

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

Monday, March 22, 1999

7:25 P.M. Regular Session

MINUTES

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

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

Absent: None

Presider: Chairman Black

Opening of Regular Session

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

Agenda Adjustments

Commissioner Heron requested that a joint meeting be set up with the Social Services Board and County Commissioners.

Vice-Chairman Reckhow requested the approach to the City-County final merger document that City Council approved should be considered by the County Commissioners for approval.

Chairman Black requested that a joint meeting be set up with the Library Board of Trustees and County Commissioners.

Chairman Black also asked that a discussion be held on the City-County Committee meeting scheduled for tomorrow.

Minutes

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the January 25, 1999 BOCC and Durham Public Schools Board of Education meeting minutes as submitted.

The motion carried unanimously.

March Anchor Award Winners—Penny Payne and Mike Fall

Penny Payne, EMT-Paramedic, and Mike Fall, EMT-Intermediate, Durham County EMS, have been nominated as the March Anchor Award winners because of their efforts to avert an armed robbery in progress. In December, the two EMS employees completed a call and stopped by a store on Holloway Street and Junction Road. They entered the store and observed two males standing at the counter acting strangely. As Ms. Payne approached the counter to pay for her purchase, the clerk pointed her finger and said, “Pop, pop.” Ms. Payne asked the clerk, who spoke little English, if the store was being robbed. She nodded yes. Ms. Payne immediately contacted 911. The robbers fled the scene by the time law enforcement officers arrived. Ms. Payne and Mr. Fall interrupted a crime being committed and possibly saved this young woman’s life.

County Manager’s Recommendation: Present March Anchor Awards to Penny Payne and Mike Fall, along with the sincere congratulations of the entire organization.

Mickey Tezai, Emergency Medical Services Director, introduced Penny Payne and Mike Fall to the County Commissioners.

Chairman Black presented the March Anchor awards to Penny Payne and Mike Fall.

Public Health Department—Nutrition Month

Vice-Chairman Reckhow, member of the Public Health Board, stated that the Public Health Department staff is putting together a nutrition display in the lobby in observance of Nutrition Month. Several staff members were present to answer questions and to distribute nutrition brochures.

Recognition of Certification of Purchasing Director, Sandra Phillips

Purchasing Director Sandra Phillips recently achieved certification by the Carolinas Association of Government Purchasing (CAGP) as a Certified Local Government Purchasing Officer (CLGPO). The certification test is administered annually in conjunction with the CAGP Spring Conference. Eligibility standards for certification include experience, professional education, and service. Of the approximate 400 current CAGP members, 40 have achieved the CLGPO designation.

The purposes of voluntary certification for local government purchasing officers are:

- Provide greater service to taxpayers and utility customers through more efficient purchasing methods;
- Recognize achievement of an established level of competency and proficiency among purchasing officials;

- Provide continuing professional development of purchasing officials and enhance their professional image.

County Manager's Recommendation: Congratulate Sandra Phillips for successfully completing the eligibility standards required to become a Certified Local Government Purchasing Officer.

County Manager David F. Thompson introduced and recognized Purchasing Director Sandra Phillips for passing the written examination to become a Certified Local Government Purchasing Officer.

The Commissioners congratulated Ms. Phillips.

Consent Agenda

Commissioner Bell moved, seconded by Commissioner Bowser, to approve the following consent agenda items:

- (a) Catering agreement for Civic Center (approve the extension of the catering agreement for the term to coincide with the management agreement);
- * (b) Report—Sale of County-Owned Surplus Personal Property (accept this report on the sale of surplus property from the auction conducted on November 20 and 21, 1998);
- (c) Approve grant application from the Criminal Justice Resource Center to the NC Department of Correction, Division of Community Corrections, for the Criminal Justice Partnership Program funds (approve the application for continuation of implementation funding to the Criminal Justice Partnership Program);
- * (d) Emergency generator for the Durham County Administrative Complex--Bid No: 99-0031 (authorize execution of the contract with AAA Electrical Company Inc., the low bidder, in the amount of \$101,254);
- * (e) Approval of renovations contract for the Durham County Memorial Stadium--Bid No: 99-024 (authorize execution of the above contract with Capital Building Company, the low bidder, in the amount of \$150,680 and that additional funds in the amount of \$34,000 be appropriated in the pay-as-you-go plan);
- * (f) FY1998-99 Budget Ordinance Amendment No. 99BCC000048—Social Services (approve

amendment to accept additional intergovernmental revenues to be directed toward the department's in-home aide assistant program);

*(g) FY1998-99 Budget Ordinance Amendment No. 99BCC000049—Social Services (accept incorporation of the deferred revenues into the department's current operations budget); and

*Documents related to these items follow:

Consent Agenda 6(b). Report—Sale of County-Owned Surplus Personal Property (accept this report on the sale of surplus property from the auction conducted on November 20 and 21, 1998).

Gross Sales	\$24,590.50
Selling Expenses:	
Auctioneer's fees	1,745.93
Vehicle preparation fee	200.00
 Total Selling Expenses	 1,945.93
Net Proceeds to the County	\$22,644.57

Consent Agenda 6(d). Emergency generator for the Durham County Administrative Complex--Bid No: 99-0031 (authorize execution of the contract with AAA Electrical Company Inc., the low bidder, in the amount of \$101,254).

The bid summary follows:

DURHAM COUNTY GENERAL SERVICES DEPARTMENT

PROJECT: GENERATOR ADDITION AT THE DURHAM COUNTY ADMINISTRATIVE COMPLEX

LOCATION: 200 EAST MAIN STREET, DURHAM, NC 27701

SUBJECT: BID SUMMARY

DATE: 04 March 1999, 3:00 PM

<i>ITEM #</i>	<i>DESCRIPTION</i>	<i>LICENSE #</i>	<i>5% BOND</i>	<i>ADDENDUM #1 RECEIVED</i>	<i>BASE BID</i>	<i>ALTER. #1</i>	<i>ALTER. #2</i>	<i>TOTAL</i>
<i>1.00</i>	<i>Bryant Durham Electric 5102 Neal Street Durham, NC 22705 M/WBE - Not Included</i>	<i>6227-U</i>	<i>YES</i>	<i>YES</i>	<i>\$152,000</i>	<i>N/A</i>	<i>N/A</i>	<i>\$152,000</i>
<i>2.00</i>	<i>Pendergraph Electric PO Box 11458 Durham, NC 27703 M/WBE - Included</i>	<i>18491-U</i>	<i>YES</i>	<i>YES</i>	<i>\$113,974</i>	<i>N/A</i>	<i>N/A</i>	<i>\$113,974</i>
<i>3.00</i>	<i>KAD Construction, Inc. 3716 National Dr, Ste 210 Raleigh, NC 27612 M/WBE - Included</i>	<i>12795-U</i>	<i>YES</i>	<i>YES</i>	<i>\$131,700</i>	<i>N/A</i>	<i>N/A</i>	<i>\$131,700</i>

4.00	AAA Electric Co., Inc. 3709 Auburn Church Road Garner, NC 27529 M/WBE - Included	14047/00-U	YES	YES	\$101,254	N/A	N/A	\$101,254
5.00	Watson Electric Construction Co. P.O Box 3105 Wilson, NC 27895-3105 M/WBE - Included	4397	YES	YES	\$113,400	N/A	N/A	\$113,400
6.00	Via Electric Co. PO Box 432, Hwy. 220 S Maddison, NC 27025 M/WBE - N/A	No Response	No Response	No Response	No Response	N/A	N/A	No Response
<p>Remarks: Award is recommended to <u>AAA Electrical Company, Inc.</u> based upon lowest price after thorough review of bid packages and the contractor's work experience.</p> <p>ENGINEERS: Knott, Benson, Spring Engineering Associates, P.A. 3304 Croasdaile Drive, Suite 100 Durham, NC 27699</p>								

Consent Agenda 6(e). Approval of renovations contract for the Durham County Memorial Stadium--Bid No: 99-024 (authorize execution of the above contract with Capital Building Company, the low bidder, in the amount of \$150,680 and that additional funds in the amount of \$34,000 be appropriated in the pay-as-you-go plan).

The bid summary follows:

ITEM NO.	DESCRIPTION	LICENSE #	5% BOND	ADDENDUM RECEIVED	BASE BID	ALTER. #1	ALTER. #2	ALTER. #3	ALTER. #4	ALTER. #5	ALTER. #6	TOTAL
1	Force Construction Company 3006 Cheek Road Durham, NC 22704 M/WBE Not Utilized	32761	YES	N/A	\$189,976	\$3,600	\$5,162	\$3,156	\$2,040	\$9,350	\$7,252	\$220,536
2	Piedmont Maint. & Services 259 Woodsdale Road Roxboro, NC 27573 M/WBE Not Utilized	19131	YES	N/A	\$201,820	\$200	\$4,898	\$4,912	\$1,250	\$9,864	\$3,004	\$225,948
3	W.T. Lawrence, Inc. 3326 Guess Road, Suite 102 Durham, NC 27705 M/WBE Form Included	37997	YES	N/A	\$154,332	\$3,100	\$5,579	\$3,885	\$2,200	\$5,850	\$6,864	\$181,810
4	Duracon 110 Kitty Hawk Drive Morrisville, NC 27560 M/WBE Form Included - N/A		N/A	N/A	Did Not Bid	Did Not Bid	Did Not Bid	Did Not Bid	Did Not Bid	Did Not Bid	Did Not Bid	Did Not Bid
5	Capital Building Company P.O Box 99351 Raleigh, NC 27624 M/WBE Form Included	34962	YES	N/A	\$143,000	\$1,380	\$6,300	\$3,100	\$1,500	\$4,000	\$4,800	\$164,080
<p>Remarks Award is recommended to <u>Capital Building Company</u> based upon lowest price after thorough review of bid packages and the contractor's work experience.</p>												

SEAL

ENGINEERS:

Gail Freeman
Associates
1312 Broad
Street,
Durham, North
Carolina 27705

CERTIFIED BID
TABULATION

Certified
by: _____
Gail Freeman, P.E., P.E.

Date: _____

The Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Capital Projects Budget Ordinance
Amendment No. 99CPA000005

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 Durham County Stadium Southside Renovation.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Durham County Stadium Southside Renovations	\$123,444	\$34,000		\$157,444

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

This the 22nd day of March, 1999.

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

Consent Agenda 6(f). FY1998-99 Budget Ordinance Amendment No. 99BCC000048—
Social Services (approve amendment to accept additional intergovernmental revenues to
be directed toward the department's in-home aide assistant program).

The Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
1998-99 Budget Ordinance
Amendment Number 99BCC000048

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l Revenue	\$187,287,647	\$39,247		\$187,326,894
<u>Expenditures</u>				
Human Services	\$213,497,589	\$39,247		\$213,536,836

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

This the 22nd day of March 1999.

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

Consent Agenda 6(g). FY1998-99 Budget Ordinance Amendment No. 99BCC000049—
 Social Services (accept incorporation of the deferred revenues into the department's
 current operations budget).

The Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 1998-99 Budget Ordinance
 Amendment Number 99BCC000049

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Ingovt'l Revenue	\$187,326,894	\$103,615		\$187,430,509
<u>Expenditures</u>				
Human Services	\$213,536,836	\$103,615		\$213,640,451

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

This the 22nd day of March 1999.

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

Consent Agenda Items Removed for Discussion

Consent Agenda 6(h). FY1998-99 Capital Projects Ordinance Amendment No. 99CPA000004—Economic Development (authorize execution of a standard service contract with O’Brien/Atkins, PA for the Durham County Space Needs Analysis and Facility Master Plan and appropriate funds from the PAYG fund in the amount of \$148,750).

Vice-Chairman Reckhow asked the County Manager to complete the blanks in Section 2, Term of Contract, of the service agreement and she also requested tying the payments to work actually performed and be sure the work is done in a timely manner.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve consent agenda item No. 6(h) subject to the stipulation as the Manager has stated.

The motion carried unanimously.

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
1998-99 Capital Project Ordinance
Amendment Number 99CPA000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 1998-99 capital project ordinance is hereby amended to reflect budget adjustments for the Space and Facility Study Pay As You Go Project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Space and Facility Study</u>	\$-0-	\$148,750		\$148,750

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

This the 22nd day of March, 1999.

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

Consent Agenda 6(e). Approval of renovations contract for the Durham County Memorial Stadium-- Bid No: 99-024 (authorize execution of the above contract with Capital Building Company, the low bidder, in the amount of \$150,680 and that additional funds in the amount of \$34,000 be appropriated in the pay-as-you-go plan).

Commissioner Heron requested the total amount of income that is generated from the stadium. Chairman Black requested a list of organizations that use the stadium. County Manager Thompson will submit the information to the Commissioners in a memorandum.

Public Hearing--ET Development Corporation (Rezoning Case P98-88)

ET Development Corporation will present a request to rezone a 6.89-acre site located south of Erwin Road, east of Annandale Drive, adjacent to Lochn'ora subdivision, and accessed from Chelmsford Drive. (Tax Map 445, Block 2, Lot 3A) Request: R-20 (Residential 20) to R-15 (Residential 15). The 2020 Plan supports Suburban Neighborhood uses. Preparation of the West Durham Plan is not scheduled. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 9, 1999 and voted 7-0 to recommend approval.

Vonda Frantz, Senior Planner, Durham Planning Department, will be present to answer any questions of staff regarding the request.

Vonda Frantz presented the proposal to the Commissioners and answered questions.

Chairman Black opened the public hearing that was properly advertised.

Ken Wright, 4 Mac Gregor Court, representing the Lochnora Homeowners Association and property owners, stated the association has endorsed the proposed rezoning and fully supports it. The land will be conveyed to ET Development Corporation for development. The owners of the land have imposed certain deed restrictions that will limit the development to only twelve lots. It will not be any intense development.

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

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve Rezoning Case P98-88.

The motion carried unanimously.

(Rezoning description recorded in Ordinance Book _____, page _____).

Auman Pond Preliminary Subdivision Plat

Centex Homes is seeking approval of a site plan request to subdivide a 30.00-acre tract into 64 single-family lots. The site is located between Herndon Road and Grandale Drive, south of Massey Chapel Road (Tax Map 525, Block 1, Parcels 22, 22E). The Development Review Board recommended approval of this project at its January 8, 1999 meeting.

Ms. Vonda Frantz, Senior Planner, Durham City/County Planning, will present the case and answer questions.

Ms. Frantz presented the site plan request and answered questions.

The Commissioners answered several questions to which Ms. Frantz responded.

Tommy Craven, 3803-B Computer Drive, Raleigh, representing Priest Craven & Associates Inc., land use consultants, discussed the site plan request. He commented six of the thirty acres are being retained in the open space. The lots are 10,000 square feet. There is a landscaping requirement that is a condition of this subdivision.

The Commissioners asked questions and made comments about the site plan request relative to the natural resource ordinance and school impacts.

Commissioner Bowser said we are over building residential subdivisions on this side of town and we are going to need schools. If the school numbers in the staff report are not correct, we are going to be in serious trouble in four years.

Vice-Chairman Reckhow moved, seconded by Chairman Black, to approve the Auman Pond Preliminary Subdivision Plat.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow

Noes: Bell

(Tax Map number: 525, Block 1, Parcels 22,22E; recorded in Ordinance Book _____, page _____.)

County Manager David F. Thompson said staff needs to track which development proposals are coming through the current system. If the Resource Conservation Ordinance is being considered for approval, we may have several applications submitted in an attempt to beat that requirement. The Planning staff needs to come to the Board with a recommendation relative to how to control the site plan requests that are in process

when the Resource Conservation Ordinance is being discussed and actual approval requested. The "cut-off date" should be determined as when the applications submitted under the present system will cease. County Manager Thompson requested the staff to make a simple list of the current site plans, etc. we have in process now that the Resource Conservation Ordinance will affect.

Freudenberg Nonwovens New Production Plant Site Plan

Freudenberg Nonwovens is seeking approval of a site plan request to add an 114,000-square-foot production and warehousing building to an existing industrial facility on a 13.3-acre portion of an 161-acre tract. The site is located on the north side of Hamlin Road and Industrial Drive, east of Old Oxford Highway, and south of the Eno River. (Tax Map 689, Block 01, Parcel 006) The site is zoned I-2 and F/J-A and allows for this use.

Mr. Steve Medlin, Senior Planner, Durham City/County Planning, will present the case and answer questions.

Mr. Steve Medlin, Senior Planner, presented an overview of the site plan to the Board and answered questions.

Mr. Medlin said the new facility would require 74 parking spaces be provided for a total of 263 spaces for the overall site. The site has 232 existing spaces and the applicant has requested that a parking reduction of 12 percent be allowed in order to not construct additional spaces. It was the Development Review Board's recommendation that the reduction be granted because of the following reasons: 1) the site is located within the F/J-A watershed district and the amount of allowable impervious surfaces; 2) the number of employees on site at any given time; and 3) the facility operates multiple shifts.

County Manager Thompson requested that in future recommendations that a statement be added saying that the proposal meets all current ordinance requirements and is in compliance with the proposed Resources Features Protection regulations under consideration.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the site plan.

The motion carried unanimously.

(Tax Map number: 689, Block 01, Parcel 006; recorded in Ordinance Book _____, page _____.)

Discussion of the United States Census 2000 Campaign

Administrative staff from the City and County of Durham has met with a representative of the U. S. Census to discuss the steps necessary to ensure a successful census count in this community for the Year 2000. Deborah Craig-Ray will briefly discuss proposed plans regarding the United States Census 2000 Campaign. The Board is asked to adopt a joint resolution that will be signed by Chairman Black and Mayor Tennyson. A news conference has been planned for April 1 at 2:00 p.m. in the local census office to formally discuss support for the census.

Deborah Craig-Ray, Public Information/Governmental Affairs Director, presented a brief remark to the Commissioners about Census 2000. The City and County will pool their resources to work on the Census 2000 project.

Deborah Craig-Ray asked the Commissioners to approve the Census 2000 Resolution jointly with the City.

The April 26, 1999 Regular Session agenda will have an item requesting the Commissioners to approve the membership of the Complete Count Committee. The committee will work from now until next year to make sure we do adequate publicity, that we reach the under-served communities, and that we have a successful census operation.

The twelve to fifteen member panel will be constituted by members of the community appointed by City and County Governments.

The Commissioners asked questions to which Deborah Craig-Ray responded.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adopt the Census 2000 Resolution.

The motion carried unanimously.

The resolution follows:

CENSUS 2000 RESOLUTION
STATE OF NORTH CAROLINA
DURHAM CITY COUNCIL
DURHAM COUNTY BOARD OF COMMISSIONERS
and the
United States Bureau of the Census
Charlotte Region

Whereas, both the Durham City Council and Durham County Board of Commissioners are committed to the welfare of the Durham community; and

Whereas, the Durham City Council and Durham County Board of Commissioners understand that this is a unique opportunity to participate in and have influence on CENSUS 2000:

NOW, THEREFORE, BE IT RESOLVED that in order to accomplish the goal of a more accurate and cost efficient Census in Census 2000, the Durham City Council and the Durham County Board of Commissioners herein take the following action:

1. The Durham City Council and Durham County Board of Commissioners hereby appoint a CENSUS COMPLETE COUNT COMMITTEE; and
2. The CENSUS COMPLETE COUNT COMMITTEE SHALL BE charged with working with the CENSUS BUREAU and its REPRESENTATIVES in promoting CENSUS 2000 to all of our People; and
3. The COMPLETE COUNT COMMITTEE may PROVIDE ASSISTANCE TO THE CENSUS BUREAU TO RECRUIT TEMPORARY EMPLOYEES; and
4. The COMPLETE COUNT COMMITTEE WILL MAKE EVERY EFFORT TO DEVELOP OUTREACH ACTIVITIES ESPECIALLY DESIGNED TO MEET THE NEEDS OF ALL RESIDENTS AND TO REACH THOSE CONSIDERED "HARD TO ENUMERATE;" and
5. The COMPLETE COUNT COMMITTEE will encourage every resident to accurately complete the Census questionnaire and promptly return it by mail; and
6. THAT April 1, 2000 BE DESIGNATED—

CENSUS DAY IN DURHAM, NORTH CAROLINA

Approved by the Durham City Council at their meeting held on March 15, 1999 and approved by the Durham County Board of Commissioners at their meeting held on March 22, 1999.

Nicholas J. Tennyson
Mayor

MaryAnn E. Black
Chair, County Board of Commissioners

Approval of Purchase of Personal Computers for the Department of Social Services

The Board is requested to authorize the County Manager to enter into a contract with Compucom in the amount of \$71,262 for the purchase of 46 computers and 6 network printers in accordance with State Convenience Contract #13-0871985. The selected hardware and software is in compliance with Durham County's computer equipment standards. Thirty-six of the computers will be purchased through Work First block grant and will contribute toward the County's Maintenance of Effort for this Program. (To meet its Maintenance of Effort in Work First, Durham County must spend

100 percent of what was budgeted for similar programs in FY 96-97.) The remaining 10 computers will be reimbursed at 50 percent of federal dollars through Medicaid Administration. County dollars required for this purchase are already in the department's current operations budget.

Work First staff will use 34 of the computers to perform casework activities on behalf of their clients. The computers will be connected to a network that will allow access to state and local databases and on-line policy manuals. Two computers will be available to Work First clients for employment-related activities, such as job search. The remaining ten computers will be used for outposted DSS workers at Lincoln Community Health Center, Duke University Medical Center, Golden Belt Facility, and the VA Hospital. The computers are needed for staff to retain connectivity with State databases necessary for determination of Medicaid and other public assistance programs and to have access to on-line policy manuals.

Dan Hudgins, DSS Director, and Perry Dixon, IT Director, will be available as resource persons for this request.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Compucom to purchase the 46 personal computers and 6 network printers for \$71,262.

Mr. Dan Hudgins, DSS Director, presented an overview of the purchase request to the Commissioners for their consideration.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to authorize the County Manager to enter into a contract with Compucom to purchase the 46 personal computers and 6 network printers for \$71,262.

The motion carried unanimously.

Agreement Creating a Soil and Water Conservation Department

The Durham Soil and Water Conservation District is requesting that its employees be constituted into a new County department. The employees are current employees of the Soil and Water District. County funds are currently being used to pay for the majority of the salary costs, and the employees are furnished County benefits. The change in employer would provide the District employees with additional services from the County including defense of lawsuit that is now handled by the Attorney General's Office. The County would assume the liability for the actions of the employees, but the employees would also be under the direction of the County Manager. No additional funds would be required for this change. The current budgeted funds for the District will be transferred to form the new department.

Eddie Culberson will be present to answer questions. This agreement has been approved by the Soil and Water District and by the County Attorney's office.

County Manager's Recommendation: Approve the agreement to provide for better fiscal and management control of the department and better coordination of service delivery for the citizens.

County Manager David F. Thompson made comments about the proposal.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the agreement so as to provide for better fiscal and management control of the Department, as well as, to provide better coordination of service delivery for the citizens.

The motion carried unanimously.

Gearon Communication's Application for a Major Special Use Permit

Gearon Communications is applying for a Major Special Use Permit to construct a tower. A hearing before the Board of Commissioners has been scheduled for March 25, 1999 to consider the application. Gearon seeks to build a tower in the southern part of Durham County. Attorney Anne R. Slifkin represents neighbors that oppose construction to the tower. On behalf of one of her clients, Theodore Chambers, Attorney Slifkin has filed a lawsuit against Gearon Communications. The lawsuit was filed on March 8, 1999 in Durham County Superior Court.

Attorney Slifkin has requested that the Board of County Commissioners postpone the March 25, 1999 hearing and defer the hearing on the special Use Permit Application until legal issues surrounding this application can be resolved by Durham County Superior Court.

Chairman Black called on County Attorney Chuck Kitchen to make remarks on this agenda item.

County Attorney Chuck Kitchen said it would be appropriate to continue the hearing from the Thursday's calendar until such time this is resolved by the courts.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to continue the hearing from the Thursday night calendar until such time legal issues surrounding this application can be resolved by the Durham County Superior Court.

The motion carried unanimously.

Tax Appeal—Mitsubishi Semiconductor America Inc. (MSA)

Commissioner Heron requested that she be excused from the Special Meeting scheduled for Thursday, March 25, 1999.

The request was granted without a vote at this meeting.

Schedule of Joint Meeting With Board of County Commissioners and Social Services Board

Chairman Black asked County Manager David F. Thompson to contact Social Services Director Daniel C. Hudgins to set the date for the joint meeting.

Schedule of Joint Meeting With Board of County Commissioners and Library Board of Trustees

Chairman Black and the Commissioners set April 12, 1999 for the Joint Meeting with the County Commissioners and the Library Board of Trustees to begin at 5:00 p.m.

Four-Year Terms

This item is being brought forward for the Board to discuss the advisability of four-year terms for County Commissioners. It is placed on the agenda at the Board's direction following the last Board meeting. In addition to this statute, a local bill in the General Assembly may change the terms of the Board members.

Vice-Chairman Reckhow said there had been some reference to the fact that a public discussion should be held by the Commissioners on this item. She got a copy of the bill from Representative Michaux. The simple bill has been drafted that would call for a four-year term starting after the 2000 fall election. The bill has not been introduced. He is going to introduce it before the deadline. Representative Michaux is interested in input from the County Commissioners. He thought it was a good idea to have a public hearing on the subject to get citizens comments.

Vice-Chairman Reckhow suggested a public hearing be held on the April 12, 1999 Regular Session. She also mentioned to put a place on the Web page for the citizens to send comments to us by email. A display add could be put in the newspaper to get public comments on the matter.

The Commissioners had a lengthy discussion about four-year terms.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to set a public hearing for Monday, April 12, 1999 and instruct staff to run two display advertisements in the local newspapers and put it on the Website for people to way in. Include the Website address and the address to send written comments to.

The Commissioners had a discussion on the motion.

The motion carried with the following vote:

Ayes: Bell, Black, Bowser, and Reckhow
Noes: Heron

Mr. Lee Mortimer, 4116 Livingstone Place, spoke about four-year terms. He expressed his personal views on the matter of four-year terms.

Schedule of Joint Meeting With Board of County Commissioners and Library Board of Trustees (continued)

The Commissioners changed the time of the Joint Meeting to 6:00 p.m. on Monday, April 12, 1999.

Joint City-County Committee Meeting

Chairman Black announced that the City-County Committee Meeting scheduled for March 23, 1999 had been canceled due to scheduling conflicts.

Approach to City/County Consolidation

Vice-Chairman Reckhow said a change was made by City Council to the approach to the City/County Consolidation Revised 2/22/99 document that the County Commissioners approved and sent to City Council.

The last sentence of the "purpose" paragraph was changed to read "The Durham City Council and Durham County Commissioners recommend the committee's work may include but is not limited to the following. . ."

City-County Merger Steering Committee Meeting

Chairman Black and Commissioner Bell announced that they could not attend the first meeting of the Joint City-County Merger Steering Committee scheduled for Friday, March 26, 1999 due to prior commitments.

April Worksession

The April Worksession was rescheduled for Wednesday, April 7, 1999.

Board and Commission Appointment—Area Mental Health Board

Garry E. Umstead, Clerk to the Board, will distribute ballots to make an appointment to the Area Mental Health Board.

The following votes were cast to make an appointment to the Area Mental Health Board (one professional position in the field of psychology, social work, nursing, or religion; term expires July 2003). Asterisk indicates appointee.

Iowana C. Hagler—no votes

John E. Kraus—no votes

Hugh F. Lecky Jr.—no votes

Joseph Mattiacci—no votes

*Earl Phillips—Bell, Black, Bowser, Heron, and Reckhow

Adjournment

Chairman Black adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board