

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

Monday, August 9, 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

County Attorney Chuck Kitchen added the lease agreement for The Durham Center.

County Manager David F. Thompson said the funding issue should be heard before the lease agreement item.

Chairman Black said the funding issue would be agenda item No. 9.5.

Commissioner Bell added the status of the disparity agreement to the agenda.

Chairman Black added a discussion relative to changing the date of the September Worksession.

Chairman Black added the resolution concerning Mr. Sam Reed. The resolution will be placed on the agenda after the minutes.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the June 7, 1999 Worksession and the June 16, 1999 Budget Worksession Minutes with minor

typographical corrections. The June 14, 1999 Regular Session minutes were approved as corrected. The May 24, 1999 Regular Session, June 1, 1999 County Manager's Budget Message, and the June 21, 1999 Worksession Minutes were approved as submitted.

The motion carried unanimously.

Resolution—Death of Mr. Sam Reed

Chairman Black read the following resolution into the record:

RESOLUTION

WHEREAS, Sam Reed, born Samuel Pobiersky, was born on August 20, 1906 in Konela, Ukraine; and

WHEREAS, he came to America as a refugee, armed with political convictions shaped by the Russian Revolution in the Ukraine; and

WHEREAS, his new life began in Duluth, Minnesota, where he changed his name to honor John Reed author of "Ten Days that Shook the World"; and

WHEREAS, he served in the United States Army during World War II in New Guinea; and

WHEREAS, in 1965 he rallied for racial equality marching alongside Martin Luther King Jr. in Chicago and the final stretch of the march from Selma to Montgomery, Alabama; and

WHEREAS, Mr. Reed settled in Durham in 1973, contributing to the Durham community as a resounding voice for the underprivileged and an inspiration to all who were fortunate to know him; and

WHEREAS, Mr. Reed was the first Caucasian man elected vice president of the National Association for the Advancement of Colored People—Durham Chapter and published the *Trumpet of Conscience* newsletter to promote racial equality; and

WHEREAS, he traded his communist beliefs for civil rights advocacy and was a faithful husband and a loyal friend to many until his sunset on July 7, 1999,

NOW, THEREFORE, BE IT RESOLVED that all citizens and the Durham County Board of Commissioners pay honor and tribute to

SAM REED

a pillar in the community who will be sorely missed in Durham County. We further urge all citizens to remember his achievements and the indelible mark that he has left on the lives he touched.

This the 9th day of August, 1999.

Commendation for Department of Social Services: “Challenge for Children” Initiative

The foster care system provides an invaluable service for children who cannot remain safely in their own homes as a result of severe abuse, neglect, or dependency. However, it must be used appropriately as a temporary living arrangement with the goal of reuniting the child with his/her family or finding an alternative safe, secure, permanent home within one year. The North Carolina Department of Health and Human Services issued a “Challenge for Children” asking every County Department of Social Services in North Carolina to make foster care backlog reduction a top priority. This initiative, begun in 1997, has been wholeheartedly embraced by Durham County’s Department of Social Services for the past two years and is currently continuing in its third year. The County joins the North Carolina Department of Health and Human Services in commending the Department of Social Services for its continued commitment to the “Challenge for Children.”

County Manager’s Recommendation: Commend the Department of Social Services’ staff for its participation and success in the “Challenge for Children” initiative.

Carolyn Titus, Deputy County Manager, presented the commendation for the Department of Social Services relative to the “Challenge for Children” initiative.

Mr. Daniel Hudgins, Director of Social Services, introduced staff that worked on the initiative in the Social Services Department. He spoke about the program and the work involved.

The Commissioners thanked the staff for the hard work.

County Manager David F. Thompson said the employees will be given “On the spot Awards” for their hard work. The Deputy County Manager and Social Services Director nominated the staff for the awards.

Consent Agenda

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

- (a) Pharmaceuticals for Public Health Department, Durham County Detention Facility (DCDF), and Emergency Medical Services (EMS) (authorize the County Manager to piggyback on North Carolina State Term Contract #269A and award a contract to Bindley Western Company, Kendall Division, for the supply of pharmaceuticals for Public Health and DCDF in an annual amount not to exceed \$100,000 and for EMS in an annual amount not to exceed \$30,000);
- (b) Contract with The Upjohn Company (authorize the County Manager to enter into a contract with The Upjohn Company in an amount not to exceed \$40,000 for the purchase of Depo-Provera injections);
- * (c) Appointment of New Review Officers (adopt resolution whereby F. Rose Taylor and Judy F. Hosford in the Durham County Land Records Office are appointed as Durham County's Review Officers regarding the review of maps and plats prior to being recorded by the Register of Deeds Office);
- (d) Appointments—Durham and Wake Counties Research and Production District (appoint the following nominees to the Research Triangle Park Owners and Tenants Association for the terms specified:

Robert Chase	7/1/99 – 6/30/02
Sally Johnson	7/1/99 – 6/30/02
M.S. Huang	7/1/99 – 6/30/02
Barbara Dearry	7/1/99 – 6/30/00);
- (e) Appointment—Juvenile Crime Prevention Council (appoint Linda Allsberry to the Juvenile Crime Prevention Council as Dr. Steven Ashby's designee to serve as his representative);
- * (f) Settlement of 1998 Property Taxes (receive and approve the 1998 Tax Settlement Report and authorize the relieving of taxes that are more than 10 years past due and motor vehicle taxes that are more than 2 years past due);
- * (g) Order of Tax Collection for 1999 Taxes (adopt the Order of Tax Collection for the 1999 Property Taxes and charge the Tax Administrator, Charles A. Clark, with this responsibility);
- * (h) Property tax release and refund report (adopt the property tax release and refund report as presented and

authorize the Tax Administrator to adjust the tax records as outlined by the report); and

- * (i) Street Annexation Petition—Ardsley Drive (SR 1876) (adopt the resolution to approve the addition of Ardsley Drive (Glen Forest) to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(c). Appointment of New Review Officers (adopt resolution whereby F. Rose Taylor and Judy F. Hosford in the Durham County Land Records Office are appointed as Durham County's Review Officers regarding the review of maps and plats prior to being recorded by the Register of Deeds Office).

RESOLUTION APPOINTING REVIEW OFFICERS

Whereas, S. L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

Whereas, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

Whereas, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

Whereas, it is the desire of the Durham County Board of Commissioners to ensure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording:

NOW, THEREFORE, BE IT RESOLVED, effective August 10, 1999, that Judy F. Hosford and F. Rose Taylor in the Durham County Land Records Office are hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes; and

BE IT FURTHER RESOLVED that a copy of this resolution designating the Review Officers be recorded in the Durham County Register of Deeds Office and indexed in the name of the Review Officer.

This is the 9th day of August, 1999.

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

/s/ Garry E. Umstead
 Clerk to the Board

Consent Agenda 5(f). Settlement of 1998 Property Taxes (receive and approve the 1998 Tax Settlement Report and authorize the relieving of taxes that are more than 10 years past due and motor vehicle taxes that are more than 2 years past due).

The property tax settlement report as of June 30, 1999 follows:

Property Tax Settlement Report As of June 30, 1999 (unaudited)			
	1998 Real & Personal Taxes	1998 Vehicle Taxes	Total 1998 Taxes
<u>County</u>			
Taxes Due	\$112,358,076.13	\$11,782,475.90	\$124,140,552.03
Less: Collections	\$110,554,470.11	\$9,790,335.83	\$120,344,805.94
Non-Collectibles	\$58,598.35	\$14,944.42	\$73,542.77
Bills Less than \$4	\$1,051.28	\$7,339.26	\$8,390.54
Taxes Outstanding	\$1,743,956.39	\$1,969,856.39	\$3,713,812.78
Percent Collected	98.45%	83.28%	97.01%
<u>City of Durham</u>			
Taxes Due	\$53,220,969.69	\$6,999,956.07	\$60,220,925.76
Less: Collections	\$52,195,829.11	\$5,652,654.52	\$57,848,483.63
Non-Collectibles	\$35,349.84	\$10,018.37	\$45,368.21
Bills Less than \$4	285.51	\$1,745.52	\$2,031.03
Taxes Outstanding	\$989,505.23	\$1,335,537.66	\$2,325,042.89
Percent Collected	98.14%	80.92%	96.14%
<u>Town of Chapel Hill</u>			
Taxes Due	\$671,494.76	\$88,454.81	\$759,949.57
Less: Collections	\$665,469.65	\$80,990.08	\$746,459.73
Non-Collectibles			
Bills Less than \$4	2.44	\$17.59	\$20.03
Taxes Outstanding	\$6,022.67	\$7,447.14	\$13,469.81
Percent Collected	99.10%	91.58%	98.23%

*Non-Collectibles - Bankruptcy Accounts

Consent Agenda 5(g). Order of Tax Collection for 1999 Taxes (adopt the Order of Tax Collection for the 1999 Property Taxes and charge the Tax Administrator, Charles A. Clark, with this responsibility).

The Order of Tax Collection for 1999 taxes follows:

STATE OF NORTH CAROLINA
DURHAM COUNTY

ORDER OF TAX COLLECTION

TO: Marvin T. Pope
Interim Tax Administrator of the County of Durham

You are hereby authorized, empowered, and commanded to collect taxes set forth in the tax records filed in the Office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Durham, and this Order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy and sell for you.

Witness my hand and official seal, this the 9th day of August, 1999.

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

Attest:

/s/ Garry E. Umstead
Clerk to the Board
Durham County

Consent Agenda 5(h). Property tax release and refund report (adopt 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 June 1999.

For FY 98-99, releases and refunds amounted to \$4,427.55 in taxes for real property, \$5,012.54 in taxes for personal property, \$41,271.28 in taxes for registered motor vehicles, \$1,400.00 in city vehicle fees, and \$165.00 in solid waste fees.

For prior years, releases and refunds amounted to \$42,909.44. Also, for FY 99-00, releases and refunds amounted to \$29,117.77.

(Recorded in Appendix A in the Permanent Supplement of the August 9, 1999 Minutes of the Board.)

Consent Agenda 5(i). Street Annexation Petition—Ardsley Drive (SR 1876) (adopt the resolution to approve the addition of Ardsley Drive (Glen Forest) to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The resolution follows:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina
County of Durham

Road Description: Ardsley Drive (SR 1876)—Glen Forest—Oak Grove Township

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 9th day of August, 1999.

Witness my hand and official seal this the 10th day of August, 1999.

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

*In the office of the Clerk to the Board.

Public Hearing—Lebanon Township Plan Presentation

(Note: This item was on the July 12, 1999 BOCC agenda and was carried over to the next meeting.)

The Planning Department periodically produces Small Area plans; Durham is subdivided into 15 Small Areas and Downtown. The Lebanon Township Plan is the 12th such plan done. The Lebanon Township Plan planning process involves citizen and staff input; the Plan is the result of input from four community meetings and staff research. The Lebanon Plan contains a summary of existing conditions and a set of policies to guide future growth in the Township and champions concepts outlined in the Durham 2020 Comprehensive Plan. While maintaining the area's rural and suburban character, the Plan proposes several limited areas of more intensive development in an Urban or Regional Corridor. Any new development must be sensitive to environmental and compatibility concerns. The Lebanon Township Plan is generally compatible with and supportive of adopted plans. Planning staff recommends adoption of the Lebanon Township Plan with minor text changes, which are listed in the memo "Clarifying Language for Two Implementation Measures in the Draft Lebanon Township Plan."

T.E. Austin, Durham City/County Planning Department, presented this item.

County Manager's Recommendation: Adopt the Lebanon Township Plan subject to corrections and revisions.

Mr. Austin gave the Commissioners an overview of the Lebanon Township Plan.

The Commissioners asked Mr. Austin questions about the plan to which he responded.

Chairman Black opened the public hearing that was properly advertised.

Mr. Jack Steer, 2416 Dawn Trail, said the zoning in the ordinance should be the exact way things will be done. Details should be included. There should be a definite, specific zone that will not be changed. Green space should exist among homes. Road changes should be made at the beginning of a new subdivision project.

County Manager David F. Thompson asked Mr. Austin to look at all the road cuts that are on Umstead Road due to new construction that was approved a year ago. Mr. Austin was asked to look at the clauses for transportation for the new subdivisions on Umstead Road.

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 decided not to adopt the plan tonight. Staff was asked to bring the plan back after the City Council worked on the plan. A specific time was not designated as to when the plan would be brought back.

Public Hearing—Zoning Ordinance Amendment TC 85-99 Regarding Temporary Outdoor Sales

Conduct the public hearing and consider the amendment. This proposal for changes to the standards for temporary outdoor sales resulted from problems with commercial outdoor sales in residential areas and commercial sales on vacant lots in nonresidential areas. The proposal will limit the number of residential yard sales and eliminate many of the outdoor sales on vacant lots and parking lots in commercial areas. The proposal is recommended for approval because it will assist with enforcement of the ordinance and because it will improve the quality of life in Durham by reducing neighborhood impacts of sales and improving the aesthetics of Durham's roadways.

The Zoning Committee of the Durham Planning Commission reviewed this matter at its meeting on June 8, 1999 and recommended its adoption. City Council held a public hearing and adopted this amendment at its meeting on July 19, 1999.

Bonnie Estes, Planning Manager, presented this item.

County Manager's Recommendation: Adoption of the amendment to the zoning ordinance identified as TC 85-99.

Ms. Estes said this item was brought forward at the request of the zoning enforcement officers. She presented the Commissioners an overview of the zoning ordinance amendment.

Commissioner Bell stated he would vote against this amendment. There is no rational reason for this.

Commissioner Heron and Commissioner Bowser expressed concerns about the proposed ordinance.

The Commissioners asked questions and made comments about the proposed ordinance.

Commissioner Bowser said he would vote against this agenda item.

Chairman Black opened the public hearing that was properly advertised.

Mr. Mike Shiflet, 1111 Oakland Avenue, spoke in support of the proposed ordinance. He said that the zoning enforcement officers need help to control temporary outdoor sales. Neighborhoods do have problems and the residents are complaining.

After considerable conversation about the proposed ordinance, Chairman Black closed the public hearing and referred the proposal to the Commissioners for action.

Vice-Chairman Reckhow moved, seconded by Chairman Black, to approve Zoning Ordinance Amendment TC 85-99 Regarding Temporary Outdoor Sales.

The motion failed with the following vote:

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

Commissioner Bowser asked if something could be brought back to deal with this issue in a small way.

County Manager Thompson said before any action is taken by the Commissioners, we could ask the zoning enforcement officers to track complaints for six months to determine the number of complaints from county residents.

Public Hearing—Zoning Ordinance Amendment TC 87-99 Regarding Technical Changes to the Ordinance Related to Board of Adjustment Cases

Conduct the public hearing and consider the amendment. This proposal calls for changes to the zoning ordinance to improve the efficiency of the Board of Adjustment. The proposal revises the setback requirement for corner lots in R-20. It also clarifies standards for lots with accessory dwellings and definitions of floor area for accessory dwellings.

The Zoning Committee of the Durham Planning Commission reviewed this matter at its meeting on June 8, 1999 and recommended its adoption. City Council held a public hearing and adopted this amendment at its meeting on July 19, 1999.

Bonnie Estes, Planning Manager, presented this item.

County Manager's Recommendation: Adoption of the amendment to the Zoning Ordinance identified as TC 87-99.

Ms. Estes said these changes came at the request of the Board of Adjustment members. The technical changes were reviewed for the Commissioners before the public hearing was opened.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve zoning ordinance amendment TC 87-99 regarding technical changes to the ordinance related to board of adjustment cases.

The motion carried unanimously.

The zoning ordinance follows:

TC 87-99

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE IN CERTAIN SECTIONS TO IMPROVE THE EFFICIENCY OF THE BOARD OF ADJUSTMENT

WHEREAS, the Board of Adjustment has requested that certain changes be made to the zoning ordinance; and

WHEREAS, the changes regarding side yards in R-20 may reduce the number of instances when the citizens need to petition the Board; and

WHEREAS, the changes regarding accessory dwellings will improve the clarity of the ordinance; and

WHEREAS, these changes will improve the operations of the Board of Adjustment and maintain Durham's quality of life:

NOW, THEREFORE, BE IT ORDAINED THAT:

SECTION 1

That Section 4A.2.6 [Yard Requirements in the R-20 District] be revised to read as follows:

Minimum front yard: 35 feet from the ultimate right of way

Minimum total side: 30 feet
Minimum total side yard on a corner lot: 30 feet
Minimum each side: 12 feet
Minimum street side: ½ front yard requirements
Rear yard: 25 feet

SECTION 2

That the Supplementary Requirements for Accessory Dwellings [Section 7] be revised to read as follows:

When allowed, accessory dwellings shall be subject to the following additional requirements:

1. The accessory dwelling is located within the primary dwelling or meets the locational and dimensional requirements for accessory structures.
2. Only one accessory dwelling is allowed. The primary dwelling must be located on a lot which meets the minimum area requirements of the zoning district, but need not meet the minimum dimensional requirements for the zoning district.
3. The owner of the property must occupy either the primary or the accessory dwelling.
4. The heated floor area of the accessory dwelling shall not be less than 400 square feet.
5. In addition to the requirement of a minimum floor area of 400 square feet, the accessory dwelling shall not exceed a maximum of 30% of the floor area of the primary dwelling.

Interpretation: Examples of accessory dwelling square footage are:

- a. A 1,333 square foot primary dwelling is needed for a 400 square foot accessory dwelling. (30% of 1,333 = 400 square feet)
 - b. A 2,000 square foot primary dwelling is needed for a 600 square foot accessory dwelling.
6. The property shall retain a single-family appearance from the street.
 7. One additional off-street parking space shall be provided. The space may not be located in the required yard spaces.
 8. Accessory dwellings in the RD district may exceed the maximum floor area of 30% of the floor area of the primary dwelling on lots of 4 acres or larger. In such cases, the square footage of the accessory dwelling may be up to 50% of the square footage of the primary dwelling. All other requirements regarding accessory dwellings shall apply.

SECTION 3

That Section 2 [Definitions] be amended to add the following:

Floor area, Accessory Dwelling: Area of finished living space used as the accessory dwelling, excluding: the primary dwelling, any unfinished area used exclusively for storage or mechanical elements, uncovered steps and uncovered porches.

Floor area, Primary Dwelling: Area of finished living space used as the primary dwelling, excluding: any accessory dwelling on the same lot, any unfinished area used exclusively for storage or mechanical elements, uncovered steps, and uncovered porches.

SECTION 4

That the ordinance may be renumbered to accommodate this change.

SECTION 5

That this ordinance shall become effective upon adoption.

Set 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 possible subsequent approval by the Board of Commissioners. The date requested for the public hearing is the Commissioners' regular meeting on August 23, 1999.

County Manager's Recommendation: Approve the setting of 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.

Commissioner Bell moved, seconded by Commissioner Bowser, to set the public hearing for Industrial Revenue Bonds for the Commissioners' regular meeting on August 23, 1999.

The motion carried unanimously.

Funds for the Lease Agreement for The Durham Center

As Board members will recall, Dr. Stephen Ashby requested a lease of the building formerly occupied by GTE. The Board had several questions involving the lease itself and the funding request by Dr. Ashby which was off line from this year's budget process. The Board requested that the issues be reflected in two separate agenda items and brought back to this meeting.

Dr. Ashby's request is that the Board fund \$48,000 from the County's contingency fund for this year's lease and agree to appropriate this amount for the next 2 fiscal years.

County Manager's Recommendation: Dr. Ashby prefers that the lease for this year be paid by the County, but in discussions with Deputy County Manager Carolyn Titus, he has agreed that he can accommodate any required payments this year out of his own funds, and thus, an appropriation from contingency is not necessary. Dr. Ashby has requested that an agreement actually be executed by the Board to guarantee this future funding. My recommendation is to state your intent to fund this lease in the minutes of this Board meeting and not to execute an agreement. The simple reason is that the agreement is not enforceable since the Board approves the budget every year and any agreement is subject to funds available. If the Board concurs with this thought process, it would be appropriate to state your intent for the minutes, and to consider the next agenda item which is the lease itself.

County Manager David F. Thompson gave the Commissioners an overview of the funding request.

The County Commissioners concurred to fund the lease agreement to lease 13,300 square feet at the old GTE building located at 200 North Mangum Street at a lease rate of \$11.95 per square foot for a period of three years.

No official action was taken on this agenda item.

Lease Agreement for The Durham Center

The Durham Center (Mental Health) is in critical need of additional space due to increases in staff resulting primarily from State mandated services and grant awards. The additional space is also needed due to space formerly occupied by staff having to be converted to record and file storage space, consumer reception space, and information systems technology networking space. Additional space is also needed due to a reorganization that requires several key management, operations, and systems coordination functions to be co-located at one site.

The Durham Center will vacate 4,000 sq. ft. of currently occupied space at Carmichael Building (300 North Duke Street), allowing the Department of Social Services to occupy this space in order to meet its critical staff space needs (at no additional cost to the County). The Durham Center will also vacate selected space at 4 other sites (totaling 3,000 sq. ft.) to alleviate significant staff space problems at each site.

Several space options were investigated in the downtown area. Staff recommends leasing 13,300 sq. ft. at the old GTE building located at 200 North Mangum Street. The lease

rate is \$11.95 per sq. ft. for a period of three years, which includes the cost of leasing forty parking spaces.

Resource Person(s): Steven J. Ashby, The Durham Center
Chuck Kitchen, County Attorney

County Manager's Recommendation: The letter from DSS Director Hudgins outlines a concurrent need of DSS for additional space that can be addressed utilizing the space that will be vacated by The Durham Center. The one-time technology costs are necessary due to the former utilization of Mental Health funds to provide this technical infrastructure in the Carmichael building which will continue to provide service to DSS in that facility. These costs will be covered by funds available in the PAYG account. Dr. Ashby will discuss the need for an additional appropriation of \$48,000 from County funds to cover his lease expenses that derives from an agreement prior to my administration which was not discussed during budget deliberations. The appropriation would have to come from the County's contingency funds that now stand at \$350,000.

The County Attorney has revised the proposed lease after reviewing the operational and legal issues with staff and the proposed landlord. It is now in a form that is satisfactory to all parties.

The Commissioners asked questions and made comments about the lease agreement. County Attorney Kitchen answered the questions. County Manager Thompson also responded to the questions.

Mr. Samuel Roberti, building owner, responded to questions and comments.

Commissioner Bowser moved, seconded by Commissioner Heron, to approve the leasing of 13,300 square feet at the old GTE building located at 200 North Mangum Street for a lease rate of \$11.95 per square foot for a period of three years.

The motion carried unanimously.

Reschedule the September Worksession

The Board agreed to change the Monday, September 6, 1999 Worksession to Wednesday, September 1, 1999 due to the Labor Day Holiday. The Worksession will begin at 9:00 A.M.

Disparity Study

Commissioner Bell discussed the disparity study and the need for the study to go along with the County's program. The City of Durham is moving forward with its study by putting out a Request for Proposal (RFP). The County needs to be in line and on board and move in that direction also.

Chairman Black stated the County Manager is going to compile disparity study information and present it to the Commissioners at the August 23, 1999 Regular Session.

Commissioner Bell asked if we had the necessary time to do the project before the end of the year. If not, he wants to know the reason. If we have the time, we need to move forward.

Appointments—Alcoholic Beverage Control Board Chairman

North Carolina General Statute 18B-700 states that the appointing authority (Board of County Commissioners) shall designate one of the three members of the local ABC board as chairman.

The current board members are:

<u>Name</u>	<u>Term Expiration</u>
John G. Horton	July 31, 2000
James Randall	July 31, 2001
Mary Ellen Williams	July 31, 2002

The Board of County Commissioners has been requested by General Manager Randy Mills to appoint one of the three members of local ABC Board as chairman effective August 1, 1999 for one year.

Resource Person: Garry E. Umstead, Clerk to the Board

Commissioner Bell moved, seconded by Commissioner Bowser, to appoint Mary Ellen Williams as chairman of the ABC Board for one year effective August 1, 1999.

The motion carried unanimously.

Durham Public Schools—Testing

Commissioner Bell requested that congratulations be forwarded to the school board relative to the improvements being made in integrated testing.

The Commissioners concurred with the request.

Adjournment

Chairman Black adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board