

January 11, 1999

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

Monday, January 11, 1999

6:15 P.M. - 6:30 P.M.

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

Interview—ABC Board Candidate

The County Commissioners interviewed Mr. James Randall, candidate for the Alcoholic Beverage Control Board. At the end of the interview, Chairman Black announced that the Board would vote on his appointment later in the meeting. The Clerk to the Board would contact Mr. Randall relative to the decision.

7:00 P.M. Regular Session

MINUTES

Opening of Regular Session

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

Agenda Adjustment

Vice-Chairman Reckhow said she wanted to add an item to request additional data from the school system.

Minutes

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the November 9, 1998 Joint BOCC/Durham Public Schools Board of Education

January 11, 1999

Minutes as submitted, and the November 23, 1998 Regular Session and December 7, 1998 Special Session Minutes of the Board as corrected.

The motion carried unanimously.

Resolution—Dr. Martin Luther King Jr. Day—January 18, 1999

The resolution, prepared by the Durham Community Martin Luther King Steering Committee, called upon the Durham community to pause in observance of the 14th Annual Martin Luther King Jr. Celebration in the City.

Additionally, Commissioner Bowser requested that Mr. Sam Reed be allowed to speak concerning the life of Dr. King.

Chairman Black read the resolution into the record.

RESOLUTION

WHEREAS, the late Dr. Martin Luther King Jr. was born to Reverend and Mrs. Martin Luther King Sr. on January 15, 1929 in Atlanta, Georgia, was ordained to the Baptist Ministry in February 1948, graduated from Morehouse College with a BA in Sociology, and married Coretta Scott in June 1953; and

WHEREAS, he was installed as Pastor of Dexter Avenue Baptist Church in Montgomery, Alabama and received his doctoral degree in systematic theology from Boston University, and in February 1957 the Southern Baptist Leadership Conference was founded; and

WHEREAS, Dr. King wrote the “Letter From Birmingham Jail” in April 1963 while imprisoned there for demonstrating against segregation of eating facilities, and delivered his “I Have a Dream” speech at the Lincoln Memorial during the August 1963 “March on Washington” attended by over 260,000 people; and

WHEREAS, he attended the July 1964 signing by President Lyndon B. Johnson of the Public Accommodations Bill, part of the Civil Rights Act of 1964, and received the Nobel Peace Prize in Oslo, Norway in December 1964; and

WHEREAS, Dr. King began the March from Selma to Montgomery, Alabama, was instrumental in the signing of the Voters Rights Act in August 1965, and announced the formation by the Southern Christian Leadership Conference of a “Poor People’s Campaign” aimed to help poor whites and blacks; and

WHEREAS, he led the protest marchers in Memphis, Tennessee to support striking sanitation workers, delivered his “I’ve Been to the Mountain Top” speech April 3, 1968

January 11, 1999

at Memphis Masonic Temple, and was assassinated by sniper James Earl Ray while speaking from his Memphis hotel balcony on April 4, 1968; and

WHEREAS, after 18 years of intense lobbying by hundreds of leaders of all races, the U.S. Congress passed Public Law 98-144, and on January 19, 1986, President Ronald Reagan declared the first observance of Dr. Martin Luther King Jr. Birthday to be a national holiday, celebrated the third Monday of each January thereafter; and

WHEREAS, Dr. Martin Luther King Jr. was a champion for cultural and social cohesiveness for all people, believed there is only one race—"the human race;" and if living today, would be astonished that President Clinton's current initiative on racial understanding, headed by Dr. John Hope Franklin, should be given the highest priority for the future of our youth because "race does matter in the 21st century:"

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby declare January 18, 1999 as "Dr. Martin Luther King Jr. Day" in Durham County, NC and call upon all citizens and governmental officials to pause in observance of the Fourteenth Annual Martin Luther King Jr. Celebration in the City of Durham, sponsored by the Durham Community Martin Luther King Steering Committee.

This the 11th day of January, 1999.

/s/ Five Commissioners
Durham County Commissioners

Mr. Reed asked that Chairman Black be authorized by the Commission to go before the citizens of Durham County via television and radio to speak about the impact of Dr. King's life on Durham's citizens. He also recommended that the Board reprint Dr. King's "I Have a Dream" speech for distribution to Durham's 7,500 high school students.

County Manager Thompson informed that the school system would permit the distribution provided the Board of County Commissioners sponsors the project. The estimated cost of the copies is \$375.

Vice-Chairman Reckhow expressed her desire that the speech be discussed in language arts and civics classes.

Commissioner Bowser supported Mr. Reed's request.

Commissioner Heron said on Dr. King's birthday, the students should reflect on his teachings and accomplishments. This would be more beneficial to the students than a holiday. She felt that the distribution of this document would be setting a precedent for other groups to distribute material in the schools.

January 11, 1999

Commissioner Bell recommended distribution of the document. The Commissioners should communicate to the school board that they encourage classroom discussions regarding the speech.

After considerable discussion, the Commissioners voted on the following motion:

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to print the speech at a cost of \$375 for 7,500 copies; send a letter to the school superintendent strongly encouraging that the language arts, history, and civics teachers incorporate the speech into a learning process.

After additional discussion, the motion was voted on.

The motion carried unanimously.

Resolution—Dr. York David Garrett Jr.

The resolution honors the life and success of Dr. York David Garrett Jr., who died recently at the age of 104. Dr. Garrett established the Biltmore Drug Store, housed within the now-defunct Biltmore Hotel on Pettigrew Street. Years later he moved his pharmacy to Fayetteville Street. He inspired young people over the years through employment, a work-study program, and a Hillside High School scholarship that now bears his name.

His pursuit of excellence and willingness for hard work has made him a memorable part of Durham's history.

Chairman Black read the following resolution into the record:

RESOLUTION

WHEREAS, Dr. York David Garrett Jr. came from humble beginnings in Princeville, North Carolina and became a successful, highly-regarded pharmacist, businessman, and Christian gentleman; and

WHEREAS, after completing the academy at Howard University in 1916, and following a brief time in the Army, he attended the Howard University School of Pharmacy and graduated with a Pharm. D. degree in 1920; and

WHEREAS, he opened his first drug store in 1921 in Tarboro, North Carolina and in 1933 moved his family to Durham where he opened the Biltmore Drug Store located in the old Biltmore Hotel; and

January 11, 1999

WHEREAS, along with a family member, he opened a second location on Fayetteville Street and eventually moved the pharmacy to the College Plaza Shopping Center when urban renewal claimed both former locations; and

WHEREAS, he was a practicing pharmacist and a member of his professional associations continuously for 77 years, and will be remembered for personally operating the pharmacy everyday, including weekends and holidays; and

WHEREAS, he was affiliated with the Old North State Medical and Dental Society, serving as its president from 1937-38, was also secretary and head of the pharmacy department of the National Medical Association numerous years, and was a dedicated member of White Rock Baptist Church:

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

DR. YORK D. GARRETT JR.

for his sincere dedication to others, his intense love of people, for his strong work ethic, and for his numerous and extraordinary contributions to the Durham community.

This the 11th day of January, 1999.

/s/ Five Commissioners
Durham County Commissioners

Dr. Garrett's family members were unable to attend the meeting; therefore, Commissioner Bell expressed appreciation for the resolution on their behalf.

Governor's Work First Business Council Award

On Monday, December 14, 1998, Governor James B. Hunt Jr. presented the Outstanding County Collaboration Award to Durham County for its success with the Work First Program. The award was presented at a special luncheon held at the Sheraton Imperial Hotel and Convention Center in Research Triangle Park. Since July 1, 1997, 1,925 individuals who received public assistance entered employment. During this same period, the number of families receiving a Work First check declined from 3,566 to 2,131, a decline of 40.24 percent. In recognizing Durham County's efforts, the Governor presented awards to the following agencies: Greater Durham Chamber of Commerce, Durham Technical Community College, Durham Literacy Council, Durham Employment Security Commission, and the Durham County Department of Social Services.

County Manager's Recommendation: Receive award and commend staff for its efforts. This was a primary objective of the Board last fiscal year.

January 11, 1999

Leslie Boney, Director, Department of Commerce Work First Project, was present at the meeting to publicly recognize the above agencies. Representatives of the agencies were present for this special recognition.

Daniel C. Hudgins, Director of Social Services, presented plaques to the five agencies.

To Recognize the New Durham County Community Fitness Award Winners

Recognize the new Durham County Community Fitness Award winners. These include: James Maxwell for his outstanding service to Jordan High School's swim program; A. C. and Lynn Robbins for their work with Lincoln Community Health Center's City of Medicine Road Race; and Coach Russell Blount for his dedication to the coaching profession. Each of these individuals represents a lifetime of service to the youth and adults of our community.

Resource Person: Artie Kamiya, Chairman of the Durham County Council on Physical Fitness and Sports

Vice-Chairman Reckhow made introductory remarks and called on Mr. Kamiya to present the plaques.

The winners made remarks of appreciation.

Criminal Justice Service Award

James Ellis, District Manager for the Division of Community Corrections, 14th Judicial District for Durham County, presented to David Powell the Criminal Justice Service Award for his major role in securing office space for Community Corrections at 119 Orange Street and 1905 Chapel Hill Road.

Mr. Powell made remarks of appreciation.

Consent Agenda

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

- (a) Set Monday, January 25, 1999 at 5:00 p.m. for a joint BOCC/Durham Public Schools Board of Education meeting to discuss the system's current facility needs and its Capital Improvement Program);
- (b) Set the date for the County's 1999-2000 Consolidated Needs Public Hearing for January 25, 1999);

January 11, 1999

- * (c) FY 1998-99 Budget Ordinance Amendment No. 99BCC000027 (Public Health—recognize grant revenue of \$43,000 for the syphilis elimination project in the General Health Clinic);
- * (d) FY 1998-99 Budget Ordinance Amendment No. 99BCC000028 (amend Library budget to receive and expend additional State aid appropriation of \$42,872);
- * (e) FY 1998-99 Budget Ordinance Amendment No. 99BCC000030 (recognize \$3,000 contribution for EMS to develop a new bicycle response team);
- * (f) FY 1998-99 Budget Ordinance Amendment No. 99BCC000031 (Sheriff's Department--hire and train new officers to expand his School Resource Officer Program in Durham Public Schools);
- * (g) FY 1998-99 Budget Ordinance Amendment No. 99BCC000033 (amend Library budget to expend EZ-LSTA basic equipment grant in the amount of \$10,000);
- (h) Authorize County Manager to enter into contractual agreement with Visions Software Inc. for \$219,120 to furnish software license and services to the Sheriff's office);
- * (i) Authorize County Manager to enter into a five-year CPC contract with Commercial Equipment Inc. at the rates of \$.0165 for analog copies, \$.0242 for digital copies, and \$.2127 for color copies with the authority to modify the contract over the five-year term based on usage within budget appropriations (approve the requested transfers);
- * (j) Authorize County Manager to enter into a contract with Superior Specialty Vehicles Inc. for \$69,768 for the purchase of two wheelchair van replacements for Emergency Medical Services. (This item is scheduled for consent since the award price is under the approved budget); and
- (k) EMS coverage for 1999 Special Olympics World Summer Games (EMS requests approval to provide emergency medical services and transportation as an in-kind sponsorship for the 1999 World Special Olympic Games).

The motion carried unanimously.

*Documents related to these items follow:

January 11, 1999

Consent Agenda 8 (c). FY 1998-99 Budget Ordinance Amendment No. 99BCC000027 (Public Health—recognize grant revenue of \$43,000 for the syphilis elimination project in the General Health Clinic).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000027

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l	\$175,879,990	\$43,000		\$175,922,990
<u>Expenditures</u>				
Human Services	\$209,553,172	\$43,000		\$209,596,172

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

This the 11th day of January, 1999.

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

Consent Agenda 8(d). FY 1998-99 Budget Ordinance Amendment No. 99BCC000028 (amend Library budget to receive and expend additional State aid appropriation of \$42,872).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000028

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				

January 11, 1999

Ingovt'l	\$175,922,990	\$42,872	\$175,965,862
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Expenditures

Culture and Rec.	\$ 6,895,938	\$42,872	\$ 6,938,810
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of January, 1999.

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

Consent Agenda 8(e). FY 1998-99 Budget Ordinance Amendment No. 99BCC000030 (recognize \$3,000 contribution for EMS to develop a new bicycle response team).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000030

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l	\$175,965,862	\$3,000		\$175,968,862

Expenditures

Public Safety	\$ 28,392,445	\$3,000		\$28,395,445
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of January, 1999.

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

Consent Agenda 8(f). FY 1998-99 Budget Ordinance Amendment No. 99BCC000031 (Sheriff's Department--hire and train new officers to expand his School Resource Officer Program in Durham Public Schools).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance

January 11, 1999

Amendment Number 99BCC000031

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l	\$175,968,862	\$52,640		\$176,021,502
<u>Expenditures</u>				
Public Safety	\$28,395,445	\$52,640		\$ 28,448,085

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

This the 11th day of January, 1999.

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

Consent Agenda 8(g). FY 1998-99 Budget Ordinance Amendment No. 99BCC000033 (amend Library budget to expend EZ-LSTA basic equipment grant in the amount of \$10,000).

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000033

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 Public Library.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,965,862	\$10,000		\$175,975,862
<u>Expenditures</u>				
Culture and Recreation	\$ 6,938,810	\$10,000		\$ 6,948,810

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

January 11, 1999

This the 11th day of January, 1999.

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

Consent Agenda 8(i). Authorize County Manager to enter into a five-year CPC contract with Commercial Equipment Inc. at the rates of \$.0165 for analog copies, \$.0242 for digital copies, and \$.2127 for color copies with the authority to modify the contract over the five-year term based on usage within budget appropriations (approve the requested transfers).

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000032

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Gov't	\$ 18,074,427	\$100,479	(\$15,000)	\$ 18,159,906
Public Safety	\$ 28,510,746		(\$42,679)	\$ 28,468,067
Envir Protection	\$ 1,602,303		(\$ 2,800)	\$ 1,599,503
Human Svcs	\$209,596,172		(\$40,000)	\$209,556,172

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

This the 11th day of January, 1999.

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

VOLUME BANDS	# OF COPIES	<table border="1"> <tr> <td>Commercial Equip. 100 Southcenter Ct. Morrisville, NC</td> <td>Sharp Electronics. Sharp Plaza, MS-R Mahwah, NJ</td> <td>Xerox Corp. 4601 Six Forks Rd. Raleigh, NC</td> <td>McRae Graphics PO Box 1239 Mt. Gilead, NC</td> <td>Pitney Bowes 9104 Glennwood Ave. Raleigh, NC</td> <td>IKON Office Solutions 5171 Glenwood Ave. Raleigh, NC</td> </tr> </table>						Commercial Equip. 100 Southcenter Ct. Morrisville, NC	Sharp Electronics. Sharp Plaza, MS-R Mahwah, NJ	Xerox Corp. 4601 Six Forks Rd. Raleigh, NC	McRae Graphics PO Box 1239 Mt. Gilead, NC	Pitney Bowes 9104 Glennwood Ave. Raleigh, NC	IKON Office Solutions 5171 Glenwood Ave. Raleigh, NC
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COST PER COPY	COST PER COPY	COST PER COPY	COST PER COPY	COST PER COPY	COST PER COPY								
Class 1-6 Analog	1-9,000,000	\$ 0.0177	\$ 0.24412	\$ 0.0296	\$ 0.0158	\$ 0.0189	\$ 0.0256						
	Over 9,000,000	\$ 0.0177	\$ 0.0159	\$ 0.0130	\$ 0.0158	\$ 0.0189	\$ 0.0210						
Class 7 Digital	1-100,000	\$ 0.0242	\$ 0.0232	\$ 0.0489	\$ 0.0222	\$ 0.0598	\$ 0.0573						

January 11, 1999

	Over 100,000	\$ 0.0242	\$ 0.0100	\$ 0.0489	\$ 0.0222	\$ 0.0598	\$ 0.0392
Class 8 Color	1-100,000	\$ 0.2127	NO BID	\$ 0.3250	\$ 0.3380	\$ 0.3001	\$ 0.3900
	Over 100,000	\$ 0.2127	NO BID	\$ 0.3250	\$ 0.3380	\$ 0.3001	\$ 0.3200
Class 9 with Three Hole Punch	1-200,000	\$ 0.0177	NO BID	NO BID	NO BID	\$ 0.0189	\$ 0.0608
	Over 200,000	\$ 0.0177	NO BID	NO BID	NO BID	\$ 0.0189	\$ 0.0409
Purchase of Existing Copiers		\$ 21,000.00	\$ 23,800.00	N/A	N/A	\$ 20,100.00	\$ 20,000.00
Delivery		3-4 WEEKS ARO	4 WEEKS ARO	4 WEEKS ARO	10 DAYS ARO	10 DAYS ARO	4 WEEKS ARO

Consent Agenda 8(j). Authorize County Manager to enter into a contract with Superior Specialty Vehicles Inc. for \$69,768 for the purchase of two wheelchair van replacements for Emergency Medical Services. (This item was scheduled for consent since the award price is under the approved budget).

DURHAM COUNTY BID TABULATION
 IFB NO. 99-010
 TWO (2) 1999 FORD SUPER CLUB WAGON, OR EQUAL - EMS
 BID OPENING: NOVEMBER 19, 1998
 2:00 P.M.

BIDDER	TERMS/DELIVERY	MAKE/MODEL	UNIT PRICE	TOTAL BID
Bobby Murray 1820 Capitol Blvd. Raleigh, NC 27616	No Response		\$	\$
Capitol Ford, Inc. 4900 Capitol Blvd. Raleigh, NC 27616	No Response			
Cross Roads Ford 1101 Buck Jones Road Raleigh, NC 27606	No Response			
Don Lacefield Chevrolet Churton Street Ext. Hillsborough, NC 27278	No Response			
Elkins Chrysler 125 E West Expressway Durham, NC 27701	No Bid - Do not sell super wagons			
Oxford Ford 314 Roxboro Road Oxford, NC 27565	No Response			
Morgan Dodge 3601 Hillsborough Road Durham, NC 27705	No Response			
Performance Chevrolet P O Box 2287 Chapel Hill, NC 27515	No Response			

January 11, 1999

RPM Lincoln Mercury 3621 Chapel Hill Blvd. Durham, NC 27707	No Response			
Rick Hendrick 600 East Main Street Durham, NC 27702	No Response			
University Ford 600 Carr Street Durham, NC 27702	Net 20 Delivery- 60-120 days	1999 Ford Super Club, Econoline	\$34,992.95	\$69,925.90
Wheeled Coach, Inc. P O Box AP Falkland, NC 27827	No Response			
TransMed Industries 255 O'Dell Road Griffin, GA 30224	30 days Delivery - 30 days	1999 Ford, Vartanian E-250	\$30,807.00	\$61,614.00
Superior Specialty Vehicles P O Box 1196 Wake Forest, NC 27588	Delivery - 30 days	1999 Super Club Wagon	\$34,884.00	\$69,768.00

Public Hearing to Consider Allocating Economic Development Investment Funds to Freudenberg Nonwovens

Freudenberg Nonwovens is considering expanding local operations by constructing a new 190,000-square-foot manufacturing facility on its current site in Eno Industrial Park located in the northern part of Durham County. The value of this facility will be at least \$68.6 million. Upon completion, the facility will manufacture, convert, package, warehouse, and ship products to be used as components for disposable diapers. Freudenberg expects to create at least 85 new manufacturing jobs.

Freudenberg is in the process of making the final decision on the location of this proposed facility. Staff is aware that a backup site in Kentucky is being considered for this investment. Freudenberg 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. Freudenberg is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading, and the extension of water and sewer utilities to the new facility.

Staff recommended that the County participate in this economic development project by reimbursing Freudenberg up to \$485,000 for the costs of site preparation activities, extending water and sewer utilities to the site, and associated County development fees. The project will consist of four phases with differing levels of investment and employment growth. As a result, the reimbursement payments will be made in proportion to the investment of each phase. Further explanation of the reimbursement schedule is included in the contract.

County Manager's Recommendation: Approve the contract between Durham County and Freudenberg Nonwovens to allow for the reimbursement of costs associated with site

January 11, 1999

preparation activities and extending water and sewer utilities to the proposed facility. This is not an up-front incentive payment but rather a reimbursement.

David Powell, Director of Economic Development and Property Management, presented the proposal.

The Commissioners supported the project.

Chairman Black opened the public hearing that was properly advertised.

The following citizens spoke:

Tom White, 2729 Sevier Street, Durham Chamber of Commerce;
Ernie Roessler, 3710 Northampton Road, Durham Chamber of Commerce and Central Carolina Bank; and
Scott Gardner, Duke Power Company, and member of Durham Economic Development Commission

The three speakers voiced strong support of Freudenberg Nonwovens' request.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Board approve the contract between Durham County and Freudenberg Nonwovens to allow for the reimbursement of costs associated with site preparation activities and extending water and sewer utilities to the proposed facility.

The motion carried unanimously.

A Public Hearing on Zoning Ordinance Amendment TC 81-98--Standards for New Manufactured Home Sales Facilities

Conduct the public hearing and consider the amendment. This proposal resulted from suggestions presented by the manufactured home industry and the Joint City-County Planning Committee. The proposal would replace the current standards for new manufactured home sales facilities with revised standards. The Joint City-County Planning Committee and the Zoning Committee of the Planning Commission unanimously recommended the standards for approval.

Resource Persons: Bonnie Estes and Lowell Siler

January 11, 1999

Ms. Estes, City-County Planning Department, presented the zoning ordinance amendment. Staff recommended approval.

Chairman Black opened the public hearing that was properly advertised.

Henry Wallace, PO Box 1257 Thomson, Georgia, Fleetwood Retail Corporation, asked questions about nonresidential verbiage in Attachment 2, Section 1, paragraph 2, second bullet and in paragraph 7.

A general discussion was held about Mr. Wallace's concerns regarding the proposed zoning ordinance amendment.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve zoning ordinance amendment TC 81-98 for new manufactured home sales facilities.

The motion carried unanimously.

Zoning ordinance amendment TC 81-98 follows:

Adopted 1/11/99
TC81-98

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
TO REVISE THE SUPPLEMENTARY REQUIREMENTS
FOR MANUFACTURED HOME SALES FACILITIES

WHEREAS, the Durham Board of County Commissioners wishes to amend the Durham Zoning Ordinance; and

WHEREAS, standards for manufactured home sales businesses were added to the Zoning Ordinance to facilitate the placement of these businesses yet assure development standards; and

WHEREAS, meetings with representatives of the manufactured home sales industry resulted in revisions to these standards which will provide improvements in the ordinance for Durham and for the industry:

NOW, THEREFORE BE IT ORDAINED:

SECTION 1

That in Section 7 "Supplementary Requirements," the subsection titled "Manufactured Home Sales" be deleted and replaced with the following:

“MANUFACTURED HOME SALES

In addition to the requirements found elsewhere in the zoning ordinance, manufactured home sales, if allowed, shall conform to the following requirements:

1. Separation from residential: A landscaped buffer shall be provided between a manufactured home sales facility and any residentially zoned or used property. The buffer shall contain plant materials that conform to the standards for a Class 5 buffer [80-foot].
2. Landscaping: In addition to the landscaping requirements found elsewhere in the Zoning Ordinance, the following landscaping shall be provided.
 - between the manufactured homes used for display and any street: Either, a) a hedge that is at least 24” in height; or b) plantings that meet the requirements for plantings for vehicle sales lots [10.4.2(3e)].
 - adjacent to nonresidential zoned or used property: Landscaping which conforms to the requirements for landscaping on the perimeter of parking lots. Adjustments to the landscaping which results in the same or better performance shall be allowed by the Development Review Board [DRB].
3. Floodways: Manufactured home sales facilities shall not be located within the floodway fringe.
4. Site plan: In addition to the site plan requirements found elsewhere in this ordinance, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off site views. Other accessory uses, for example, rental vehicles or storage building sales may not locate on the site unless the use has been designated on the site plan. All travel lanes, access lanes, storage areas, pedestrian areas, parking spaces, and display home footprint spaces shall be covered with a dust-free, all-weather surface. The approving authority may add additional conditions to the site plan to protect the health, safety, and welfare of the public.
5. Parking: Parking spaces shall be provided at a rate of 5 per 1000 square feet of office space.
6. Lot coverage: The maximum lot coverage allowed is 80%.
7. Setbacks: The nearest edge of the manufactured homes shall be set back from the ultimate right of way of all adjacent streets, at least 25 feet or the distance of the front yard requirement of the zoning district, whichever is greater; and at least 10 feet from adjacent nonresidential property lines or the requirements of the zoning district, whichever is greater. Office structures shall observe the setback requirements of the zoning district in which they are located.
8. Storage and repair: Storage and repair activities shall be screened from off-site views. Replacement or discarded parts and accessories shall also be screened from off-site views.
9. Signs: Signs shall conform to the sign regulations of the zoning district in which the use is located. In addition, each display home may have a sign not to exceed 3 square feet in area that gives information about the home.
10. Display homes: A minimum separation of at least 10 feet shall be maintained between display homes. Display homes shall be level and blocked. Display homes

January 11, 1999

that are visible off-site shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.”

SECTION 2

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

SECTION 3

That this ordinance shall become effective upon adoption.

(Recorded in Ordinance Book _____, page _____.)

Presentation of FY98 Annual Report of Durham County Library Board of Trustees

In accordance with Library Board of Trustees by-laws, Mr. Robert Otterbourg, Chairman of the Library Board, presented an annual report to the Commissioners on Library accomplishments for FY1998 and plans for the coming year. The Board of Commissioners was requested to receive the report and make comments.

County Manager’s Recommendation: That the Board of Commissioners receive the annual report from the Chairman of the Durham County Library Board of Trustees and make comments.

No official action was taken on this agenda item.

Triangle Transit Authority—Presentation on the Financial Report and a Progress Report Implementing the Regional Transit Plan

James M. Ritchey Jr., General Manager, Triangle Transit Authority, presented the Triangle Transit Authority’s Annual Report for the fiscal year ended June 30, 1998. A progress report was made relative to implementing the Regional Transit Plan.

No official action was taken on this agenda item.

High-Level Nuclear Waste Storage Expansion at the Shearon Harris Nuclear Plant

The Commissioners requested a draft resolution concerning the proposed high-level nuclear waste expansion at the Shearon Harris nuclear power plant. A resolution was drafted per the request.

January 11, 1999

County Manager's Recommendation: That a request be forwarded from the Commission to the Environmental Affairs Board to review this situation and report its findings and recommendations to the Commission at a future meeting. It is appropriate for the Commission to state any preliminary concerns it has since these can be incorporated into the request for review.

The following citizens requested to speak about the nuclear waste storage expansion:

John Caves, Manager of Nuclear Regulatory Affairs for Carolina Power and Light Company, 411 Fayetteville Street Mall, Raleigh, said the company is fully supportive of an open process and he wished to ensure that public concerns are being addressed. He briefly discussed how nuclear waste has been stored at the Shearon Harris nuclear power plant in Wake County since the plant opened in 1987. Carolina Power and Light has met with local officials and others to talk about the plans.

Jim Warren, Director of NC WARN, PO Box 6105, discussed Carolina Power and Light's plans to store imported nuclear waste at the plant in Wake County. NC WARN has begun a technical review of the process that includes a 30-day comment period and no public hearings. A full public hearing is important. "I am not asking the Commissioners to oppose the expansion, but to ensure the discussion of all safety issues."

Mark Marcopulus, Orange County, NC WARN, said CP&L is requested to hold an authentic public process for governments and citizens to learn about nuclear waste.

Wells Eddleman, Scientist, NC Citizens Research Group, 811 Yancy Street, discussed the nuclear waste product and its properties.

Kathryn Thomas, Manager of CP&L's Community Relations, stated, "We are committed to the safety of the area and employees. We are committed to the process and we want to be a resource to the Commissioners."

Chairman Black read the resolution into the record.

A RESOLUTION REGARDING PROPOSED EXPANSION OF HIGH LEVEL
RADIOACTIVE WASTE STORAGE FACILITIES
AT CP&L'S SHEARON HARRIS NUCLEAR POWER PLANT

WHEREAS, on January 3, 1999, the Durham County Board of Commissioners was advised as to plans for the expansion of the high level radioactive waste storage facilities at Carolina Power & Light's Shearon Harris nuclear power plant in Wake County; and

WHEREAS, the Board of County Commissioners has been apprised of the potential risks inherent with the doubling of the storage capacity of the temporary storage pools for high level radioactive waste for the purpose of long-term storage of high level radioactive

January 11, 1999

waste, not only from the Shearon Harris plant, but also from two other nuclear power plants from elsewhere in North and South Carolina; and

WHEREAS, the Durham Board of County Commissioners is concerned about the plans to expand the waste storage capacity at the Shearon Harris facility and the lack of public input thus far:

NOW, THEREFORE BE IT RESOLVED that the Durham County Board of Commissioners requests that the North Carolina Department of Environment, Health, and Natural Resources and the Nuclear Regulatory Commission conduct public hearings in which Carolina Power & Light and appropriate regulatory staff: 1) explain the plans to expand the storage facilities for high level radioactive waste at the Shearon Harris nuclear power plant; 2) outline the risks or lack thereof and explain the risk assessment methodology employed to develop risk projections related to the use of facilities designed for short-term storage of high level radioactive wastes for long-term storage; 3) outline the risks or lack thereof and explain the risk assessment methodology employed to develop risk projections associated with the transportation and handling of materials from other distant nuclear power generating facilities; and 4) accept and consider public comments relative to support for or opposition to operating or expanding such a facility in this area.

BE IT FURTHER RESOLVED that copies of this resolution are to be sent to the Nuclear Regulatory Commission; North Carolina's delegation to the United States Congress; Durham County's local delegation to the North Carolina Legislature; North Carolina Department of Environment, Health, and Natural Resources; Carolina Power & Light; and Durham City/County Environmental Affairs Board.

This the 11th day of January, 1999.

/s/ Five Commissioners

Durham County Commissioners

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to adopt the resolution and forward the information from the Commission to the Environmental Affairs Board to review this situation and report its findings and recommendations to the Commission at a future meeting.

The motion carried unanimously.

County Manager Thompson said County Attorney Chuck Kitchen will research federal law regarding time frames for public and written comments. Mr. Thompson asked Mr. Kitchen to determine the criteria for those comments. We should follow up with

January 11, 1999

CP&L and ask directly about its position relative to community forums not required by law.

Mr. Caves offered CP&L's resources to research information.

Approval of Funds for the Health Department CIP Pay-As-You-Go

The Health Department requested disbursement approval of an additional \$72,406 from the CIP Pay-As-You-Go Fund to proceed with the completed renovation of the Health Department loading dock area offices for the Health Department Administration Division. The "Garages to Offices" project for the Health Department was conceived in FY1994 when the General Services Department moved out of the loading dock areas of the Health Department building. The Board approved funding for the project during FY1998. The plan was designed to make use of the vacated space and to relieve overcrowding in the clinic and nursing areas of the Health Department. The project will provide new office space and a separate entrance for the administrative offices of the Health Department. The resulting move will allow new space in the main building for lab offices, school health nurses, the clinic director, and a break room. Other space will be allocated to the Nursing, Health Education, and Nutrition divisions as appropriate.

The original budget for the project was \$253,751. The additional request to complete the project is \$72,406. These funds will be used for two change orders totaling \$42,755, which encompass items encountered during the renovation and \$29,652 for architectural payment.

The two \$42,755 change orders include expenses for a new firewall between the administrative wing and the existing clinic to meet the fire code, repairs to the existing bathroom to replace terra-cotta walls, and a new platform above the ceiling for telephone and computer workers. Also, the entry was designed to accommodate structural engineering concerns and to provide better access for handicapped persons. Other changes involved plumbing, electrical, and HVAC made to accommodate code problems in an older building. The final \$29,652 of the requested funds equals the total payment to the architect for the design of the project, supervision services during construction, and for consultation, design work, and instructions to the contractors regarding all change orders.

County Manager's Recommendation: Authorize funding for this project from CIP (99CPA00003). The Budget Director has reviewed the request for funding and has verified that sufficient unappropriated CIP funds are available.

Dr. Christopher Burr, Administrator for the Public Health Department, presented the agenda item.

The Commissioners asked questions and made comments about the request. Mr. Burr, Architect Yongue, and Brian Letourneau, Public Health Director, responded.

January 11, 1999

County Manager Thompson explained the history of the project to the Commissioners. The renovation process will be changed for improvement.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to authorize \$72,406 in additional funds for this CIP project and to ratify the two change orders in the amount of \$42,755 and \$29,652.

The motion carried unanimously.

The capital projects budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Capital Projects Budget Ordinance
Amendment No. 99CPA0000003

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 Public Health Department Building Renovations Pay-As-You-Go Project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Public Health Bldg. Renovation	\$253,751	\$72,406		\$326,157

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

This the 11th day of January, 1999.

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

Funding for the Board of Elections' Voter Registration and Election Management System

Approve the budgeting of an unexpected appropriation of \$212,500 from the equipment leasing fund for the purchase of a new Board of Elections' voter registration and election management system.

The equipment leasing fund is an internal service fund established for the purpose of accounting for capital assets that are leased back to the appropriate departments. The fund currently has a fund balance of approximately \$736,000. This unexpected

January 11, 1999

appropriation will not impact the fund negatively because of this healthy fund balance, but will cause the operating budget of the Durham County Board of Elections (DBOE) to increase. The operating budget will be impacted by \$51,605 per year for four years with a final payment of \$47,305 in the fifth year. The payments will be used to reimburse the equipment leasing fund. DBOE has sufficient funds in its operating budget to cover the \$51,605 payment this fiscal year.

This appropriation is needed since the present Board of Elections' voter registration management system resides on the Data General platform, which is not Y2K compliant and does not meet all statutory requirements. DBOE planned to replace the current system this year with SEIMS (Statewide Elections Information Management System), a client-server based system. Statewide implementation of SEIMS was scheduled for August 1998. Due to difficulties and delays with the state system, DBOE and IT Departments made contingency plans to solicit bids for a new software system that meets all requirements. The State Board of Elections has not offered a timeline to the DBOE for the installation of its software.

The three members of the Durham County Board of Elections made a decision to move forward with the contingency plan to purchase a voter registration and election management system. This system will assist the DBOE in administering the NVRA (National Voter Registration Act), offer the public information in a variety of formats, and manage other election functions. The new system will meet NVRA and the State of North Carolina administrative requirements, while adhering to Y2K guidelines.

Presenters: Cheryl Todd, Deputy Director, Board of Elections
Perry Dixon, Director, IT

County Manager's Recommendation: Approve the unexpected allocation of \$212,500 from the equipment leasing fund necessary to purchase the Board of Elections' voter registration and election management system.

Carol Booth, Durham County Board of Elections, introduced the agenda item by making a few opening comments.

Mr. Dixon talked about how this project conforms to his master plan. This voter registration and election management system was unfunded because of the opinion the Statewide Elections Information Management System would be in place. The system has not been installed.

Cheryl Todd, Deputy Director, Board of Elections, presented the proposal for the Commissioners.

The Commissioners asked several questions and made comments about the proposal to which Ms. Todd and Mr. Dixon responded. County Manager Thompson also responded to the questions.

January 11, 1999

The Commissioners concurred to delay this agenda item for two weeks until January 25, 1999, to obtain additional information and to draft a letter from Chairman Black to the Chairman of the State Board of Elections stating Commissioner concerns about the Voter Registration and Election Management System.

Board and Commission Appointments

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

- Adult Care Home Community Advisory Committee
- Animal Control Review Board
- Cable TV Advisory Board
- Community Child Protection Team/Child Fatality Prevention Team
- Historic Preservation Commission
- Nursing Home Community Advisory Committee
- Open Space and Trails Commission
- Transportation Advisory Board
- Women's Commission

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

Adult Care Home Community Advisory Committee: Two vacant positions (terms expire September 1999).

*Ruth W. Atkinson—Bell, Black, Bowser, Heron, and Reckhow

*Sherry Lee—Bell, Black, Bowser, Heron, and Reckhow

Animal Control Review Board: One position beginning August 1998 for a staggered three-year term.

*Frances Hunter Foster—Bell, Black, Bowser, Heron, and Reckhow

Cable TV Advisory Board: Two positions (terms expire December 31, 2000).

*David J. Gasper—Bell, Black, Bowser, Heron, and Reckhow

Community Child Protection Team/Child Fatality Prevention Team: One new position—a parent position (who had a child to die before his 18th birthday) and one at-large position (terms expire September 30, 2000).

*Jane Ellen Simmons—Bell, Black, Bowser, Heron, and Reckhow

January 11, 1999

Historic Preservation Commission: One expired “registered landscape architect” position and one unexpired “representative of a lending institution or attorney” position (terms expire September 1, 2001 and September 1, 1999, respectfully).

*Marilee Martin—Bell, Black, Bowser, Heron, and Reckhow

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

*Nancy Hobbie Grinstead—Bell, Black, Bowser, Heron, and Reckhow

*Douglas Rempfer—Bell, Black, Bowser, Heron, and Reckhow

*Laticia Ann Tharrington—Bell, Black, Bowser, Heron, and Reckhow

Open Space and Trails Commission: One expired term to represent Triangle Township (term expires December 31, 2001) (must live in township) and two at-large positions (terms expire December 31, 2001).

*John E. Roseboro Jr.—Bell, Black, Bowser, Heron, and Reckhow

Transportation Advisory Board: Two expired terms (expire October 2001). Members should be representatives from human service agencies, civic organizations, consumer groups, transportation providers, and citizen volunteers.

*Joseph S. Kilsheimer—Bell, Black, Bowser, Heron, and Reckhow

*Rev. Carolyn Miller Davis—Bell, Black, Bowser, Heron, and Reckhow

Women’s Commission: Two expired terms (expire June 2001).

*Stacy C. Shelp—Bell, Black, Bowser, Heron, and Reckhow

Durham Public Schools—Statistical Information

Vice-Chairman Reckhow said the Commissioners asked for information from the Durham Public Schools regarding dropout and graduation rates.

Commissioner Bell suggested receiving reports on a quarterly basis beginning January 1999.

At the Board’s January 25, 1999 meeting, dropout rates, suspension rates, graduation rates, and capital outlay needs will be discussed.

Vice-Chairman Reckhow said the Board must obtain solid data on these various rates broken down by schools, race, and gender. We need to send a formal letter to the school system, signed by Chairman Black, requesting this information.

January 11, 1999

Commissioner Bell concurred that a letter be drafted for the Chairman's signature requesting the information.

Chairman Black suggested this item be placed first on the agenda for the January 25, 1999 meeting.

Commissioner Heron wished to know what action the school system is taking regarding vocational education.

The Commissioners wanted to obtain the data in a written report.

Local Legislative Goals

Vice-Chairman Reckhow requested that the Commissioners work on their local legislative goals at the February Worksession.

Alcoholic Beverage Control Board—Appointment

Commissioner Bell moved, seconded by Commissioner Bowser, to appoint James Randall to the Alcoholic Beverage Control Board

The motion carried unanimously.

Commissioner Bell said the next ABC Board meeting is scheduled for January 25, 1999 at 10:00 a.m.

Adjournment

Chairman Black adjourned the meeting at approximately 10:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS