

REVISED
(Added Item 3(b), "Minutes of April 29, 2002," Item 4(a), "Resolution Supporting Increased Funding for Human Services," and Changed Number of Officials for Review in Closed Session)

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

Monday, June 24, 2002

AGENDA

4:00 P.M.

Closed Session

The Board of County Commissioners is requested to adjourn to closed session pursuant to N.C.G.S. §143.318.11(6) to consider a personnel matter.

7:00 P.M.

Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance
2. **Agenda Adjustments**
 - ***Chairman Black announced the cancellation of the July 8 and July 22, 2002 Regular Meetings. This became Consent Agenda item 5(t).***
 - ***Chairman Black announced the results of the Closed Session. The following administrators were evaluated for performance and given salary increases. Those adjusted salaries follow:***

| | |
|--|-------------------------|
| <i>Sheriff Worth Hill</i> | <i>\$87,042</i> |
| <i>Register of Deeds Willie Covington</i> | <i>\$81,885</i> |
| <i>County Attorney Chuck Kitchen</i> | <i>\$124,740</i> |
| <i>Steve Crysel, Tax Administrator</i> | <i>\$79,145</i> |
 - ***The Commissioners' car allowance was increased by \$1800 (\$150 per month as compared to \$100 per month for the previous fiscal year).***

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the salaries as presented.

The motion carried unanimously.

3. **Minutes**
 - a. a. May 29, 2002 Regular Session
 - b. **April 29, 2002 BOCC/City Council/NCDOT**?Presentation on Evaluation of Northern Durham Parkway Alternative

The minutes were approved with one correction to the May 29, 2002 Regular Session.

4. **4. Recognition of Employees? Budget Saving Suggestions**

The County Manager asked Department Heads to seek money-saving ideas from County employees that could be incorporated into the preparation of this year?s budget. Several employees made suggestions that were included in the County Manager?s Budget. These employees will receive a \$50.00 "On the Spot" Award.

They are:

Mike Turner, General Services

He suggested County departments contact all contract service providers to ask them to either: Reduce the contract dollar amount by 5 percent, reduce the level of services by 5 percent to achieve the desired monetary reduction of 5 percent, or hold the line with a zero-dollar increase in the coming year. His department realized savings of \$103,082.

Audrey Potts, Social Services and Beth Steenberg, Social Services

They developed the idea of placing travel reimbursement forms on the Intranet. The forms are now automated, which has improved the turnaround and processing times as much as two weeks, saving staff time. The immediate cost savings are the printing costs for paper forms and using fewer staff hours to process the forms. As more forms are added to the agency Intranet, there will be the added benefit of acclimating the staff to using more computer applications such as Excel spreadsheets.

County Manager?s Recommendation: Commend staff for their cost-saving ideas that were included in the Durham County Budget.

Chairman Black recognized Mr. Turner, Ms. Potts, and Ms. Steenberg for their budget-saving suggestions and presented each with \$50 checks for this "On the Spot" award.

4a. **Resolution Supporting Increased Funding for Human Services**

Leaders of Durham?s Faith and Human Services Community are requesting that the Board of Commissioners adopt a resolution to find funds to "prioritize human services so that all of Durham?s families can provide for their basic needs."

RESOURCE PERSONS: Grace Marsh, Women-In-Action

COUNTY MANAGER?S RECOMMENDATION:

The Manager recommends that the Board receive the request and take action as it deems appropriate.

The resolution was read into the record. The Commissioners made comments about the County?s human services funding.

5. **5. Consent Agenda**

- a. a. Budget Ordinance Amendment No. 02BCC000061?Office of the Sheriff?Bureau of Justice (approve the budget amendment to accept \$239,904 for the State Criminal Alien Assistance Program?SCAAP);
- b. b. Budget Ordinance Amendment No. 02BCC000062?Department of Social Services Request to Accept Additional Revenue (approve the budget amendment to recognize \$2,942,251 in revenue for four programs);
- c. c. Budget Ordinance Amendment No. 02BCC000063?Increase budget of Lebanon Volunteer Fire Department (to cover salary and benefits for County personnel for remainder of this fiscal year);
- d. d. Capital Project Amendment No. 02CPA000017?Reduction of several completed Capital Projects budgets (reduce Capital Projects budget by \$302,358 due to completion of five projects);

- e. e. Property Tax Releases and Refunds for Fiscal Year 01-02, Month of May (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- f. f. Cancellation of a Review Officer's Appointment (adopt the resolution canceling the appointment of F. Rose Taylor as Durham County's Review Officer);
- g. g. Appointment of New Review Officers (adopt resolution to appoint Jay V. Miller and Judy F. Hosford in the Durham County Land Records Office as Durham County's Review Officers regarding the review of maps and plats prior to being recorded by the Register of Deeds Office);
- h. h. Resolution Calling for Adequate State Funding for NC's Human Services Programs (adopt the resolution and send it to the General Assembly);
- i. i. Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract with Perfect Corporation to extend the County sewer system by 1,126 linear feet to serve 20 townhouses for Pagehurst Phase 4A);
- j. j. Grant Power Easement to Duke Power for the Triangle Wastewater Treatment Plant Expansion and the Solid Waste Facility Upgrade (authorize the County Manager to execute the easement documents needed for Duke Power to service these facilities);
- k. k. Request to Approve Durham's Home and Community Care Block Grant Funding Plan Through the Department of Social Services (approve the grant funding plan as presented in the amount of \$789,163);
- l. l. Renewal of Interlocal Agreement with the City of Durham for Tax Billing/Collections (renew the expired agreement for one year, ending June 30, 2003);
- m. m. Approval of Construction Contract for the Durham County Detention Center Roof Repairs?Project RFP 02-025 (authorize the execution of a contract with Southern Roof Maintenance Inc. in the amount of \$145,684 and authorize change orders, if necessary, not to exceed \$21,852);
- n. n. Final Offer to Purchase County Property?2700 Boyle Street (approve the \$1,830 offer submitted by Ms. Jennifer Quast and prepare a non-warranty deed for the Chairman's signature);
- o. o. Final Offer to Purchase County Property?0 Panama Terrace (approve the \$3,800 offer submitted by Mr. Lee H. Hicks Jr. and prepare a non-warranty deed for the Chairman's signature);
- p. p. Grant Easements to NCDOT for NC 55 Highway Widening Project Along Front of Tax Parcel 532-01-009 (authorize the County Manager to execute the easement documents for consideration of \$3,500 from NCDOT);
- q. q. Request for Approval to Amend Residential Curbside & Drop-Off Recycling Contract (authorize the execution of a contract amendment with Tidewater Fibre Corps Inc. in the amount of \$300,813 for one additional year from July 1, 2002 through June 30, 2003, and to extend the contract for additional periods of one year, not to exceed four years);
- r. r. Request for Permission to Extend an Offer on Library Site for North Regional Library (authorize the Manager to extend an offer not to exceed \$25,000 per acre to Durham Public Schools for five acres of land on Milton Road adjacent to Carrington Middle School for the purpose of constructing the northern regional library);
- s. s. Agreement With Town of Cary for Wastewater Treatment Services (approve the agreement, as it maintains affordable rates to County wastewater customers while providing additional revenues to increase the capacity of the treatment plant and enhance the treatment capabilities for environmental protection); and
- t. **t. Cancellation of July 8 and July 22, 2002 Regular Meetings.**

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda items 5(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (t).

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda items 5(r) and (s).

**The motion carried with the following vote:
Ayes: Black, Cousin, Heron, and Reckhow
No: Bowser**

6. **6. Public Hearing?Proposed Secondary Road Construction Program for Durham County (2002-2003)**

Mr. M. Shane Parker, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2002-2003). Division Engineer Jon Nance, P.E., and Division Maintenance Engineer Ricky E. Greene Jr., P.E. will accompany Mr. Parker.

Resource Person(s): M. Shane Parker, P.E., North Carolina Department of Transportation, Division of Highways, Division Five

County Manager's Recommendation:

The Manager recommends that the Board review the Proposed Secondary Road Program and hold the public hearing. For the Board's convenience, a copy of the statutes has been attached which outlines the Board's responsibility and authority for the Secondary Road Program. Note that any changes to the priorities impact others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

The Chairman opened and closed the public hearing with no speakers signed to make comment.

The Commissioners asked questions and made comments regarding the item.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the Annual Secondary Road Construction Program for Durham County (2002-2003).

The motion carried unanimously.

7. **7. Public Hearing?West-Northwest Durham Plan**

The Board is being requested to receive public comment and adopt the West-Northwest Durham Plan as presented. The West-Northwest Plan was presented to the Board at the June 3 Worksession.

The West-Northwest Durham Plan combines two of 15 small areas that comprise Durham's total planning jurisdiction. The planning area is a mix of urban, suburban, and rural land uses ranging from older city neighborhoods, to large-lot suburbs, to rural homesteads. The challenge of planning for the future of the area is preserving the integrity of residential neighborhoods and viable commercial areas; allowing reasonable planned growth; and protecting the rich resources of the area's natural and cultural heritage.

Participants in the West-Northwest Durham planning process recognized that growth would occur. The consensus was that it must be managed to protect the well-being of existing residents and businesses, as well as the environment and future residents. The plan endorses the need for this protection, but it also realizes the realities of the urbanized region. This vision characterizes the challenge faced by the West-Northwest Durham planning process and the growth management theme upon which it is based.

The Planning Committee reviewed and approved the plan on August 8, 2001. The City Council held a public hearing and adopted the plan on March 18, 2002. Staff recommends that the Board of County Commissioners adopt the West-Northwest Durham Plan as presented.

Resource Person(s): Frank M. Duke, AICP, Planning Director, and Dwight Yarborough, Senior Planner

County Manager's Recommendation:

The Manager's recommendation is that the Board receive citizen comments and adopt the West-Northwest Durham Plan as presented. The Board had an opportunity to discuss this plan during the June 3, 2002 Worksession when the public hearing was scheduled.

The public hearing was opened by Chairman Black. The following persons who were signed to speak made comments:

Gyule Mago, 3822 Shoccoree Drive

Daniella Gabriel, 3911 Shoccoree Drive

Peter Hymas, 3907 Shoccoree Drive

Gerald L. Bowen, 3838 Shoccoree Drive

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the West/Northwest Durham Plan with the change in the land use map so that the map would have changes to residential. Also, a letter is to be sent to City Council noting the change and requesting that City Council consider this at the earliest date.

The motion carried unanimously.

Vice-Chairman Reckhow asked that Mr. Duke notify persons this would affect when the City Council and BOCC take up this item.

8. **8. Public Hearing on Levying Additional ½-Percent Sales Tax**

The Board of Commissioners is requested to hold a public hearing on the possible imposition of an additional ½-percent sales tax. The current statutory authority for this tax provides that the tax will take effect on July 1, 2003. The Legislature is currently considering advancing the date the tax could

be effective. Therefore, the attached proposed resolution levying the tax would become effective on July 1, 2003, or on the first day allowed by law. This provision is inserted so that if the reimbursements from the State for various repealed taxes are not included in the budget, which is expected, the new sales tax may be received to partially or wholly replace the reimbursements without interruption, depending on the effective date of the tax.

Resource Person(s): Chuck Kitchen, County Attorney.

County Manager's Recommendation:

Hold the public hearing, and pass the attached resolution, with or without amendment, if appropriate based on comments received.

***Chairman Black opened and closed the public hearing with no persons signed to speak.
Commissioner Heron moved, seconded by Vice-Chairman
Reckhow, to adopt the resolution.***

The motion carried unanimously.

***Ms. Deborah Craig-Ray was asked to contact all legislators and Mr. Ron Aycock, NCACC,
regarding this item.***

9. **Lease Agreement (Sarah Barker Center?2611 Broad Street)**

The Board is requested to authorize the execution of a three-year lease agreement between DURHAM COUNTY and The Arc of Durham County Inc. for the Sarah Barker Center located at 2611 Broad Street. The Sarah Barker Center is a daycare facility operated specifically for the benefit of children with mental and physical disabilities. The lease term is from July 1, 2002 through June 30, 2005. The Sarah Barker Center has occupied this facility for a number of years. The current lease expires June 30, 2002.

The one-story building comprises approximately 5,700 square feet. It is situated at the southwest corner of Broad Street and Stadium Drive. The proposed rent for the premises is as follows:

| | | |
|--------|------------------------|------------------|
| Year 1 | \$6.00/sf\$34,200/year | \$2,850.00/month |
| Year 2 | \$6.30/sf\$35,910/year | \$2,992.50/month |
| Year 3 | \$6.62/sf\$37,734/year | \$3,144.50/month |

Five-percent annual increases are indicated. During the current term (July 1, 1999 through June 30, 2002) the rent has been constant at \$5.75 per square foot. The increase from \$5.75 to \$6.00 is 4.35 percent. In March of 1999, market rent for this property was estimated to be \$9.00 to \$10.00 per square foot. At present, market rent for this property is estimated at \$11 to \$12 per square foot. Annual rent increases for this type of property are not unusual.

Durham County will be responsible for utilities, janitorial services, and routine maintenance. The Landlord will be responsible for taxes and assessments and insurance coverage on the building. Major repairs such as a new roof or HVAC will be the Landlord?s responsibility. The Landlord will be responsible for the first \$10,000 of expense per repair. Expenses for repairs exceeding \$10,000 will be portioned equally between Landlord and Tenant (the amount in excess of \$10,000). If it is determined that either party is the sole cause of the condition warranting repair, that party shall be solely responsible.

The Durham County Attorney?s office has had the opportunity to review the lease agreement and has approved it as to form. The Landlord has also reviewed the lease agreement and is in agreement with it.

Resource Person(s): Laurel Drobits, Director, Sarah Barker Center; George Quick, Finance Director; and Bill Martin, Real Property Manager

County Manager?s Recommendation:

This Lease Agreement is a continuation of a long-standing arrangement for suitable facilities for the Sarah Barker Center. The Board is requested to authorize the execution of a three-year lease with The ARC of Durham County Inc. for 2611 Broad Street in accordance with the attached lease.

Chairman Black recognized one citizen signed to speak:

Mr. Joseph Kilsheimer, 9 Kimberly Drive.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the lease, with the discussed addendum.

The motion carried unanimously.

10. **FY 2002-2003 Budget Adoption**

The Durham County Manager will formally present the adopted budget for FY 2002-2003 to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act which requires adoption of the budget no later than July 1.

County Manager's Recommendation: Approve the recommended budget.

The Commissioners made comments regarding the proposed budget ordinance. The County Manager addressed the Commissioners' concerns.

Commissioner Cousin moved, seconded by Commissioner Bowser, to adopt the FY 2002-2003 recommended budget.

**The motion carried with the following vote:
Ayes: Black, Bowser, and Cousin
Noes: Heron and Reckhow**

11. Printing Services for Durham County Tax Department and Animal Control (RFP 02-028)

Approval to enter into Service Contract for Printing Services for Durham County Tax Department and Animal Control (RFP 02-028) with Total Billings.

The bid was advertised on March 1, 2002 in The Herald-Sun. Thirty-two proposal packages were mailed to various printing agencies. On April 11, 2002, four proposals were received from Professional Mail Services, Inc; American Business & Promotions; South Data, Inc; and Total Billings. After a committee review of the submitted proposals, Total Billings' proposal was considered the best responsive bidder.

| Company Name | 8.5X11 One Sided Cost | 8.5X7 One Sided Cost | 8.5X11 Double Sided Cost | 8.5X7 Double Sided Cost | Insert Cost | July 1, 2002 Postage Cost | NCOA Cost | Design Cost |
|--|-----------------------|----------------------|--------------------------|-------------------------|-------------|---------------------------|-------------|----------------|
| Total Billings - Fayetteville, NC | 0.115 | 0.115 | 0.145 | 0.145 | 0.005 | 0.28 | \$300.00 | \$250.00 |
| American Business - Glenwood, MN | 0.15 - 0.167 | 0.134 - 0.149 | 0.15 - 0.167 | 0.134 - 0.149 | 0.007 | no response | no response | \$150. -\$200. |
| SouthData - Mount Airy, NC | 0.14 | 0.13 | 0.14 | 0.13 | 0.01 | no response | \$275.00 | \$0 |
| Professional Mail Services- Raleigh, NC | 0.1145 | No response | no response | no response | no response | no response | no response | no response |

Durham County's M/WBE goal for "Other Professional Services" is 13% for African-Americans. However, the County did not have 13% of African-American vendors who provide this service on its vendor list from which to solicit responses. Therefore, in an effort to receive M/WBE responses, 13% of the vendors solicited were women- and/or minority-owned businesses. (Please see the attached mailing list.) None of the four companies met Durham County's M/WBE goal for "Other Professional Services." Total Billings did submit a 100% Own Work Force affidavit for this project. According to Total Billings, its work force consists of:

Total number of employees:
40

| | |
|--------------|----------|
| Non-minority | 18 (45%) |
| Minority | 22 (55%) |
| Male | |
| 28 (70%) | |
| Female | |
| 12 (30%) | |

Seven (7) of the twelve (12) management-level positions are held by minorities and women (58%).

Total Billings does not currently have any subcontracting opportunities available. However, the Tax Department will continue to work with the vendor, if approved, to identify any possible subcontracting opportunities and with the Purchasing Division to identify any possible minority subcontractors to work towards achieving the expenditure goal for minority participation.

Also, Total Billings is the current vendor providing printing services for tax bills and animal fees. It has provided the service for the Tax Department for six (6) years and has provided the service for Animal Control for two (2) years. The Tax Department has been satisfied with the service received from this vendor.

Resource Person(s): Kimberly Simpson, Deputy Tax Administrator, and Steve Crysel, Tax Administrator

County Manager's Recommendation:

After review of the Request for Proposals for Printing Services for Tax and Animal Control submitted by the four firms, the Manager's recommendation is that the Board enter into a service contract with Total Billings.

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

The motion carried unanimously.

12. ***12. Vice-Chairman Reckhow added an item regarding pulling rezoning cases in midstream.***

Chairman Black asked if it is possible for the C/C Planning Director to notify the County Commissioners when an applicant goes to the City Council after the County Commissioners turn down a rezoning.

County Attorney said this provision should be added to the Zoning Ordinance. An update would help protect property owners who live on the fringes of the county.

THERE BEING NO FURTHER BUSINESS, THE CHAIRMAN ADJOURNED THE MEETING AT 10:15 A.M.