

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

Monday, October 11, 2004

ACTION MINUTES-DRAFT

7:00 P.M. Regular Session

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser (arrived 7:30 p.m.), and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Welcome-Chairman Reckhow

Opening of Regular Session-Pledge of Allegiance

Agenda Adjustments

Interim County Manager Wendell Davis deferred item No. 8, "Revision of Durham Planning Commission District Boundaries", until the November 1, 2004 Worksession.

Announcements

Chairman Reckhow welcomed newly appointed Interim County Manager Davis.

Chairman Reckhow announced the "Lights on After School" program to be held Thursday, October 14, 2004, to recognize Durham for having exemplary after-school programs.

Chairman Reckhow publicized a Land Protection Strategy-Conservation Easement Workshop for Saturday, November 6, 2004, sponsored by the Durham County Farmland Protection Board, Durham Soil and Water Conservation District, and Durham Open Space Program, among others.

Minutes

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve as submitted the September 7, 2004 Worksession and the September 20, 2004 Special Session Minutes and the September 27, 2004 Regular Session Minutes of the Board with an insertion.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, Reckhow

Noes: None

Absent: Bowser (arrived late)

Proclamation for "NAACP Freedom Fund Day"

Each year, the Durham Branch of the National Association for the Advancement of Colored People (NAACP) hosts the "Freedom Fund Banquet", recognizing community "trailblazers" who have been leaders in various fields of endeavor and have made significant and unique contributions. This year's honorees are two well-known ministers in Durham. Dr. Joseph S. Harvard III and Dr. Percy High have led two dynamic congregations in this community for many years and have worked to build coalitions that seek to value the dignity and worth of all people.

Chairman Reckhow read the following proclamation that was prepared in honor of the annual banquet:

PROCLAMATION

WHEREAS, the National Association for the Advancement of Colored People (NAACP) has devoted its actions to making democracy work since 1909; and

WHEREAS, the organization has survived because of the collective courage of thousands of people of all races who are united on a single premise-that all men and women are created equal; and

WHEREAS, the county's oldest civil rights organization has worked tirelessly to mount successful court challenges to address social injustice, inequalities in education, employment, housing, and more; and

WHEREAS, the Durham Branch of the NAACP is an active local arm of this organization that has worked for generations to ensure the political, educational, social, and economic equality of minorities in the Durham community, and beyond; and

WHEREAS, the Durham Branch annually hosts the "Freedom Fund Banquet", during which time the organization honors community "trailblazers" who have proven to be highly-skilled leaders and have made unique and significant contributions over time; and

WHEREAS, two gifted and dynamic members of Durham's faith community have been chosen as this year's honorees for 2004:

Dr. Joseph S. Harvard III has pastored First Presbyterian Church for 24 years. He is a former president of Durham Congregations in Action, an interfaith organization made up of 56 organizations, as well as a recipient of the Elna Spaulding Award for community leadership, and the "Keeper of the Dream Award" presented by the Martin Luther King Jr. Steering Committee. He has been an advocate for the poor and the disenfranchised throughout his ministry.

Dr. Percy High has served as pastor of Mount Vernon Baptist Church for more than 32 years and has been a warrior in the civil rights movement. This Raleigh native has served as a former president of the Durham Branch of the NAACP and the Interdenominational Ministerial Alliance of Durham, and has supported higher education while serving as Dean of the Doctor of Ministry Program at Richmond Virginia Seminary and as a Board member of the Campus Ministry at North Carolina Central University.

WHEREAS, the honorees are each highly respected for their selfless and visionary leadership throughout this community, and for their tireless efforts to build coalitions which ensure that Durham values and respects all people equally:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do proclaim, Saturday, October 23rd

"NAACP FREEDOM FUND DAY"

in Durham County. We salute this organization and its honorees for working to bring positive change through the years, and for making significant contributions to the quality of life for all in the Durham community.

This the 11th day of October, 2004.

Proclamation for "Durham Homeownership Expo"

The U. S. Department of Housing and Urban Development, the City and County of Durham, the Durham Regional Community Development Group, and the Durham Affordable Housing Coalition were sponsoring a "Durham Homeownership Expo" designed to help residents learn the ins and outs of purchasing a home. A proclamation was prepared for the Board's approval.

PROCLAMATION

WHEREAS, purchasing and owning a home has historically been the "American Dream" for millions of people; and

WHEREAS, assisting low- and moderate-income families to become homeowners is a national priority, and the U. S. Housing and Urban Development is committed to helping those families take advantage of new opportunities to purchase a first home; and

WHEREAS, while North Carolina's homeownership rate is higher than the national average, Durham's homeownership rate trails behind both the state and the region; and

WHEREAS, housing costs in the Triangle are among the highest in the state, and the homeownership rate in Durham is 54.3%, nearly 11% below the rest of the region; and

WHEREAS, to begin to increase the rate of homeownership in Durham, the community will host its first Homeownership Expo at Hillside High School, with the help of the US Department of Housing and Urban Development and in cooperation with the City and County of Durham, Durham Regional Development Group, and the Durham Affordable Housing Coalition; and

WHEREAS, participants will have the opportunity to speak with realtors, lenders, and related professionals who will provide helpful information on buying and maintaining a home:

NOW, THEREFORE, BE IT RESOLVED THAT, we, the members of the Durham County Board of Commissioners, do hereby proclaim Saturday, October 16 as

"DURHAM HOMEOWNERSHIP EXPO 2004 DAY"

in Durham. We further urge citizens to participate in activities designed to educate and inform consumers about homeownership opportunities, mortgages, credit, and related information which will help more Durham citizens realize the American Dream of homeownership.

This the 11th day of October 2004.

Announcement

Chairman Reckhow announced that a Closed Session, which was not included in the revised agenda, would be held at the end of the meeting about an economic development matter.

Comments by Interim County Manager Wendell Davis

Mr. Davis publicly thanked the Commissioners for their vote of confidence regarding his interim appointment.

Update on North Carolina Senior Care, Medicare Prescription Benefits, and Senior PHARMAssist

Gina Upchurch, RPh, MPH, and Executive Director, Senior PHARMAssist (a local nonprofit agency)

working to improve the quality of life for older adults in Durham by helping them obtain and better manage their medications) presented an update on the many changes affecting seniors concerning prescription medications. Her primary message was that older adults are overwhelmed and frustrated by the prescription benefits designed to help them. She presented the following report regarding Medicare prescription benefits, NC Senior Care, and Senior PHARMAssist:

Consent Agenda

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the following consent agenda items:

- *b. Budget Ordinance Amendment No. 05BCC000014-Sheriff's Office-Insurance Reimbursement for Damaged Vehicle (recognize \$13,666 and appropriate to replace the vehicle in the Sheriff's fleet); and
- *d. Amendment to the Bylaws of the Durham County Women's Commission (approve the requested changes).

The motion carried unanimously.

Consent Agenda Items Removed for Questions/Comments

Consent Agenda Item No. a. Budget Ordinance Amendment No. 05BCC000013-Fire Marshal/Emergency Management-State Homeland Security Grant Program (re-recognize unspent 2003 DHS Part I and Part II grant funds in the amount of \$684,142 received through the NC Department of Crime Control and Public Safety; apply the funds to Durham County Emergency Management for expenditure in FY 2004-2005).

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Budget Ordinance Amendment No. 05BCC000013.

The motion carried unanimously.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 05BC000015-Sheriff's Office-2004 GREAT Grant for Gang Resistance Education (appropriation of funds not to exceed \$43,695 [amount of the grant award]).

Commissioner Heron moved that the Board approve the grant; subsequently, information requested by the public could be provided.

Chairman Reckhow elucidated that the Board is requesting the information.

The motion failed for lack of a second.

Commissioner Jacobs suggested that the item be deferred until the directive is complete.

Interim County Manager Davis stated that the item would be placed on the October 25 consent agenda.

Consent Agenda Item No. e. Capital Project Amendment No. 05CPA000003-Durham Public Schools-2001 Bond Adjustments for Multiple Projects (transfer \$523,763.57 in unused GO bond funding from several completed school capital projects to several uncompleted school capital projects).

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Capital Project Amendment No. 05CPA000003.

The motion carried unanimously.

Public Hearing: Draft of Work First Block Grant Plan for 2005-2007

Jim Polk, Chair of the Work First Planning Committee commended Work First Planning Committee members and others who served diligently to compose the draft of the plan. Work First is the primary program in North Carolina for administering the Temporary Assistance for Needy Families (TANF) Program. Since Work First is administered locally in each county, North Carolina law (NCGS 108A-27) requires each county to submit a County Work First Block Grant Plan every two years. Each county began the development of a new Work First Block Grant Plan to become effective October 1, 2005.

The first stages of plan development included the appointment of a committee of local leaders (Work First Planning Committee) to assist in the development of its Work First Block Grant plan and a recommendation to the North Carolina Department of Health & Human Services for a county to be an electing or standard county.

On September 13, 2004, the Commissioners approved the list of members for Durham's Work First Planning Committee and that Durham remain a standard county.

By November 1, 2004, the BOCC must submit its new Work First plan to the NC Division of Social Services. The Work First Planning Committee has completed its first draft of the plan. This draft plan was shared with the Department of Social Services Board on

September 25, 2004 for its comments.

Chairman Reckhow opened the public hearing that had been properly advertised and called the following signed speaker forward for comments:

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702

Ms. Victoria Peterson, P.O. Box 101, Durham, NC 27702

Chairman Reckhow encouraged Ms. Peterson to schedule a meeting with DSS staff and/or Mr. Polk to have her concerns addressed.

Chairman Reckhow closed the public hearing and referred the matter back to the Board.

Chairman Reckhow stated that the report had been received, noting that the plan would be presented to the Board for final approval at its October 25 Regular Session. She asked staff and Committee members to strive to incorporate suggestions made at tonight's meeting into the plan.

Durham Public Schools-New Pearson Elementary School Design

Chairman Reckhow stated that in keeping with the Joint Planning Protocol, Durham Public Schools must present new school designs to the Board of County Commissioners prior to the bidding process. The Pearson Elementary School is planned for construction on the 100-acre Hillside High School site.

Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools, introduced Dave Smith, Executive Director for Construction and Capital Planning, and Chris Venable, designer of record with Moseley Architects. Mr. Osteen stated that the 2003 Bond Referendum funds the new Pearson Elementary School. In his presentation, he briefly addressed the following: school access, floor plan, site issues (rock, wetlands), rolling topography, security, and elevations. The design allows portions of the school to be closed off so community users (Durham Parks and Recreation Dept, etc.) will not have access to the entire building.

A question and answer session was held between the Commissioners and Mr. Osteen regarding the design.

Chairman Reckhow encouraged Mr. Osteen to hold an open house at Pearson School within the next month (prior to the bidding process) to display plans and allow citizen input. She proposed that DPS go the extra mile and reach out into the community.

Budget Ordinance Amendment No. 05BCC00012-General Services Contract Award of Janitorial Services for County Buildings (RFP # 04-031)

Chairman Reckhow requested that Interim County Manager Davis introduce the item.

Interim County Manager Davis conveyed that an additional \$75,000 was set aside in nondepartmental funds in the FY-05 Budget to cover increases required by contract compliance with the Living Wage Ordinance. Of these funds, approximately \$41,000 is required to move forward with the execution of the janitorial service contracts.

Michael Turner, Director of General Services, stated that the Department of General Services was requesting that the BOCC authorize the manager to execute six individual janitorial contracts for cleaning services on 24 county buildings with: B&R Janitorial Services (\$145,842.60), Beyah Janitorial Services (\$9,600.00), C.J. Enterprises Cleaning (\$74,816.68), Cenplex Building Services Inc. (\$187,376.49), Service Solutions (\$64,067.47), and The Cleaning Brothers (\$5,820.00), as specified in RFP # 04-031, for a total of \$487,523.24.

Contracted janitorial services for county buildings were last bid in the fall of 1999 and subsequently awarded by the BOCC to begin, effective January 1, 2000. Over the past four years, the following three contractors have provided cleaning services to county buildings: Beyah Janitorial Services, Service Solutions, and B&R Janitorial Services. The current contracts, which expired on June 30, 2004, are currently being continued on a month-by-month basis until new contracts are approved and awarded by the Board.

On May 16, 2004, a Request for Proposals (RFP # 04-031) for contracted janitorial services was advertised and mailed to 52 potential bidders. A Janitorial Pre-Bid Conference was conducted on May 24, 2004; site visits were scheduled with interested bidders on May 24 through 28, 2004. Eighteen bidders responded and bids were opened and public read on July 6, 2004. Of the eighteen companies responding, seven were non-responsive and were disqualified for failure to meet the bid requirements. The following

changes were included in this request for proposals that were not in the previous proposal: cleaning services for the Administrative Building and DSS-Main will be returning to 5-days per week cleaning,

instead of 4-days per week; the Main Library will be returning to 6-days per week cleaning, instead of 5-days per week; a day-porter has been added for the Main-Library and Judicial Buildings for 4 hours per day, 5 days per week at each location; and the required Livable Wage Ordinance is included, requiring any contractors conducting business with Durham County to pay their employees a minimum of \$9.74 per hour. The current janitorial companies are paying their employees the following range of hourly rates: Service Solutions-\$6.00 per hour, Beyah-\$6.50 per hour, and B&R Janitorial Services-\$8.00 per hour.

In all cases except two, the lowest responsible bidder is being recommended on all county buildings. Those two exceptions are the Main Library and the Jail Annex. In the first case, the low bidder on the Main Library was not recommended due to previous performance concerns. Instead, the second lowest bidder, C.J. Enterprise Cleaning, was recommended at an additional annual cost of \$7,562.89. In the second case, the low bidder on the Jail Annex was not recommended =per a request from the Sheriff's Office. Instead, the second lowest bidder, Cenplex Building Services Inc. was recommended at an additional annual cost of \$1,410.89.

The MWBE participation for this project is 48% among five companies. Funding for this request was budgeted in the General Services FY-04-05 operating budget in the amount of \$383,109 for nightly cleaning services, plus \$20,860 for a day-porter at the Main Library and Judicial Building, for a total funding availability of \$403,969.00. Of these funds, \$41,463 is required to move forward with the award and execution of this request.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to approve Budget Ordinance Amendment [05BCC000012](#) transferring \$41,463 [from Non-Departmental to General Services](#); [authorize](#) the Manager to execute six individual janitorial contracts for cleaning services on 24 county buildings.

The motion carried unanimously.

Benefits Plan for 2005

Interim County Manager Davis stated that the Human Resources Department was seeking approval to enter into contracts with the vendors named below for the 2005 Benefits year. All rates and plans would be effective January 1, 2005. The recommendations are: [Health Insurance-Wellpath](#) and North Carolina Association of County Commissioners (NCACC)/Blue Cross/Blue Shield (BC/BS); [Dental Insurance-NCACC/BCBS](#); [Vision Insurance-Opticare](#); [Long-Term Care Insurance-UnumProvident](#). Other benefit vendors have not changed from last year and do not require new contracts. The selection of Blue Cross/Blue Shield means that the County will be a member of the NCACC Group Benefits Pool. The Pool is a self-funded plan, but the County will be participating as a member of the Pool. The standard plan is designed for participants to pay a fixed premium based on head count, and the Pool retains the insurance risk. The Pool is responsible for all claims in excess of premiums received. The Pool has coverage of specific excess losses through a reinsurance agreement with an unaffiliated reinsurer. Currently, over 30,000 local government employees, encompassing 57 counties and 27 county entities, are covered by the Pool.

The health insurance proposals are the result of an RFP that was issued earlier this year. Bidders were requested to send proposals that included a High and Low Option for health care. Bids were received from CIGNA, Wellpath, and NCACC/BCBS for health insurance. The objectives of the bid were to provide a health insurance plan with an increase of no more than 10% with a high and low option and to provide affordable options for family coverage.

The new High Option health insurance plans for 2005 include the following changes:

- Higher copays when Inpatient care is needed.
- Increased copays for Primary Care Physician visits and Specialist's visits.
- Deductible plus Coinsurance for Inpatient and Out Patient care for BC/BS.
- Higher copays for Emergency Room care and Urgent Care visits.
- Lifetime Benefit Maximum of \$5,000,000 for BC/BS.

- Higher copays for Vision Care and higher Hardware allowances.

The new Low Option health insurance plans for 2005 introduce an opportunity for employees to access health insurance coverage for lower monthly rates while sharing more health care cost when insurance is utilized. The Low Options include the following:

- Significantly lower rates for all tiers of coverage.
- Higher deductibles and copays for services.
- Lifetime Benefit Maximum for \$5,000,000 for BC/BS.

Enhancements for all plans include:

- Waived copay for Annual Physical.
- Three months of Prescription Drugs for 2 copays for maintenance drugs through mail order.
- Enhanced Wellness programs to include Disease Management, discounts on services such as health club memberships and massage therapy, and the Blue Points Program that rewards participants for healthy activities.

As a result of information gathered from the Benefit Committee and employee recommendations, we are proposing offering a High and Low Option for Dental Insurance for 2005. NCACC/BCBS has recommended the rates for a Low Option, which is similar to our current plan, and a High Option that would increase the Maximum benefit to \$1,500 per year.

Only one new bid was received for Long-Term Care Insurance. The proposed bid was not as comprehensive a plan as the current provider. Human Resources suggested that the County continue offering the current plan and asked the County Manager to reject the portion of RFP #05-002 referring to Long-Term Care. HR believed that it would be in the best interest of the County to continue offering the Long-Term Care Plan through UnumProvident.

HR proposed adding a new benefit for supplemental Vision coverage through Opticare. The premiums for this benefit would be on a pretax basis and would be an out-of-pocket expense. Employees would be able to enroll in this plan to assist in covering vision exams and hardware allowances.

Contracts were already in place for life insurance, short-term disability insurance, and long-term disability insurance.

Commissioner Jacobs moved, seconded by Commissioner Heron, to authorize the Manager to enter into contracts with the vendors presented by Human Resources, and approve the resolution that adopts the interlocal agreement for the NCACC Health Trust Fund. The motion carried unanimously.

Closed Session

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, asked for an explanation of the County's policy relating to citizen comments subsequent to closed sessions.

Chairman Reckhow spoke to Dr. Allison's questions and comments.

Commissioner Heron moved, seconded by Commissioner Jacobs, to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow announced that direction was given to staff in the Closed Session; no action was taken.

Adjournment

There being no further business, the meeting was adjourned at 10:44 p.m.

Respectfully submitted,
Vonda C. Sessoms
Deputy Clerk to the Board



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200 E Main Street, Durham, NC 27701
webmaster@durhamcountync.gov

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