 7, 2000 Merger Public Hearing Minutes would be on the September 11, 2000 agenda for approval.

### **Resolution Regarding Custody and Treatment of Children in Need of Medically Necessary Mental Health Services**

The Board was requested to approve the resolution, which was approved during the recent North Carolina Association of County Commissioners annual meeting. At the August 14 meeting, Chairman Black asked that the item come before the Board at this time.

County Manager's Recommendation: Approve the resolution and send copies to the North Carolina Association of County Commissioners, N. C. General Assembly President Pro Tempore Sen. Marc Basnight, and House Speaker Rep. Jim Black.

Chairman Black read the following resolution into the minutes:

#### RESOLUTION

WHEREAS, children who are eligible for Medicaid are entitled to mental health treatment when it is determined to be medically necessary; and

WHEREAS, residential treatment for child mental health services is reimbursed by Medicaid at a rate much lower than the actual cost of such services; and

WHEREAS, the responsibility of paying the difference between the actual cost of services and the Medicaid reimbursement rate rests with either the parent or custodian of the child; and

WHEREAS, parents unable to pay the difference between the Medicaid rate and the actual costs frequently relinquish custody of their child to the county department of social services so that federal foster care services funds and county funds can be used to pay this difference; and

WHEREAS, according to the National Alliance for the Mentally Ill, in 1999 23% of parents of children in need of serious mental health treatment were advised to relinquish custody of their children in order to receive necessary services; and

WHEREAS, the responsibility for providing services to children with serious mental health treatment needs falls to both the Division of Mental Health and the Division of Social Services in the Department of Health and Human Services; and

WHEREAS, many of the children with serious mental health treatment needs are identified as delinquent through the juvenile court adjudication process:

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

1. The Department of Health and Human Services and the Department of Juvenile Justice should jointly develop an adequate database to accurately identify the extent of service needs, the various funding sources available, and appropriate outcomes to meet the needs of these children;
2. The Department of Health and Human Services should establish reimbursement rates for residential mental health treatment for children that reflect the actual cost of providing these services;
3. The General Assembly should adopt and fund a basic benefit package of mental health services to meet the treatment needs of North Carolina's children consistent with the recommendations of the recent study of the State Psychiatric Hospitals and Area Mental Health Programs; and
4. The General Assembly should increase funding to cover the gap between the Medicaid reimbursement rate and the actual cost of providing residential mental health treatment for children so that parents no longer have to relinquish custody of their children to get help paying for these services.

This the 28<sup>th</sup> day of August, 2000.

/s/ Five Commissioners  
Durham County Commissioners

The resolution would be sent to the North Carolina Association of County Commissioners, NC General Assembly President Pro Tempore Senator Marc Basnight, and House Speaker Representative Jim Black.



### **Durham Regional Hospital Auxiliary**

Chairman Black said she attended the dedication ceremony for the stained glass window placed in the Chapel at Durham Regional Hospital. The window was dedicated to the citizens, patients, and employees at Durham Regional Hospital.

Ms. Nancy Ruth Best, Director of Chaplain Services at Durham Regional Hospital, and Helen Dennis, President of the Auxiliary, talked about the window and what the symbols (waterfall, tree, and rainbow) represent.

Ms. Dennis said the Durham Regional Auxiliary presented the \$8,000 stained glass window to the hospital for placement in the Chapel.

### **Announcement**

Vice-Chairman Reckhow announced that the North Carolina Department of Transportation will hold the above Citizens Informational Workshop on September 6, 2000 between the hours of 4:00 to and 7:00 p.m. in the Media Center at Githens Middle School, 4800 Chapel Hill Road, Durham. Discussion would comprise the following:

For SR 1126 (service road relocation) near the intersection of US 15/501 Business and Garrett Road (U-4009) and for the widening of US 15-501 to six lanes between Mt. Moriah Road and Garrett Road, and the construction of an additional right turn lane in the northeast quadrant of the interchange with I-40 (U-4012).

Projects 9.8059077/8. 1352301      U-4009/U-4012      Durham County

### **Consent Agenda**

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

- \*(a) Recognize Deferred Revenue for the Sheriff's Office (accept the incorporation of \$78,500 in the deferred revenues into the Sheriff's Current Departmental Operations Budget; there is no impact to County local dollars);
- \*(b) Budget Amendment--Youth Coordinating Board Triangle United Way Grant (approve the budget amendment in the amount of \$10,151 from the Triangle United Way to serve as a match to the Governor's Crime Commission grant for implementation of a Juvenile Drug Court);

- \* (c) Budget Amendment to Establish Five DSS Positions and Recognize \$172,563 of Additional Intergovernmental Revenue (approve establishment of the requested five positions and recognize \$172,563 of additional intergovernmental revenue);
- \* (d) Five Mid-Size Vehicles and One Sport Utility Vehicle-Tax Administration Department (authorize the County Manager to proceed with a contract to Rick Hendrick Chevrolet Inc. in the amount of \$100,183.40 to purchase five mid-size vehicles and one sport utility vehicle for conducting tax appraisals);
- (e) Final Qualifying Bid to Purchase County Property (5201 Lacy Road) (approve the offer of \$6,350.00 per lot submitted for 5201 Lacy Road by Mr. William Small and prepare a non-warranty deed for the Chairman's signature);
- \* (f) Offer to Purchase County Property (600 E. Cornwallis Road) (pursue the upset bid process at this time; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- \* (g) Resolution Amending Uniform Standards for Claims Against Employees, Officers, and Officials (adopt the proposed resolution as it does not result in a change in policy and will ensure compliance with current law; the current resolution provides when the County will cover claims against employees; the proposed amendment sets forth the procedural steps to be taken and provides the details as to what claims are paid);
- \* (h) Final Order for Quasi-Judicial Hearing on Appeal of Revocation of Land Disturbing Permit, #L-2772--Edinborough at the Park (review the proposed order and approve subject to such corrections and modifications as the Board desires; the final order should then be entered);
- (i) Appointments—Durham and Wake Counties Research and Production District (Ms. Elizabeth H. Rooks, Director of Physical Development, Research Triangle Foundation of NC, requests that the Board, on behalf of the Research Triangle Park Owners and Tenants Association, appoint the following nominees to the service district:

	<u>Term</u>
Lori Greenstein NC Biotechnology Center	7/1/00 – 6/30/03
Christian Bigsby Glaxo Wellcome	7/1/00 – 6/30/03
J. Renee Keever Sigma Xi	7/1/00 – 6/30/03

- (j) Durham County Commission Special Tax Board Appointees (confirm that Chairman Black and Commissioner Bowser are the Board representatives to the Special Tax Board); and
- \*(k) Appointment of Work First County Block Grant Plan Committee (review and approve the appointment of members to the Work First Planning Committee).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 5(a). Recognize Deferred Revenue for the Sheriff’s Office (accept the incorporation of \$78,500 in the deferred revenues into the Sheriff’s Current Departmental Operations Budget; there is no impact to County local dollars) follows:

DURHAM COUNTY, NORTH CAROLINA  
 FY 2000-01 Budget Ordinance  
 Amendment No. 01BCC000002

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 Sheriff’s Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Public Safety	\$ 30,271,454	\$78,500		\$ 30,349,954
Intergovernmental	\$194,854,834	\$78,500		\$194,933,334

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

This the 28<sup>th</sup> day of August, 2000.

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

Consent Agenda 5(b). Budget Amendment--Youth Coordinating Board Triangle United Way Grant (approve the budget amendment in the amount of \$10,151 from the Triangle United Way to serve as a match to the Governor's Crime Commission grant for implementation of a Juvenile Drug Court) follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000003

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 Youth Coordinating Board.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$232,416,939	\$10,151		\$232,427,090
<u>Revenues</u>				
Intergovernmental	\$194,933,334	\$10,151		\$194,943,485

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

This the 28<sup>th</sup> day of August, 2000.

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

Consent Agenda 5(c). Budget Amendment to Establish Five DSS Positions and Recognize \$172,563 of Additional Intergovernmental Revenue (approve establishment of the requested five positions and recognize \$172,563 of additional intergovernmental revenue) follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 2000-01 Budget Ordinance  
Amendment No. 01BCC000004

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 Department of Social Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Human Services	\$232,427,090	\$172,563		\$232,599,653
<u>Revenues</u>				
Intergovernmental	\$194,943,485	\$172,563		\$195,116,048

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

This the 28<sup>th</sup> day of August, 2000.

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

Consent Agenda 5(d). Five Mid-Size Vehicles and One Sport Utility Vehicle--Tax Administration Department (authorize the County Manager to proceed with a contract to Rick Hendrick Chevrolet Inc. in the amount of \$100,183.40 to purchase five mid-size vehicles and one sport utility vehicle for conducting tax appraisals).

The bids follow:

DURHAM COUNTY BID TABULATION  
 IFB NO. 01-004  
 FIVE (5) 2000 OR 2001 MID-SIZE 4-DOOR SEDANS AND ONE (1) SPORT UTILITY VEHICLE  
 DURHAM COUNTY TAX ADMINISTRATION DEPARTMENT  
 BID OPENING: AUGUST 16, 2000  
 2:00 P.M.

BIDDER	SPECIFICATIONS 1			SPECIFICATIONS 2			
	Make/Model	<u>Unit Price</u>	Total Section Price	<u>Make/Model</u>	<u>Unit Price</u>	Total Section Price	Total Bid Price
Bobby Murray Chevrolet 1820 Capital Blvd. Raleigh, NC	No Response						
Capital Ford, Inc. 4900 Capital Blvd. Raleigh, NC	No Response						
Cross Roads Ford 1101 Buck Jones Road Raleigh, NC	No Response						
Don Lacefield Chevrolet Churton St. Extension Hillsborough, NC	No Response						
Elkins Chrysler Plymouth 125 E. West Expressway Durham, NC	No Response						
Morgan Dodge 3601 Hillsborough Rd. Durham, NC	No Response						

Performance Chevrolet P O Box 2287 Chapel Hill, NC	No Response						
RPM Lincoln Mercury 3621 Chapel Hill Blvd. Durham, NC	No Response						
Rick Hendrick Chevrolet 600 E Main St. Durham, NC	2000 Chevrolet Blazer	\$24,816.00 ea.	\$24,816.00	2000 Chevrolet Malibu	\$15,073.48 ea.	\$75,368.40	\$100,183.40
University Ford, Inc. 600 Carr Street Durham, NC	No Response						

Section 1: Terms - Net within 20 days after receiving vehicles; Delivery: 2 days after verbal instructions and/or purchase order.

Section 2: Terms - Net within 20 days after receiving vehicle. Delivery: Immediately.

Consent Agenda 5(f). Offer to Purchase County Property (600 E. Cornwallis Road) (pursue the upset bid process at this time; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process).

The resolution follows:

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in the City of Durham, Durham County, North Carolina and properly described as follows:

600 E. Cornwallis Road      174-03-030

WHEREAS, Ms. Kelley Aguilar-Aleman has made an offer to the County to purchase the above property for \$470.75 and has made a bid deposit in the amount of \$23.53 which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an “Upset Bid Method” for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;

6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on August 28, 2000.

/s/ Garry E. Umstead  
Clerk, Board of Commissioners

Consent Agenda 5(g). Resolution Amending Uniform Standards for Claims Against Employees, Officers, and Officials (adopt the proposed resolution as it does not result in a change in policy and will ensure compliance with current law; the current resolution provides when the County will cover claims against employees; the proposed amendment sets forth the procedural steps to be taken and provides the details as to what claims are paid).

The resolution follows:

RESOLUTION AMENDING UNIFORM STANDARDS FOR  
CLAIMS AGAINST EMPLOYEES, OFFICERS, AND OFFICIALS

WHEREAS, the Board of Commissioners adopted a resolution providing for the defense and payment of claims against county employees pursuant to G.S. §§ 153A-97 and 160A-167 on September 22, 1986; and

WHEREAS, the Board of Commissioners now desires to amend the resolution to affirmatively state the circumstances in which a claim will be settled on behalf of county employees; and

WHEREAS, the Risk Manager for the County with the approval of the County Attorney has been previously given the authority to settle claims pursuant to the above-referenced resolution; and

WHEREAS, the County has consistently applied a uniform standard to settle all claims.

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

1. The attorneys for the County shall invoke governmental or sovereign immunity in all claims against the County where such defense exists.
2. The Risk Manager with the approval of the County Attorney shall have the authority to settle claims against the County where there is not governmental or sovereign immunity and claims on behalf of county employees where appropriate under this and the prior or subsequent resolutions of the Board of Commissioners.
3. The County shall pay claims only where the county employee acted in a negligent manner.
4. The County shall only pay claims which are reasonable in amount and are not covered, or would not be covered if filed, by insurance, including insurance of the County, employee, or claimant; however, uninsured motorist coverage of the claimant shall not preclude payment by the County.
5. Claims for pain and suffering and for attorney's fees of claimant shall not be paid by the County.
6. A release and waiver of claims or an accord and satisfaction shall be obtained before or at the time of payment of any claim.
7. The term "employee" shall include a county employee, officer, or official.
8. The Risk Manager shall report at least once a year to the Board of Commissioners all settlements of claims.
9. The resolution adopted by the Board of Commissioners on September 22, 1986, and referenced above, shall continue in full force and effect except as hereby modified.

This the 28<sup>th</sup> day of August, 2000.

Consent Agenda 5(h). Final Order for Quasi-Judicial Hearing on Appeal of Revocation of Land Disturbing Permit, #L-2772--Edinborough at the Park (review the proposed order and approve subject to such corrections and modifications as the Board desires; the final order should then be entered).

The order follows:



Before the Durham County Board of County Commissioners

IN RE SOUTH ATLANTIC CONSTRUCTION ) ORDER DENYING APPEAL OF  
) REVOCATION OF LAND DISTURBING  
) PERMIT #L-2772 ON JULY 19, 2000

This matter came on for hearing before the Durham County Board of County Commissioners at their regularly scheduled meeting on August 14, 2000.

#### Witnesses

Appellant was represented by Mr. Randy Robertson. Appearing on behalf of the County Staff were Mr. Leon Beddingfield, Sedimentation and Erosion Control Officer, and Mr. Charles Armbrust, Sedimentation and Erosion Control Technician. Mr. Glen Whisler, County Engineer, signed up as a witness, but did not testify. Mr. Ed Harrison, Durham Soil and Water Conservation District, spoke in opposition to the appeal.

#### Exhibits

The County Staff submitted the following Exhibits which were admitted.

- A. Financial Responsibility/Ownership Form
- B. Plan page GS 2.1
- C. Timeline
- D. Inspection Report date May 23, 2000
- E. Notice of Violation dated June 5, 2000
- F. Inspection Report dated June 20, 2000
- G. Inspection Report dated July 19, 2000
- H. Notice of Land Disturbing Permit Revocation dated July 19, 2000
- I. Inspection Report dated July 26, 2000
- J. Inspection Report dated July 27, 2000
- K. Rescind Notification dated July 27, 2000
- L. Weather Observations at RDU Airport for May 1-August 8, 2000

The County Staff submitted the following exhibit which was excluded.

- M. State of North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management, General Permit to Discharge Stormwater under the National Pollutant Discharge Elimination System, Permit # NCG 01000

Appellant submitted no exhibits.

Based upon the foregoing identified exhibits and testimony, the Board makes the following Findings of Fact:

1. The Appellant was issued a land-disturbing permit for its project, Edinborough at the Park, on December 6, 1999. Appellant, in its prior corporate identity of Raven

Construction Company, is designated as the financially responsible party on the permit. The location of this project borders Stirrup Iron Creek, and otherwise has the potential to impact the Neuse River.

2. As part of the permit, Appellant had submitted a sedimentation and erosion control plan detailing measures which would be constructed and maintained in order to prevent sediment from traveling off-site. The permit application, and the County Ordinance, 14-62, require the Appellant to inspect the measures installed pursuant to the plan, "especially after rainfall events, and to maintain and repair them as necessary."
3. During an inspection on May 23, 2000, Mr. Charles Armbrust, a Sedimentation and Erosion Control Technician, identified multiple instances where the plan was not being adhered to, resulting in off-site sedimentation. Some of these violations involved the failure to maintain installed control measures and others involved the destruction of measures such as the silt fencing in order to create an additional construction entrance.
4. Mr. Armbrust issued a Notice of Violation (NOV) to Appellant on May 24, 2000, which specifically informed them of the violations present, directed specific corrective action, set a deadline for compliance, and directed Appellant to contact him once the site had been brought back into compliance.
5. This first NOV was returned due to an incorrect address and a second NOV was sent on June 5, 2000, directing that the site be brought into compliance by June 13, 2000.
6. Mr. Armbrust re-inspected the site on June 20, 2000 and found that not all of the identified violations had been corrected, but that progress was being made. He extended the time for completing the work until June 27, 2000.
7. Mr. Armbrust next inspected the site on July 19, 2000. At that time, he found the erosion control measures previously repaired had not been maintained and once again the site was out of compliance and sediment was not being contained within the site. Based on the continuing history of non-compliance, he informed Appellant's managerial personnel present that he was revoking their land disturbing permit.
8. A formal Notice of Land Disturbing Permit Revocation was sent to Appellant on July 19, 2000. This revocation required Appellant to cease any land disturbing activity on the site except for actions to bring the site into compliance with the ordinance and their approved plan.
9. Remedial action was completed on July 27, 2000, and Appellant was reissued their land disturbing permit upon tendering the statutorily directed re-application fee of \$1,478.25.

10. Appellant submitted an appeal of revocation action which was received by the Clerk to the Board on August 2, 2000.
11. Appellant did not dispute the accuracy of Mr. Armbrust's inspection reports or testimony as to the conditions at the site, but claimed that these inspections occurred after significant rainfall events and therefore were not a true measure of the Appellant's compliance efforts.
12. Appellant did not offer any records documenting rainfall at the construction site. Leon Beddingfield, the Sedimentation and Erosion Control Officer tendered rainfall records from the Raleigh-Durham Airport, two miles east of the subject construction site, showing little or no significant rainfall fell during the week prior to the inspections on May 23 and July 19, 2000. The records submitted showed that approximately the same amount of rain fell during the period that the permit was revoked, July 19-27, 2000, as during for the period between the June 20 and the July 19, 2000 inspections.
13. Per Section 14-57 of the County Ordinance, the erosion control measures installed are to be designed to withstand a ten-year storm.
14. Per the North Carolina Erosion and Sediment Control Planning and Design Manual, a ten-year storm is defined as 5.5 inches of rain falling within a 24-hour period. No such level of rainfall occurred in May, June, or July of 2000.

Based upon the foregoing findings of fact, the Board of County Commissioners makes the following Conclusions of Law:

1. The decision of Mr. Armbrust to revoke Appellant's land disturbing permit was authorized per Section 14-69 of the County Ordinance based on the continued failure of Appellant to maintain the erosion control devices specified in their approved plan.
2. Appellant offered no credible explanation for their failure to maintain the erosion control devices specified in their plan, nor evidence demonstrating that these devices had failed due to factors beyond the Appellant's control.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby DENY the Appellant's appeal and upholds the decision to revoke Appellant's Land Disturbing Permit which was made on July 19, 2000.

The result in the foregoing case was rendered by the Durham County Board of Commissioners on the 14<sup>th</sup> day of August, and this written decision confirming said vote was approved by the Board on the 28<sup>th</sup> day of August, 2000.

This the 31st day of August, 2000.

/s/ MaryAnn E. Black, Chairperson  
Durham County Board of Commissioners

ATTEST: /s/ Garry E. Umstead, Clerk  
Durham County Board of Commissioners

Consent Agenda 5(k). Appointment of Work First County Block Grant Plan Committee  
(review and approve the appointment of members to the Work First Planning Committee).

Proposed Local Planning Committee Members for Work First

1. BOCC Appointments     Micheline Malson (Designee for MaryAnn Black)  
   Charles Rogers (Designee for Becky Heron)  
   Anita Scott-Neville (Designee for Bill Bell)  
   Reyn Bowman (Designee for Ellen Reckhow)  
   William McKee (Designee for Joe Bowser)
2. BOCC Representative     Joe Bowser
3. County Manager     Carolyn Titus
4. DSS Board     Cheryl Amana  
   Iris Carlton-LaNey
5. Health Department     Gayle Harris
6. Mental Health     Jack Ramsey
7. Housing Authority     Frank Meachem
8. Faith Community     Pebbles Lindsay-Lucas  
   Alease Bess
9. Durham Public Schools     Donna Smith
10. Durham City's Economic & Employment Development - Ted Abernathy\*
11. Chamber of Commerce     - Tom White
12. Durham Business & Professional Chain     - Warren Herndon
13. Employment Security Commission     - Kathy Keefe
14. Non-Profits that Serve Work First & Low Income Families
  - a.     Southerners for Economic Justice     - Cynthia Brown
  - b.     North East Central Durham Corp.     - Jackie Wagstaff\*
  - c.     Operation Breakthrough     - Charles Chapman\*
15. Center for Employment Training     - Tim Moore\*
16. Durham Technical Community College     - Penny Gluck
17. Durham Regional Financial Center     - Glyndola Beasley
18. Vocational Rehabilitation     - Jessie Pickett Williams
19. Former and Current Service Recipients
  - a.     Sonya Hackney
  - b.     Michelle McKinley

- c. Taundra Love
  - d. Boleyn Willis
  - e. Condra Jones
  - f. Sherie Johnson
20. Partnership for Children - Sue Ruth
21. DSS Representatives - Arnold Dennis  
- Dan Hudgins  
- Rhonda Stevens
22. NC Cooperative Extension - Delphine Sellars
23. Triangle United Way - Lula Harris
24. Genesis Home - Ann Triapiano

\*These are still being confirmed.

### **Designation of a Board Representative to the Little River Park Advisory Committee**

Durham and Orange Counties jointly agreed to purchase a 390-acre parcel in northern Durham to create the Little River Regional Park. The first portion of the site would be acquired by October 30, 2000, and the remaining portion in July 2001. Durham and Orange Counties have successfully obtained two state grants totaling up to \$627,000 that will substantially defray local costs for acquiring the site. In May, Durham and Orange Counties also submitted a grant proposal for a federal Land and Water Conservation Fund (LWCF) grant to assist with site development costs. The LWCF program is administered by the State of NC, with a modest \$865,000 available this fiscal year. The State recently recommended that the park receive a \$262,000 LWCF grant award. Durham and Orange Counties are very fortunate to receive this recommendation--only six projects were recommended for funding out of 40 projects submitted statewide.

Site development for the joint park will be guided by a Little River Advisory Committee, which will consist of 10 members and include members or designees from the Durham and Orange Board of County Commissioners, the two non-profits, and adjacent neighborhoods. The committee will meet as needed and is envisioned to provide guidance for approximately one year. The committee will need to convene in mid-September to meet the LWCF recommended timeline.

Resource Person(s): Jane Korest, Senior Planner

County Manager's Recommendation: That the Board of County Commissioners appoint a Board representative or designee to serve on the Little River Park Advisory Committee.

Ms. Korest talked about the funding sources used to create the Little River Regional Park.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to appoint Commissioner Heron to

the Little River Park Advisory Committee to represent the Durham County Board of Commissioners.

The motion carried unanimously.

**Public Hearing for SNR Management (Rezoning Case P00-9)**

SNR Management presented a request to rezone 73.4 acres on the East Side of Danube Lane north of Ben Franklin Blvd. (Tax Map 742-01-1A, 1B & 4 (portion), PIN #0833-01-47-4421, 0833-01-37-3179 & 0833-01-38-8147). The specific request is to rezone R-20 (Residential 20) to PDR 4.3 (Planned Density Residential-4.3 units/acre). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 11, 2000 and voted 7-0 to recommend approval. The public hearing for this request was advertised on August 11 and August 18, 2000 in the Durham Herald-Sun.

Case Planner: Dwight Yarborough

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

County Manager's Recommendation: That the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

Mr. Standerfer presented the Commissioners an overview of Rezoning Case P00-9.

Mr. Standerfer said that John Markham Jr., attorney for SNR Management, said that the developer agreed to change Note No. 13 on the Development Plan to read as follows:

“100 feet green way along Cub Creek will be dedicated at the time of preliminary subdivision approval for the detached single-family component or Site Plan approval for the first multifamily component, whichever shall occur earliest.”

The developer will accept this language as a condition of approval and will add the language to the final Development Plan to be submitted to the City/County Planning Department to be stamped for approval.

Chairman Black opened the public hearing that was properly advertised.

Attorney Markham presented an overview of the rezoning request. He urged the Commissioners to approve the rezoning application.

The Commissioners made comments about the site plan. Vice-Chairman Reckhow commented that this is one of the better site plans which has been presented to the Board in a while.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the rezoning request with the additional wording to Note No. 13.

The motion carried unanimously.

(Legal description recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Public Hearing--Satpal Rathie (Rezoning Case P00-5)**

Satpal Rathie presented a request to rezone a 52.96-acre site located on the south side of Lumley Road west of Page Road (Tax Map 580B, Block 3, Lots 3 (partial) and 4, PIN #0759-03-41-1123 (partial), 0759-03-41-1845). Request: PDR 4.45 (Planned Density Residential-4.45 units/acre) to PDR 3.85 (Change in Development Plan) (Planned Density Residential-3.85 units/acre with Development Plan). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 11, 2000, and voted 7-0 to recommend approval. City Council voted 13-0 on August 7 to approve rezoning of the 51.66 acres within City jurisdiction. 1.3 acres of open space is within the County's jurisdiction and is the subject of this hearing.

Case Planner: Vonda Frantz

The public hearing for this request was advertised on August 11 and August 18, 2000 in the Durham Herald-Sun.

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

County Manager's Recommendation: That the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

Mr. Standerfer presented the Commissioners an overview of the rezoning request on the 52.96-acre site.

The Commissioners asked questions and made comments about the rezoning request to which Planning staff responded.

Chairman Black opened the public hearing that was properly advertised.

Mr. Rick Prentis, attorney for the applicant, presented the Commissioners an overview of the rezoning request. He urged the Commissioners to approve the rezoning application.

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

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve rezoning case P00-5 as presented.

The motion carried unanimously.

(Legal description recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Public Hearing--Connor Properties, LLC (Rezoning Case P00-40)**

Connor Properties, LLC presented to the Board of County Commissioners a request to rezone 5.6 acres located at 2202 Ellis Road, PIN #0749-01-26-4483; corresponding to Tax Map 641-1-6. Request: RD (Rural District) & R-20 (Residential 20) to OI-2(D) (General Office and Institutional District). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 11, 2000 and voted 7-0 to recommend approval.

Case Planner: Nazeeh Abdul-Hakeem

The public hearing for this request was advertised on August 11 and August 18, 2000 in the Durham Herald-Sun.

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

County Manager's Recommendation: That the Board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

Mr. Standerfer gave the Commissioners an overview of rezoning case P00-40.

Chairman Black opened the public hearing that was properly advertised.

Todd Grosshandler, representing Connor Properties LLC, gave the Commissioners details about the rezoning request. He asked the Commissioners to approve the rezoning application.



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

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve rezoning case P00-40.

The motion carried unanimously.

(Legal description recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**To Conduct a Public Hearing to Consider an Amendment to Improve the Efficiency of the Zoning Ordinance.**

The amendment revises Section 15.3 [Requirements for Rezoning with a Development Plan] to provide additional information with Development Plans in order to provide greater clarity about the details of a proposal.

The Durham Zoning Ordinance requires that applications for a Planned Development Residential District [PDR] be accompanied by a Development Plan. The Development Plan requirements are generic for all zoning districts. The Board has expressed some dismay about the PDR development plan requirements because the standards do not always assure enough clarity to adequately evaluate the rezoning application.

The Joint City-County Planning Committee recommended the proposal for approval. The Zoning Committee of the Planning Commission held a public hearing on this proposal and recommended unanimously in favor of the item. No one spoke in opposition. Several representatives from the development community received copies of the proposal for review. The proposal was adopted by the City Council on August 7, 2000. The Board must conduct a public hearing and consider the zoning ordinance amendment to require additional information with Development Plan zoning.

Resource Person(s): Bonnie Estes and Norm Standerfer will present the item.

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the proposal, if appropriate, based on public comment.

Ms. Estes presented the amendment that revises Section 15.3 [Requirements for Rezoning with a Development Plan].

Chairman Black opened the public hearing that was properly advertised.

Mr. Jack Steer, 2416 Dawn Trail, representing the Friends of Durham, asked a question about the impact on roads in the neighborhood.

Ms. Estes responded to the comments made by Mr. Steer.

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

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the amendment to the zoning ordinance.

The motion carried unanimously.

The zoning ordinance text amendment follows:

TC 103-00 Adopted BOCC 8/28/00

An Ordinance to Amend the Zoning Ordinance  
To Revise the Requirements for PDR Development Plans

WHEREAS, the Durham Zoning Ordinance requires that applications for a Planned Development Residential District [PDR] be accompanied by a Development Plan, and

WHEREAS, dissatisfaction has been expressed regarding the PDR development plan requirements because the standards do not have the clarity which is often needed to adequately evaluate the rezoning application, and

WHEREAS, this amendment proposes greater specificity in certain Development Plan requirements, and

WHEREAS, the proposal suggests that greater detail be provided in a number of ways, including the exact number of dwelling units and residential density of each residential subcomponent of the PDR plan, and

WHEREAS, this information will allow the approving boards to be more informed when making decisions affecting the health, safety and welfare of Durham.

NOW THEREFORE, BE IT ORDAINED:

SECTION 1

That Section 15.3.6 [Rezoning with a Development Plan] be revised to read as follows:

15.3.6 Required Information

1. Development Plans shall be prepared by a Professional Engineer, Professional

Architect or Registered Landscape Architect.

2. Development Plans shall include the following information:
  - a. Vicinity map showing north arrow, scale, name of project, tax map and property number.
  - b. Boundaries of the property using metes and bounds and the angle of departure of adjoining property lines.
  - c. Acreage in the tract and amount to be developed.
  - d. Zoning categories, overlay zones of the subject property and adjacent properties, and the required setbacks of the site.
  - e. Owners of the property and adjacent properties.
  - f. Land uses of adjacent properties, and major improvements on the site and within 50 feet of the boundary of the site.
  - g. Generalized floodplain locations and as well as existing stream beds, and shorelines if any and any information required by Section 11 of this ordinance, such as floodway locations, stream buffers, wetlands, and steep slopes.
  - h. Existing topography.
  - i. Existing property lines to be removed.
  - j. Existing rights-of-way with street names, utility easements, and any other easements either on site or adjacent to the site.
  - k. Existing water and sewer lines and storm water drainages.
  - l. Proposed schematic land use plan illustrations indicating the general locations of residential and nonresidential improvements, including the type, number of stories and maximum density of the dwellings, if any, the generalized type of nonresidential uses, (e.g.: commercial, office, industrial), building envelope, maximum building height and maximum floor area. [See Subsection "t" for additional requirements associated with PDR development plans.]
  - m. Proposed recreation areas and open space reservations and general location as well as location of Durham Historic Sites and/or natural inventory sites, and other areas of unusual natural or environmental significance as defined by Section 11 of this ordinance.
  - n. Schematic landscape plan including plant material save areas and areas for replanting. The plan should include the information meeting the requirements of Section 10 of this ordinance. The standards of Section 10 may require a tree survey and an identification of tree coverage areas.
  - o. Proposed circulation *pattern* which includes generalized locations of streets and pedestrian paths. [See subsection "t" for additional requirements associated with PDR development plans.]
  - p. Proposed utility locations.
  - q. In nonresidential or multifamily districts, the development plan must indicate how building and site design relate to the surroundings. This shall be done with building elevations, conceptual design illustrations, or written descriptions of design principles used; or a combination of the above items. Such elevations, illustrations and/or written descriptions shall show how the building design will relate to its surroundings in three main areas: the context area, the building details, and special

considerations. These three items are more particularly described below:

*Context area:* The proposed development must be described as to how it relates within a specific context area around the site [determined at the time of the pre-application meeting with staff, generally defined as the notice area required for the rezoning and street approaches to the site in the immediate vicinity of the site.] A description must be given as to the features of the area covering natural or planted landscaping; roadway vistas and views of buildings; historical sites and features; signage; parking areas; building setback, height, mass and scale; and building architecture.

Building details - The proposed development must be described in terms of its general architectural styles, roof lines, entryways, windows, exterior building materials, and other distinctive architectural features such as towers, arches, pillars, etc. particularly, as these details are visible from the context area.

Special considerations - The proposed development must be described in terms of its relationship to any special considerations of the site or context area. These considerations include transition in the character of an area, established architectural styles present in the area, and design considerations relevant to the effect of lighting, signage, and color schemes on surrounding properties.

The elevations, illustrations and/or descriptions shall be of sufficient detail to provide clear guidance for the review of such features on subsequent site plans. Individual details may be revised at the time of site plan approval as long as the revisions result in a comparable effect consistent with the intent of the features.

- r. Greenways, trails, open spaces, and railroad corridors designated for preservation on a plan adopted by the Governing Body.  
Land intended for dedication or reservation shall be designated as such on development plans in accordance with requirements for dedication and reservation of recreation and open space areas in [Sections 5M](#) and [7D](#) of the Merged Durham Subdivision Ordinance. The petitioner may add other information if the petitioner wishes. Supporting information may include details pertaining to the proposed improvements, lot dimensions, landscaping details, building footprints, building elevations and other such information as appropriate.
- s. A statement that indicates whether grading for the tract will occur for multiple lots at one time (i.e., mass grading) or on a lot-by-lot basis. Projects proposing to use mass grading shall provide justification for why mass grading of the tract is required in order to produce the project.

- t. Additional requirements for PDR PLANS: Realizing that PDR Development Plans frequently depict one or more subcomponents, the following additional requirements pertain to PDR Development Plans. If the project is not divided into subcomponents, this information is required for the single site.

The PDR Development Plan shall included:

- Graphics, including proposed typical building footprints on typical lots, typical building profiles and elevations, with designation of public/private streets and typical street cross sections.
- The estimated acreage of each area or subcomponent of the project.
- The-gross and net residential densities for each subcomponent.
- The proposed maximum impervious surface coverage for nonresidential and multi-family uses in each subcomponent of the plan, expressed as a percentage of the subcomponent's area.
- The number of dwelling units, type of unit mix, and residential density of each residential subcomponent of the plan.
- The identification and size of floodway and flood fringe acreage to be used to transfer densities and the number of units to be transferred from each area.
- For nonresidential subcomponents: the type of nonresidential uses, building envelope, maximum building height and maximum floor area.
- The maximum size, building envelope dimensions, height, and minimum separation distance of all residential buildings or structures. Single-family proposals shall be exempt from providing height information.
- The percentage of the total site area to be devoted to publicly owned open space and recreation areas as well as privately held open space and recreation areas and the square footage of these uses.
- The proposed circulation pattern within each subsection of the PDR plan
- The proposed utility locations within each subsection of the PDR plan

With any Development Plan, the petitioner may add other information, if the petitioner wishes. Supporting information may include details pertaining to the proposed improvements, lot dimensions, landscaping details, building footprints, building elevations and other such information as may be appropriate.

Significant modifications to the Development Plan after a public hearing will require building elevations and may warrant another public hearing.

## SECTION 2

That the Zoning Ordinance be renumbered if necessary to accommodate this change.

## SECTION 3

That this Ordinance become effective upon adoption.

**Durham County Sheriff's Office--New Communication System--IFB No. 00-022**

The Board was requested to authorize the County Manager to enter into a contract with Motorola Inc. in the amount of \$219,875 to purchase a new Communication System for the Durham County Sheriff's Office. Funds have been appropriated in this Fiscal Year's Budget for the Sheriff's Agency to purchase this new equipment.

Originally, the Sheriff's Office proposed replacing its existing radio dispatch system with either a purchase or lease option. The purchase option was proposed in the County's CIP (Capital Improvement Plan) for an estimated cost of \$238,000. The lease option was approved in the Sheriff's FY 1999-2000 Budget for an estimated cost of \$57,234 annually over a five-year lease. Unfortunately, a leasing agreement contract could not be negotiated that would meet with the County Attorney's approval. It was then decided to formally bid this new equipment and allocate the leasing funding budgeted and other FY 1999-2000 funds to purchase it outright.

Durham County's requirements were advertised in the local newspapers on May 29, 2000. Bid Invitation No. 00-022 was mailed to five vendors. Bids were received from Motorola Communications Inc. for \$251,947.00 and Modular Communications Systems Inc. for \$154,900.00. The lowest responsive bid submitted by Modular Communications Systems Inc. did not meet the important bid specification of providing a console system "capable of a direct wireline interface to the existing City of Durham's Motorola SmartNet, 800 MHz trunking radio system". Modular Communications Systems Inc. does not currently have the licensing rights from Motorola Inc. to acquire the specified Motorola Trunking Control Station or to directly connect to Motorola's proprietary, SmartNet System. The City of Durham's 911 Communication's Division requires that the Sheriff's consoles be capable of a direct connection into their Motorola SmartNet, 800 MHz trunking system due to radio system compatibility issues. Without this technology, calls from the Sheriff's deputies must first go to the 911 dispatcher to be patched through to other public safety entities.

The contract award amount for Motorola Communications Inc. is less than its submitted bid due to backing out specific equipment pricing for: Operator NT Workstations for \$11,330.00 and NT Server and Network for \$5,530.00. The Sheriff's Office will purchase these items, significantly cheaper, through the State Convenience Contract. Also the Sheriff's Office will use two existing call checks that are only two years old instead of accepting bid pricing for two new ones. This reduces the bid contract further by \$15,212.00. Per the County's bid package, the County can reserve this right to increase or decrease quantities specified.

The Motorola equipment, under this purchase contract, is covered under warranty against any material defects for a period of one year from the date of shipment. Subsequent year funding is anticipated for additional costs for Software Upgrades/Maintenance Services in year two, after the warranty expires, of \$3,900, per quote from Motorola Inc. Also

Piedmont Communications Co. Inc. will provide the seven days x twenty-four-hour maintenance specified in the bid package for an additional cost of \$1,200 annually (or \$100.00 per month). The Sheriff's Office currently contracts with Piedmont for all of its communication equipment maintenance including its portable and mobile radio units for \$20,520 annually (or \$1,720 per month). This additional cost has already been appropriated within the Sheriff's current Fiscal Year Budget.

Resource Person(s): Jan Bryant-Berry, Purchasing; Major Mike Andrews, Operations' Commander for the Sheriff's Office; and Janet Birenbaum, Comptroller for the Sheriff's Office.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Motorola Communications Inc. in the amount of \$219,875 for the Sheriff's new Dispatch Communications System. This new system presents the most optimal solution for the Sheriff's Office to upgrade to the most fully-functional communications technology that is operationally consistent and integrative with the 911 Center and all other agency systems and frequencies on a current and long-term basis.

Ms. Birenbaum presented the agenda item for the Sheriff's Office. Major Andrews responded to questions and comments.

Commissioner Heron asked Interim County Manager Carolyn P. Titus to contact the City Manager about putting the 911 Center under the Durham Emergency Management Department so that all the emergency services are coordinated. This will bring the Sheriff's communication center into the system. The 911 services coordination should be more cost effective since we could use this equipment and the trained communicators.

The Commissioners asked questions and made comments to which staff responded.

Commissioner Heron asked Ms. Titus for a report on the 911 backup center.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the contract with Motorola Inc. in the amount of \$219,875 to purchase a new Communication System for the Durham County Sheriff's Office.

The motion carried unanimously.

### **Durham County Justice Center**

The Board of Commissioners has previously approved the construction of a new Justice Center in the adopted Capital Improvement Plan. In order to begin the project, three actions are requested to be taken.

Before any funds are expended, the Board should adopt the Reimbursement Resolution. This will permit any costs associated with the project to be reimbursed from the proceeds of the debt issue. Also, two initial resolutions must be adopted on financing of the courthouse and associated parking deck. This is the initial step in the financing process. The resolutions anticipate a G.S. § 160A-20 financing. This can be changed at a later time to a GO issue if desired by the Board. Additionally, the resolutions reaffirm the appointment of bond counsel.

It is also requested that the administration be directed to begin negotiations on the acquisition of property for the courthouse and associated parking facilities. The three tracts involved are a portion of the DATA site, the U-Haul site, and the Scarborough & Hargett Funeral Home. Any specific directions to staff regarding negotiations may be given in a closed session at a later date. Any agreements on purchasing the tracts would have to come back to the Board for approval.

The last request is that the administration be authorized to begin the Request for Qualifications (RFQ) process to hire an architect. It is anticipated that as part of this process, courthouses, which have been designed by architects submitting proposals, may be visited to ascertain the design abilities of the architects. As this process may take longer than the routine selection of an architect, it is important to now begin the selection process so as not to delay the project.

Resource Person(s): Carolyn Titus, Interim County Manager, and Chuck Kitchen, County Attorney

County Manager's Recommendation: That the Board approve the three steps outlined above so that the County may begin to move forward on the Durham County Justice Center project.

Ms. Titus presented the Commissioners an overview of the Durham County Justice Center project.

Ms. Titus said this agenda item is for the Board to approve the three steps outlined above so that the County may begin to move forward on the Durham County Justice Center project. The Request for Qualifications (RFQ) to hire an architect would be sent out in mid-September. The process will run for a 90-day period. During the process, we will organize a project team. The team will comprise the County Manager, Deputy County Manager, County Engineer, Finance Director, County Attorney, and Budget Director. The construction plan will be pulled together by the project team. A finance team will be set up to look at financing plans. Attorney Chuck Kitchen will fill the Board in on details of the reimbursement resolution.

Mr. Kitchen made his presentation.



The Commissioners asked questions and made comments to which staff responded.

A lengthy discussion followed about the Durham County Justice Center project.

Attorney Kitchen said there would be additional documents if the Board decides on a General Obligation Bond.

Commissioner Bell said he is comfortable with what is being presented.

Commissioner Bowser said he does not have a problem with what is being presented.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to adopt the resolution as presented.

The motion carried unanimously.

The resolution follows:

A regular meeting of the Board of Commissioners for the County of Durham, North Carolina, was held in the County Commissioners' Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, the regular place of meeting, at 7:00 P.M., on August 28, 2000.

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

Absent: None.

\* \* \* \* \*

Commissioner Black introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

RESOLUTION RELATING TO AN INSTALLMENT  
FINANCING AGREEMENT TO FINANCE A PORTION  
OF THE COST OF CONSTRUCTING A NEW  
COURTHOUSE AND JUSTICE CENTER OF THE  
COUNTY

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering entering into an installment financing agreement and certain related documents pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, to make available to the County the funds needed, with any other available funds, to finance a portion of the cost of constructing a new courthouse and justice center of the County and acquiring any necessary land, furnishings and equipment therefor; and

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

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

Section 1. The Interim County Manager, the Interim 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 such proposed installment financing agreement with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with the negotiation of such proposed installment financing agreement 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 2. 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 such proposed installment financing agreement.

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

Upon motion of Commissioner Bell seconded by Commissioner Reckhow, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bell, Black, Bowser, Heron, and Reckhow.

Noes: None.

Thereupon Commissioner Black introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

RESOLUTION RELATING TO AN INSTALLMENT  
FINANCING AGREEMENT TO FINANCE A PORTION  
OF THE COST OF CONSTRUCTING CERTAIN OFF-  
STREET PARKING FACILITIES OF THE COUNTY

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering entering into an installment financing agreement and certain related documents pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, to make available to the County the funds needed, with any other available funds, to finance a portion of the cost of constructing certain off-street parking facilities of the County to provide between 1,200 and 1,450 parking spaces on or near the proposed site of the new courthouse and justice center of the County and acquiring any necessary land and equipment therefor; and

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

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

Section 1. The Interim County Manager, the Interim 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 such proposed installment financing agreement with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with the negotiation of such proposed installment financing agreement 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 2. 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 such proposed installment financing agreement.

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

Upon motion of Commissioner Bell, seconded by Commissioner Reckhow, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bell, Black, Bowser, Heron, and Reckhow.

Noes: None.

Thereupon Commissioner Black introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

RESOLUTION OF THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF DURHAM, NORTH  
CAROLINA, DECLARING ITS INTENTION TO  
REIMBURSE SAID COUNTY FROM THE PROCEEDS  
OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR  
CERTAIN EXPENDITURES IN CONNECTION WITH  
CONSTRUCTING A NEW COURTHOUSE AND  
JUSTICE CENTER AND CERTAIN OFF-STREET  
PARKING FACILITIES OF THE COUNTY

WHEREAS, the County of Durham, North Carolina (the "County"), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County has paid, beginning no earlier than June 29, 2000, and will pay, on and after the date hereof, certain expenditures in connection with constructing a new courthouse and justice center of the County and acquiring any necessary land, furnishings and equipment therefor (the "Courthouse Project"); and

WHEREAS, the County has paid, beginning no earlier than June 29, 2000, and will pay, on and after the date hereof, certain expenditures in connection with constructing certain off-street parking facilities of the County to provide between 1,200 and 1,450 parking spaces on or near the proposed site of the new courthouse and justice center of the County and acquiring any necessary land and equipment therefor (the "Parking Facilities Project"); and

WHEREAS, the Board has determined that certain moneys previously advanced by the County no earlier than June 29, 2000 and to be advanced on and after the date hereof by the County to pay such expenditures (the "Expenditures") are available only for a temporary period and it is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings including one or

more installment financing agreements pursuant to Section 160A-20 of the North Carolina General Statutes, as amended (collectively the "Tax-exempt Financings");

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County's intent to reimburse the County with the proceeds of the Tax-exempt Financings for the Expenditures made on and after June 29, 2000, which date is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt Financings.

Section 2. Each Expenditure was or will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues, (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Courthouse Project is \$65,000,000 and the maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Parking Facilities Project is \$20,000,000 plus such additional amounts, if any, as shall be determined to be reasonably necessary for the funding or payment of capitalized interest, a debt service reserve, a debt service payment insurance

premium or other credit or liquidity enhancement and other costs of entering into the Tax-exempt Financings.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Courthouse Project or the Parking Facilities Project with respect to which the Expenditure is paid is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of entering into a Tax-exempt Financing and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Thereupon, upon motion of Commissioner Bell, seconded by Commissioner Reckhow, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bell, Black, Bowser, Heron, and Reckhow.

Noes: None.

\* \* \* \*

I, Garry E. Umstead, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on August 28, 2000 as relates in any way to the passage of the resolutions described therein and that said

proceedings are recorded in Minute Book No. \_\_\_\_ of the minutes of said Board, beginning on page \_\_\_\_ and ending on page \_\_\_\_.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the County Commissioners' Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 30<sup>th</sup> day of August, 2000.

/s/ Garry E. Umstead  
Clerk to the Board of Commissioners

### **Board and Commission Appointments**

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

- Alcoholic Beverage Control Board
- Durham County Hospital Corporation Board of Trustees

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

#### Alcoholic Beverage Control Board

One expired term (expires July 31, 2003).

\*John G. Horton—Bell, Black, Bowser, Heron, and Reckhow

#### Durham County Hospital Corporation Board of Trustees

One initial term (expires August 31, 2003).

\*C. Edward McCauley—Bell, Black, Bowser, Heron, and Reckhow



**Reschedule Board of County Commissioners Meeting**

The County Commissioners discussed moving the first October Regular Session to Tuesday, October 10, 2000 since Yom Kippur, the holiest Jewish holiday, falls on Monday, October 9.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to move the first October Regular Session to Tuesday, October 10, 2000.

The motion carried unanimously.

**Commissioner Bell Excused from Meeting**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to excuse Commissioner Bell from the Tuesday October 10, 2000 Regular Session.

The motion carried unanimously.

**Cancellation of the September 4, 2000 Board of County Commissioners' Worksession**

As per the Chairman of the Board, the County Commissioners discussed the cancellation of the September 4, 2000 Worksession due to the Labor Day holiday.

Commissioner Heron moved, seconded by Commissioner Bowser, to cancel the September 4, 2000 Worksession due to the Labor Day holiday.

The motion carried unanimously.

**Durham County Justice Center (continued)**

Commissioner Bell said the motion he made was to adopt the reimbursement resolutions. The motion should include the authorization for the administration to issue a Request for Qualification (RFQ) to hire an architect.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to take the three actions necessary to begin the project of construction for a new Durham County Justice Center: (1) adopt the Reimbursement Resolutions, (2) begin negotiations on the acquisition of property for the courthouse and associated parking facilities, and (3) request

the administration be authorized to issue Request for Qualifications to hire an architect.

The motion carried unanimously.

### **Incidence at the Main Library on North Roxboro Street**

Commissioner Bowser brought up the lack of security at the main library and the problems that have developed due to lack of security. One Board of Trustee member was leaving the board meeting and was robbed during the daytime. Something needs to be done about security at the library during the day. Commissioner Bowser wanted to bring this to the attention of the Commissioners.

Commissioner Bowser suggested the County Manager meet with the Sheriff's Department and the library administration to see what needs to be done about day security. We need to move forward on that.

County Manager Titus said she would meet with the Sheriff's Department and the library administration about the problem and bring a recommendation for the Board's consideration.

Downtown Durham Inc. monitors the City Police Department's patrol downtown. Mr. William Kalkhof, Director of Downtown Durham Inc. will work on the library problem with the City Police Department.

### **2000 Census Follow-Up**

Vice-Chairman Reckhow said a story in the paper last week mentioned that possible reconfiguring the Standard Metropolitan Statistical Area around Raleigh and Durham is being considered. Raleigh and Durham would be separated. There are some economic negatives for the area if the separation occurs.

Vice-Chairman Reckhow asked staff to research this and bring the Commissioners a letter for consideration. The comment period ends October 6, 2000.

### **Package Received by the Commissioners from ABC Board Member James M. Randall**

Commissioner Bell said Mr. Randall requested that the Commissioners investigate and serve disciplinary action for the items found in violation in the material he sent to the Commissioners.

Commissioners Bell and Heron attended the August 21, 2000 Alcoholic Beverage Control Board meeting and gave Chairman Black, Vice-Chairman Reckhow, and Commissioner Bowser information regarding the meeting.

Commissioner Bell talked about the situation that has arisen subsequent to the Commissioners no longer serving as ABC Board members. The comments raised by Mr. Randall disturbed Commissioner Bell.

Commissioner Bell said the Commissioners should respond to Mr. Randall's request at some point in time. We could deny the request or ask for an investigation. We could ask the other two ABC Board members to respond to the documents presented to us. After we get their response, we can go further. I have complete faith in the two ABC Board members (John G. Horton and Mary E. Williams). The general manager has performed within his capabilities and above his capabilities in some respects. There may be other issues. I see no reason to do anything other than continue supporting those two members and the general manager. I have questions about Mr. Randall. What happened in that board meeting erased any credibility that the gentleman might have had. He was secretly tape recording a Closed Session. When it was discovered, he denied it. He should have told us he was recording the meeting. The other two ABC Board members should be given an opportunity to respond to the acquisitions that have been made in the documents given to the Board.

Vice-Chairman Reckhow stated she agreed with Commissioner Bell's suggestion on the matter. The ABC Board should be asked to respond to these allegations. A report should be sent to the Commissioners.

Commissioner Bowser stated he agreed with Vice-Chairman Reckhow. I am concerned about the allegations and we need to deal with it quickly. The two Board members should respond to the allegations.

Commissioner Heron said we need to receive a response from the ABC Board. The three-member board needs to work together. The differences need to be worked out.

Chairman Black concurred with the comments. The ABC Board members should reply to the allegations as soon as possible with a report to the County Commissioners.

Chairman Black recommended that Mr. Horton cancel his credit card and get a new card since the information on the card has been given to so many people.

Chairman Black read a letter into the minutes relative to what appeared to be a misuse of ABC funds to attend a conference. Chairman Black requested a corrected bill from the Marriott Island Resort.

The letter follows:

August 28, 2000

Ms. MaryAnn Black  
Chairperson, Durham County Commissioners

Dear Ms. Black,

I am writing this letter on behalf of Mr. John G. Horton, a guest who stayed at the Marco Island Marriott Resort during the dates of May 17 – May 19, departing on May 20, 2000. Due to an unfortunate error when building Mr. Horton's reservation, we mistakenly referenced the group he was with as the National Black MBA Association. The National Black MBA Association was not even in our hotel at the time Mr. Horton was here; he was attending the National Alcoholic Beverage Control Association meetings.

I cannot create a bill for Mr. Horton which reflects the appropriate name on the folio of his bill. My hope is that you will allow this letter to suffice that Mr. Horton was attending the NABCA meetings while at the Marco Island Marriott.

My sincere apologies for the mistake and the confusion it has caused. If you need to reach me by phone, my direct line is (941) 642-2629.

Sincerely,

/s/ Joel Wineman  
Director of Finance

cc: John G. Horton

The ABC Board members should respond to the Board of County Commissioners prior to the Board's Regular Session scheduled for September 11, 2000.

Commissioner Heron wants to know what the ABC Board is going to do to work together.

Chairman Black said the County needs to have training classes for all appointees to boards, commissions, and authorities concerning the Open Meetings Law, Closed Sessions, ethics, how to conduct a meeting, and how to conduct County business.

Vice-Chairman Reckhow moved, seconded by  
Commissioner Heron, to direct staff to work out a training

plan for our boards and commissions and bring that plan back to us for consideration and approval.

The motion carried unanimously.

**Adjournment**

Chairman Black adjourned the meeting at 9:48 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board