

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, September 13, 1999

7:00 P.M. Regular Session

AGENDA

1. Opening of Regular Session—Pledge of Allegiance

2. Agenda Adjustments

3. Minutes

- a. February 15, 1999 Commissioners' Retreat
- b. March 25, 1999 Quasi-Judicial Public Hearing
- c. June 28, 1999 Regular Session
- d. July 12, 1999 Regular Session

4. Liability Claims and Subrogation Recovery for FY 98-99

The reports on claims paid through the Risk Management office for FY 98-99 indicate the total amount paid was \$19,928.62. This compares to a total of \$127,080.38 paid in the prior year. The primary difference in the two years was the change in the insurance coverage. The claims paid during FY 97-98 to a large degree reflected not only claims settled by Risk Management, but also amounts paid on the \$20,000 deductible under the prior liability insurance policy. Much of this was for attorney's fees for insurance counsel. All of these suits, with one exception, have now been decided. All new lawsuits are being handled through the County Attorney's Office, which is reflected in the considerable savings, as the County no longer has a primary liability policy.

The amount of subrogation claims has also more than doubled. Subrogation claims are amounts the County recovers from other insurance carriers. Most often, these are automobile accident claims where the County driver was not at fault.

Cathy Whisenhunt, Risk Manager, and Chuck Kitchen, County Attorney, will be present to answer any questions.

County Manager's Recommendation: This report recognizes the continuing efforts of the County administration to decrease the costs associated with the operations of the government. Receive the report of Risk Management and congratulate this division of the County Attorney's Office on having a successful year.

5. County Manager's Update/Request for Direction

The County Manager will provide brief updates on the following:

- Fiscal year beginning July 1999 Board Directives (see attached)
- Durham County Board of Commissioners and the Durham Public Schools Board of Education's Memorandum of Understanding (see attached)
- Court facility needs

- Merger task force meeting (see attached)

6. Consent Agenda

- a. Public Health—approve Budget Ordinance Amendment No. 00BCC000002 (to recognize grant revenue of \$16,950 for maternity care coordination services in maternal health);
- b. Public Health—approve Budget Ordinance Amendment No. 00BCC000003 (to recognize grant revenue of \$1,041 for HIV Risk Reduction program in health education);
- c. Public Health—approve Budget Ordinance Amendment No. 00BCC000004 (to recognize grant revenue of \$2,000 for public health training in general nursing);
- d. Mental Health—approve Budget Ordinance Amendment No. 00BCC000005 (to recognize grant allocations for the Thomas S. program [\$612,778], Willie M. program [\$185,152], and the Governor’s Crime Commission for the MST-Durham (Delinquency) grant [\$99,976]);
- e. Appointments—Boards and Commissions (reappoint Kelly N. Bradley to represent the Bahama Volunteer Fire Department and Dr. Richard K. Serra [since he is the Medical Director of the Durham County EMS program] to the Durham County Emergency Medical Services Council);
- f. Repeal appointment to the Triangle J EMS Council (repeal appointment of

Ms. Schweinsberg to the Triangle J EMS Council and approve request to re-advertise this vacancy);

- g. Appointment—Animal Cruelty Investigator (reappoint Cindy Bailey, Animal Cruelty Investigator, for a one-year period. Appointment will expire

September 13, 2000);

- h. Regional Response Team Contract (authorize the County Manager to enter into the contract);
- i. Accept the Federal Aviation Grant Offer (RDU Project Number 080332, FAA AIP Grant Number 3-37-0056-23) and execute the grant agreement. (As per the agenda item, the Board has previously endorsed the expansion plans through the previous grants for the Airport Improvement Program);
- j. Proclamation—Hunting Fishing Day (adopt the proclamation of Saturday, September 25, 1999 as hunting and fishing day in Durham, North Carolina);
- k. Resolution of support for Land and Water Conservation Fund (adopt the resolution and forward copies to the appropriate legislators);
- l. Resolution of support for Cultural Planning Initiative (adopt the resolution and forward copies to the parties indicated);
- m. Contract with Davenport & Company LLC for financial advisory services (authorize the County Manager to enter into a contract to provide financial advisory services as needed);
- n. Solid and yard waste hauling services (authorize the County Manager to negotiate and enter into a contract with BFI in an amount not-to-exceed \$212,784 for the services indicated above);
- o. Emergency Medical Services uniforms (authorize the County Manager to enter into a contract with Showfety’s Inc. in an amount not-to-exceed \$77,470 and with American Uniform Sales in an amount not-to-exceed \$2,295 for emergency medical uniforms as per Invitation for Bids #00-001); and
- p. Contract between the City of Durham and the County of Durham for the Welfare to Work Grant Project (approve the contract between the City of Durham and the County of Durham).

7. Public Hearing—Horvath for Ticon (Rezoning Case P99-21)

Horvath for Ticon will present to the Board of County Commissioners a request to rezone a 41.9-acre site located at the southeast corner of the intersection of Page Road and Lumley Road (Tax Map 649, Block 2, Lot 10 [partial] and Tax Map 580, Block 1, Lot 2). The request is to rezone from RD (Rural District) to RM-12(D) (Multifamily with a Development Plan). The 2020 Plan supports Suburban Neighborhood uses. The Future Land Use Map in the Southeast Durham Plan indicates high-density residential development for this site (greater than 8 units per acre). Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on August 10, 1999 and voted 6-1 to recommend approval.

The public hearing for this request was advertised on August 27 and September 3, 1999 in the Durham Herald-Sun.

Vonda Frantz, Senior Planner, Durham City-County Planning Department, will be present to answer any questions of staff regarding this request.

8. Lease Agreement for the Sara Barker Center

The Board is requested to authorize the execution of a three-year lease between the County and The ARC of Durham County, Inc. for the Sara Barker Center, a day care facility operated specifically for the benefit of children with mental and physical disabilities. The term of the lease is from July 1, 1999 through June 30, 2002. The facility is located at 2611 Broad Street, Durham, NC. The Sara Barker Center has occupied this facility for a number of years.

The annual lease amount is \$32,800.00. This represents a cost of \$5.75 per square foot for approximately 5,700 square feet of space. This cost is held constant over the three-year term. During the prior three-year lease term, the annual lease amount was \$28,500.00 or \$5.00 per square foot.

The Landlord will be responsible for HVAC, water, electricity, taxes, and assessments. The County will be responsible for janitorial services. Repairs and improvements costing up to \$12,000 per annual period shall be the sole responsibility of the Landlord. Repairs and improvements costing more than \$12,000 per annual period shall be the responsibility of the Landlord and the County as determined by mutual agreement.

Resource Persons: Carolyn Davis, Deputy Area Director, The Durham Center, and Sandra Phillips, Director of Purchasing

County Manager's Recommendation: Authorize the execution of a three-year lease with the ARC of Durham County, Inc. for 2611 Broad Street, Durham, NC to house the Sara Barker Center in accordance with the attached lease.

9. Funding for Durham Community Shelter for H.O.P.E.

Staff has been working with the Shelter for H.O.P.E. to bring forward information that has been requested by the Board. Please note the staff document prepared by Budget Analyst Anthony Allen, information submitted by the Shelter's Board which outlines their budget projections, and information that was solicited from Dr. Ernie Mills concerning Durham Rescue Mission's ideas concerning operating an emergency shelter.

County Manager's Recommendation: Note that Mr. Allen is recommending an amount of necessary funding if the shelter is to continue operations. This is not meant to be an endorsement of the Shelter's operations but rather is a funding number that I requested he provide. As of agenda preparation, I have not reviewed these numbers and have not met with the Shelter for H.O.P.E. Board or Dr. Mills, and thus, am not prepared as of this date to make a recommendation. I will be meeting with both parties this week. Hopefully, I will be prepared to make a recommendation at the Board's meeting or at a minimum will be able to share a short term solution to the current situation and a plan of action for arriving at an administrative recommendation.

10. Lease for Youth Coordinating Board

On August 23, 1999, staff brought forth a recommendation to lease space at the Bull City Business Center for the Youth Coordinating Board. The BOCC made a request that staff pursue other options including the 2nd floor of the Carmichael Building that was being vacated by The Durham Center. The staff has researched the Carmichael Building as well other locations in the County (see attached listing). No one (1) optimal location has emerged; therefore, staff are still investigating all possible alternatives.

The Youth Coordinating Board's current landlord at the Bull City Business Center has agreed to allow the department to stay in their current space until September 30, 1999.

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

11. Closed Session

The Board is requested to adjourn to closed session pursuant to G.S. 143-318.11(a)(3) and (5) in order to consult with an attorney and to preserve the attorney-client privilege and to discuss *Waste Industries v. Durham County*, COA 99-562 and to discuss the position the County's staff should take in the possible acquisition of real estate.