

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

Monday, September 13, 1999

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 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

Chairman Black said the County Manager's Update/Request for Direction will be moved to the last item before the Closed Session.

Chairman Black said she will add one item to the agenda from Mayor Tennyson concerning a trip to Ottawa and Pittsburgh relative to transportation systems (rail and bus).

Minutes

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the following Minutes of the Board as submitted:

- a. February 15, 1999 Commissioners' Retreat
- b. March 25, 1999 Quasi-Judicial Public Hearing
- c. June 28, 1999 Regular Session
- d. July 12, 1999 Regular Session

The motion carried unanimously.

Liability Claims and Subrogation Recovery for FY 98-99

The reports on claims paid through the Risk Management office for FY 98-99 indicate the total amount paid was \$19,928.62. This compares to a total of \$127,080.38 paid in the prior year. The primary difference in the two years was the change in the insurance coverage. The claims paid during FY 97-98 to a large degree reflected not only claims settled by Risk Management, but also amounts paid on the \$20,000 deductible under the prior liability insurance policy. Much of this was for attorney's fees for insurance counsel. All of these suits, with one exception, have now been decided. All new lawsuits are being handled through the County Attorney's Office, which is reflected in the considerable savings, as the County no longer has a primary liability policy.

The amount of subrogation claims has also more than doubled. Subrogation claims are amounts the County recovers from other insurance carriers. Most often, these are automobile accident claims where the County driver was not at fault.

Cathy Whisenhunt, Risk Manager, and Chuck Kitchen, County Attorney, were present to answer any questions.

County Manager's Recommendation: This report recognizes the continuing efforts of the County administration to decrease the costs associated with the operations of the government. Receive the report of Risk Management and congratulate this division of the County Attorney's Office on having a successful year.

County Attorney Chuck Kitchen made comments on the report regarding claims paid through the Risk Manager's Office. The claims are much less than in prior years due to the Commissioners' action on the way they will handle insurance, which was to do away with the regular liability policy. Most of the money paid out was for the deductible and insurance counselor fees.

Consent Agenda

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

- *(a) Public Health—approve Budget Ordinance Amendment No. 00BCC000002 (to recognize grant revenue of \$16,950 for maternity care coordination services in maternal health);
- *(b) Public Health—approve Budget Ordinance Amendment No. 00BCC000003 (to recognize grant revenue of \$1,041 for HIV Risk Reduction program in health education);

- * (c) Public Health—approve Budget Ordinance Amendment No. 00BCC000004 (to recognize grant revenue of \$2,000 for public health training in general nursing);
- (e) Appointments—Boards and Commissions (reappoint Kelly N. Bradley to represent the Bahama Volunteer Fire Department and Dr. Richard K. Serra [since he is the Medical Director of the Durham County EMS program] to the Durham County Emergency Medical Services Council);
- (f) Repeal appointment to the Triangle J EMS Council (repeal appointment of Ms. Schweinsberg to the Triangle J EMS Council and approve request to re-advertise this vacancy);
- (g) Appointment—Animal Cruelty Investigator (reappoint Cindy Bailey, Animal Cruelty Investigator, for a one-year period. Appointment will expire September 13, 2000);
- (h) Regional Response Team Contract (authorize the County Manager to enter into the contract);
- (i) Accept the Federal Aviation Grant Offer (RDU Project Number 080332, FAA AIP Grant Number 3-37-0056-23) and execute the grant agreement. (As per the agenda item, the Board has previously endorsed the expansion plans through the previous grants for the Airport Improvement Program);
- * (j) Proclamation—Hunting Fishing Day (adopt the proclamation of Saturday, September 25, 1999 as hunting and fishing day in Durham, North Carolina);
- * (l) Resolution of support for Cultural Planning Initiative (adopt the resolution and forward copies to the parties indicated);
- (m) Contract with Davenport & Company LLC for financial advisory services (authorize the County Manager to enter into a contract to provide financial advisory services as needed);
- * (n) Solid and yard waste hauling services (authorize the County Manager to negotiate and enter into a contract with BFI in an amount not-to-exceed \$212,784 for the services); and
- (o) Emergency Medical Services uniforms (authorize the County Manager to enter into a contract with Showfety's Inc. in an amount not-to-exceed \$77,470 and with American Uniform Sales in an amount not-

to-exceed \$2,295 for emergency medical uniforms as per Invitation for Bids #00-001).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 6(a). Public Health—approve Budget Ordinance Amendment No. 00BCC000002 (to recognize grant revenue of \$16,950 for maternity care coordination services in maternal health).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000002

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$171,120,883	\$16,950		\$171,137,833
<u>Expenditures</u>				
Human Services	\$204,728,656	\$16,950		\$204,745,606

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

This the 13th day of September, 1999.

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

Consent Agenda 6(b). Public Health—approve Budget Ordinance Amendment No. 00BCC000003 (to recognize grant revenue of \$1,041 for HIV Risk Reduction program in health education).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000003

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$171,137,833	\$1,041		\$171,138,874
<u>Expenditures</u>				
Human Services	\$204,745,606	\$1,041		\$204,746,647

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

This the 13th day of September, 1999.

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

Consent Agenda 6(c). Public Health—approve Budget Ordinance Amendment No. 00BCC000004 (to recognize grant revenue of \$2,000 for public health training in general nursing).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000004

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$171,138,874	\$2,000		\$171,140,874
<u>Expenditures</u>				
Human Services	\$204,746,647	\$2,000		\$204,748,647

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

This the 13th day of September, 1999.

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

Consent Agenda 6(j). Proclamation—Hunting Fishing Day (adopt the proclamation of Saturday, September 25, 1999 as hunting and fishing day in Durham, North Carolina).

The resolution follows:

PROCLAMATION

WHEREAS, hunting and fishing have always been an important part of the North Carolina tradition, and while these activities may no longer be necessary for survival as during Durham County's early days, they continue in relevance and popularity as seen by the 80-percent increase in the number of women involved in the shooting sports in the past ten years; and

WHEREAS, hunting and fishing are so much more than recreational pursuits, as hunters and anglers have been at the forefront of the conservation movement for over 100 years, vocalizing their support and requesting special fees and taxes on their equipment to pay for wildlife management, habitat restoration, and other conservation programs, and have raised over \$21 billion, now adding some \$3.5 million per day nationally; and

WHEREAS, this financial support has provided the basis for scientific research, habitat restoration, and education which have led to the dramatic comeback of wildlife in North Carolina such as wild turkey, river otters, tundra swans and other waterfowl, alligators, shore birds, bald eagles and other raptures, and fur bearers; and

WHEREAS, dollars and cents alone do not represent the true worth of our outdoor traditions, for wealthier than any millionaire is one with greater awareness, understanding, and respect of the natural environment and its wildlife, and wealthier still

are the ethical hunters and anglers who share this treasure with a youngster, friend, or relative; and

WHEREAS, we urge hunters and anglers in Durham County to recognize this year's Hunting and Fishing Day observance by inviting a friend, family member, or coworker to experience the outdoor traditions together and to continue our important work in wildlife conservation:

NOW, THEREFORE, BE IT RESOLVED, that in recognition of past and current conservation achievements of ethical hunters and anglers in Durham County, we, the members of the Durham County Board of Commissioners, do hereby proclaim Saturday, September, 25, 1999 as

HUNTING AND FISHING DAY IN DURHAM COUNTY

This the 13th day of September, 1999.

/s/ Five Commissioners
Durham County Commissioners

Consent Agenda 6(1). Resolution of support for Cultural Planning Initiative (adopt the resolution and forward copies to the parties indicated).

The resolution follows:

RESOLUTION

Whereas, the Durham community has a unique sense of history, creative people, and numerous cultural offerings; and

Whereas, local cultural assets include a myriad of festivals and historic sites, access to performing and visual arts, a world-class science museum, and much more; and

Whereas, in order to continue to support the cultural array that greatly enhances Durham's quality of life, the community needs to assess its resources and plan for its cultural future; and

Whereas, the Durham Arts Council Inc. is uniquely positioned to lead a dynamic, comprehensive, cultural planning initiative in this community; and

Whereas, such a plan will document the strengths and assets, identify needs, outline strategies for the future, propose a timeline, and finally identify resources to carry out the plan with broad community support; and

Whereas, the NC Department of Cultural Resources has funding to support artistic and historic organizations, and we believe that Durham would greatly benefit from a proposed \$200,000 appropriation to support this initiative:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby endorse the Durham Arts Council's Cultural Planning for Durham City/County initiative, and further support its request for funding through the Department of Cultural Resources:

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to members of the Durham Delegation and to Secretary of Cultural Resources Betty McCain.

This the 13th day of September, 1999.

Consent Agenda 6(n). Solid and yard waste hauling services (authorize the County Manager to negotiate and enter into a contract with BFI in an amount not-to-exceed \$212,784 for the services).

The bid tabulation follows:

ATTACHMENT B

**DURHAM
 COUNTY**

**TABULATION SHEET
 SOLID & YARD WASTE HAULING
 SERVICES**

**RFP# 99-
 039**

		Republic Waste Industries 825 Purser Drive Raleigh, NC 27603		Waste Industries, Inc. 148 Stone Park Court Durham, NC 27703		Waste Management 10411 Globe Road Morrisville, NC 27560		BFI 5111 Chin Page Road Durham, NC 27703		Orange Recycling Services 1010 East Pettigrew St Durham, NC 27701	
COUNTY FACILITIES	SIZE	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL
13 Rental	8 CY	\$ 19.00	\$ 24.90	\$ 18.00	\$ 18.75	\$ 20.00	\$ 16.97	\$ 15.48	\$ 17.49	NO BID	NO BID
County Owned	30 CY	N/A	\$ 86.00	N/A	\$ 60.00	N/A	\$ 126.00	N/A	\$ 59.50	NO BID	NO BID
Rental, Slotted	30 CY	\$114.00	\$ 86.00	\$ 95.00	\$ 60.00	\$110.00	\$ 126.00	\$ 85.00	\$ 95.00	NO BID	NO BID
CONV. CTR.	SIZE	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL	MO. RENTAL	COST/PULL
HWY 55	30 CY	\$178.00	\$ 82.00	\$ 170.00	\$ 60.00	\$ 90.00	\$ 99.00	\$100.00	\$ 59.50	NO BID	NO BID
	40 CY	N/A	\$ 82.00	N/A	\$ 60.00	N/A	\$ 99.00	N/A	\$ 59.50	NO BID	NO BID
Bahama	30 CY	\$178.00	\$ 86.00	\$ 170.00	\$ 60.00	\$ 90.00	\$ 135.00	\$100.00	\$ 59.50	NO BID	NO BID
	40 CY	N/A	\$ 86.00	N/A	\$ 60.00	N/A	\$ 135.00	N/A	\$ 59.50	NO BID	NO BID
Redwood	30 CY	\$84.00	\$ 86.00	\$ 85.00	\$ 60.00	\$ 90.00	\$ 99.00	\$ 50.00	\$ 59.50	NO BID	NO BID
	40 CY	N/A	\$ 86.00	N/A	\$ 60.00	N/A	\$ 99.00	N/A	\$ 59.50	NO BID	NO BID
Rougemont	30 CY	\$ 89.00	\$ 93.00	N/A	\$ 60.00	\$ 90.00	\$ 135.00	N/A	N/A	NO BID	NO BID
	40 CY	N/A	\$ 93.00	N/A	\$ 60.00	N/A	\$ 135.00	N/A	\$ 59.50	NO BID	NO BID

Consent Agenda 6(o). Emergency Medical Services uniforms (authorize the County Manager to enter into a contract with Showfety's Inc. in an amount not-to-exceed \$77,470 and with American Uniform Sales in an amount not-to-exceed \$2,295 for emergency medical uniforms as per Invitation for Bids #00-001).

The bid tabulation follows:

**ATTACHMENT B
 BID TABULATION
 SHEET
 EMS UNIFORMS**

Bid Due Date & Time: 8/13/99 @ 2:00 p.m.

Opened By: Bahaa Jizi

IFB# 00-001

		Martin's Uniforms 2320 W. Hillsborough Ave. Tampa, FL		HG International P.O. Box 51513 Durham, NC		American Uniform Sales 321 E. Russell Street Fayetteville, NC		Showfety's 116 E Market Street Greensboro, NC		Century Uniforms 331 Tryon Road Raleigh, NC	
COMMODITY	QTY	UNIT PRICE	EXTENDED AMT.	UNIT PRICE	EXTENDED AMT.	UNIT PRICE	EXTENDED AMT.	UNIT PRICE	EXTENDED AMT.	UNIT PRICE	EXTENDED AMT.
Jackets, All Weather	140		NO BID	\$190	\$ 26,000.00	\$209.00	\$ 29,260.00	\$185.00	\$ 25,900.00	\$219.58	\$ 30,741.20
Jackets, 100% Poly.	75		NO BID		NO BID	\$ 94.00	\$ 7,050.00	\$ 79.96	\$ 5,996.25	\$ 96.50	\$ 7,237.50
Shirts, Short Sleeve	600		NO BID		NO BID	\$ 19.95	\$ 11,970.00	\$ 18.00	\$ 10,800.00	\$ 23.50	\$ 14,100.00
Shirt, Long Sleeve	600		NO BID		NO BID	\$ 23.25	\$ 13,950.00	\$ 23.00	\$ 13,800.00	\$ 26.75	\$ 16,050.00
Trousers, 65% P, 35% C	525		NO BID		NO BID	\$ 38.50	\$ 20,212.50	\$ 39.95	\$ 20,973.75	\$ 52.95	\$ 27,798.75
Trousers, 100% Dacron	100		NO BID		NO BID	\$ 22.95	\$ 2,295.00	\$ 25.00	\$ 2,500.00	\$ 30.90	\$ 3,090.00
Delivery Date				15 DAYS ARO		45 DAYS ARO		45-60 DAYS ARO		30 DAYS ARO	
TOTAL BID AMOUNT			NO BID		\$ 26,000.00		\$ 84,737.50		\$ 79,970.00		\$ 99,017.45

Consent Agenda Items Removed for Discussion

Consent Agenda 6(k). Resolution of support for Land and Water Conservation Fund (adopt the resolution and forward copies to the appropriate legislators).

Vice-Chairman Reckhow requested the resolution and letter be sent to our congressional delegation this week.

This bill on the Land and Water Conservation Fund (LWCF) will be coming up very soon. The state legislators should be copied because the bill urges that the money come down to the local level.

Chairman Black said the resolution will be sent to the appropriate people.

The resolution follows:

RESOLUTION

Whereas, the Land and Water Conservation Fund (LWCF) was established in 1964 as a dedicated fund to ensure that all Americans would have access to high-quality recreation opportunities; and

Whereas, the Land and Water Conservation Fund authorization level was increased to \$900 million per year in 1977; and

Whereas, the actual LWCF funding, with the exception of 1998, has been considerably below this level since the early 1980's; and

Whereas, the LWCF Act authorizes that a portion of LWCF funds be granted to states and localities to aid in local recreation and conservation initiatives; and

Whereas, in actual fact, no LWCF grants have been made to states since 1995; and

Whereas, since its creation, LWCF has been responsible for the acquisition of nearly seven million acres of parks, public forests, and open space including the development of more than 37,000 state and local conservation and recreation projects, including playgrounds, ball fields, national historic sites, scenic rails, and nature reserves; and

Whereas, since its creation, LWCF has funded \$121 million in federal projects in North Carolina, and granted an additional \$63 million to the State of North Carolina; and

Whereas, the fund emphasizes the need to conserve public spaces and to develop and maintain national, state, and local resources in anticipation of increasing population and response to rapid changes in land use and availability; and

Whereas, without congressional allocations for federal land acquisition for national parks, forests, wildlife refuges, and other lands, opportunities for outdoor recreation is greatly hindered, and stateside programs are severely limited in the capacity to acquire, develop, and maintain parks and open spaces, as are local jurisdictions; and

Whereas, the need to preserve open space and develop and maintain national, state, and local parks and recreational facilities becomes more critical each year due to demands placed on such facilities by ever-increasing populations:

NOW, THEREFORE, BE IT RESOLVED that the Durham County Board of Commissioners sees the absolute critical need for the full and ideally permanent funding of the LWCF, with significant state assistance, and thus urges legislative support to achieve these goals.

This the 13th day of September, 1999.

/s/ Five Commissioners
Durham County Commissioners

Consent Agenda 6(d). Mental Health—approve FY1998-99 Budget Ordinance Amendment No. 99BCC000005 (to recognize grant allocations for the Thomas S. program [\$612,798], Willie M. program [\$185,152], and the Governor’s Crime Commission for the MST-Durham (Delinquency) grant [\$99,976]).

Commissioner Heron said she wanted to know where the coordination was on the two programs receiving the funding. She wants the youth services to be coordinated.

Deputy County Manager Carolyn Titus responded to Commissioner Heron’s questions.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve consent agenda item No. 6(d).

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for Mental Health.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$171,140,874	\$897,906		\$172,038,780
<u>Expenditures</u>				
Human Services	\$204,748,647	\$897,906		\$205,646,553

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

This the 13th day of September, 1999.

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

Consent Agenda 6(p). Contract between the City of Durham and the County of Durham for the Welfare to Work Grant Project (approve the contract between the City of Durham and the County of Durham).

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to excuse Commissioner Bell from voting on this agenda item.

Commissioner Bell said there is no financial conflict. The contract services will be provided by Community Based Services and UDI is included in that.

The motion carried unanimously.

Commissioner Heron asked the status of the contract.

County Manager David F. Thompson stated the contract is already in progress. It was approved at budget time. This is the contract to draw down these funds through the City to pay the contract to Social Services.

County Attorney Kitchen responded to questions.

Arnold Dennis, Social Work Program Administrator, and Ted Abernathy, Economic Development Officer, City of Durham, responded to questions and comments.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve consent agenda item No. 6(p).

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Abstain: Bell

Public Hearing—Horvath for Ticon (Rezoning Case P99-21)

Horvath for Ticon presented to the Board of County Commissioners a request to rezone a 41.9-acre site located at the southeast corner of the intersection of Page Road and Lumley Road (Tax Map 649, Block 2, Lot 10 [partial] and Tax Map 580, Block 1, Lot 2). The request is to rezone from RD (Rural District) to RM-12(D) (Multifamily with a Development Plan). The 2020 Plan supports Suburban Neighborhood uses. The Future

Land Use Map in the Southeast Durham Plan indicates high-density residential development for this site (greater than 8 units per acre). Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 10, 1999 and voted 6-1 to recommend approval.

The public hearing for this request was advertised on August 27 and September 3, 1999 in the Durham Herald-Sun.

Vonda Frantz, Senior Planner, Durham City-County Planning Department, was present to answer any questions of staff regarding this request.

The Commissioners asked questions and made comments about the rezoning request.

Ms. Frantz responded to the questions and comments.

Vice-Chairman Reckhow said the Commissioners need the schools capital improvement plan so serious discussion can begin about school needs.

Chairman Black opened the public hearing that was properly advertised.

John Markham Jr., attorney representing Ticon Inc., discussed the Ticon rezoning case. He urged the Commissioners to approve the rezoning case.

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 P99-21--Ticon properties.

The motion carried unanimously.

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

Lease Agreement for the Sara Barker Center

The Board was requested to authorize the execution of a three-year lease between the County and the ARC of Durham County Inc. for the Sara Barker Center, a daycare facility operated specifically for the benefit of children with mental and physical disabilities. The term of the lease is from July 1, 1999 through June 30, 2002. The facility is located at 2611 Broad Street, Durham, NC. The Sara Barker Center has occupied this facility for a number of years.

The annual lease amount is \$32,800.00. This represents a cost of \$5.75 per square foot for approximately 5,700 square feet of space. This cost is held constant over the three-year term. During the prior three-year lease term, the annual lease amount was \$28,500.00 or \$5.00 per square foot.

The Landlord will be responsible for HVAC, water, electricity, taxes, and assessments. The County will be responsible for janitorial services. Repairs and improvements costing up to \$12,000 per annual period shall be the sole responsibility of the Landlord. Repairs and improvements costing more than \$12,000 per annual period shall be the responsibility of the Landlord and the County as determined by mutual agreement.

Resource Persons: Carolyn Davis, Deputy Area Director, The Durham Center, and Sandra Phillips, Director of Purchasing

County Manager's Recommendation: Authorize the execution of a three-year lease with the ARC of Durham County Inc. for 2611 Broad Street, Durham, NC to house the Sara Barker Center in accordance with the lease.

Ms. Phillips presented the lease agreement for the Sara Barker Center.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the lease agreement for the Sara Barker Center.

The motion carried unanimously.

Funding for Durham Community Shelter for H.O.P.E.

Staff has been working with the Shelter for H.O.P.E. to bring forward information that has been requested by the Board. Please note the staff document prepared by Budget Analyst Anthony Allen, information submitted by the Shelter's Board which outlines their budget projections, and information that was solicited from Dr. Ernie Mills concerning Durham Rescue Mission's ideas concerning operating an emergency shelter.

County Manager's Recommendation: Note that Mr. Allen is recommending an amount of necessary funding if the shelter is to continue operations. This is not meant to be an endorsement of the Shelter's operations but rather is a funding number that I requested he provide. As of agenda preparation, I have not reviewed these numbers and have not met with the Shelter for H.O.P.E. Board or Dr. Mills, and thus, am not prepared as of this date to make a recommendation. I will be meeting with both parties this week. Hopefully, I will be prepared to make a recommendation at the Board's meeting or at a minimum will be able to share a short term solution to the current situation and a plan of action for arriving at an administrative recommendation.

County Manager David F. Thompson said he is not ready to make a recommendation on the funding numbers. There are some major reasons for that. First the funding numbers have changed. Second, Mr. Thompson wants to do another cash flow based on changes made in the administration and the increased fund raising capabilities now available. Mr. Thompson said he doesn't think the dollar amounts will exceed the \$37,500 but he doesn't know what the actual budget will look like or what the cash flow will look like.

County Manager Thompson wants to meet again with the Shelter board. The County Manager said the County Commissioners must decide on three policy issues relative to serving the homeless. He explained in detail what the BOCC must consider in making a policy decision. If the County will be the landlord, renovations must be made.

The October 4, 1999 Worksession will be scheduled to receive another report on the shelter.

Commissioner Bell stated there is still a need for the shelter. The shelter should continue to be a County responsibility. The shelter deals with human services and that is what County government is all about. The Commissioners have made an investment in the shelter. If we stay in the business of providing the shelter assistance we need to renovate the building. The County needs to have more involvement in this project if we are going to make the investment as being recommended. With the proper management and attention, the shelter can work with the County as a partner.

Vice-Chairman Reckhow spoke to accountability of any funds allotted to the shelter. The community has contacted her to ask if the shelter is closing.

Commissioner Heron stated that the shelter and the County were supposed to be a partnership, not solely run by the County. She was agreeable to give the County Manager time to obtain the necessary funds.

Commissioner Bowser said he would withhold his major comment until the County Manager has gathered his facts. He did say that the winter months are coming which are toughest on the homeless. He said he was very much interested in the homeless population.

Chairman Black introduced Mr. Bob Novak, 5500-89A Fortunes Ridge, to speak regarding the Shelter for H.O.P.E.

Mr. Novak said the citizens of Durham County should support the Shelter for H.O.P.E. The shelter employees should be County employees with benefits. The current board can be an advisory board. The staff should be responsible for their purpose of looking after the clients, not fund raising.

Chairman Black spoke to the good the shelter has done, to the efforts of Ernie Mills at the Rescue Mission, and the needs of mentally disturbed people. She spoke to facility alternatives to the shelter (group homes) including the Rescue Mission.

The Manager spoke to placing County staff on the renovation project. Requests for qualifications would have to be issued for an architect.

Mr. Bill Harrison, shelter board member, was recognized to speak by the Chairman. He spoke to the shelter's responsibility to maintain accountability and proposed fundraising effort.

The Commissioners had a lengthy discussion on the funding for the Durham Community Shelter for H.O.P.E.

The Chairman called for the County Manager to continue his efforts at information gathering for presentation at the October Worksession. No action was taken on this agenda item.

Lease for Youth Coordinating Board

On August 23, 1999, staff brought forth a recommendation to lease space at the Bull City Business Center for the Youth Coordinating Board. The BOCC made a request that staff pursue other options including the 2nd floor of the Carmichael Building that was being vacated by The Durham Center. The staff has researched the Carmichael Building as well other locations in the County. No one (1) optimal location has emerged; therefore, staff is still investigating all possible alternatives.

The Youth Coordinating Board's current landlord at the Bull City Business Center has agreed to allow the department to stay in their current space until September 30, 1999.

Resource Persons: Anita Daniels-Kenney, Youth Coordinating Board Director, and Sandra Phillips, Director of Purchasing

County Manager David F. Thompson presented an option for space for the Youth Coordinating Board. The recommendation follows:

Bull City Business Center

Remain in the current space located at 121 Market Street until January 31, 2000. Terms of Lease Agreement are as follows:

- 1,100 square feet at \$12.00 per square foot
- Four-month lease
- Total cost \$4,400 for 4 months

- Full service lease, including HVAC maintenance, water, sewer, electric service, light fixtures, five days/week cleaning service, capital expenses for improvements, taxes, and assessments
- Two parking spaces included

County Manager Thompson requested authority to execute the lease.

Commissioner Bowser stated the Youth Coordinating Board should be housed in the Carmichael building.

Vice-Chairman Reckhow commented that the office space at Carmichael does appear to be generous and that perhaps this space should be considered.

The Chairman stated that perhaps the staff recommendation for the four-month lease should be considered for the time being with the County Manager to look into using the space available at the Carmichael Building.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to accept the staff recommendation (to remain in the current space located at 121 Market Street for a four-month period, etc.) with the understanding that the County Manager will consider the Carmichael Building for the future.

The motion carried unanimously.

County Manager's Update/Request for Direction

The County Manager provided brief updates on the following:

Fiscal year beginning July 1999 Board Directives
Durham County Board of Commissioners and the Durham Public Schools Board of Education's Memorandum of Understanding
Court facility needs
Merger task force meeting

Motor Vehicles Department

Vice-Chairman Reckhow expressed concern about the school board not participating in the program of informing the Division of Motor Vehicles when a student drops out of school.

Vice-Chairman Reckhow wanted the school system to find the means and willingness to consider implementing the policy this year.

Court Facility Needs

County Manager David F. Thompson said Chief District Court Judge Kenneth Titus told him the Family Court, Drug Court, and Community Life Court are not being held due to lack of space.

Judge Titus told County Manager Thompson that arrangements have been made for Family Court to be held. The Drug Court will be held on Friday afternoons when the facilities are being under-utilized. The Community Life Court will require one-half day per month and cases are being brought forward.

Mr. Thompson stated if the Commissioners reviewed the request to let the court system use the Commissioners Chambers, the Chambers, per Judge Titus, would be used one-half day each week to hear motions with judges and attorneys. The backlog could be reduced. If the Commissioners Chambers are available, the judges could also take care of the Community Life Court.

County Manager Thompson said the recommendation was for the Commissioners to allow the court system to use the Chambers on Wednesday mornings until 1:00 p.m. for the next six months for motions and Community Life Court.

Commissioner Bell requested a study be done as to how the court facilities are being utilized in the Judicial Building. His position in terms of security is that we should have no less security in this building than the court facilities across the street. If we are prepared for that, I don't have a problem supporting the recommendation.

Vice-Chairman Reckhow concurred with Commissioner Bell. I would support the Manager's proposal with the understanding that security be provided if court cases are heard in the Commissioners' Chambers.

County Manager Thompson said he will come back to the Commissioners if the Chambers are to be utilized for Community Life Court.

Mr. Thompson said an intern could be assigned to review the court's scheduling procedure.

Great Family Fun Walk

Vice-Chairman Reckhow announced that the 1999 Durham County Commissioners' Great Family Fun Walk will be held at Wallace Wade Stadium on Saturday, October 2, 1999 at 10:30 a.m. One-half of the net proceeds will go to the schools in the form of grants to help enhance physical education.

Orange County C and D Landfill Site in Orange County

Commissioner Bell asked if a letter had been written to the Orange County Commissioners requesting permission to visit the proposed C & D landfill site.

Commissioner Bell was told the letter was written but a response has not been received.

Transportation Trip to Ottawa, Canada and Pittsburgh, PA

Chairman Black referenced a letter she received from Nicholas J. Tennyson, Mayor, City of Durham, and Rosemary Waldoff, Mayor, Town of Chapel Hill, concerning a trip to Ottawa and Pittsburgh to see their transportation systems in operation. If any of the Commissioners wish to go, they should notify the Mayor's office by September 15, 1999. The trip will be made in November 1999.

Hurricane Floyd

Commissioner Heron expressed concern about the 911 Emergency Communication Center "going down" during the hurricane since the County has no backup center.

County Manager Thompson responded to Commissioner Heron's concerns about the 911 Center "going down" during the hurricane.

Excuse Commissioner Bell from the September 27, 1999 Regular Session

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to excuse Commissioner Bell from the September 27, 1999 Regular Session.

The motion carried unanimously.

Closed Session

The Board was requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) and (5) in order to consult with an attorney and to preserve the attorney-client privilege and to discuss *Waste Industries v. Durham County*, COA 99-562 and to discuss the position the County's staff should take in the possible acquisition of real estate.

Commissioner Heron moved, seconded by Commissioner Bowser, to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) and (5) in order to consult with an attorney and to preserve the attorney-client privilege and to discuss *Waste Industries v. Durham County*, COA 99-562 and to

discuss the position the County's staff should take in the possible acquisition of real estate.

The motion carried unanimously.

Reconvene Into Open Session

Chairman Black called on Jane Korest, City-County Planning Department, to describe the real estate that the County is considering purchasing.

Ms. Korest said the parcel consists of 390 acres of which 255 acres are in Durham County and 135 acres in Orange County. The property is bounded on the east side by over a mile of frontage along the North Fork of the Little River. The property has rolling terrain and mixed aged woods. The Orange County portion of the site includes flatter terrain and about 12 acres of older fields suitable for more intensive uses. The site is bounded on the north by a 178-acre site within Orange County currently under consideration for a construction and demolition landfill. If the landfill is not approved for this location, Orange County is considering acquiring the site for recreational purposes.

The site is presently owned by the Triangle Community Foundation, which is holding the land only until it is sold so that the proceeds may benefit an educational institution.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to direct staff to proceed in a variety of ways to look at means to acquire the site that has been identified as a critical open space area and that we communicate our interest to the Orange County Board of Commissioners and ask them to consider cooperating with us to create a regional open space area that will include both our site we have identified and the adjoining site they are considering for a C & D landfill.

The motion carried unanimously.

Adjournment

Chairman Black adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board