

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

Monday, October 8, 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 opened the meeting with the Pledge of Allegiance.

Visitors

Chairman Black recognized several students present from North Carolina Central University who attended the meeting in connection with their Political Science course.

Agenda Adjustments

Chairman Black announced that several dates have been received from the school system for a series of visits to three elementary schools—Club Boulevard, Pearson town, and E. K. Poe. Several Commissioners will visit the schools. The visitation dates are as follows: Club Boulevard Elementary-November 16, at 11:00 a.m.; Pearson town Elementary-October 25, at 9:30 a.m.; and E. K. Poe Elementary-November 19, at 9:00 a.m.

Vice-Chairman Reckhow announced a workshop for the “15-501 Transit Alignment from Duke University to UNC-Chapel Hill” on October 15, 2001 from 5:00 p.m. to 7:00 p.m. at Durham City Hall.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the August 30, 2001 Worksession Minutes as submitted.

The motion carried unanimously.

Consent Agenda

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

- * (a) Closed Session Minutes (approve minutes to be opened as public record);
- * (b) Resolution honoring the life of John P. "Jack" Bond (approve the resolution for presentation to Mr. Bond's family);
- * (c) Proclamation—St. Joseph's Historic Foundation Inc./Hayti Heritage Center Week (proclaim the week of September 30 through October 6, 2001 as "St. Joseph's Historic Foundation Inc./Hayti Heritage Center Week);
- (d) Board Appointment—Convention and Visitors Bureau joint appointment (appoint Commissioner Joe W. Bowser subject to approval of City Council);
- (e) Final offer to purchase County property—717 Kent Street (approve the offer submitted of \$10,000 and prepare a nonwarranty deed for Chairman's signature);
- (f) Public Health—Establishment of a security guard position (approve the establishment of a security guard position at the Health Department);
- * (g) Budget Ordinance Amendment No. 02BCC000019—Public Health/Health Education Division (approve budget ordinance amendment to recognize \$12,500 in grant funds from the Department of Health and Human Services for the Minority Infant Mortality Program);
- * (h) Budget Ordinance Amendment No. 02BCC000021—Public Health/Health Education Division (approve budget ordinance amendment to recognize \$24,000 in grant funds from the Department of Health and Human Services for the Syphilis Elimination Project);
- * (i) Budget Ordinance Amendment No. 02BCC000022—Public Health/Nutrition Division (approve budget ordinance amendment to recognize revenue in the amount of \$10,309.50 for the Health Department's Nutrition Division);
- * (j) Budget Ordinance Amendment No. 02BCC000023—Public Health/ Environmental Health Division (approve budget ordinance amendment to recognize \$2,618 from the Department of Health and Human

- Services for the Summer Food Program to purchase computer upgrades);
- *(k) Budget Ordinance Amendment No. 02BCC000024— Public Health/Health Education Division (approve budget ordinance amendment to recognize \$6,687 in revenue from the Department of Health and Human Services for the Adolescent Pregnancy Program); and
 - *(l) Budget Ordinance Amendment No. 02BCC000025— Public Health/Health Education Division (approve budget ordinance amendment in the amount of \$17,608 to recognize a one-time payment from Duke Health Systems for health education services provided in FY 1999-2000, to be used to purchase computer equipment).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 4(a). Closed Session Minutes (approve minutes to be opened as public record)(as corrected). The Minutes are in the Closed Session Minutes book in the Clerk's vault.

Consent Agenda 4(b). Resolution honoring the life of John P. "Jack" Bond (approve the resolution for presentation to Mr. Bond's family). The resolution follows:

RESOLUTION

WHEREAS, John Percy "Jack" Bond III, a native of Washington, DC, graduated from Morgan State College with an A. B. degree in English and Wake Forest University, where he earned a Master's Degree in Business; and

WHEREAS, after graduation, he served as a commissioned officer in the U. S. Army, received the Bronze Star for meritorious service in Vietnam, and completed military service in 1967 with the rank of Captain; and

WHEREAS, he began a distinguished career in local public service in 1968 and held positions with community service agencies in Monmouth, New Jersey and Winston-Salem, NC; and

WHEREAS, Mr. Bond accepted his first local government position in 1971 with the City of Winston-Salem, NC where he progressed during the next seven years to the position of Deputy City Manager before accepting a position as Assistant City Manager in Miami, Florida in 1978; and

WHEREAS, after holding positions as City Manager of Petersburg, Virginia and Deputy County Manager of Hillsborough County, Florida, he became Durham's third professional County Manager in 1984, and the first African-American to hold the position; and

WHEREAS, during Mr. Bond's tenure in Durham, he successfully managed a county in the midst of a transition from a rural agrarian base to that of urbanized high technology with a healthy, diverse economy; and

WHEREAS, upon leaving Durham County government in 1991, he held positions in Washington, DC, the North Carolina State Auditor's Office, North Carolina Central University, and most recently coordinated the rebuilding of historic Princeville, NC following a devastating flood; and

WHEREAS, while his accolades and accomplishments were numerous, Mr. Bond was a phenomenal man who tirelessly worked to improve the quality of life for so many, in all the communities in which he served:

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

JOHN PERCY "JACK" BOND III

for his dedicated service to the Durham community and beyond. This gifted, compassionate, visionary man will always be remembered for his ability to forge relationships within communities, his team approach to management, as a champion of the employee work force, and as an unselfish mentor and role model to so many.

This the 8th day of October, 2001

/s/ Five Commissioners

Consent Agenda 4(c). Proclamation—St. Joseph's Historic Foundation Inc./Hayti Heritage Center Week (proclaim the week of September 30 through October 6, 2001 as "St. Joseph's Historic Foundation Inc./Hayti Heritage Center Week).

The proclamation follows:

PROCLAMATION

WHEREAS, St. Joseph's Historic Foundation Inc. was founded by citizens of Durham County in 1975; and

WHEREAS, St. Joseph's Historic Foundation Inc.'s mission is to serve as conservator of the Old St. Joseph's AME Church, a Registered National Historic Landmark, now named Hayti Heritage Center and complex; and

WHEREAS, the Foundation has been dedicated to preserving, restoring, and developing the complex into a cultural institution which promotes the understanding of and appreciation for the African-American Experience and its many contributions to world culture; and

WHEREAS, the Foundation has developed itself into a cultural institution by developing and presenting quality programming which enhances the cultural landscape of this community, region, and state; and

WHEREAS, the Foundation has become an integral part of the cultural, arts, and preservation fabric of our community in Durham, North Carolina; and

WHEREAS, the Foundation has transformed the Historic Sanctuary and Hayti Heritage Center into a Cultural Arts institution befitting this community; and

WHEREAS, the Foundation, through its cultural, arts, and music programs, has unlocked the history and made known the contributions of African-Americans to world culture and used those art forms of expressions as vehicles to enrich both Black and American Culture; and

WHEREAS, the Foundation has planned many activities over the next few days to initiate a year-long plan of activities, celebrating the transformation of the historic sanctuary into a state-of-the-art performance hall:

NOW, THEREFORE BE IT RESOLVED that I, MaryAnn E. Black, Chairman of the Durham County Board of Commissioners, do hereby resolve to pay tribute to the constant partnership the St. Joseph Historic Foundation has held with the citizens and government of Durham County. I hereby proclaim the week of September 30 through October 6, 2001 as

ST. JOSEPH'S HISTORIC FOUNDATION INC./
HAYTI HERITAGE CENTER WEEK

and call upon the citizens of Durham County to join in honoring this historic milestone along with the extraordinary achievements of St. Joseph's Historic Foundation. Citizens are asked to join in extending best wishes for continued growth and success of this visionary and innovative public organization well into the new millennium.

This the 30th day of September, 2001

/s/MaryAnn E. Black, Chairman

Consent Agenda 4(g). Budget Ordinance Amendment No. 02BCC000019—Public Health/Health Education Division (approve budget ordinance amendment to recognize

\$12,500 in grant funds from the Department of Health and Human Services for the Minority Infant Mortality Program).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

| | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---------------------|---------------------------|-----------------|-----------------|---------------------------|
| <u>Expenditures</u> | | | | |
| Human Services | \$274,144,624 | \$12,500 | | \$274,157,124 |
| <u>Revenues</u> | | | | |
| Intergovernmental | \$229,656,901 | \$12,500 | | \$229,669,401 |

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

This the 8th day of October, 2001.

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

Consent Agenda 4(h). Budget Ordinance Amendment No. 02BCC000021—Public Health/Health Education Division (approve budget ordinance amendment to recognize \$24,000 in grant funds from the Department of Health and Human Services for the Syphilis Elimination Project).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000021

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

| | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---------------------|---------------------------|-----------------|-----------------|---------------------------|
| <u>Expenditures</u> | | | | |
| Human Services | \$274,157,124 | \$24,000 | | \$274,181,124 |
| <u>Revenues</u> | | | | |
| Intergovernmental | \$229,669,401 | \$24,000 | | \$229,693,401 |

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

This the 8th day of October, 2001.

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

Consent Agenda 4(i). Budget Ordinance Amendment No. 02BCC000022—Public Health/Nutrition Division (approve budget ordinance amendment to recognize revenue in the amount of \$10,309.50 for the Health Department's Nutrition Division).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000022

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

| | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---------------------|---------------------------|-----------------|-----------------|---------------------------|
| <u>Expenditures</u> | | | | |
| Human Services | \$274,181,124 | \$10,309 | | \$274,191,433 |
| <u>Revenues</u> | | | | |
| Intergovernmental | \$229,693,401 | \$10,309 | | \$229,703,710 |

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

This the 8th day of October, 2001.

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

Consent Agenda 4(j). Budget Ordinance Amendment No. 02BCC000023—Public Health/ Environmental Health Division (approve budget ordinance amendment to recognize \$2,618 from the Department of Health and Human Services for the Summer Food Program to purchase computer upgrades).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000023

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

| | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---------------------|---------------------------|-----------------|-----------------|---------------------------|
| <u>Expenditures</u> | | | | |
| Human Services | \$274,191,433 | \$2,618 | | \$274,194,051 |
| <u>Revenues</u> | | | | |
| Intergovernmental | \$229,703,710 | \$2,618 | | \$229,706,328 |

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

This the 8th day of October, 2001.

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

Consent Agenda 4(k). Budget Ordinance Amendment No. 02BCC000024—Public Health/Health Education Division (approve budget ordinance amendment to recognize \$6,687 in revenue from the Department of Health and Human Services for the Adolescent Pregnancy Program).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000024

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

| | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---------------------|---------------------------|-----------------|-----------------|---------------------------|
| <u>Expenditures</u> | | | | |
| Human Services | \$274,194,051 | \$6,687 | | \$274,200,738 |
| <u>Revenues</u> | | | | |
| Intergovernmental | \$229,706,328 | \$6,687 | | \$229,713,015 |

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

This the 8th day of October, 2001.

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

Consent Agenda 4(1). Budget Ordinance Amendment No. 02BCC000025—Public Health/Health Education Division (approve budget ordinance amendment in the amount of \$17,608 to recognize a one-time payment from Duke Health Systems for health education services provided in FY 1999-2000, to be used to purchase computer equipment).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2001-02 Budget Ordinance
Amendment No. 02BCC000025

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2001-02 Budget Ordinance is hereby amended to reflect budget adjustments for the Department of Public Health.

GENERAL FUND

| | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---------------------|---------------------------|-----------------|-----------------|---------------------------|
| <u>Expenditures</u> | | | | |
| Human Services | \$274,200,738 | \$17,608 | | \$274,218,346 |
| <u>Revenues</u> | | | | |
| Intergovernmental | \$229,713,015 | \$17,608 | | \$229,730,623 |

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

This the 8th day of October, 2001.

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

Public Hearing—Consider Allocating Economic Development Investment Funds to EMD Pharmaceuticals

EMD Pharmaceuticals, Inc. (EMD) is considering expanding its U.S. Headquarters and building its new manufacturing plant in Treyburn Industrial Park. EMD develops, manufactures, and commercializes biopharmaceutical products for the treatment of cancer and diabetes.

The proposed investment for the campus in Treyburn is estimated to be approximately \$262.7 million upon completion. The campus consists of a manufacturing plant, warehouse, office buildings, and parking structures. Upon completion of the campus in 2010, it is expected that EMD will bring 1,200 new jobs to Durham County.

EMD Pharmaceuticals, Inc. is in the process of making the final decision as to where to locate the proposed campus. Staff is aware of several other sites being considered for this investment, including two in the Boston, MA area and one in Germany. EMD 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. EMD is requesting that the County participate in the costs of site preparation activities, such as site clearing and grading, and the extension of utilities to the campus.

Staff is recommending that the County participate in this economic development project by reimbursing EMD up to two million dollars (\$2,000,000) for the costs of site preparation activities, extension of utilities, and associated County development fees.

This public hearing was advertised on Friday, September 28, 2001 as required by Statute.

Resource Person(s): Michael M. Ruffin, County Manager, and Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: The County Manager recommended that the Board hold the public hearing and, based upon the information received, approve the Contract between the County of Durham and EMD Pharmaceuticals, Inc. to allow for the reimbursement of costs associated with the site preparation, such as site clearing and grading, and the extension of utilities to the proposed campus.

Mr. David Hughey, Chairman, Greater Durham Chamber of Commerce Board of Directors, made opening remarks in support of the EMD Pharmaceuticals, Inc. project.

Mr. Hughey made remarks and then introduced four individuals associated with the project to make comments.

Mr. Phillip Vereen, Vice-President of Government Affairs, Greater Durham Chamber of Commerce, summarized the benefits that EDM would bring to Durham County.

Ms. Kathy Elliott, Manager of the Durham Office, North Carolina Employment Security Commission, discussed how the EMD project would support a very critical need for new jobs in the area.

Mr. Gordon Copeland, Assistant Dean of Corporate Education at Durham Technical Community College, explained how Durham Technical Community College's Workforce Development Program would help people prepare for jobs in the Durham area.

Mr. Ted Conner, Vice-President of Economic Development, Greater Durham Chamber of Commerce, outlined the next step of the EMD project.

Chairman Black called on County Manager Mike Ruffin for an overview of the project.

The Manager recommended the Commissioners endorse the economic development package before them.

County Manager Mike Ruffin asked Carolyn Titus, Deputy County Manager, to provide more information regarding EMD's proposal. Ms. Titus discussed EMD's proposal.

County Manager Ruffin said the staff would be happy to entertain any questions.

Chairman Black opened the public hearing that was properly advertised.

Mr. Ralph McKinney, 3104 Winston Road, Durham, NC 27704, talked about the project in general. He asked four questions that he wanted answered by the staff. Mr. McKinney supported the project for the area, stating Durham's need for it.

Chairman Black asked the County Manager to provide Mr. McKinney with the answers to his questions at a later date.

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

Chairman Black asked the Commissioners if they had any questions or comments about the agenda item.

Comments were made that indicated the Commissioners' support for the project.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Contract between the County of Durham and EMD Pharmaceuticals, Inc. to allow for the reimbursement of costs associated with the

site preparation, such as site clearing and grading, and the extension of utilities to the proposed campus.

The motion carried unanimously.

Board and Commissions Appointments

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

The asterisk indicates an appointment.

Adult Care Home Community Advisory Committee

Four expired terms (expire September 2002). Subsequent terms are for two or three years.

- *Kimberly L. Evans—Black, Bowser, Cousin, Heron, and Reckhow
- *Dixie B. Ferrell—Black, Bowser, Heron, and Reckhow
- *Billy Eugene Griffin—Black, Bowser, Heron, and Reckhow

Bicycle and Pedestrian Advisory Commission

One three-year term (expires June 2004).

- Peter Hymas—Cousin
- Robert E. Marra—No Votes
- *Will Wilson—Black, Heron, and Reckhow

Community Child Protection Team/Child Fatality Prevention Team

Four expired terms—three at-large positions and one position for a mother whose child died before the 18th birthday (terms expire September 30, 2003).

- *Patrick L. Baker (at-large)—Black, Bowser, Heron, and Reckhow
- *Doreen L. Johnson (at-large)—Black, Bowser, Heron, and Reckhow
- *Joyce Holmes (at-large)—Black, Bowser, Cousin, Heron, and Reckhow

Criminal Justice Partnership Act Advisory Board

Three expired at-large positions and one position for a person who has been a victim of a crime (terms expire September 30, 2002).

- *Michael J. Gould (at-large)—Black, Cousin, Heron, and Reckhow
- Jesse J. Hunt (at-large)—Bowser and Cousin
- *Rita B. Parker (victim)—Black, Bowser, Cousin, Heron, and Reckhow
- *Lao Rubert (at-large)—Black, Cousin, Heron, and Reckhow
- *Alfred L. Solomon Jr.—(at-large) Black, Bowser, Heron, and Reckhow

Durham Planning Commission

One expired Mangum Township position (must live in Mangum Township)(term expires June 30, 2004).

*Lynn M. Van Scoyoc—Black, Bowser, Cousin, Heron, and Reckhow

Historic Preservation Commission

One expired “registered landscape architect” position (term expires September 2004).

*Robert W. Emerson—Black, Bowser, Cousin, Heron, and Reckhow

Open Space and Trails Commission

One unexpired at-large position (term expires December 31, 2004).

*Guillermo Rodriquez—Black, Bowser, Cousin, Heron, and Reckhow

Adjournment

Chairman Black adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board