

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

Monday, August 23, 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**

Commissioner Heron requested that a resolution from Governor James B. Hunt be added at the beginning of the agenda.

Chairman Black said the Commissioners will discuss agenda item No. 12, "Disparity Study," in Closed Session. Any official action will be taken in Open Session.

**Minutes**

Commissioner Heron moved, seconded by Commissioner Bell, to approve the June 7, 1999 Budget Worksession Minutes of the Board as submitted.

The motion carried unanimously.

**Resolution to Commemorate 85<sup>th</sup> Year of Cooperative Extension Serving Citizens**

The Durham County Center of the N.C. Cooperative Extension Service requests the adoption of the resolution commemorating 85 years of Durham County partnering with North Carolina State University in providing educational programs to Durham County citizens. North Carolina will celebrate its Extension Heritage beginning August 23, 1999

through August 22, 2000. Durham County will begin its celebration with the signing of this resolution. The County Culture Book currently being developed with citizens from Durham communities is but one example of the Center's celebration of its heritage through work with Durham citizens.

County Manager's Recommendation: Adopt the resolution in recognition of N.C. Cooperative Extension's commitment to serving Durham Citizens.

Chairman Black read the following resolution into the record:

#### RESOLUTION

WHEREAS, eighty-five years ago, the North Carolina Cooperative Extension Service was established as a partnership with county, state, and federal governments; and

WHEREAS, the essence of the North Carolina Cooperative Extension Service has long been to help people put knowledge to work so that they can improve their lives; and

WHEREAS, Extension has been a supportive partner of other County programs serving the needs of citizens and our environment; and

WHEREAS, throughout its history, Extension has focused on providing people with educational programs that meet their needs—including decision-makers, individuals, families, and communities; and

WHEREAS, Extension takes the research of North Carolina's two land-grant institutions—North Carolina State University and North Carolina A&T State University—and develops educational resources based upon the needs of North Carolinians; and

WHEREAS, the citizens of Durham County have benefited and continue to benefit from Cooperative Extension Programs:

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

#### EIGHTY-FIFTH ANNIVERSARY OF THE SMITH-LEVER ACT

And The

#### NORTH CAROLINA COOPERATIVE EXTENSION SERVICE

of which this county is a part, and do celebrate the Extension's continued success.

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

/s/ Five Commissioners  
Durham County Commissioners

**Order of the Long Leaf Pine Presentation—Ted Stone**

North Carolina Governor James B. Hunt has honored Durham inspirational speaker and author Ted Stone with the Order of the Long Leaf Pine award. The prestigious honor is given to those who have made significant contributions to their communities and to the state.

Durham County Commissioner Heron, who recommended Mr. Stone to Governor Hunt for the designation, bestowed the award on behalf of the state's chief executive.

Mr. Stone is recognized nationwide for his remarkable efforts to effect a successful solution to the country's serious drug problem. In 1996, he walked 3,650 miles from the East Coast to the West Coast, speaking over 200 times in an effort to rally his countrymen to a more active involvement in the cause. Last year he hiked from San Francisco to Virginia Beach, again speaking over 200 times. As he walked through the Durham-Raleigh area in October, he met with Governor Hunt at the mansion in Raleigh as he had with numerous other public officials on his two walks (including former First Lady Betty Ford and Texas Governor George W. Bush).

He was appointed to the state Mental Health Commission by Governor James Martin and served for five years. He had previously served as a member of the Area Mental Health Board. Former chairman of the Durham County Substance Abuse Advisory Committee, he has served as chairman of two citizens groups formed to fight drug abuse and crime. He is a former member of the board of directors at Damascus Home in Creedmore, and has played a leading role in the founding of the halfway house for recovering addicts.

For the past 23 years, he has dedicated his life to a full-time ministry aimed at the prevention and cure of drug abuse, speaking in thousands of churches and schools. He has authored two books on the subject and is currently working on a third about his two walks across the USA. He serves as a trustee at Southwest Theological Seminary in Fort Worth, Texas, and is a member of the Board of Visitors at Southeastern Seminary in Wake Forest. He is married to Ann Fuller Stone, retired Perkins Library Personnel Librarian at Duke University. The couple has three married daughters and five grandchildren. Mr. Stone is a graduate of Wake Forest University and holds the MA degree from North Carolina Central University. He also studied at Southeastern Seminary and Duke Graduate School.

Commissioner Heron presented the Order of the Long Leaf Pine Award to Mr. Stone.

Mr. Stone accepted the award with words of appreciation and thanks.

**Consent Agenda**

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

- \* (a) Cancellation of a Review Officer's Appointment (adopt resolution whereby Daniel A. Bell's appointment as a Durham County Review Officer is canceled);
- \* (b) 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);
- \* (c) Appropriation of Pay-As-You-Go Funds for the Roof Design and Completion of Electrical Renovations at James A. Whitted School Building (authorize the appropriation of funds in the amount of \$100,000 for Whitted School improvements in accordance with PAYG Capital Improvements Plan); and
- \* (d) Offer to Purchase County Property (610 Bingham Street) (receive the offer of \$4,282 submitted for 610 Bingham Street by Mr. Dale Williams, and adopt the accompanying resolution whereby the property is advertised as an "upset bid" sale).

The motion carried unanimously.

\*Documents related to these items follow:

Consent Agenda 5(a). Cancellation of a Review Officer's Appointment (adopt resolution whereby Daniel A. Bell's appointment as a Durham County Review Officer is canceled).

The resolution follows:

RESOLUTION  
TO CANCEL REVIEW OFFICER'S APPOINTMENT

Whereas, N.C.G.S. 47-30.2 requires the Board of County Commissioners in each county to appoint Review Officers who will examine each plat prior to its presentation to the Register of Deeds and certify that each plat has met the statutory requirements for recording; and

Whereas, it is the desire of the Durham County Board of Commissioners that the position of Review Officer be held by a staff member of the County to ensure that the review of all maps and plats is conducted expeditiously; and

Whereas, Daniel A. Bell is a previously appointed Review Officer and former employee in the Durham County Land Records Office who is no longer employed by Durham County:

NOW, THEREFORE, BE IT RESOLVED, effective upon the signing of this document, that the duties, responsibilities, privileges and status of the county review officer as defined under the appropriate North Carolina General Statute are hereby canceled for Daniel A. Bell; and

BE IT FURTHER RESOLVED that a copy of this Resolution to Cancel Review Officer's appointment be recorded in the Durham County Register of Deeds Office and indexed in the name of the former Review Officer.

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

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

Attest:

/s/ Garry E. Umstead  
Clerk to the Board

Consent Agenda 5(b). 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).

The property tax releases and refunds follow:

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 July 1999.

For FY 99-00, releases and refunds amounted to \$15,522.08 in taxes for registered motor vehicles and \$465.00 in city vehicle fees.

For prior years, releases and refunds amounted to \$47,144.02.

(Recorded in Appendix A in the Permanent Supplement of the August 23, 1999 Minutes of the Board.)

Consent Agenda 5(c). Appropriation of Pay-As-You-Go Funds for the Roof Design and Completion of Electrical Renovations at James A. Whitted School Building (authorize the appropriation of funds in the amount of \$100,000 for Whitted School improvements in accordance with PAYG Capital Improvements Plan).

The capital projects ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1999-00 Capital Projects Budget Ordinance  
Amendment No. 99CPA0000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-00 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Whitted School pay-as-you-go project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Whitted School	\$180,000	\$100,000		\$280,000

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

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

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

Consent Agenda 5(d). Offer to Purchase County Property (610 Bingham Street) (receive the offer of \$4,282 submitted for 610 Bingham Street by Mr. Dale Williams, and adopt the accompanying resolution whereby the property is advertised as an “upset bid” sale).

The resolution follows:

RESOLUTION

WHEREAS, Durham County owns a certain parcel of real property situated in the City of Durham, Durham County, North Carolina and properly described as follows:

610 Bingham Street  
Parcel 154-03-007

WHEREAS, Mr. Dale Williams has made an offer to the County to purchase the above property for \$4,282.00 and has made a bid deposit in the amount of \$214.50 which is no less than 5 percent of the bid; and

WHEREAS, G.S. 160A-269 provides for an "Upset Bid Method" for sale which provides for publication of the notice of upset sale including a description of the property, the amount of the offer, requirements for submission of an upset bid, and other details of the sale; and

WHEREAS, the Durham County procedure for sale of the parcel is as follows:

1. Publication of the Notice of Sale;
2. Upset bids must be received within ten days after the date the notice is published;
3. To qualify as an upset bid, the bid must raise the original or current offer by an amount of at least 10 percent of the first \$1,000.00 and 5 percent of the remainder of the original or current offer;
4. Bids shall be made to the Clerk to the Board or the Real Estate Manager, together with a 5 percent bid deposit by certified check, money order, or cash;
5. When the bid has been successfully raised (upset), the new bid becomes the current offer;
6. The highest bid received during the 10-day period is the upset bid rather than the first bid which meets the minimum upset bid requirements;
7. When the bid has been successfully raised (upset), the procedure is repeated;
8. Once the final qualifying offer has been received, it shall be reported to the Board of County Commissioners which must then decide whether to accept or reject it within 30 days of the date which the final qualifying offer so qualifies; and
9. Should the Board of County Commissioners accept the final qualifying offer, a nonwarranty deed will be prepared for the Chairman of the Board's signature and a time for closing will be scheduled:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Durham County that a Notice of Sale be published and that the upset bid procedure for this sale take place as set forth in this resolution and as authorized by G.S. 160A-269.

Upon motion properly made and seconded, adopted by the Board at its meeting on August 23, 1999.

/s/ Garry E. Umstead  
Clerk, Board of Commissioners

### **Public Hearing for Industrial Revenue Bond**

The Durham County Industrial Facilities and Pollution Control Financing Authority has entered into an Inducement Agreement with Cormetech Inc. The Agreement provides for the issuance of Industrial Revenue Bonds by the Authority for expansion of the existing facility. The bonds are solely an obligation of the company and not that of the Authority or the County. By issuing the bonds, the company will be able to avail itself of tax exempt financing at a lower rate than otherwise possible. The amount of the bonds is up

to \$10,000,000. A public hearing is required on the issuance of the bonds and approval by the Board of Commissioners. The Board is requested to hold a public hearing and adopt the resolution approving the bonds.

Representatives from Cormetech were present at the public hearing to explain the expansion.

County Manager's Recommendation: Hold the public hearing on the issuance of the bonds for the expansion of this industry whose corporate headquarters are currently located in Durham County in the Treyburn Corporate Park. This expansion will add approximately 25 new jobs, which pay at least 10 percent above the prevailing industrial rate in North Carolina.

Chairman Black opened the public hearing that was properly advertised.

Two people spoke at the public hearing (see Exhibit "A," Certificate and Summary).

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.

Chairman Black introduced the following resolution, the title of which was read:

APPROVAL IN PRINCIPLE OF INDUSTRIAL PROJECT FOR CORMETECH INC.,  
AND THE FINANCING THEREOF WITH INDUSTRIAL REVENUE BONDS IN  
THE PRINCIPAL AMOUNT OF UP TO \$10,000,000

Whereas, the Durham County Industrial Facilities and Pollution Control Financing Authority (the "Authority") has agreed to assist in the financing under the North Carolina Industrial Facilities and Pollution Control Financing Act (the "Act") of an industrial project by Cormetech Inc., a North Carolina corporation (the "Company"), which plans to acquire, fabricate, and install manufacturing equipment in its existing 70,000-square-foot facility for the manufacture of catalysts in Durham County (the "Project") and has indicated that agreement by the execution of an Inducement Agreement between the parties dated July 7, 1999; and

Whereas, under G.S. § 159C-7 each project must be approved by the Secretary of the Department of Commerce and, under Article 51B of Chapter 143 of the North Carolina General Statutes, the Federal Tax Reform Allocation Committee must allocate a sufficient amount of North Carolina's "volume cap," as defined in Section 146 of the Internal Revenue Code of 1986, as amended (the "Code") to the financing; and

Whereas, the Rules and Procedures of the North Carolina Department of Commerce require that the governing body of a county approve in principle any project to be financed under the Act; and



Whereas, this Board of Commissioners has today held a public hearing with respect to the advisability of the Project and the issuance of bonds therefor, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

Whereas, section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the bonds; and

Whereas, the Authority intends to issue its Industrial Development Revenue Bonds (Cormetech Inc. Project) Series 1999 (the "Bonds") in the principal amount of \$10,000,000 which will be secured by a letter of credit issued by a United States bank; and

Whereas, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed under the Act is located:

NOW, THEREFORE, the Board of Commissioners of Durham County, meeting in regular session at Durham, North Carolina, on August 23, 1999 does the following:

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR DURHAM COUNTY:**

1. The proposed "industrial project" consisting of the acquisition, fabrication, and equipping of manufacturing equipment in its 70,000-square-foot existing facility for the manufacture of catalysts by Cormetech Inc. in Durham County and the issuance of bonds in an amount not to exceed \$10,000,000 therefor are hereby approved in principle.
2. The Board of Commissioners hereby requests the North Carolina Federal Tax Reform Allocation Committee to allocate up to \$10,000,000 of North Carolina's 1999 "volume cap," as defined above for the financing of the project.
3. The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.
4. The issuance of the Bonds in the principal amount of \$10,000,000 is hereby approved for purposes of Section 159C-4 of the Act.

Vice-Chairman Reckhow moved the passage of the foregoing resolution and Commissioner Heron seconded the motion, and the resolution was passed by the following vote:

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

Not voting: None

I, Garry E. Umstead, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting duly called and held August 23, 1999, as it relates in any way to the resolution hereinabove set forth, and that said proceedings are recorded in Minute Book \_\_\_\_\_ of the minutes of said Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of this Board is on file in my office.

WITNESS my hand and the common seal of said County, this 26<sup>th</sup> day of August, 1999.

/s/ Garry E. Umstead  
Clerk to the Board

(SEAL)

Exhibit A

Certificate and Summary

The undersigned Clerk of the Board of Commissioners of Durham County, North Carolina, hereby certifies:

1. Notice of a public hearing (the "Hearing") to be held on August 23, 1999, with respect to the issuance of bonds by the Durham County Industrial Facilities and Pollution Control Financing Authority (the "Authority") for the benefit of Cormetech Inc., a North Carolina corporation, or a designated affiliate (the "Company") was published on August 9, 1999, in The Herald Sun.
2. The presiding officer of the Hearing was Chairman Black.
3. The following is a list of the names and addresses of all persons who spoke at the Hearing:  
Patrick Byker (represented Chamber), 2614 Stuart Drive, Durham, NC 27707  
Ralph McKinney, 500 Fairfield Road, Durham, NC 27704
4. The following is a summary of the oral comments made at the Hearing:  
(Byker) Chamber of Commerce requested unanimous endorsement of the resolution.  
(McKinney) Establish high standards for community to help citizens.

IN WITNESS WHEREOF, my hand and the seal of Durham County, this 26<sup>th</sup> day of August, 1999.

/s/ Garry E. Umstead  
Clerk to the Board

(SEAL)

**Public Hearing—Centex Homes (Rezoning Case P99-29)**

Centex Homes presented to the Board of County Commissioners a request to rezone the 59.4-acre site on the west side of Grandale Drive, north of Sedwick Road, and south of Settler's Mill subdivision. (Tax Map 533, Block 1, Lot 1) Request: RD (Rural District) to PDR 2.34 (Planned Density Residential, 2.34 units per acre). The 2020 Plan supports Suburban Neighborhood uses. The Triangle Township Plan designates this site as low density residential. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 13, 1999, and voted 6-1 to recommend approval.

The public hearing for this request was advertised on August 6 and 13, 1999 in the Durham Herald-Sun.

Vonda Frantz, Senior Planner, Durham City-County Planning Department, presented an overview of the request to rezone the 59.4-acre site.

The Commissioners asked questions and made comments about the rezoning request to which Ms. Frantz, Dick Hails (Interim Planning Director), and Steve Medlin (Senior Planner) responded.

The Commissioners requested that City/County Planning staff revisit the open space requirements regarding single-family housing. The cumulative impact of subdivisions on neighborhood schools and roadways should be maintained. Traffic density should be looked at very carefully. The notes on the context maps should be in larger print, so it can be read more easily. Sidewalks should be reviewed when subdivisions are being planned and approval is requested.

Chairman Black opened the public hearing that was properly advertised.

The following citizens spoke at the public hearing:

- Steve Whitesell, Centex Homes (proponent)
- Tommy Craven, Priest Craven and Associates, 3803-B Computer Drive, Suite 104, Raleigh NC 27609 (proponent)
- Tad Kleindrenst, 5116 Wineberry Drive, Durham, NC 27713
- Christine Davies, 129 Monterey Lane, Durham, 27713
- Steve Bocchino, 7340 Abron Drive, Durham, NC 27713
- Mikhaela Houston, 5138 Grandale Drive, Durham, NC 27713

The two proponents representing Centex Homes were present to answer questions for the Commissioners.

The remaining speakers made remarks about school population, impact on schools, and traffic. The homeowners that spoke lived in the area of the new subdivision.

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.

The Commissioners asked questions about the sidewalk situation in the area. Tommy Craven and Steve Whitesell answered the Commissioners' questions.

Questions were raised about annexation into the City. Steve Whitesell responded to the annexation questions. County Attorney Kitchen assisted with the answers.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the rezoning request.

The motion carried unanimously.

(Legal description recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

Vice-Chairman Reckhow asked the Board to formally request that the Planning staff, as soon as possible, revisit our open space requirements regarding single-family developments and take it through Joint City/County Planning. The City/County Planning Committee should also look at refining our planning for school and traffic impacts.

Commissioner Bowser wanted a running total of the number of students in each subdivision.

### **Parkside 70 Food Lion**

R.L. Horvath Associates Inc., on behalf of Wakefield Associates Inc., sought approval of a site plan request to build a 36,406-square-foot grocery store on 13.5 acres. The site is located on the east side of U.S. Highway 70 and south of Pleasant Drive. The site plan as submitted meets all current ordinance requirements. The Development Review Board, at its meeting on May 7, 1999, recommended approval subject to several technical corrections, which have been made. The Planning staff recommends approval. (Tax Map 591, Block 2, Parcel 3) The site is zoned Shopping Center (SC) which allows for this use.

Mr. Steve Medlin, Senior Planner, Durham City/County Planning, presented the case.

The Commissioners asked questions and made comments about the site plan. Mr. Horvath responded to the questions.

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

The motion carried unanimously.

(Tax Map number; recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Update on Activities of the Raleigh-Durham Airport Authority**

Durham County appointees Stephen Toler and Lionell Parker requested time on this agenda to provide an update on the activities of the Raleigh-Durham Airport Authority.

County Manager's Recommendation: Receive the update from your appointees.

Stephen Toler presented the following RDU key activity summary:

- Service expansion is causing more people to drive to RDU.
- More than 100 new flights added within 18 months.
- Seven new domestic destinations added; more targeted.
- 1999 passenger growth expected to exceed 15% over 1998.
- Parking facility improvements and expansions underway.
- Six new terminal area parking garages designed
  - First 2,700 space garage opening early next year
  - Second 4,200-space garage to begin after first garage
  - Garage development completion expected by 2015
  - 12,000 new spaces added to existing 11,300
- Terminal area roadway improvements to continue
- Terminal expansion programs under design
- General Aviation redevelopment underway
- Third parallel runway in Master Plan

The Commissioners received the report and took no formal action. The Commissioners related problems with long lines at the security check, "Durham" not being given as a part of the destination spiel, and deterioration of the public restrooms.

Mr. Toler and Mr. Parker stated that they would look into the problems the Commissioners mentioned.

Commissioner Bowser wanted to know why the "full" message signs are at the parking deck entrances when the lots are not full.

Vice-Chairman Reckhow said the access to the Triangle Transit Authority bus should be improved so the passengers will know where to find the shuttle bus.

**Lease Agreement for Board of Elections**

At the July 12, 1999 Board meeting, the lease agreement between the County and Zapolski + Rudd for 4,134 square feet of space at City Place for the Board of Elections was approved with the understanding that two clauses, specifically Section 11. Insurance and Section 25. Exculpation of Landlord, would be intentionally deleted. It was discovered after the Board's approval that Zapolski + Rudd was not in agreement with deleting these clauses. The County Attorney and Zapolski + Rudd have now reached agreement on mutually acceptable language for Section 11. Insurance. The County Attorney can not agree to the Exculpation clause as a legal matter, and Zapolski + Rudd can not agree to removal of this clause. In the event of default, the Exculpation clause allows the County to only look to the Landlord's equity in the premises for satisfaction of remedies and does not allow for personal liability in such an event.

Resource Persons: Chuck Kitchen, County Attorney  
Sandra W. Phillips, Director of Purchasing

County Manager's Recommendation: The County Manager recommends that the Board go forward with the lease with the modified language for Section 11. Insurance and with the inclusion of Section 25. Exculpation. Upon examination of the County's potential exposure, it was determined that worst case scenario in the event of Landlord default and inadequate Landlord equity in the premises is approximately three months of lease payments (~\$10,355.00). The County Manager believes that it is operationally in the best interest of the County to proceed with the lease as proposed.

Ms. Phillips reviewed the lease agreement for the Commissioners.

County Attorney Chuck Kitchen discussed the lease agreement.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the lease agreement as proposed.

The motion carried with the following vote:

Ayes: Bell, Black, Heron, and Reckhow

Noes: Bowser

Absent: None

**Lease Agreement for the Youth Coordinating Board**

The Board is requested to authorize the execution of a five-year lease with options to renew for the Youth Coordinating Board (YCB) at the Bull City Business Center,

117 Market Street, effective August 24, 1999 through July 31, 2004. The landlord is Self-Help Credit Union.

Since its inception in August 1998, the YCB has been housed with the Durham Community Prevention Partnership (DCPP) at 115 Market Street, Suite 400. This space was provided by the City of Durham at no charge to the County. Due to decisions by the City and County to transfer the DCPP staff to The Durham Center, the City terminated the lease of this space. An investigation of available options resulted in the recommendation to move the YCB into temporary quarters at 121 Market Street until approximately March 1, 2000 at which time the 117 Market Street location will be made available for long-term use by YCB. The lease covers occupancy of both Market Street locations. The schedule of lease payments is as follows:

- August 1999 – February 2000 = \$ 895.83/month
- March 2000 - July 2000 = \$1,530.00/month
- August 2000 - July 2001 = \$1,591.00/month
- August 2001 - July 2002 = \$1,654.00/month
- August 2002 - July 2003 = \$1,720.00/month
- August 2003 - July 2004 = \$1,788.00/month

The 121 Market Street location is approximately 1100 square feet at \$10.00/square foot while the 117 Market Street location is approximately 1500 square feet at \$12.00/square foot. The 1500-square-foot space is required to adequately house the YCB staff. Annual rate escalations are calculated at a four percent (4%) increase of the then current year's rate.

The landlord will be responsible for HVAC maintenance, water, sewer, electric service, light fixtures and supplies, five day/week cleaning service, capital expenses for improvements, taxes and assessments.

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

County Manager's Recommendation: Authorize the execution of a five-year lease with Self-Help Credit Union to house the Youth Coordinating Board at the rates noted above. Funds were appropriated in the Youth Coordinating Board budget to pay for this lease. Also, note that the City, through our interlocal agreement, will be paying for 40 percent of these costs.

County Manager David F. Thompson spoke to the Commissioners about this agenda item.

Commissioner Bowser asked if the Youth Coordinating Board could move into the space that is being vacated in the Carmichael Building.

Commissioner Heron and Vice-Chairman Reckhow expressed concern about the lease agreement under consideration.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to give the County Manager authority to make rent payments for the months of July and August 1999 for the current space occupied by the Youth Coordinating Board at 121 Market Street.

The motion carried unanimously.

The County Manager will study the option of the YBC occupying space at the Carmichael Building instead of moving to the 117 Market Street location. This will be discussed at the September 1, 1999 BOCC Worksession.

### **Durham County Alcohol & Drug Policy**

The Durham County Center of the NC Cooperative Extension Service requests the adoption of the Durham County Drug & Alcohol Testing Policy. This policy provides compliance with regulations set forth by the Federal Transit Administration (FTA) necessary for continuation of the Section 5311 Transportation Funds used to support the County's human service transportation initiatives.

County Manager's Recommendation: Adopt the Drug and Alcohol policy with any amendments to the policy which the Board feels appropriate in order to maintain funding.

County Attorney Chuck Kitchen reviewed the Durham County Alcohol and Drug Policy for the Commissioners' information.

The Commissioners asked questions and made comments about the alcohol and drug policy.

County Attorney Kitchen responded to the questions and comments.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the item with suggested changes.

The motion carried unanimously.



**Project Facilitator Selection for Joint City Council/County Commissioners Merger Steering Committee**

As Board members are aware, staff solicited proposals for a service provider to facilitate feasibility discussions regarding a city/county consolidation of governments and to build the capacity through research and local government knowledge for the Steering Committee to fulfill its mission and vision. Responses to this request were received on July 21, 1999 and forwarded to the Steering Committee for review.

On August 4, 1999, the Steering Committee met and reviewed the five proposals that were received. They selected the following firms to interview: DMG Maximus, MGT of America, and Public Consulting Group, INC. After interviewing all three firms on August 13, 1999, a majority of the Steering Committee members voted to recommend DMG Maximus as the preferred firm to bring to City Council and County Commission to serve as project facilitators. City Council voted on August 16, 1999, to give the City Manager the authority to execute a contract with DMG for Phase I as defined by the Steering Committee. This phase consists of the following tasks:

- Organize and facilitate citizen task force and steering committee work
- Assess the current status of task force work and review relevant reports, conduct selected interviews, and conduct any other required fact-finding
- Refine consolidation study methodology and recommend any refinements
- Conduct a city-county consolidation scan and summarize consolidation research
- Assist department heads in developing City-County service profiles
- Obtain and synthesize results of task force reports and summarize consolidation opportunities, threats, and issues for further analysis
- Review stakeholder input process and recommend any refinements
- Prepare summary of citizen task force findings and Phase I report and assist in presenting report to Steering Committee.

County Manager's Recommendation: The Phase I proposal from DMG Maximus is in the amount of \$74,100 with a Phase II estimate of \$60,400 to \$94,500 for a cost benefit analysis. Thus, if both phases were approved, the total cost could be from \$134,500 to \$168,600. MGT proposed facilitation services at \$112,030 and facilitation/research services at \$168,810. They quoted an estimate of \$300,000 for a combination of facilitation services and a comprehensive cost-benefit analysis. PCG quoted an estimate of \$65,000 to \$75,000. A request was made by the steering committee to solicit the EEO statistics for Maximus. Recommendation is for the Board to give the Manager the authority to enter into an agreement with DMG Maximus and the City of Durham for the Phase I portion of this proposal at a cost not to exceed \$74,100. The Manager believes he can accommodate this \$37,050 amount in his departmental budget though he may have to come back to the Board later for a contingency appropriation to subsidize his budget at a later date.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the item.

The motion carried with the following vote:

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

### **County Manager's Update Proposal**

A County Commissioner recently stated that during my evaluation there was not ample time to discuss my workplan as it relates to the County's priorities for this fiscal year. I wholeheartedly agree and began to think about ways that we could better communicate as a manager and board, so that there is more of a feedback loop on issues that may not be coming to the board for action at regular meetings. In other words, I have taken the liberty of expanding on the Commissioners' concerns with the goal of ensuring that all of us are as up to date on issues without overburdening the Board or staff with memos or impeding the Board meetings. During this meeting, I will be proposing a format and sample package for this reoccurring agenda item with some rules for its utilization that will allow us to meet this goal for your consideration.

County Manager David F. Thompson spoke to this agenda item at the request of Chairman Black. The County Manager requested ten minutes on the agenda at the first regular monthly meeting to give the Commissioners a brief update, in written format, on one or more directives and fiscal year objectives. Matters will come up during the month I need directions on that could be considered during this time. If we are having a long meeting, we could cancel this and the information could be sent to the Commissioners the following week.

The County Manager provided brief updates on the following:

- ❑ Fiscal Year Beginning July 1999 Board Directives dated August 9, 1999
- ❑ Fiscal Year Objectives
- ❑ Planning Director Assessment Forum
- ❑ Child Care Services Association Request
- ❑ Upcoming Meetings
  - Joint City/County Committee Meeting
  - Merger Task Forces

The Clerk to the Board was requested by the County Manager to formulate a calendar each month listing the various invitations extended the Commissioners. He would be extended the authority to open the BOCC mail to do so.

The Manager proposed giving the Board an update at the first Regular Session of each month.

The Manager mentioned a glitch in the GIS system that prohibits property address labels from being printed.

The Manager and Commissioners spoke about the upcoming assessment forum on Saturday, August 28<sup>th</sup> and interviews on Sunday, August 29 at the Marriott/Civic Center relative to the selection of a new planning director.

County Manager Thompson requested that the Capital Improvement Program (CIP) for the County be moved forward and then merge the City and schools capital improvement program at a later time. Comments were made about a joint forum with the school system regarding the CIP.

Vice-Chairman Reckhow suggested merging the CIPs for the City, County, and schools and that a draft of the merged capital improvement program be reviewed by the Planning Department staff.

The Commissioners asked questions about the updates to which County Manager Thompson responded.

### **Board and Commission Appointments**

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

The following votes were cast to make the appointments (asterisks designate appointees):

#### **Industrial Facilities and Pollution Control Financing Authority:**

Two terms (expire September 2000).

\*J. A. (Jack) Steer—Bell, Black, Bowser, Heron, and Reckhow

#### **Juvenile Crime Prevention Council:**

One position for a member of the business community (term ends January 1, 2000).

\*H. Theron Few—Bell, Black, Bowser, Heron, and Reckhow

#### **Memorial Stadium Authority:**

One expired term (expires May 2004).

\*Dan Moushon—Bell, Black, Bowser, Heron, and Reckhow

Open Space and Trails Commission:

One at-large position (term expires December 31, 2001).

\*William J. Jaeger III---Bell, Black, Bowser, Heron, and Reckhow

Region J Emergency Medical Services Council:

\*Deane E. Schweinsberg—Bell, Black, Bowser, Heron, and Reckhow

Note: Ms. Schweinsberg's appointment was rescinded on September 13, 1999 because she is an Orange County resident.

Women's Commission:

Four terms (one expires June 2001 and three expire 2002).

\*Linda F. Forman—Bell, Black, Bowser, Heron, and Reckhow

\*Yolando Mangum-Gordon—Bell, Black, Bowser, Heron, and Reckhow

\*Adrienne Y. Witherspoon—Bell, Black, Bowser, Heron, and Reckhow

**Closed Session**

The Board was requested to adjourn to Closed Session to consult with an attorney and to preserve the attorney-client privilege as authorized by G.S. 143-318.11a(3).

Commissioner Bell moved, seconded by Commissioner Heron, to adjourn into Closed Session to consult with an attorney and to preserve the attorney-client privilege as authorized by G.S. 143-318.11a(3).

The motion carried unanimously.

**Reconvene Into Open Session**

Commissioner Heron moved, seconded by Commissioner Bowser, to authorize the Chairman to send a letter to the Orange County Board of Commissioners asking to go onto the site of the proposed C&D landfill to acquire information regarding threatened and endangered species.

The motion carried unanimously.

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Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to transfer \$15,000 from

Contingency to the County Attorney's budget. This is supported by a Budget Ordinance Amendment.

The motion carried unanimously.

The budget ordinance follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1998-99 Budget Ordinance  
Amendment No. 99BCC000001

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

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$18,652,053	\$15,000		\$18,667,053
Nondepartmental	\$17,023,892		\$15,000	\$17,008,892

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

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

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

Commissioner Bell moved, seconded by Commissioner Bowser, for staff to proceed with a request for qualifications for a firm to perform a disparity study.

The motion carried unanimously.

Adjournment

Chairman Black adjourned the meeting at 11:00 p.m.

Respectfully submitted,