

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

Monday, April 23, 2001

7:00 P.M. Regular Session

MINUTES

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

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

Absent: None

Presider: Chairman Black

Opening of Regular Session

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

Agenda Adjustments

Commissioner Reckhow asked that the "Directives" list be reinstated.

Minutes

Commissioner Heron moved, seconded by Commissioner Reckhow, that the February 5, 2001 Worksession Minutes be approved as corrected and that the February 26, 2001 Regular Session Minutes be approved as submitted.

The motion carried unanimously.

Resolution for William A. Clement

William A Clement, a longtime executive of North Carolina Mutual Life Insurance Company and husband of former County Commissioner Josephine Dobbs Clement, died on March 24, 2001. A resolution was prepared honoring his life, accomplishments, and the extraordinary service he generously rendered to this community.

County Manager's Recommendation: Approve the resolution and present to the family of Mr. Clement.

Chairman Black read the following resolution into the record:

RESOLUTION

WHEREAS, William A. Clement, a native of Charleston, South Carolina, relocated to Durham in 1946 as an employee of North Carolina Mutual Life Insurance Company and began what would be a productive career spent rendering service to others through numerous business, education, and civic endeavors; and

WHEREAS, William A. Clement graduated from Talladega College in Alabama in 1934 and continued his education in 1953 when he earned the professional designation of Chartered Life Underwriter (CLU) from American College of Life Underwriters in Bryn Mawr, Pennsylvania; and

WHEREAS, for over 50 years, he and his wife Josephine Dobbs Clement made a positive impact in the life of this community and jointly received the NAACP Durham Chapter Freedom Fighters Award in 1980, and the coveted Durham Chamber of Commerce Civic Honor Award in 1986; and

WHEREAS, in 1970, Mr. Clement became the first African American President of the United Way, and a special giving category was named in 1999 by United Way in honor of him and his wife; and

WHEREAS, for 11 years he was a member of the Raleigh-Durham Airport Authority, serving a two-year term as chairman during a period of explosive growth of the airport; and

WHEREAS, he served as North Carolina Grand Master of Prince Hall Masons from 1980 to 1987 and was also affiliated with the Durham Rotary Club, the Alpha Phi Alpha fraternity, the Sigma Pi Phi Boule; and

WHEREAS, Mr. Clement was a member of the North Carolina Central University Board of Trustees for nine years, serving as chairman for five years during which time the university realized substantial program enhancements and financial and physical development; and

WHEREAS, William Clement was a faithful member of White Rock Baptist Church, where he served as a member of the Board of Trustees; and

WHEREAS, he was a member of the Executive Board and later Vice President of the Occonechee Council of Boy Scouts of America where he received the Silver Beaver Award for 13 years of service, and for his work with Troop 55:

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

WILLIAM ALEXANDER CLEMENT

a phenomenal man who worked on many fronts to improve the quality of life in Durham, the Triangle region, and beyond. We call upon all citizens of Durham County to remember the extraordinary contributions he made in this community.

This the 23rd day of April, 2001.

/s/ Five Commissioners
Durham County Commissioners

Resolution Honoring Kimberly Rogers, Miss N. C. Teen All-American

A resolution was prepared honoring Miss Kimberly Rogers, a Southern High School senior. She was crowned Miss N. C. Teen All-American in January. Later this year, she will represent the state at the national pageant in Miami, Florida.

County Manager's Recommendation: Approve the resolution and present to Miss Rogers along with sincere congratulations from the Board.

Chairman Black read the resolution and presented it to Ms. Rogers. Ms. Rogers accepted and thanked the Commissioners.

RESOLUTION

WHEREAS, Kimberly Rogers is currently the reigning Miss North Carolina Teen All-American; and

WHEREAS, this vibrant, talented, young lady won the title during a statewide competition earlier this year in Winston-Salem; and

WHEREAS, following graduation from Southern High School, she plans to attend N. C. A&T University in Greensboro to study broadcasting; and

WHEREAS, Kimberly is actively involved in school and community activities as a member of the Southern High School Student Council, dance team, varsity softball team, and Students Against Violence Everywhere; and

WHEREAS, in addition to teaching dance at Neal Middle School, she frequently visits children's wards in area hospitals, holds down a part-time job, and is an active member of First Calvary Baptist Church; and

WHEREAS, her goal is to secure the title of Miss Teen All American in the national pageant to be held in August in Miami:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby congratulate

KIMBERLY ROGERS

as the reigning Miss N. C. Teen All-American. We call upon citizens of Durham County to join us in honoring Miss Rogers for this extraordinary accomplishment, and in encouraging her as she competes for the national crown in Miami.

This the 23rd of April, 2001.

/s/ Five Commissioners
Durham County Commissioners

Proclamation Recognizing “National County Government Week”

A proclamation naming the week of April 22 – 28, 2001 as “National County Government Week” was prepared for the Board’s approval.

County Manager's Recommendation: Approve the requested proclamation.

PROCLAMATION

WHEREAS, county governments began as a response to the needs of the early settlers of our country; and

WHEREAS, counties first appeared in colonial America, making them older than the Republic itself; and

WHEREAS, as our nation grew westward, the primary functions of county government during the 1800s and early 1900s involved tax collection, courts, law enforcement, and other responsibilities in which the county acted primarily as an arm of the state; and

WHEREAS, over the last century, the responsibilities of county governments have grown with county governments employing over two million people to provide services to the people of the United States; and

WHEREAS, counties are an important link in the national government structure with duties ranging from public safety to preserving the environment; and

WHEREAS, Durham County government services include: emergency management, water quality protection, countywide mapping and planning, child and adult social services, health care, mental health care, libraries, waste recycling and disposal, public safety and law enforcement, rural fire protection, deed registration, building inspections, and more; and

WHEREAS, county government today is on the front line of many crucial issues facing our state and region: environmental protection, welfare reform and job training, and increasing demands for services for children at risk and the aging; and

WHEREAS, finding solutions to these and other issues will require innovation and the cooperation of many groups and individuals, and Durham County is committed to seeking and strengthening its relationship with those in our community and state who will help us reach our potential as a county:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby proclaim the week of April 22-28, 2001 as,

“NATIONAL COUNTY GOVERNMENT WEEK”

in Durham County. We further urge all citizens to be involved in and more aware of issues facing our county.

This the 23rd day of April, 2001.

/s/ Five Commissioners
Durham County Commissioners

April is Child Abuse Prevention Month

In 1982, President Ronald Reagan declared by Presidential Proclamation that April is Child Abuse Prevention Month. Since that time, child abuse prevention awareness activities have been promoted across the United States during April.

In the spring of 1989, a Virginia grandmother began the Blue Ribbon Campaign as a tribute to her three-year-old grandson who died at the hands of his mother's abusive boyfriend. Since that time, concerned citizens all over the country have worn the blue ribbon as a symbol of the need to prevent child abuse and neglect. Bonnie sends this message: "The blue ribbon serves as a constant reminder to fight for protection for our children, our most precious gift of all. Please wear a blue ribbon . . . and tell them my story. You may save a child's life." The Blue Ribbon Campaign is gaining momentum nationally. It is one way that everyone in a community can play a role in child abuse prevention. Thousands across the nation respond to this challenge each year in April.

Resource Person: Dan Hudgins, Director, Durham County Department of Social Services

County Manager's Recommendation: Approve the requested proclamation.

A proclamation naming the month of April as Child Abuse Prevention Month was prepared for the Board's approval.

Commissioner Bowser read the following proclamation:

PROCLAMATION

WHEREAS, in 1982, President Ronald Reagan declared by Presidential Proclamation that April is Child Abuse Prevention Month; and

WHEREAS, since that time child abuse prevention awareness activities have been promoted across the United States during April; and

WHEREAS, in the spring of 1989, a Virginia grandmother began the "Blue Ribbon Campaign" as a tribute to her three-year-old grandson who died at the hands of his mother's abusive boyfriend; and

WHEREAS, concerned citizens all over the country have since worn the blue ribbon as a symbol of the need to prevent child abuse and neglect and as a reminder to fight for the protection of children; and

WHEREAS, the Blue Ribbon Campaign is gaining momentum, and wearing a blue ribbon is a dynamic way to rally the community to support and participate in programs that help parents and children; and

WHEREAS, the County sponsors or promotes many child abuse and neglect awareness activities including a "Prevent Child Abuse Walk;" presentations at Public Health, Duke University Medical Center, and Social Services; television interviews; the display of banners and distribution of blue ribbons; and "A Good Parent Is" artistic contest for 4th and 5th graders:

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Durham County Board of Commissioners that April 2001 is

CHILD ABUSE PREVENTION MONTH

in Durham County, North Carolina. The community is urged to wear and display a blue ribbon in every business, church and synagogue, school, hospital, and home as a symbol of its commitment to the prevention of child abuse and neglect.

This the 23rd day of April, 2001.

/s/ Five Commissioners
Durham County Commissioners

Public Hearing on the 2001-2002 Consolidated Action Plan Draft Adoption

The City of Durham Department of Housing and Community Development requested that the Board of County Commissioners hold the 2001-2002 Consolidated Action Plan Draft public hearing to receive comments and adopt the plan for submission to the Department of Housing and Urban Development (HUD).

The adopted Citizen Participation Plan requires that two public hearings be held prior to submission of the Consolidated Action Plan to HUD. The purpose of the first public hearing is to receive comments pertaining to HOME program needs in Durham. The Board of County Commissioners “needs” public hearing was held on February 12, 2001. Comments were received from three citizens. The City Council “needs” public hearing was held on February 5, 2001. The purpose of the second public hearing is to receive comments on the Consolidated Action Plan Draft.

The Department of Housing and Community Development requested that the Board of County Commissioners hold its Consolidated Action Plan Draft public hearing on April 23, 2001. The Department of Housing and Community Development requested that the City Council hold its Consolidated Action Plan Draft public hearing on April 16, 2001. Recommendations and editing comments received during the 30-day public review period (March 12, 2001 through April 12, 2001) will be included in the final version of the 2001-2002 Consolidated Action Plan. The Consolidated Action Plan makes general HOME program funding allocations.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development, reviewed this request and recommended that the Board of County Commissioners hold the 2001-2002 Consolidated Action Plan Draft public hearing and adopt the Plan for submission to the Department of Housing and Urban Development (HUD).

Resource Person(s): Michael Pullum, Senior Planner, attended the meeting to answer questions.

County Manager's Recommendation: Hold the 2001-2002 Consolidated Action Plan Draft public hearing and adopt the plan for submission to the Department of Housing and Urban Development (HUD).

Chairman Black directed that the board include members from outside the city limits. The Clerk to the Board advised that positions are being advertised.

At the advice of the County Attorney, Chairman Black called for the public hearing to be held tonight and continued at the May 7 Worksession (to meet the May 15 deadline for receipt of the plan in Washington, DC).

Chairman Black opened the public hearing that was properly advertised.

Shirley Strobel, 1119 Woodburn Road, Durham, 27705; President of National Alliance for the Mentally Ill (NAMI) of Durham and Next Step Housing (a new nonprofit organization with a mission to develop housing for the mentally ill). Ms. Strobel asked that the County Commissioners include the case management proposal in the Consolidated Action Plan. The case manager position would be a half-time employee who would work 3 or 4 nights a week with the 12 apartment residents to cook dinner together, check whether they are taking their medications and if they have enough medications and groceries, and to problem solve with other residents or neighbors.

The following speakers echoed the request of Ms. Strobel:

Betty Pennick, 502 East Forest Hills Blvd., Durham, 27707; NAMI of Durham, Next Step Housing, and mother of an adult child with a brain disorder.

Jane Spanel, Banbury Way, Durham, 27707 forfeited her time to Ms. Strobel.

Susan Deter, 609 Gary St., Durham, 27703; Executive Director of Threshold.

Kathy Winn, 910 Burch Ave., Durham, 27701; consumer of Mental Health services in Durham County and member of Threshold.

Barbara Smith, 2 Silver Maple Court, Durham, 27707; Mental Health Board member, NAMI member, and mother of a son suffering from schizophrenia.

Nancye Bryan, 3408 Dover Road, Durham, 27707; NAMI of Durham member, NAMI state board member, and Next Step Housing Board member.

Ruby Norris, 2010 Englewood Ave., Durham, 27705; NAMI member with a mentally ill son.

Mary Carson, 6502 Hunter Lane, Durham, 27713; mother of a mentally ill son.

Florence Benson, 5500 Fortunes Ridge Drive, Apt. 90C, Durham, 27713; mother of an adult daughter with mental illness.

Ralph McKinney, 3104 Winston Rd., Durham, 27704 asked that the Commissioners find a solution to building communities other than taxation.

Chairman Black continued the public hearing until the May 7 Worksession. She asked that the item be placed early on the agenda as Commissioner Reckhow must leave that meeting before its end.

Commissioner Heron spoke of funding concerns for the case manager position, especially since The Durham Center is one of highest-funded mental health departments in the state.

Chairman Black asked Mr. Jack Ramsey of The Durham Center to provide a letter to the Board speaking to funding for a case manager for the 12-unit independent living apartment complex.

Direction was given by the Board to the staff that funding for the Homeless Shelter should be found.

Public Hearing on Permanently Closing 486 Linear Feet of Alston Avenue on the Westside of Hopson Road

On April 9, 2001, the Board adopted a resolution declaring the intent of the Board of County Commissioners to consider permanently closing 486± linear feet (.65 acre) of Alston Avenue on the west side of Hopson Road, south of Alexander Drive (Tax Map 543, PIN 0737), and set a public hearing for April 23, 2001.

The Durham City-County Planning Department requested that the Board of County Commissioners:

1. Hold a public hearing to receive citizen comments on the proposed closing of 486± linear feet of Alston Avenue; and
2. Consider permanently closing 486± linear feet of Alston Avenue on the west side of Hopson Road south of Alexander Drive.

Resource Person(s): Dick Hails, Assistant Director for Development Management, Durham City-County Planning Department

County Manager's Recommendation: The County Manager recommended that the Board of County Commissioners hold the public hearing and consider permanently closing 486± linear feet (.65 acre) of Alston Avenue.

Chairman Black opened the public hearing that was properly advertised.

Ms. Alesia Alphin, 20 Sinnott Circle, Durham, 27713; attorney, spoke on behalf of Intelligent Information Systems and requested that the Commissioners vote to close the referenced portion of Alston Ave.

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 Heron moved, seconded by Commissioner Reckhow, to approve permanently closing 486± linear feet of Alston Avenue.

The motion carried unanimously.

COUNTY OF DURHAM
ORDER PERMANENTLY CLOSING
486± LINEAR FEET (.65 ACRE) OF ALSTON AVENUE

WHEREAS, the Durham Board of County Commissioners adopted a Resolution on April 9, 2001, declaring its intent to close the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in Attachment A, attached hereto and incorporated herein;

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

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

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

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

WHEREAS, this matter came on for hearing before the Board of County Commissioners of Durham County at its regular meeting on April 23, 2001; and all persons who desired to be heard were heard at that time:

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

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

IT IS THEREFORE ORDERED:

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

ATTACHMENT A

ORDER CLOSING
South Alston Avenue

Legal Description

BEGINNING at a iron pipe set in the western right of way of South Alston Avenue, also known as State Road 2109, said point being North 54 degrees 04 minutes 10 seconds East 1757.57 feet from grid coordinate NCGS CHARLIE where N =774,221.07 feet and E = 2,032,143.30 feet, and running along and with the western right of way of South Alston Avenue North 20 degrees 33 minutes 38 seconds East 158.92 feet to an iron pipe found at a point marked control corner on the survey hereinafter referenced, continuing along said right of way along a curve in a counterclockwise direction, said curve having a radius of 1374.46 feet, a length of 389.49 feet, and a chord bearing and distance of North 12 degrees 53 minutes 41 seconds East 388.19 feet to an iron pipe found, said iron pipe marked control corner on the survey hereinafter referenced, continuing with said right of way North 3 degrees 27 minutes 14 seconds East 34 feet to an iron pipe set, thence crossing South Alston Avenue South 16 degrees 29 minutes 16 seconds East 148.40 feet to an iron pipe found in the eastern right of way of South Alston Avenue, thence continuing along and with the eastern right of way of South Alston Avenue along a curve in a clockwise direction, said curve having a radius of 1400.95 feet, a length of 301.79 feet, and a chord bearing and distance of South 14 degrees 23 minutes 28 seconds West 301.21 feet to an iron pipe found in the eastern right of way of South Alston Avenue, and continuing thence along and with the eastern right of way of South Alston Avenue South 21 degrees 05 minutes 52 seconds West 88.95 feet to a right of way monument found in the eastern right of way of South Alston Avenue, and continuing thence across the width of South Alston Avenue South 61 degrees 03 minutes 15 seconds West 91.11 feet to an iron pipe set in the western right of way of South Alston Avenue, the point and place of beginning, pursuant to survey entitled "Street Closing and Recombination Plat for a Portion of South Alston Avenue and Adjacent Parcels", prepared by McKim and Creed,

dated August 17, 2000, to which reference is hereby made for a more particular description of same, and recorded by the Durham County Register of Deeds a Book __ and Page _____.

Public Hearing—K. Dan McKittrick, Applicant (Rezoning Case P00-87)

K. Dan McKittrick presented to the Board of County Commissioners a request to rezone 23.98 acres located at 7601 and 7721 Herndon Road, PIN #0727-01-08-7357; Tax Map 533-01-3; Request: RD (F/J-B) to PDR 2.25 (F/J-B). The proposal is in general conformance with the adopted small area plan and 2020 Plan, and the Area C Draft I-40/NC 54 Corridor Study. The rezoning supports low-density residential development (up to 4 units per acre). Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted public hearings on January 23, 2001 and March 13, 2001, and voted 6-1 to recommend denial.

Case Planner: Cassandre Haynesworth

The public hearing for this request was advertised on April 6 and April 13, 2001 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp, Planning Supervisor, and Dick Hails, Assistant Director

County Manager's Recommendation: The Manager's recommendation was that the Board conduct the public hearing and approve the rezoning, if appropriate based on public comment.

Chairman Black opened the public hearing that was properly advertised.

Tony Tate, 1912 East NC Hwy. 54, Durham, 27713; Landscape Architect and Land Planner. He asked the Commissioners to support the rezoning.

Bill Ripley, 1912 East NC Hwy. 54, Durham, 27713; applicant. He also wanted the Board to approve the rezoning request.

County Attorney Chuck Kitchen made a statement for the record that currently, this Board does not have the authority to impose educational requirements or to consider them. In making a decision on this rezoning request, it is very important that the Board state for the record it is not considering impact fees in making this decision.

Commissioner Heron asked that official action not be taken on this item until the May 14 Regular Session.

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 Heron moved, seconded by Commissioner Bowser, to delay action on this item until the May 14 Regular Session.

The motion carried unanimously.

Preliminary Resolution for Bond Issue

The Board of Commissioners was requested to adopt a preliminary resolution for the bond issue in November. This resolution is the first official step taken in potentially calling for a vote on proposed bonds.

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

County Manager's Recommendation: Approve the Preliminary Bond Resolution to start the process of calling for a bond referendum in November.

Vice-Chairman Reckhow asked the County Manager to send a letter to the Planning Director informing him that the Board has set aside monies (\$300,000 in 2002 and \$300,000 in 2003) and that the staff be aware that these are monies to be spent on open space (with copies to be sent to Open Space Commission members).

The County Manager stated he would do so.

Commissioner Reckhow moved, seconded by Commissioner Bowser, to adopt a preliminary resolution for the bond issue in November with specifications on page 3 of 4.15 cents.

The motion carried unanimously.

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

Whereas, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering authorizing the issuance of general obligation bonds of the County pursuant to Article 4 of Chapter 159 of the North Carolina General Statute, as amended, for the purpose of providing funds, with any other available funds, for various purposes, as follows:

- (a) \$51,800,000 School Bonds with voter approval for erecting, remodeling, enlarging and reconstructing school buildings and other school plant facilities and acquiring necessary land, rights of way, furnishings and equipment therefor,
- (b) \$10,270,000 Library Facilities Bonds with voter approval for providing additional library facilities of the County, including the construction of a branch library in the eastern area of the County, the expansion and renovation of an existing branch library, the acquisition of necessary land, rights of way, furnishings and equipment therefor and the acquisition of necessary land and rights of way for additional branch libraries,
- (c) \$5,840,000 Museum Bonds with voter approval for enlarging and improving exhibits, parking facilities, visitor facilities, offices and maintenance facilities at the North Carolina Museum of Life and Science;
- (d) \$5,550,000 Recreation Facilities Bonds with voter approval for providing additional recreational facilities of the County, including the construction of a new center for senior citizens in the downtown area of the City of Durham on land donated to the County and the acquisition of necessary rights of way, furnishings and equipment therefor; and
- (e) \$1,200,000 Health Care Facilities Bonds with voter approval for providing and improving health care facilities of the County, including the construction of a building to house emergency medical services to be relocated from Lincoln Community Health Center and the acquisition of necessary land, rights of way, furnishings and equipment therefor; and

Whereas, it is necessary to take certain related action at this time:

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

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the proceeds of such School Bonds will be used to finance a portion of the cost of the respective projects as requested by the Durham County Board of Education (the "Board of Education") to meet an urgent need for additional and improved school facilities to serve the residents of the County and the proceeds of such bonds other than such School Bonds will be used to finance a portion of the cost of the respective projects to meet urgent needs for facilities or provide desirable facilities to serve the residents of the County and, accordingly, the issuance of such bonds (collectively the "Bonds") as necessary or expedient for the County, (ii) the principal amounts of the Bonds are adequate and not excessive for the proposed respective purposes of the Bonds because they are based upon best estimates of the Board of Education in the case of such School Bonds and the County in the case of the Bonds other than such School Bonds of the costs of the respective projects and will be supplemented with other funds to be adequate for the respective purposes of the Bonds, (iii) the County's debt management procedures and policies are good and will be

managed in strict compliance with law, (iv) the increase in taxes necessary to service the Bonds will not be excessive because it is expected that any increase in taxes will not exceed 4.15 cents per one hundred dollars (\$100) of the appraised value of property subject to taxation by the County and (v) the Bonds can be marketed at reasonable rates of interest.

Section 2. The County Manager, the Interim Finance Director, and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of the Bonds; 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 3. 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 County-bond counsel of the County in connection with the authorization and issuance of the bonds.

Section 4. This resolution shall take effect immediately upon its passage.

Board Appointments—Durham County Hospital Corporation Board of Trustees

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the Durham County Hospital Corporation Board of Trustees.

The vote follows (asterisks indicate appointees):

- *Jean G. Spaulding, MD—Black, Bowser, Cousin, Heron, and Reckhow
- *Kevin W. Sowers—Black, Bowser, Cousin, Heron, and Reckhow
- Malcolm W. Isley—no votes
- *Eugene F. Dauchert Jr. Black, Bowser, Cousin, Heron, and Reckhow
- Dennis Dougherty—no votes
- Malcom Ward Isley—no votes
- *Penelope A. Keadey—Black, Bowser, Cousin, Heron, and Reckhow
- Peter S. Nyberg—no votes
- Anthony J. Verricchia—no votes
- Reich L. Welborn—no votes

The new terms will begin September 1, 2001 and expire at the end of August 2004.

Closed Session

The Board of Commissioners is requested to adjourn to closed session to consider the performance of a public officer pursuant to G. S. § 143-318.11(a)(6).

Commissioner Heron moved, seconded by Commissioner Reckhow, to adjourn into Closed Session to consider the performance of a public officer pursuant to G. S. § 143-318.11(a)(6).

The motion carried unanimously.

The Commissioners adjourned into Closed Session at 9:30 p.m.

After the Board reconvened into open session, Chairman Black announced that direction was given to the County Manager, the Tax Administrator, and the Clerk to the Board during the closed session.

Adjournment

Chairman Black adjourned the meeting.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board