

January 10, 2000

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

Monday, January 10, 2000

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**

County Attorney Chuck Kitchen requested that the Board adjourn to Closed Session at the end of the regular agenda.

Chairman Black corrected consent agenda item No. 5(b). The HUD Consolidated Plan Needs is for **2000-2005**.

Commissioner Bowser requested that consent agenda item No. 5(a) be removed for discussion. Also, he wished to make a comment about consent agenda item No. 5(g) subsequent to its approval.

Commissioner Heron requested that consent agenda item No. 5(d) be removed for discussion.

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**Minutes**

Commissioner Bowser moved, seconded by Commissioner Bell, to approve the November 8, 1999 Regular Session and December 13, 1999 Joint Session Minutes of the Board as submitted.

The motion carried unanimously.

**Resolution— Durham County Inventory of Important Natural Areas, Plants, and Wildlife, January 2000**

Hildegard Ryals, Chairman, Durham Inventory Review Committee, requested the Durham County Inventory of Important Natural Areas, Plants, and Wildlife, Durham NC, January 2000 be placed on the agenda for the Commissioners to receive the Inventory of the Natural Areas and Rare Species of Durham County document.

This new document is a revised and integrated edition of the Inventory of the Natural Areas and Rare Species of Durham County, Robert D. Sutter, 1987 and the subsequent edition to Inventory of the Wildlife Habitats, Movement Corridors, and Rare Animal Population of Durham County, Stephen P. Hall, 1995. These documents represent years of work by City and County staff, scientists and technical experts, and private citizens of Durham. These inventory efforts have been paid for in part by City/County funds. The Durham Inventory Review Committee is pleased to present this new document officially received and made available for the use of government and the education of the general public.

Resource Person(s): Vice-Chairman Ellen W. Reckhow was available for comments and to answer questions.

County Manager's Recommendation: Receive the document from the Durham Inventory Review Committee and take necessary action at the January 10, 2000 Regular Session.

Ms. Ryals presented to the Commissioners the document entitled Durham County Inventory of Important Natural Areas, Plants, and Wildlife, Durham NC, January 2000. Ms. Ryals spoke about the process that was used to write the document.

The Commissioners made remarks about the document.

Vice-Chairman Reckhow read the resolution into the record as follows:

RESOLUTION

WHEREAS, the Board of County Commissioners has officially received the new Durham County Inventory of Important Natural Areas, Plants, and Wildlife, January 2000; and

WHEREAS, the Board of County Commissioners understands that this new document incorporates the data in the earlier Inventory of the Natural Areas and Rare Species of Durham County, Robert D. Sutter, 1987 which has been routinely used as part of the official staff process for reviewing City/County improvement projects, site plans, subdivisions, and rezonings by private parties for streets, utility lines, and other forms of development or construction; and

WHEREAS, the Board of County Commissioners understands that this new document also incorporates the data in the subsequent Inventory of Wildlife Habitats, Movement Corridors, and Rare Animal Population of Durham County, Stephen P. Hall, 1995, which has been routinely used as part of the official staff process for reviewing City/County improvement projects, site plans, subdivisions, and rezonings by private parties for streets, utility lines, and other forms of development or construction; and

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WHEREAS, this Inventory data, including detailed maps, has been readily accessible for the use of City/County officials, staff and private parties, as well as the interested public, in order to assure that the location and significance of Inventory sites were taken into account in the decision-making process and not disturbed by land use activities; and

WHEREAS, this Inventory data has been maintained and kept accurate through the oversight of the Durham Inventory Review Committee quarterly meetings; and

WHEREAS, all of the Inventory work and publications, to date, have been made possible through public and private financial support, staff assistance, and contributions of time and skill from countless private citizens:

NOW, THEREFORE BE IT RESOLVED that the Durham County Inventory of Important Natural Areas, Plants, and Wildlife, January 2000, be officially accepted.

BE IT FURTHER RESOLVED that the appropriate departments and staffs be directed to follow the above-mentioned policy of keeping this information publicly accessible and used in all aspects of land use planning and decision-making.

This the 10<sup>th</sup> day of January 2000.

/s/ Five Commissioners  
Durham County Commissioners

Vice-Chairman Reckhow recognized the members of the Inventory Review Committee.

The resolution was presented to Ms. Ryals.

### Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve all consent agenda items with the exception of Audubon Park, Phase 3 and 4 in consent agenda 5(d).

The motion carried unanimously.

- \* (c) FY 1999-00 Capital Project Ordinance Amendment No. 00CPA000009 (approve the amendment to establish Durham Public Schools Capital Projects in the amount of \$600,000);
- (e) Execution of engineering services contract with Sud Associates, P.A. for the Carmichael Building air-conditioning systems replacement (authorize the execution of an engineering services contract with Sud Associates in the amount of \$49,450;
- (g) Surplus EMS vehicles (declare the vehicles surplus, and authorize donation to the City of Durham Fire Department); and
- \* (h) Adopt amendments to the Zoning Ordinance regarding Adult Establishment Standards (adopt the clarified ordinance with the changes requested).

\*The documents related to these items follow:

Consent Agenda 5(c). FY 1999-00 Capital Project Ordinance Amendment No. 00CPA000009 (approve the amendment to establish Durham Public Schools Capital Projects in the amount of \$600,000).

The ordinance amendment follows:

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DURHAM COUNTY, NORTH CAROLINA  
FY 1999-2000 Capital Projects Budget Ordinance  
Amendment No. 00CPA000009

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 Durham Public Schools.

State Public Schools Capital Building Fund

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$0	\$600,000		\$600,000
<u>Expenditures</u>				
Chewing Middle School Project	\$0	\$390,000		\$390,000
Durham School of the Arts	\$0	\$112,500		\$112,500
Shepard Middle School	\$0	\$ 75,000		\$ 75,000
Mangum Primary School	\$0	\$ 22,500		\$ 22,500

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

This the 10<sup>th</sup> day of January 2000.

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

Consent Agenda 5(h). Adopt amendments to the Zoning Ordinance regarding Adult Establishment Standards (adopt the clarified ordinance with the changes requested).

AN ORDINANCE TO READOPT THE STANDARDS OF THE  
DURHAM ZONING ORDINANCE  
REGARDING THE DISTRICTS WHICH ALLOW ADULT ESTABLISHMENTS  
AND THE STANDARDS FOR SPECIAL USE PERMITS, AND  
SUPPLEMENTARY REQUIREMENTS FOR ADULT ESTABLISHMENTS

WHEREAS, the Durham Zoning Ordinance contains restrictions regarding the location of adult establishments; and

WHEREAS, these restrictions were adopted in order to control the secondary impacts of such establishments; and

WHEREAS, these restrictions were adopted as part of comprehensive zoning changes that established standards for a wide variety of uses, not limited to adult establishments, because of the effects of those uses; and

WHEREAS, it is desirable at this time for the Durham Board of County Commissioners to reconsider the existing restrictions on adult establishments and clarify that the purpose that such restrictions serve is to control the secondary effects of adult establishments; and

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WHEREAS, adult establishments cause numerous secondary impacts, including but not limited to the lowering of real estate values in the vicinity of such establishments and increases in crime surrounding such establishments; and

WHEREAS, in order to preserve the quality of urban life in Durham it is necessary to limit the location of adult establishments to certain zones, require special use permits in some of those zones, and separate adult uses from each other so as to lessen the negative secondary impacts of such establishments and the secondary impacts that would occur if adult establishments were concentrated; and

WHEREAS, the restrictions contained in the existing ordinance regarding adult establishments allow such establishments real and reasonable opportunities to locate in various parts of the city which are accessible via major roadways to the public:

NOW, THEREFORE, BE IT ORDAINED THAT:

#### SECTION 1

That the term "Adult Establishments" be readopted into Subsection 4E.5.3 (Permitted Uses in the Industrial 3 District), Subsection 4E.4.4 (Major Uses in the Industrial 2 District), and Subsection 4D.5.3 (Minor Uses in the Commercial Trade District) of the Durham Zoning Ordinance.

Subsection 4D.5.3 (Minor Uses in the Commercial Trade District) of the Durham Zoning Ordinance.

#### SECTION 2

That the following requirements be readopted into Section 7 (Supplementary Requirements) of the Durham Zoning Ordinance:

Adult Establishments:

When allowed, adult establishments shall be subject to the following additional requirements:

1. No property associated with the use shall be closer than 1,000 feet to a property line of a residential zone. No building or structure associated with the use shall be closer than 50 feet to a property line of an adjacent non-residential zone or use.
2. No property associated with the use shall be permitted within 1,500 feet of a pre-existing place of worship, day care facility, public or private school, park or library.
3. The minimum straight line distance between the property lines of two adult establishments shall be 2,000 feet.
4. Measurements shall be made from the property line of the proposed adult establishment to the property line or zoning district line as noted above, and from the property line of any separate parking lots used for the adult establishment.

#### SECTION 3

The zoning ordinance may be renumbered to accommodate this change.

#### SECTION 4

This ordinance shall be effective upon adoption.

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(Adult Establishment recorded in Ordinance Book \_\_\_\_\_, page \_\_\_\_\_.)

**Consent Agenda Items Removed for Discussion**

Consent Agenda 5(a). 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 November 1999.

For FY 99-00, November releases and refunds amounted to \$86,256.39 in taxes for real property (due to a present use value correction and other valuation corrections), \$82,135.74 in taxes for personal property (due to a large duplicate listing by a business and its leasing company, and a mainframe computer listed in error), \$30,478.79 in taxes for registered motor vehicles, \$430.00 in city vehicle fees, and \$715.00 in solid waste fees.

For prior years, November releases and refunds amounted to \$46,317.28.

(Recorded in Appendix A in the Permanent Supplement of the January 10, 2000 Minutes of the Board.)

Commissioner Bowser asked questions about various figures on the report. Kim Simpson responded to the questions.

Consent Agenda 5(b). Set January 24, 2000 as the date to hold the 2000-2005 HUD Consolidated Plan Needs Public Hearing.

Vice-Chairman Reckhow asked a question and made a comment about rent subsidies.

The question would be answered at the January 24, 2000 public hearing.

Consent Agenda 5(d). Standard non-reimbursable utility contracts (authorize the County Manager to execute the utility contracts for extensions of the County sanitary sewer system to serve Pagehurst, Phase 2A; Levi Tract; and Audubon Park, Phase 3 & 4).

Commissioner Heron asked about the developer's promises regarding Audubon Park, Phase 3 and 4. The improvements were promised four years ago and never carried out. She wished to see the conditions placed on the site plans.

Vice-Chairman Reckhow expressed concern about the follow-up process on rezoning matters. Staff must consider another process to track the promises.

The County Manager, County Attorney, and Planning Director responded to the Commissioners' remarks.

Mr. Dick Hails discussed the directives on the site plans.

Commissioner Heron requested that the utility contract for Audubon Park be delayed until it is determined that the commitment is being carried out.

The Commissioners agreed to delay the utility contract for Audubon Park, Phase 3 and 4.

Consent Agenda 5(f). Offer to purchase County property (308 N. Guthrie Avenue) (recommendation is to pursue the upset bid process at this time).

Vice-Chairman Reckhow said Mr. Joe Hicks' name should be written on the resolution after the second "Whereas."

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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:

308 North Guthrie Avenue—138-01-003

WHEREAS, Mr. Joe Hicks has made an offer to the County to purchase the above property for \$5,350.00 and has made a bid deposit in the amount of \$267.50 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 January 10, 2000.

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

**Adoption of a Policy Regarding When It Is Acceptable To Interchange Office Land Use Designations And Multi-family Land Use Designations In Staff Recommendations**

Office development and multi-family development are often accepted as substitutable uses in rezoning staff reports. In other words, land designated for office use in future land use plans has been recommended for rezoning to multi-family and vice versa. This policy should be reconsidered. There is growing concern that the absorption of potential office property for multi-family uses may have negative consequences. On the other hand, the conversion of multi-family property to an office designation does not pose as serious a problem. The Durham City Council adopted a policy on this matter in August. Citizens within the boundaries of the Southeast Small Area Plan asked that the Board of County Commissioners adopt the same policy. The policy was discussed at the January 3, 2000 Worksession and recommended for addition to the consent agenda of the January 10, 2000 meeting.

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Resource Persons: Bonnie Estes, Keith Luck, and Norm Standerfer were at the meeting to present the agenda item.

Recommendation: Adoption of the policy regarding when the interchange of office and multi-family uses is acceptable in zoning recommendations. The policy allows the rezoning recommendation to consider a substitution of office uses when multi-family is shown on a plan, but not the opposite, which is office to multi-family.

Ms. Estes said this item was discussed at the January 3, 2000 Worksession at which time the Commissioners requested it be placed on the January 10, 2000 consent agenda.

Ms. Estes recommended that the Board direct staff to investigate ways to incorporate these policy recommendations into the 20/20 Comprehensive Plan. The staff will come back at a later date with a system to have these policies become a part of the plan.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adopt the policy regarding when the interchange of office multi-family uses is acceptable in zoning recommendations. Staff will present a system to have these policies become a part of the 20/20 plan.

The motion carried unanimously.

The policy follows:

A POLICY  
PROPOSED FOR ADOPTION BY  
THE DURHAM BOARD OF COUNTY COMMISSIONERS  
CONCERNING RECOMMENDATIONS ON  
THE SUBSTITUTABILITY OF  
OFFICE LAND USES VERSUS MULTI-FAMILY LAND USES

A. BACKGROUND

Office development and multi-family development are often accepted as substitutable uses in rezoning staff reports. In other words, land designated for office uses in future land use plans has been recommended for rezoning to multi-family zones and vice versa. This policy should be reconsidered. There is growing concern that the absorption of office property by multi-family use is not in Durham's best interests. The conversion of proposed office land to multi-family may have negative consequences. On the other hand, the conversion of proposed multi-family land to office does not pose as serious a problem.

B. ISSUES AND ANALYSIS

Careful analysis of the locations of developable land and realistic estimates of its future use are critical to the planning process. Long range plans hope to prepare for the community wide impacts of certain types of development. Substitutions of residential for non-residential can negatively affect other planning policies and governmental services. Listed below, are some of the reasons for this belief:

1. Planned improvements may be inappropriate for a high density use.

A change from a proposed non-residential to a high density residential use is likely to require alteration of other long-range policies used by the governing bodies and other agencies. High density residential development creates market demands for shopping and entertainment uses. These uses may not be accounted for in the plan and result in zoning battles for commercial property. In addition, the infrastructure required for residential uses, such as streets, utility sizing, solid waste disposal, parks, and schools may not have been accounted for in Capital Improvements Budgeting, adopted plans or school expansions.



2. Governmental costs and benefits for residential development differ significantly from the costs and benefits attributable to office development.

While there is debate on whether certain types of residential “pay their way”, it is generally accepted that governmental costs to serve residential development are higher than costs to serve office development. A comparison of the governmental costs of school, fire, police, parks, libraries and social services against revenues from building fees, business licenses and taxes results in a balance sheet that favors office development over residential.

3. False expectations by adjacent property owners whose development expectations have been based on adjacent non-residential development.

Many single family property owners when confronted with the choice between having multi-family or office neighbors choose office development because the office uses are generally quiet on evenings and weekends when the single family resident is at home. Land use plans may designate an area as office to protect existing neighborhoods. A change to multi-family may change the value of established subdivisions and destabilize these neighborhoods. Adjacent owners of undeveloped property may also have been counting on future office development and marketed their property based on this expectation. Changing an adjacent property to high density residential hurts these efforts and may force this owner to convert to a multi-family use as well.

4. Downturns in the economy may impact residential developments more than non-residential development.

The economic downturns in the late 80’s especially in the north east, seemed to have a greater impact on residential development than non-residential. This caused concerns among government agencies in how to close out projects begun just before the downturn. Performance bonding and property disposal may be more easily accomplished with office property than high density residential.

C. RECOMMENDATIONS

It is recommended that the practice of always interchanging multi-family land use designations and office land use designations be replaced with a new policy. The new policy would allow the rezoning recommendation to consider a substitution of office uses when multi-family is shown on a plan, but to not the opposite, which is office to multi-family. Generally, the new policy favors allowing a multi-family land use to be converted to an office use designation because governmental costs versus benefits favor the exchange. On the other hand, the policy recommends against the automatic conversions of office land designations to multi-family for the reasons specified above.

In summary, the preferred policy does the following:

Approves of:                      Multi-family ⇒ Office  
Does not approve of:              Office ⇒ Multi-family

**Commissioner Bowser Comments on Consent Agenda Item No. 5(g)**

Surplus EMS vehicles (declare the vehicles surplus, and authorize donation to the City of Durham Fire Department).

Commissioner Bowser congratulated the City and County staff for developing an agreement whereby the older EMS vehicles are given to the City to replace fire trucks that respond to medical emergencies. The smaller vehicles are more efficient and effective than the fire trucks.

**Investment of Community Health Trust Funds--Request for Proposal**

A request for proposal is enclosed for the Board’s review and consideration. As requested by the Board of County Commissioners at the December 6<sup>th</sup> worksession, a list of all vendors to whom the RFP will be sent is also enclosed. Patricia Gravinese, Finance Director, is requesting the Board’s approval of the RFP as well as authorization to proceed with advertising the RFP, mailing and solicitation of responses.

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County Manager's Recommendation: Provide input to the RFP and give approval for solicitation of proposals.

Patricia Gravinese, Finance Director, gave the Commissioners an overview of the request for proposal. She requested the Board's approval of the RFP as well as authorization to proceed with advertising the RFP, mailing, and solicitation of responses.

Commissioner Bell asked a question to which Ms. Gravinese responded.

Chairman Black instructed staff to send the list to all interested parties and let them decide whether they want to respond to one, both, or neither of the investment vehicles (fixed income or equity).

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the agenda item with the understanding that the list will be sent to all interested parties to let them decide on which investment vehicles they wish to respond.

The motion carried unanimously.

**Budget Amendment 00BCC000021 to Recognize an Increase in Medicaid Receipts for the Durham Center**

The Durham Center requested approval of a budget amendment in the amount of \$150,000 in Medicaid receipts for the **C**ommunity **A**lternative **P**rogram for Persons with Mental Retardation/Developmental Disabilities (CAP MR/DD) which serves Durham County children and adults. Additional positions are needed to manage the continuing number of individuals being served through the CAP Program. Since June 1998, new clients have been added and more clients will be added in the Year 2000. This means additional services are being provided to more CAP recipients, hence an increase in Medicaid receipts being generated. The CAP Program that is highly regulated by the State must build the infrastructure that has been sorely lacking and expand the number of case managers to accommodate the increase in service recipients.

The Area Board approved this amendment on November 1, 1999 by a motion that was unanimously carried.

The establishment of 5 positions to support the expansion of CAP services is hereby requested: 2 case managers, a medical records clerk, an office assistant, and an accounting clerk. CAP is a special Medicaid program whereby unique billing, strict documentation time lines, and very specific record-keeping requirements apply. The majority of the \$150,000 revenue will be utilized by funding the new positions for a partial year and by providing increased operational and set-up costs. In addition, the revenue would also be used to upgrade 2 existing positions to be commensurate with the increased responsibilities, and to help defray rent costs for the recently occupied GTE Building in which the CAP Program is housed.

All CAP clients are Medicaid recipients receiving Medicaid reimbursable services. Therefore, there is not now, nor a future expectation of County financial support to the CAP Program. When the new positions are annualized, the revenue will increase by the accompanying increase in the services being delivered. By expanding the capability to serve more CAP clients, individuals who would otherwise be institutionalized are instead well supported in our community in the least restrictive environment possible, oftentimes in the home of family members.

Resource Person(s): Bill Young, CAP Program Supervisor, and Carolyn Davis, Deputy Area Director, were available to present this agenda item and serve as resource persons.

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County Manager's Recommendation: Approve Budget Amendment 00BCC000021 to recognize an additional \$150,000 in Medicaid Revenue for the Community Alternative Program (CAP) of The Durham Center. No County funding is required to support this expansion, now or in the future. In addition, the Area Board approved the Budget Amendment on November 1, 1999. The funds will be used to establish 5 positions and to support other operational changes in the CAP Program.

Carolyn Davis, Deputy Area Director, Durham Center, presented the Commissioners an overview of the budget amendment to recognize an increase in Medicaid Receipts for the Durham Center.

The Commissioners asked several questions about the request to which Carolyn Davis responded. County Manager Thompson assisted with the responses.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Budget Ordinance Amendment No. 00BCC000021 in the amount of \$150,000 to record an increase in Medicaid receipts.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1999-2000 Budget Ordinance  
Amendment No. 00BCC000021

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 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	\$174,508,953	\$150,000		\$174,658,953
<u>Expenditures</u>				
Human Services	\$207,468,771	\$150,000		\$207,618,771

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

This the 10<sup>th</sup> day of January 2000.

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

**Contract to Conduct Cost Analysis on Proposed City-County Merger and Appropriate \$46,950 from Contingency Fund**

At its January 3, 2000 special joint meeting with Durham City Council, the Board of Commissioners voted to proceed with the cost analysis phase of the City-County Merger Study. The Board of County Commissioners was requested to approve the contractual agreement with DMG Maximus to conduct a cost analysis on the proposed City-County Merger and appropriate \$46,950 to pay for the consultant's services. According to the Budget Director, the funds are available in the Contingency Fund to be transferred to the County Manager's budget.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: We are requesting that the Board of County Commissioners approve the contract with DMG Maximus to conduct a cost analysis and

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appropriate funding of this contract in the amount of \$46,950 from the Contingency Fund.

Dr. Lavonia Ingram Allison, 1213 Fayetteville Street, representing the Durham Committee on the Affairs of Black People (DCABP), commented that she came to share information about the DCABP. She talked about the history of the DCABP and how the Durham Committee is organized to carry out its mission.

Dr. Allison said that Durham City/County merger is a major priority for the organization. The minority report that has been prepared on merger should be a part of the full report. The cost benefit analysis is something everybody will have a serious interest in. The elected officials have the authority and responsibility to call for a referendum on merger.

She thanked the Commissioners for the Memorandum of Understanding they have with the school board. Dr. Allison talked about the school system relative to the gifted and exceptional children.

Ms. Phyllis Portie, #2 Consultant Place, yielded her time to Dr. Allison.

Chairman Black said the minority reports on merger of city and county government would be placed in the Executive Summary of the full report because most people will read the Executive Summary.

The County Commissioners asked questions and made comments about this agenda item to which Carolyn P. Titus, Deputy County Manager, responded.

Commissioner Heron expressed concern about not receiving information on the two merger studies that have occurred in North Carolina.

Chairman Black said information on the two merger studies in North Carolina would be provided to the Commissioners.

Commissioner Heron requested that the pros and cons of merger be considered. The cost to merge the three departments (Planning, Inspections, and Tax Collection) should be provided.

Ms. Titus said that DMG Maximus would provide cost figures of the three departments before and after merger.

Vice-Chairman Reckhow asked County Attorney Kitchen several questions about the legal contract to which he responded. County Manager Thompson assisted with the explanations.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the contract with DMG Maximus to conduct a cost analysis and appropriate funding of this contract in the amount of \$46,950 from the Contingency Fund.

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA  
FY 1999-2000 Budget Ordinance  
Amendment No. 00BCC000022

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 County Manager's Department.

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GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
General Government	\$18,667,053	\$46,950		\$18,714,003
Nondepartmental	\$17,008,892		\$46,950	\$16,961,942

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

This the 10<sup>th</sup> day of January 2000.

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

**Memorandum of Understanding—Durham Public Schools**

Vice-Chairman Reckhow said the Commissioners received on Friday the draft strategic plan for serving suspended and disruptive students in the school system. This strategic plan would fulfill provision No. 3 in the Memorandum of Understanding. Provision No. 4 has not occurred. It states that by “November 1, 1999, the County Manager and the School Superintendent, in collaboration with the liaison to the schools, shall develop a proposed target goal to reduce the dropout rate for FY 2000-2001.” It is important to bring this up on the public record because it is something that needs to be thought about very carefully. We need to evaluate a plan like this as it relates to the proposed target goal. There are going to be major dollars associated with this plan. We need to see what level of commitment they want to make to change the educational outcomes for students and the graduation rate.

Vice-Chairman Reckhow urged the County Manager and the liaison to the schools to meet with the schools and find out where they are headed with this item. The most important thing is what they are doing for the children.

Commissioner Bell and County Manager David F. Thompson responded to Vice-Chairman Reckhow’s remarks and comments. They reported on the meetings that Commissioner Bell and the County Manager have had with the school superintendent and chair of the school board.

A general conversation was held about item Nos. 2, 3, and 4 in the Memorandum of Understanding.

County Manager David F. Thompson suggested that the document relating to item No. 3 be presented to the school board and then the school board and the Commissioners should have a joint meeting.

No official action was taken on this agenda item.

**Request to Set the Date for a Joint Meeting with the Board of County Commissioners and the Social Services Board**

County Commissioner Joe W. Bowser requested that the Commissioners set a joint meeting with the Board of County Commissioners and the Social Services Board for February 28, 2000 beginning at 5:00 p.m.

The meeting will be held prior to the Regular Session in the Commissioners’ Meeting Room located at 200 East Main Street on the second floor.

Resource Person(S): Commissioner Joe W. Bowser

The Commissioners concurred to meet with the Social Services Board on Monday, February 28, 2000 beginning at 5:00 p.m. in the Commissioners’ Meeting Room.

**January 10, 2000**

**Board and Commission Appointments**

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

- Community Child Protection Team/Child Fatality Prevention Team
- Environmental Affairs Board
- Nursing Home Community Advisory Committee
- Open Space and Trails Commission
- Transportation Advisory Board
- Women's Commission

The following votes were cast to make appointments to the boards and commissions. Asterisks indicate appointees.

**Community Child Protection Team/Child Fatality Prevention Team**

One new position—a parent position (who had a child to die before this 18<sup>th</sup> birthday) and one at-large position (terms expire September 30, 2001).

\*Helen Kathy S. Poole (a parent who had a child to die before this 18<sup>th</sup> birthday)—Bell, Black, Bowser, Heron, and Reckhow

**Environmental Affairs Board**

One expired term for the “public policy” position (term expires June 2002) and one unexpired education/communication position (term expires June 1, 2000).

\*Hunter Bacot—Bell, Black, Bowser, Heron, and Reckhow

\*Dock Terrell—Bell, Black, Bowser, Heron, and Reckhow

**Nursing Home Community Advisory Committee**

One unexpired term (expires February 2000). Subsequent terms are for three years. (Vote for one.)

Althea Harman—Bell and Reckhow

\*Norma Harris—Black, Bowser, and Heron

**Open Space and Trails Commission**

One expired term to represent Carr/Oak Grove Township (term expires December 31, 2002) (must live in township) and two at-large positions (terms expire December 31, 2002).

\*Duncan J. Floyd (Carr/Oak Grove)—Bell, Black, Bowser, Heron, and Reckhow

\*Robert B. Glenn Jr.—Bell, Black, Bowser, Heron, and Reckhow

\*Thomas H. Stark—Bell, Black, Bowser, Heron, and Reckhow

**Transportation Advisory Board**

One expired term (expires October 2002). Members should be representatives from human service agencies, civic organizations, consumer groups, transportation providers, and citizen volunteers.

\*David Witte Keaveney—Bell, Black, Bowser, Heron, and Reckhow

**Women's Commission**

Two terms (one expires June 2000 and one expires June 2002).

\*Sarah Heinemeier—Bell, Black, Bowser, Heron, and Reckhow

**January 10, 2000**

**Meeting With Durham Delegation**

Commissioner Heron requested that the County Commissioners schedule a meeting with the Durham Legislative Delegation very soon. We should have meetings with them on a regular basis.

**Merger of City and County Governments**

Commissioner Bell requested that specific legislation be drafted relative to merger and presented to the Durham Legislative Delegation. If we need local legislation to pursue merger, then the delegation will be aware of it.

**Closed Session**

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(3) & (6) in order to consult with an attorney and to preserve the attorney-client privilege and to discuss a personnel matter.

The motion carried unanimously.

**Reconvene Into Open Session**

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to ratify the appointment of Deputy County Manager Wendell Davis as the Acting Tax Collector.

The motion carried unanimously.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board