

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

Monday, November 22, 1999

**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 and Becky M. Heron

Absent: Commissioner William V. Bell

Presider: Chairman Black

**Call to Order**

Chairman Black called the meeting to order with the Pledge of Allegiance.

**Agenda Adjustments**

Commissioner Bowser requested that an item be added to the agenda relative to the Hospital Corporation Board of Trustees.

Vice-Chairman Reckhow requested a resolution from the Eno River Association be placed on the agenda.

**Minutes**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the October 11, 1999 Regular Session and the November 8, 1999 Closed Session Minutes of the Board as submitted.

The motion carried unanimously.

**Presentation of the Certificate of Achievement in Financial Reporting**

County Manager David Thompson requested that the Durham County Board of Commissioners present the Certificate of Achievement in Financial Reporting to Finance Director Patricia Gravinese and her staff at this meeting. This certificate was awarded by the Government Finance Officers Association of the United States and Canada (GFOA) for Durham County's Comprehensive Annual Financial Report (CAFR). The Certificate

of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. In announcing this award, GFOA stated that the "...CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive spirit of full disclosure to clearly communicate its financial story and motivate potential users and user groups to read the CAFR."

In addition to this award, the County Manager asked the Board of County Commissioners to be aware that the Finance Department has also completed this past year's audit in record time for Durham County. The completion date for this audit was October 11, 1999. No one on staff can remember the County's audit being done earlier than the end of October.

County Manager David F. Thompson was asked by Chairman Black to make remarks about the Certificate of Achievement in Financial Reporting.

The Commissioners presented the Certificate of Achievement in Financial Reporting to Finance Director Patricia Gravinese and her staff.

Ms. Gravinese thanked the Commissioners for their support to the Finance Department in providing the needed resources. She introduced her staff and thanked the staff for their hard work in completing the financial audit.

Ms. Gravinese presented the CAFR to the Commissioners.

Chairman Black read the Certificate of Achievement in Financial Reporting into the record as follows:

Certificate of Achievement for Excellence in Financial Reporting

Presented to

County of Durham, North Carolina

For its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1998

A Certificate of Achievement for Excellence in Financial Reporting is presented by the

Government Finance Officers Association of the United States and Canada to

government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.

/s/ Gary Bruebaker

President

/s/ Jeffrey L. Esser

Executive Director

The Commissioners congratulated the Finance Department for its achievement.

**Introduction of New Deputy County Manager Wendell Davis**

County Manager David F. Thompson introduced Durham County's new Deputy County Manager Wendell M. Davis to the Board of County Commissioners and to the public. Mr. Davis began his new position with Durham County on November 11. Prior to this position, Mr. Davis served as the Deputy County Manager for Bertie County, North Carolina since January of 1996. Mr. Davis has also held key positions in Prince William County Government in Woodbridge, Virginia. In his last position with Prince William, he served as Senior Management and Budget Analyst to the County Executive, and as Capital Improvement Program Coordinator, where he developed, implemented, and managed the County's \$343 million Capital Improvement Program.

Mr. Davis holds a BA degree in Geography and a BS degree in Sociology from North Carolina Central University. Additionally, he has a Masters of Business Administration from Southeastern University, Washington, DC and a Master of Urban Planning, University of Illinois. He is also a graduate of the County Administration course at the Institute of Government in Chapel Hill, North Carolina.

Mr. Davis made remarks about his appointment.

The Commissioners welcomed Mr. Davis to Durham.

**Durham Public Schools Board of Education—Announcement**

Ms. Kathryn Meyers, Chair of the Durham Public Schools Board of Education, announced that Superintendent Dr. Ann Denlinger has been named the North Carolina Superintendent of the Year for 1999.

Chairman Black and the Commissioners congratulated and commended Dr. Denlinger on being named the North Carolina Superintendent of the Year for 1999. She is the first female to receive this award.

**Excuse Commissioner Bell from Meeting**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to excuse Commissioner Bell from this Regular Session.

The motion carried unanimously.

**Consent Agenda**

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

- (a) Appointment—Boards and Commissions (appoint Eric N. Derr to the Durham County Emergency Medical Services Council to represent the City/County Communication Center; his term expires in June 2002);
- (b) Appointment—Boards and Commissions (appoint Mickey Brown to the vacant at-large position on the Juvenile Crime Prevention Council);
- (d) Standard Non-Reimbursable Utility Contract for Extension or Upgrade of the County Sanitary Sewer System (authorize the County Manager to execute the Gordhan LLC utility contract for these additions to the County sanitary sewer system);
- \* (e) Property Tax Releases and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report); and
- \* (g) FY 1999-2000 Budget Ordinance Amendment No. 00BCC000017—Public Library (accept the incorporation of the additional revenues [\$33,186] into the current operating budget of the Library).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 6(e). Property Tax Releases and Refunds (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details tax releases and refunds for the month of October 1999.

For FY 99-00, releases and refunds amounted to \$19,693.83 in taxes for registered vehicles, \$43,986.05 in real property (\$30,834.91 of which were recaptured from a correction billing), \$411,766.50 in taxes for personal property (\$300,565.00 of which

were recaptured in rebilling of a business account), \$235.00 in city vehicle fees, and \$440.00 in solid waste fees.

For prior years, October releases and refunds amounted to \$15,268.35.

(Recorded in Appendix A in the Permanent Supplement of the November 22, 1999 Minutes of the Board.)

Consent Agenda 6(g). FY 1999-2000 Budget Ordinance Amendment No. 00BCC000017—Public Library (accept the incorporation of the additional revenues [\$33,186] into the current operating budget of the Library).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1999-2000 Budget Ordinance  
Amendment No. 00BCC000017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for the Library Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$172,766,556	\$33,186		\$172,799,742
<u>Expenditures</u>				
Cultural and Recreation	\$ 6,813,206	\$33,186		\$ 6,846,392

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

This the 22<sup>nd</sup> day of November, 1999.

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

**Consent Agenda Items Removed for Discussion**

Consent Agenda 6(c). Resolution Regarding Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Application (in accordance to G.S. 18B-904(f), adopt the resolution to

appoint Deputy Michael D. Andrews, Operations Major, as the designated official to make recommendations concerning the suitability of persons or locations for ABC permits).

Chairman Black asked how the Commissioners would know what locations the ABC permits are being issued for.

County Manager David F. Thompson suggested the Chair write a letter to the Sheriff to request that he notify the Commissioners regarding when, where, and to whom the ABC permits are issued. The Attorney's office will bring forth some type of protocol so the Board will have a level of comfort as to who is getting notified and when.

The resolution follows:

RESOLUTION  
COUNTY OF DURHAM, NORTH CAROLINA  
REGARDING DESIGNATION OF AN OFFICIAL TO MAKE  
RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE  
CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

Whereas, N.C.G.S. 18b-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

Whereas, the County of Durham wishes to notify the NC ABC Commission of its designation as required by N.C.G.S. 18B-904(f):

NOW, THEREFORE, BE IT RESOLVED that Deputy Michael D. Andrews, Operations Major, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the County of Durham regarding the suitability of persons and locations for ABC permits within its jurisdiction:

BE IT FURTHER RESOLVED that notices to the County of Durham should be mailed or delivered to the official designated above at the following address:

Mailing Address:	PO Box 170	
Office Location:	201 E. Main Street	
City:	Durham, NC	
Zip:	27701	Phone: (919) 560-0846

This the 23<sup>rd</sup> day of November, 1999.

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

Sworn to and subscribed before me this the 23<sup>rd</sup> day of November, 1999.

/s/ Garry E. Umstead  
Clerk to the Board

Consent Agenda 6(f). Application for Property Tax Exemption (approve the application for partial tax exemption for Saint James Baptist Church).

Commissioner Heron wanted to know if this application is being submitted because some of the building is being rented and the building is also being used for church facilities.

Mr. Marvin Pope explained the reason for the property tax exemption. Commissioner Heron is correct about the exemption.

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

- 6(c). Resolution Regarding Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Application (in accordance to G.S. 18B-904(f), adopt the resolution to appoint Deputy Michael D. Andrews, Operations Major, as the designated official to make recommendations concerning the suitability of persons or locations for ABC permits); and
- 6(f). Application for Property Tax Exemption (approve the application for partial tax exemption for Saint James Baptist Church).

The motion carried unanimously.

**A Public Hearing on Zoning Ordinance Amendment TC 89-99 Providing Modifications to Setback Standards for the PDR Zoning District**

Conduct the public hearing and consider the amendment to the zoning ordinance. The proposal would allow more flexibility for development in the Planned Density Residential [PDR] zoning district. The amendment would support 2020 Plan goals and offer citizens a broader choice of housing types. Rather than limiting side setbacks in the PDR to either 0 feet or 8 feet, this amendment would allow for setbacks in between these two distances if the developer provides greater design detail. The proposal was initiated by a citizen request. The public hearing was advertised in the newspaper in accordance with the requirements of the Durham Zoning Ordinance and North Carolina General

Statutes. The proposal was recommended for approval by the Joint City-County Planning Committee at its September meeting and by the Zoning Committee of the Planning Commission at its October meeting.

Resource Person(s): Bonnie Estes, Planning Manager, Durham City-County Planning Department

County Manager's Recommendation: Conduct the public hearing and adopt the amendment to the zoning ordinance identified as TC 89-99.

Ms. Estes gave the Commissioners an overview of the amendment. Staff recommends approval.

Chairman Black opened the public hearing that was properly advertised.

As no one 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 adopt the amendment to the zoning ordinance identified as TC 89-99 providing modifications to setback standards for the PDR zoning district.

The motion carried unanimously.

The zoning ordinance text amendment follows:

TC 89-99 Adopted by Board of County Commissioners Nov. 22, 1999

AN ORDINANCE TO AMEND PROVISIONS OF THE DURHAM ZONING  
ORDINANCE REGARDING DIMENSIONAL REQUIREMENTS IN THE PLANNED  
DENSITY RESIDENTIAL [PDR] DISTRICT

WHEREAS, the Durham County Commissioners wishes to amend the zoning ordinance,  
and

WHEREAS, these changes will improve the efficiency of the ordinance, support the  
goals of the 2020 Plan, and improve housing opportunities for residents of Durham:

NOW THEREFORE, BE IT ORDAINED:

SECTION 1

That Section 4B.1.6 [PDR dimensional requirements] be revised to a replace Item 7 and add Item 8 to read as follows:

7. Accessory buildings shall not be placed in the front yard.
8. Setbacks from adjacent property which is residentially zoned but not the PDR zone - 25-foot rear yard and side yards which conform to the requirements of the adjacent residential zone.

#### SECTION 2

That Section 4B.1.7 (1) [PDR Building to Building Relationships] be rewritten to read:

1. Single family detached: The building envelope for each lot shall be shown on the recorded plat.

#### SECTION 3

That the table found in Section 4B.1.7 (2) [PDR Building to Building relationships] be revised by deleting from the table “35 feet or less” and “16 feet.”

#### SECTION 4

That the ordinance be renumbered if necessary to accommodate this change.

#### SECTION 5

That this ordinance become effective upon adoption.

(Zoning Ordinance Amendment TC 89-99 recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

### **Children at Risk – Interim Report**

At the Board’s May 26 meeting, County Manager David F. Thompson, Deputy County Manager Carolyn Titus, and Youth Coordinating Board Director Anita Daniels-Kenney presented the issue of Durham’s Children at Risk. The Board was informed that the County Manager, through rising costs of court-ordered care and juvenile detention beds, became aware of the vastly increasing number of Durham County youth who had been abused and neglected, and/or had committed serious criminal offenses. Now in the juvenile court system, these children were in need of long-term mental health treatment and rehabilitation for which there are few local resources and even fewer sources of funding. As a result, the County had borne an additional \$30,000 in juvenile detention bed expenses, as well as an additional \$2.2 million dollars in court-ordered care payments. Since June of 1999, Deputy County Manager Carolyn Titus has been working with the “Continuum of Care” Committee comprised of County department heads and representatives of other key community organizations to address the issues identified and respond to the Charge issued by the Board. A presentation was made reporting on the analysis that has been conducted and the systematic changes made as a result of this collaborative effort. Findings were presented regarding the 75+ children currently under

court-ordered care along with a plan of action to begin bringing the children back to their home community including development of a continuum of care.

Resource Person(s): Carolyn Titus, Deputy County Manager, presented the report. Members of the "Continuum of Care" Committee were available to answer questions: Anita Daniels-Kenney, Youth Coordinating Board Director; Dan Hudgins, Department of Social Services Director; Dr. Steven Ashby, The Durham Center Director; Steve Price, Youth Home Director; Gudrun Parmer, Criminal Justice Resource Center Director; Archie Snipes, Chief Juvenile Court Counselor; Donna Smith, Assistant Superintendent for Durham Public Schools; Dr. Betsy Feifs, Durham Public Schools; The Honorable Elaine O'Neal, District Court Judge; The Honorable Craig Brown, District Court Judge; and The Honorable Marcia Morey, District Court Judge.

County Manager's Recommendation: Receive the committee's report and recommendations.

Ms. Titus made the following remarks about Children at Risk.

"Good evening, Madam Chairperson, and members of the Board of Commissioners. It was five months ago that we were last here with you talking about Children At Risk.

You'll recall that the County Manager had been informed last January of the dramatically rising costs of court-ordered care and out-of-county juvenile detention beds. It was then we became aware of the increasing number of Durham County youth who had been abused and neglected, and/or had committed serious criminal offenses. Now in the juvenile court system, these children were in need of long-term mental health treatment and rehabilitation for which there are few local resources and even fewer sources of funding. As a result, the County had borne an additional \$40,000 in juvenile detention beds as well as an additional \$2.2 million dollars in court-ordered care payments. After bringing the issue before you in June, you provided the County Manager's office with a **charge to address Children at Risk**, a copy of which has been placed in your agenda packet. The Charge is comprised of four main tasks:

- To focus on the 75+ consent/court-ordered children with the goal of bringing the children back to Durham County.
- To address barriers of confidentiality so as to allow for inter-agency sharing of information regarding said children.
- To perform a clinical review of each of the 75+ consent/court-ordered children to determine the most appropriate level of service necessary.
- To determine what new resources must be developed to keep children in Durham County; to review existing proposals and associated costs for new services (i.e. day treatment, juvenile day reporting, continuum for suspended students, multi-purpose group home, and expanded detention facilities).

We are here tonight to inform you of our work over the past five months and to report our accomplishments and findings as they pertain to this charge.

First, I'd like to recognize the 12 members of the **Continuum of Care Committee**, those individuals who have worked tirelessly during this process on behalf of Durham's children. If I could ask them to stand, please. I want to give them special thanks for the many hours they've spent dedicated to improving our system and finding ways to help the children under court-ordered care. They will be available to answer questions after the presentation.

In turning to the **handout** just provided you, I'd like to direct you to the **second** page which outlines what the focus of our work has encompassed. Four primary areas were addressed: 1) Removing confidentiality barriers; 2) Examining what **we** could do collectively as a group - looking for ways we could improve the system as a whole to respond to these children; 3) Conducting clinical reviews of the children under court-ordered care; and lastly, 4) Determining what new services are necessary to have in Durham to keep our children closer to home.

The very first thing we did was to work to remove **CONFIDENTIALITY BARRIERS** so that we could talk freely. As you'll recall, we initially reported from our work this spring that we knew that not being able to share information was hampering efforts to help these children. The Court entered an Administrative Order in June to allow all agencies to share information. Secondly, we worked to get agreement from all the agencies to use one form for Confidentiality Releases. This was particularly helpful in addressing the needs of children who have substance abuse problems since Federal Law supersedes State Law and the Administrative Order and does not allow information sharing without the Release Form.

While the Confidentiality Barriers were being worked out, we immediately went to work mapping out our **SYSTEMS** to identify things we could change as group, particularly issues or processes that we determined to be missing, that were contributing to children possibly falling through the cracks of multiple systems. We went through many exercises and held lengthy discussions trying to dissect problems. But I do not want to focus on process here tonight. I want to tell you what we have accomplished.

On page **four** of the handout before you is a list of **changes** we made based upon our findings. We feel these changes have had a significant impact on our ability to better address the needs of these children. The **first** grouping focuses on the **changes made in County and agency processes:**

1. **Transferred the management** of Court-Ordered Care Dollars to the County Manager's Office – Mental Health has devised a child tracking system which feeds directly into our contracts and payments tracking system.

2. Initiated **protocols for inter-agency coordination** - found that we really weren't talking to each other about children we had in common, largely due to confidentiality regulations.
3. Developed procedures for the **agencies to review** each child's case together before it goes to court - found that the clinical review process was an effective strategy to build into our current system - before we get to court.
4. Devised a **checklist** that must be filled out and signed by agency staff attesting that all entitlement funding has been explored for a child's care - found that we needed a systematic mechanism in place to ensure that a child had been checked for eligibility for entitlement funds or that certain federal funds could be drawn down by an agency.
5. Conducted **training** of agency personnel - juvenile court counselors, social workers, etc. - found that new resources needed to be publicized or certain protocols needed to be systematically shared with line staff.
6. Revised the system by which we allocate our **youth home beds** - Juvenile Court Counselors and Youth Home staff began to quickly move a child home from an out-of-county bed within hours after a vacancy occurred.
7. **Planning** was conducted to determine what services were needed for at risk youth; the plan can now be used for developing and funding our continuum of care - found there was no one communitywide road map for us to follow.

The **second** area in which we made changes pertain to **court processes**:

1. We **no longer consent** to court orders for county payment; we now require that the County Manager's office be notified of any hearing in which county payment is an issue and we participate in a Court Hearing on Ability to Pay.
2. We **changed the language** in the Court Orders to make sure County dollars are the last to be spent, after all other sources of funding have been exhausted.

The **third** area pertains to processes in the **schools**:

1. The schools modified their suspension procedures to do several things:
  - a) They redirect students who have been recommended for suspension to the alternative school, known at the Learning Center.
  - b) For children who are recommended for suspension relating to drugs or alcohol, if it is a first time offense, are offered substance abuse counseling in lieu of suspension; the schools have developed agreements with local agencies to provide the counseling.
  - c) The Central Office reviews each recommendation for long-term suspension to ensure that students have been offered specialized services to help them prior to being suspended.

The **final** area in which changes have been made are the **addition of new services** available to Children at Risk here in Durham since our presentation in June:

1. Multisystemic Therapy (MST) - intensive in-home family therapy.
2. Majors Program - Substance Abuse Treatment.















#### HIDDEN COSTS/IMPACT

- Mileage expense to visit children who are farther than 60 miles from Durham (more than \$85,000 annually)
  - Juvenile Court staff visit once per month
  - DSS Social Workers visit twice per month
  - Mental Health staff visit once per month
- Staff difficulty in trying to reunify and work directly with children and families
- Family inability to visit regularly and interact with children and participate in the treatment process
  - Family members lack the resources to visit monthly (transportation, time away from work, etc.)

#### CLINICAL REVIEW FINDINGS

- 59 Children's Cases Clinically Reviewed
  - 25 children recommended to remain in current placements
  - 4 children incarcerated (training school or Youth Home)
  - 30 children recommended to move
    - Closer proximity to home
    - More appropriate level of care

#### CURRENT COSTS

- Of 30 children recommended to be moved:
  - 18 @ \$195 per day
  - 10 @ \$99.73 per day
  - 2 @ \$300 per day

#### NEEDED SERVICES\*

- Residential substance abuse treatment (\$200-\$260 per day)
- Therapeutic, residential sexual victim & offender treatment (\$250-\$310 per day)
- Therapeutic, residential independent living 16-18 year olds (\$95-\$110 per day)
- Therapeutic, secure crisis beds for 3-30 days (\$250-\$320 per day)

\*All services should have family therapy and reunification components

#### COST EFFECTIVENESS

- Fewer days in high-cost residential treatment.
- Treatment tailored to meet the individual needs of each child.  
Lower level of treatment=longer time in treatment and greater risk of crisis situations.  
Services beyond what is required=wasted resources on services the child will not use.

- Family involvement in treatment increases chances of and expedites successful reunification.

Ms. Titus concluded the presentation with these closing remarks:

“As a result of the work we’ve talked about here tonight, **four (4) primary outcomes** have been achieved:

1. Only **3 new court orders** for County payment have been issued since July 1 – Prior to July 1<sup>st</sup> we were getting 4-5 per month.
2. We have decreased out-of-county detention bed expenses.
3. We have determined that 30 of our children can be brought back closer to home.
4. Brought 7 new services to Durham for children at risk since June.

Now, the question is what is our future direction? **Looking ahead**, we want to:

- Continue to monitor our children, both those already in the court system and those we realize are headed in this direction; employing the strategies we’ve recently devised, we feel, will made a big difference.
- We will continue to be vigilant about our taxpayer’s dollars, realizing the more efficiently we can serve these children, the more children we’ll be able to reach, and hopefully reach them sooner; we believe these children are an important part of Durham County’s future.
- Lastly, we want to maintain a system that can quickly respond to these children’s needs with the maximum use of available resources. Prioritizing services needed, establishing contracts with vendors, and developing transition plans for the children will all be necessary in the near future. The County Manager’s office will need to have maximum flexibility of existing funding streams in order to move rapidly to transition these children.

Tonight, **I ask for your direction, support and approval** to begin moving us forward so that we can respond to the needs of Durham’s Children.”

The Commissioners made comments and asked questions to which Ms. Titus responded.

The following members of the “Continuum of Care” Committee spoke about Children at Risk relative to their area of responsibility in the justice system: Dr. Ashby, Mr. Price, Mr. Snipes, Ms. Smith, Judge O’Neal, and Judge Morey.

Ms. Titus spoke briefly about the monetary side of this problem. The County has spent \$900,000 of a budgeted amount of \$2,000,000. Our focus has always been on the clinical needs of the children. If the children-at-risk program expenditures remain at the same level, the total will amount to \$3.5 million this current fiscal year.

County Manager David F. Thompson said this expenditure has to be looked at as cost effectiveness, not as a cost benefit.

Commissioner Heron requested the County apply for available grants.

The Commissioners advised the committee to continue as they are going.

**Briefing on the City of Durham's Proposed Urban Growth Area Boundary Amendments**

County Commissioner Becky Heron has requested that City/County Planning staff brief the Board of County Commissioners on the proposed City of Durham's Urban Growth Area Boundary Amendments that City Council is currently considering. Senior Planner Keith Luck will be present to describe and answer questions concerning these amendments.

County Manager's Recommendation: Note that there is no action required of the Board of County Commissioners. These amendments were discussed at the Joint City/County Planning Committee held on November 10, 1999.

Mr. Luck gave the Commissioners an update on the Urban Growth Area Boundary amendments that the City has been considering.

The Urban Growth Boundary is a line around the City that the City hopes to expand to. It encompasses an area that the City expects to eventually provide with public sewer and water. The City will eventually annex the area and we would see development of urban and suburban land uses. Outside the boundary we will see mostly rural land uses.

Mr. Luck talked about the major changes that came out of the Durham 20/20 comprehensive plan. Also, he talked about other recommended changes.

The City had a public hearing on these amendments. City Council postponed action on the proposed changes until Council members could study them in more detail. The discussion has been withheld until a City Council retreat is held sometime next year.

Vice-Chairman Reckhow expressed concern about the process and some of the changes under discussion.

Chairman Black expressed concern about what will happen in the Santee Road area. She wondered if the boundary would be extended in this area.

The Commissioners asked questions and made comments about this agenda item to which Mr. Luck responded.

Commissioner Heron wanted to know how much vacant land is in the present Urban Growth Area Boundary.

Norman Standerfer, City-County Planning Director, responded to Commissioner Heron's question.

A lengthy discussion was held on this agenda item. This item should be discussed at the Joint City-County Planning Commission.

Steve Bocckino, 7340 Abron Drive, said utilities could be extended anywhere you want to place them. Engineering is not the problem. Growth and green space is the problem. Let's recognize that.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to authorize Chairman Black to write a letter to the Mayor and City Council members thanking them for postponing action on the proposed Urban Growth Area Boundary amendments. Suggest that we need to have discussions initially at the Joint City-County Planning level and then at the governing body level about clarifying the Urban Growth Area Boundary adjustment process (and reference directly the wording in our comprehensive plan, beginning on page 34 going on to 35). Suggest that since this is a mutually adopted plan, we need to abide by the principles which tied infrastructure planning to land use planning and we need to develop a process that will allow us to abide by the tenets of that plan.

The motion carried unanimously.

**Lease Agreement for the Access/Crisis Unit of The Durham Center at 501 Willard Street**

The Board is requested to authorize the execution of a lease for the Access/Crisis Unit of The Durham Center at 501 Willard Street, Durham, NC with NC Mutual Life Insurance Company. The Access/Crisis Unit initially occupied this facility in January 1995 with a five-year lease term. The current lease expires November 30, 1999. The term of the proposed lease is 36 months beginning December 1, 1999 and ending November 30, 2002 with a provision for two additional one-year renewals. The financial terms of the lease are:

<u>Period</u>	<u>Price /Square Foot</u>	<u>Monthly Rent</u>
December 1, 1999-November 30, 2000	\$11.25/Square Foot	\$12,372.19
December 1, 2000-November 30, 2001	\$11.36/Square Foot	\$12,493.16
December 1, 2001-November 30, 2002	\$11.48/Square Foot	\$12,625.13
December 1, 2002-November 30, 2003*	\$11.59/Square Foot	\$12,751.38
December 1, 2003-November 30, 2004**	\$11.71/Square Foot	\$12,878.07

The rate of the initial term of this lease agreement represents a 3-percent increase over the prior lease agreement with 1-percent increases each subsequent year. Funds were appropriated in the FY 1999-2000 budget.

\*First-Year Option

\*\*Second-Year Option

Resource Person(s): Sandra W. Phillips, Director of Purchasing, and Evester Bailey, The Durham Center

County Manager's Recommendation: This is a renewal of an existing lease for the Access/Crisis Unit of The Durham Center. The rate increases and term of lease are reasonable and within expectations. The Board is request to authorize the execution of this lease with NC Mutual Life Insurance Company for the facilities at 501 Willard Street in accordance with the provisions of the lease.

Ms. Phillips presented the agenda item to the Commissioners.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the execution of a lease for the Access/Crisis Unit of The Durham Center at 501 Willard Street with NC Mutual Life Insurance Company.

The motion carried unanimously.

### **Draft of Adult Establishments Amendments**

The public hearing on these amendments has been set for December 13, 1999 pursuant to the action of the Board at its last meeting.

Resource Person(s): Lowell Siler, Deputy County Attorney

County Manager's Recommendation: Review the draft and give any directions to staff.

Mr. Siler presented the overview.

The Commissioners discussed the amendment at length with the attorneys.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the proposed adult

establishments amendments be sent back to the City-County Planning Committee for information and set the public hearing on these amendments for December 13, 1999.

The motion carried unanimously.

### **Hospital Corporation Board of Trustees—Financial Situation**

Commissioner Bowser said he wanted to add this item to the agenda for clarification purposes as to my role on the Hospital Corporation Board of Trustees.

Several weeks ago, Vice-Chairman Reckhow asked Commissioner Bowser to have the hospital administrator, the hospital board chairman, and executive members of the board to come to a Commissioner meeting to give a status report on the financial condition of the hospital and the entire financial situation.

At the November 10, 1999 hospital board meeting, Commissioner Bowser requested the administrators and executive members on the hospital board to come to the Commissioner meeting in December to give that report. I understand that they have asked for a letter with Chairman Black's signature to come. I want to know what my role is at the hospital. I thought I was the liaison from this Board to the Durham County Hospital Corporation Board of Trustees.

The Commissioners agreed that Commissioner Bowser was the liaison. The request was appropriate.

Commissioner Bowser made the request to the board since Mr. Blackmon, Board Chairman, was not present. Mr. Blackmon made the request for the letter.

Commissioner Bowser said the record should be set straight.

Chairman Black will write a letter to the Chairman of the Durham County Hospital Corporation Board of Trustees requesting that a financial report be given at the Board's December 13, 1999 Regular Session between 5:00 and 6:00 p.m. The Chairman will be requested to bring the Hospital's Chief Financial Officer and appropriate staff to the meeting. Advise that Commissioner Bowser is the County Commissioner liaison to the Durham County Hospital Corporation Board of Trustees and his requests should be honored in the future.

### **Resolution—Eno River Association**

Vice-Chairman Reckhow brought up the resolution that the Commissioners received from the Eno River Association supporting the open space acquisition on the Little River.

Vice-Chairman Reckhow was pleased with one of the points--that the Eno River Association hereby agrees to enter into a joint campaign with the Triangle Land Conservancy to raise \$250,000 for the purpose of preserving this legacy. This is very important. I hope we can move forward with this acquisition.

### **Noise Ordinance**

Commissioner Heron requested the staff revisit the Noise Ordinance to see if we can develop an ordinance that will exercise some control over noise.

Commissioner Bowser supported the request of Commissioner Heron.

### **Closed Session**

The Board was requested to adjourn to Closed Session to discuss the performance and fitness of an individual public officer or employee pursuant to G.S. § 143-318.11(a)(6).

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, that the Board adjourn into Closed Session to discuss the performance and fitness of an individual public officer or employee pursuant to G.S. 143-318.11(a)(6).

The motion carried unanimously.

### **Reconvene into Open Session**

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to abolish the Tax Administrator position in Durham County and to establish a Tax Collector position and a Tax Assessor position.

The motion carried unanimously.

### **Adjournment**

Chairman Black adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board

