

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

Monday, January 22, 2000

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **Minutes**
  - a. December 4, 2000 Special Session
  - b. December 11, 2000 BOCC/Durham Public Library Board of Trustees
  - c. December 11, 2000 Regular Session

4. **Resolution for Mrs. Johnnie McLean**

The Board of Elections requested that a resolution of appreciation be prepared for Mrs. Johnnie McLean for her months of technical support, which allowed Durham County to have a successful election last fall. Mrs. McLean is the Deputy Director of the North Carolina State Board of Elections.

In the absence of a director, an assistant director, and a full staff, the office was facing a crisis situation. She spent countless hours working in Durham County from mid October until the November election was successfully completed.

Resource Person(s): Ron Gregory and Michael Ashe

County Manager's Recommendation: Approve the resolution and present to Mrs. McLean, along with sincere congratulations from the Board of County Commissioners for her extraordinary work to ensure the success of the November 2000 election in Durham County.

5. **Resolution Endorsing Crime Prevention Through Environmental Design (CPTED) Principles**

Commissioner Ellen W. Reckhow, Cochair of the Durham Crime Cabinet, requested that a resolution be prepared endorsing Crime Prevention Through Environmental Design (CPTED) principles. The key to crime prevention is involvement from all levels of local government, community members, developers, and citizens, as well as law enforcement. The Board of County Commissioners is asked to approve the resolution to show its support for including CPTED principles as part of the Crime Cabinet's scope of work.

County Manager's Recommendation: Approve the resolution and present to Commissioner Reckhow to further share with the Durham Crime Cabinet.

6. **Presentation of Original Artwork for "The Year of Durham Regional Hospital"**

At its January 8, 2000 meeting, the Board approved a proclamation naming this "The Year of Durham Regional Hospital," in recognition of the 25<sup>th</sup> Anniversary of the hospital. At the official kickoff of the yearlong celebration held on January 10, original artwork depicting the history of Durham Regional was unveiled.

The artist, Aaron Michael Moore III is a relative of Dr. Aaron Moore, one of the original founder's of Lincoln Hospital, which is one of the forerunners of Durham Regional Hospital. Mr. Moore will present a copy of his commissioned artwork to the Durham County Board of Commissioners.

County Manager's Recommendation: Receive the artwork on behalf of the citizens of Durham County, and extend congratulations to Mr. Aaron Michael Moore III.

#### **7. Recognition of Durham Chamber of Commerce's Receipt of Governor's Work First Business Council Award**

On December 11, 2000, the Greater Durham Chamber of Commerce received the Governor's Work First Business Council Award for Outstanding Chamber of Commerce/Chamber Representative. Since March of 1991, the Greater Durham Chamber of Commerce has enjoyed a mutual and rewarding contractual relationship with the Department of Social Services to promote job development for welfare recipients. In 1997, in an effort to increase the number of people sent to work and reduce its welfare caseload, Durham DSS reorganized its Work First Program. The Chamber, under the direction of President Tom White, took the lead as one of the collaborating community partners to DSS in reaching out to businesses and encouraging them to hire Work First participants. The Chamber also contracted with DSS to place a job developer within the Work First section. Not only has the department reduced its Work First caseload by 52 percent from July 1997 to July 2000, it has exceeded its employment goals every year. In FY 99-00, Durham placed 823 participants into employment, surpassing the goal of 640. The Chamber has played a key role in Durham's performance.

Whenever a business is relocating to the area, Mr. White is there to mention training or jobs for Work First participants. Many companies have hired Work First participants including Washington Duke, Durham Regional Hospital, Duke University, Sheraton Imperial, IBM, Nortel Networks, Durham County, Glaxo, Blue Cross Blue Shield, Marriott, Mantel, and Food Lion.

Mr. Linzie Atkins, the Chamber's Work First Job Developer, has enhanced the Work First program in building a reputation of efficient, effective quality service to both clients and employers. At the same time, he has helped promote the image of Work First as a positive, productive program that is an important part of the community and economic development.

Mr. White and his staff have been supportive of the department during times of criticism and celebration. We are fortunate in Durham to have a Chamber of Commerce that is committed to assisting our welfare families moving from welfare to self-sufficiency.

Resource Person(s): Dan Hudgins, Director, Department of Social Services

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and extend sincere congratulations to Mr. Tom White and the Greater Durham Chamber of Commerce for earning this prestigious award. In addition, thank them for their consistent support and dedicated efforts as a partner in Durham's Welfare to Work Program.

#### **8. Consent Agenda**

- a. Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract for this addition to the County sanitary sewer system);
- b. Property Tax Releases and Refunds for November 2000 (accept the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
- c. Property Tax Releases and Refunds for December 2000 (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);
- d. Welcome to Durham Sign (approve the City of Durham's request to install a "Welcome to Durham" sign on the property occupied by the County wastewater facilities and authorize the County Manager to execute an easement agreement for the sign);
- e. Set Public Hearing for the Purchase of the First Union Building located at 201 N. Roxboro Street (set the public hearing for February 12, 2001 and adopt the preliminary resolution);
- f. Budget Ordinance Amendment No. 01BCC000036 to Reconcile FY 99-00 Mangum-Butner Fire District Collections (approve of the reconciliation budget amendment in the amounts of \$9,158 and \$10,842 to the "Other Tax Districts" expenditure line for payment of pass-through dollars to the North Carolina Department of the Treasury);
- g. Budget Ordinance Amendment No. 01BCC000037--Durham Center--Partnership for Children Grant (approve Budget Ordinance Amendment No. 01BCC000037 to recognize \$190,000 additional revenue to establish the Comprehensive Services for Newborns Project and approve establishment of the four provisional positions enumerated above for the duration of the grant period);
- h. Budget Ordinance Amendment No. 01BCC000038--Department of Social Services (DSS)--to Accept New State Revenues (approve Budget Ordinance Amendment No. 01BCC000038 to accept new State revenues for the Department of Social Services' Crisis Intervention Program and Adult Home Specialist Fund);
- i. Budget Ordinance Amendment No. 01BCC000039--Department of Social Services (DSS)--Recognize New Revenue and Establish Part-Time Social Worker Position (approve Budget Ordinance Amendment No. 01BCC000039 to recognize new revenues in the amount of \$24,000 for Project SPARks and recommend establishment of the additional half-time provisional DSS social worker position);
- j. Budget Ordinance Amendment No. 01BCC000040--Department of Social Services (DSS)--New Revenue and Establish Links Program DSS Social Worker Position (approve Budget Ordinance Amendment No. 01BCC000040 to recognize new revenues in the amount of \$54,200 and recommend establishment of the additional DSS social worker position);
- k. Mapping Contract With L. Robert Kimball & Associates (enter into a contract not to exceed \$75,000 with L. Robert Kimball & Associates for mapping services to complete the final phase of the mapping project for the 2001 revaluation); and
- l. Amend Emergency Medical Services (EMS) Current Charge Profile to Include Loaded Mileage Charges (approve the change in the EMS charge profile to include in-County loaded mileage charges as per the new Medicare reimbursement structure effective January 1, 2001).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

### Public Hearings

#### **9. Public Hearing for C.A.I. Group, Ltd.--Applicant (Rezoning Case P99-56)**

C.A.I. Group, Ltd. will present to the Board of County Commissioners a request to rezone 3.341 acres located on the east side of Farrington Road, north of NC 54, between Farrington and I-40, PIN #0708-01-47-5781 (TM 486-5-1E, NCDOT r/w being bought; third piece without TM identification). The specific request is to rezone the property from R-20 to OI-2 (D); F/J-B, MTC. The proposal is in conformance with the adopted small area plan and 2020 Plan. The Planning staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on September 12, 2000 and voted 0-7 to recommend denial.

The development plan has changed since the Zoning Committee hearing to reflect exclusion of retail uses otherwise allowed in OI-2; the nudging over of buildings to maintain a minimum 40 feet-building setback; planting of additional material to in part replace vegetative buffer lost by the buffer reduction; and a redesign of the northernmost parking area.

The public hearing for this request was advertised in the December 22 and 29, 2000 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp, Planning Supervisor, and Norman Standerfer, Planning Director

County Manager's Recommendation: That the Board receive the presentation and approve, if appropriate, based on the Board's deliberations and public comment.

#### **10. Public Hearing on M/WBE Ordinance Amendments**

A public hearing is requested on the proposed M/WBE ordinance. The proposed M/WBE ordinance is based on the current M/WBE ordinance of the County with changes in accordance with the disparity study done by Mason Tillman Associates. The changes are being made due to existing discrimination in the contracting arena in which the County operates. One of these changes is the changed goals from the current program. To adopt the amended ordinance with the recommended goals, a public hearing is required by G.S. 143-128.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: Conduct the public hearing on the amended ordinance as required by statute. Following the hearing and the receipt of information on this ordinance, take action to adopt the ordinance, amend the ordinance, or reject the ordinance as appropriate.

#### **11. Resolution Supporting A Joint Cost of Services Study With Wake And Orange Counties**

Farmers in Durham County and across the Research Triangle Region are facing increasing financial challenges, both from global economic forces and from increasing urbanization. Yet agriculture is an important part of our rural economy and our rural heritage. As local governments begin to develop farm protection programs, one type of report they often consider is a Cost of Community Services Study (COCS).

A COCS study is an analysis that divides all of the land in the community into separate categories, and then compares the contributions that each category makes to local government finances and the demands that it places on local government services.

A COCS provides information on the relative impact of farmland and other land uses on local government finances.

The Triangle J Council of Governments has proposed that Durham County join Orange and Wake Counties and conduct a COCS study.

If Durham County requests that the study be conducted without participation from the other counties, the cost to Durham County would be \$14,000. If the other counties participate, the cost to Durham County would be \$11,500.

Resource Person(s): Ben Hitchings

County Manager's Recommendation: Receive the information and approve the resolution if appropriate.

## **12. Progress Update on Activities at the Community Shelter for HOPE**

On December 6, 1999, the Board of Commissioners granted the County Manager approval to move forward with the renovation and expansion plans for the Community Shelter for H.O.P.E. Since that time, staff has worked to finalize a number of related tasks associated with the renovation and expansion of the Shelter for H.O.P.E. project. These tasks included: working through several legal issues associated with the loan documents from the North Carolina Housing Finance Agency; determining the County's legal ability to continue funding the Shelter operations under a faith-based merged entity; developing an interim operations plan for the homeless population while renovations were underway; having a successful capital campaign to fund the interim operations plan and furnish and equip the new facility; getting plan approval for the project; and, finalizing a number of easements and other administrative agreements.

In addition to these tasks, the Shelter Board, in a retreat setting last summer, developed comprehensive program elements to address many of the operational and service concerns raised by community residents during the Board's deliberations on the Shelter Project. The new programming elements were presented to the Board at the June 26, 2000 meeting and are scheduled for implementation once the renovations are complete.

Staff, in conjunction with a number of the project participants, will be present to provide the Board with an update on the status of the project and to seek the Board's approval on the revised loan documents from the North Carolina Housing Finance Agency (NCHFA). During the Board's initial discussions of this project, there was opposition to moving forward with the renovation and expansion plans at the existing site.

Residents from the Holloway Street Community, the Blooming Garden Bed and Breakfast, the Historic Preservation Society, and Downtown Durham Inc. have expressed concern about the location of the shelter project. The Board, upon making a decision to move forward with the project, directed staff to work with the various interest groups to incorporate their concerns into the overall design of the renovation and development plans.

DTW Architectural Firm has drafted and received plan approval for the Shelter project design. The plan incorporates the community input, enhances the livability and safety of the facility, and improves the curbside appeal.

Resource Person(s): Wendell M. Davis, Deputy County Manager, Glen Whisler, County Engineer, Charles Thompson, Chair of the Capital Campaign Committee, Spencer Bradford, Executive Director of the Shelter for HOPE, John Thompson, DTW Architects, Jack Priess, Project Development Manager, Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation, approve the revised loan documents from the North Carolina Housing Finance Agency, and provide staff with policy guidance on how the Board seeks to proceed with the project cost over-runs.

### **13. Durham Public School Board's Offer of Holloway Street School to BOCC**

The Durham Public School Board desires to dispose of the Holloway Street School property. North Carolina General Statute 115C-518 requires that it must first be offered to the Board of County Commissioners. Considering that the property is in need of substantial renovation and repair; that the Facility Master Plan did not identify the need for such a building to meet the County's space needs; and that no County departments or agencies have identified a need for such a facility, it is requested that the Board of County Commissioners declines the Durham Public School Board's offer of the Holloway Street School property. The school property is located at 1107 Holloway Street and is identified as Tax Map Parcel #128-03-001, PIN 0831-11-57-2138.

On November 13, 2000, staff presented this item to the Board of Commissioners for consideration. At that time, staff recommended to the Board of Commissioners that the County--in its right of first refusal--decline to purchase Holloway Street School. This recommendation was essentially due to the County not having a use for the facility. During the Board deliberations on this item, there were two concerns raised by Commissioners: 1) What would be the impact on the Shelter for HOPE Interim Operations Plan for the Homeless population if the County chose not to purchase Holloway Street School? and; 2) Could a solution be remedied that would allow Northeast Central Durham to continue providing services in Holloway Street School after the facility sold?

In respect to the first Board concern, the Shelter for HOPE Board of Directors have developed an Interim Operations Plan which includes housing the male homeless population at Urban Ministries. Women and children will be housed in the basement level of Oldham Towers until the renovation and expansion project is complete. Each of these agreements is finalized.

Upon discussion with the schools about Northeast Central Durham's tenancy in Holloway Street, the schools agreed to sell the facility under the condition that Northeast Central Durham would be allowed to remain in the facility and continue providing services. Representatives from DPS will be on hand to respond to any further concerns of the BOCC regarding this matter.

The main school building was originally constructed in the late 1920's and was added onto in 1949 and 1954. It is a two-story structure with basement. The gymnasium was constructed in 1975 and is one story. Currently, the school building is partially occupied by the Northeast Central Durham Community Assistance offices and the Weed & Seed program. The remainder of the building is unused at this time.

Site improvements, in addition to the two buildings, include paved parking for approximately 25 vehicles and a playground. The school property fronts on Holloway St., N. Hyde Park Ave., and Spruce St. It is located in both NC (Neighborhood Commercial) and R-3 (Residential 3) zoning districts. Durham County Tax Administration records indicate the land value is \$145,920, the building value is \$1,225,830, and the total value is \$1,371,750. The parcel is 4.864+/- acres. The property was appraised in August 2000 by an independent fee appraiser and the estimated market value was determined to be \$898,000. The appraisal report indicated an estimated cost of \$1,002,000 to convert to office use. No cost figures were provided for remediation/abatement of asbestos materials or lead-based paint or to make the property ADA compliant.

The County's Engineering Department has determined that the overall condition of the Holloway Street School building is fair to poor and that use of the building on a long-term basis would require extensive renovations to meet code and functional requirements. In addition, the main building has considerable lead paint and asbestos products.

Resource Person(s): Wendell M. Davis, Deputy County Manager, Bill Martin, Real Property Manager, Glen Whisler, County Engineer, Donald Hasselbach, Assistant Director of General Services, Calvin J. Dobbins Jr., Associate Superintendent DPS, Hugh Osteen, Executive Director of Facilities, Durham Public Schools

County Manager's Recommendation: The Manager's recommendation is that the Board decline the schools offer to purchase the Holloway Street School in the amount of \$898,000 to the extent that no County Department has identified a use for the facility. The Schools have agreed to sale the property under the condition that the tenants from Northeast Central Durham are allowed to remain in the facility. Furthermore, the Shelter Board has developed an interim solution for the homeless population during shelter renovations and will not make use of Holloway Street School.

#### **14. Lease Agreement for 508 Gordon Street (Mental Health Substance Abuse Halfway House)**

The Board is requested to authorize the execution of a lease agreement between the County and Mr. Louis Niemeyer for the Mental Health Substance Abuse Halfway House located at 508 Gordon Street. This item was presented to the Board on July 10, 2000, at which time it was pointed out that additional revisions would be necessary. These revisions were being arranged when the attorney for the Landlord sustained injuries resulting from an automobile accident. The delay in presenting this item to the Board again has resulted from that attorney's extended recovery period.

On June 19, 2000, the Area Mental Health Board of the Durham Center approved the extension of a lease originally entered into on April 1, 1989. The original lease term was for 4 years, 3 months ending on June 30, 1993. It was renewed annually through June 30, 2000. The property was sold to Mr. Niemeyer in 1999. Mr. Niemeyer honored the renewal through June 30, 2000, but insisted upon having a new lease if the County desired to continue occupying the premises. Since the expiration of the last renewal, the County has effectively been holding over awaiting the execution of the new lease. The new lease agreement has a retroactive commencement date of July 16, 2000 and an expiration date of July 31, 2001. This agreement provides the County the option of renewing the lease for a period of one additional year.

The two-story house comprises four bedrooms, seven bathrooms, two offices, a gathering room, and kitchen totaling approximately 3,124 square feet. The rent is \$2,150.00 per month, annualized to \$25,800.00--a charge of \$8.25/square foot. Funding for this lease is included in the FY 00-01 budget. Rent during the optional renewal period--\$2,258.00 per month/\$27,096 per year/\$8.67 per square foot.

The Landlord shall be responsible for all Durham City and Durham County real property ad valorem taxes and assessments. The Landlord is responsible for repairs and replacements to the premises and house (including house equipment), roof, foundation, interior and exterior structural walls, wiring, heating, air conditioning, and plumbing. Further, the Landlord shall be responsible for fire and extended coverage insurance on the building and the premises.

The County shall be responsible for all daily and routine maintenance and repair to the premises (interior and exterior), utilities, garbage, electrical, repair of the interior, including but not limited to the paint and wall coverings, carpet, and floor coverings. The security system and monthly charges associated with the alarm, light equipment, non-structural repairs and replacements,

maintenance of the lawn, and cleaning expenses will be paid by the County. The County shall be responsible for any routine service for the HVAC and routine plumbing. The County will not be responsible for any routine service for the HVAC if said service exceeds \$2,000 per year.

The County Attorney has approved this lease as to form.

Resource Person(s): Bill Martin, Real Property Manager, and Alvin Johnson, Halfway House Manager

County Manager's Recommendation: The Manager's recommendation is that the Board authorize the execution of this lease in accordance with the attached agreement.

#### 15. **Resolution and Bond Order**

The Board of Commissioners approved a resolution at its last meeting to refund certain general obligation bonds. The savings were predicted to be approximately \$2,783,854.00. The Board is now requested to approve an additional resolution making certain required findings of fact and to introduce a bond order which sets a public hearing for February 12, 2001.

Resource Person(s): S. C. Kitchen, County Attorney

County Manager's Recommendation: Adopt the resolution and bond order to move the process forward.

#### 16. **Approval of Construction Contract for the Carmichael Building Rooftop Air-Conditioning Units Replacement--Project IFB# 01-018**

The Board is requested to authorize the County Manager to enter into a contract with Carolina Air-Conditioning Company Inc. in the amount of \$388,800.00 for replacement of the Carmichael Building rooftop air-conditioning units and appurtenances and to execute any change orders, if necessary, not to exceed a project cost of \$410,000.00, which is less than the estimated project cost of \$440,000.00.

The Carmichael Building air-conditioning equipment and controls were installed in 1984. Major components of the current system are four rooftop units with a capacity of 50 tons each. Several failures have occurred and have been repaired; more are expected unless the equipment is replaced. Utilizing more efficient cooling equipment will reduce maintenance and energy costs for this building and improve reliability.

The Carmichael Building rooftop air-conditioning units replacement project was advertised in local newspapers on November 11, 2000; a Pre-Bid Conference was held on November 21, 2000 at 10:00 A.M. One bid was received on December 12, 2000 at 3:00 p.m. but was not opened because three bids were not received. The project was re-advertised on December 15, 2000 and one bid was received, publicly opened, and read on January 04, 2001 at 3:00 p.m.

Carolina Air-Conditioning Company Inc. submitted the lowest price of \$398,800.00 for the construction of replacing the air-conditioning units, etc.; this amount was negotiated to \$388,800.00. The Engineering Department has reviewed the bid proposal with Ish Sud Ph.D., P.E. of Sud Associates P.A., the project engineers, and recommends that the County proceed with the work and award the contract to the low bidder.

Funding is available for this project in the Carmichael Building Pay-As-You-Go account. Completion of this project will provide a reliable cooling system and reduce energy and



maintenance costs for the building by replacing equipment that has reached the end of its useful life.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department; Mike Turner, Director of General Services; Anthony Allen, Interim Director of Purchasing; Ademola Shobande, Project Manager, Engineering Department.

County Manager's Recommendation: The Manager's recommendation is that the Board authorize the execution of the contract with Carolina Air-Conditioning Company Inc. in the amount of \$388,800.00 and authorize the County Manager to execute change orders, if necessary, not to exceed \$21,200.00.

**17. Approval of Construction Contract for the Carmichael Building Roof Replacement--  
Project IFB# 01-013**

The Board is requested to authorize the County Manager to enter into a contract with Owens Roofing Inc. in the amount of \$379,061.00 for the construction of the new roof system at the Carmichael Building and to execute any change orders, if necessary, not to exceed project cost of \$416,967.00, which is less than the estimated project cost of \$473,000.00.

The existing Carmichael Building roof was installed in 1981 and has reached the end of its useful life. Several failures have occurred and have been repaired; more are expected unless the roof is replaced. The amount of roof area requiring repair exceeds the area for which patching is practical. (Patching will not prevent leaks from continuing.) The completion of this project is required to protect the building interior and occupants.

The Carmichael Building roof replacement project was advertised in local newspapers on November 11, 2000. A Pre-Bid Conference was held on November 21, 2000 at 10:00 a.m. Nine bids were received, publicly opened, and read on December 12, 2000 at 2:00 p.m.

Owens Roofing Inc. submitted the lowest price of \$379,061.00 for the construction of the new roof system. The Engineering Department has reviewed the bid proposals with Jeff Spady, RRC of CTL Engineering Inc., the project designer, and recommends that the County proceed with the work and award the contract to the low bidder, Owens Roofing Inc.

Funding is available for this project in the Carmichael Building Pay-As-You-Go Account. Completion of this project will provide a reliable roof system for the building by replacing the existing roof that has reached the end of its useful life.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department; Mike Turner, Director of General Services; Anthony Allen, Interim Director of Purchasing; Ademola Shobande, Project Manager, Engineering Department

County Manager's Recommendation: The Manager's recommendation is that the Board authorize execution of contract with Owens Roofing Inc. in the amount of \$379,061.00, and authorize the County Manager to execute any change orders, if necessary, not to exceed \$37,906.00.

**18. Board and Commission Appointments**

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

- Raleigh-Durham International Airport Authority

- Library Board of Trustees
- Public Health Board