

THE BOARD OF COUNTY COMMISSIONERS

DURHAM, NORTH CAROLINA

Monday, March 27, 2000

AGENDA

5:00 P.M. – 6:00 P.M.

1. Joint Meeting—Board of County Commissioners and the Durham Center Area Mental Health Board

The Board of County Commissioners, at its Regular Session on Monday, March 13, 2000, voted to request the Durham Center Area Board to meet with the County Commissioners on Monday, March 27, 2000 at 5:00 p.m. in the County Commissioners' Meeting Room.

The purpose of the meeting is to discuss the Durham Center's financial situation as it relates to state and federal funding.

Resource Person(s): Scott Bryant-Comstock, Chair, Durham Center Area Board, and Dr. Steven Ashby, Area Mental Health Director

County Manager's Recommendation: Hold the joint meeting to discuss the projected budget shortfall.

6:00 P.M. – 7:00 P.M.

2. Closed Session

The Board is requested to adjourn to closed session to discuss the location of industries or other businesses and to consider economic development incentives pursuant to G.S. § 143-318.11(a)(4).

7:00 P.M.

3. Opening of Regular Session—Pledge of Allegiance

4. Agenda Adjustments

5. Minutes

- a. January 31, 2000 Regular Session
- b. February 7, 2000 Worksession

6. Resolution Honoring Henry J. Pankey

A resolution honoring Mr. Henry J. Pankey has been prepared at the request of Commissioner MaryAnn Black. Mr. Pankey, who has been named Durham Public Schools' "Principal of the Year", is credited with transforming Southern High School into one of the system's best performing high schools during his tenure.

County Manager's Recommendation: Present the resolution to Mr. Pankey, and extend sincere congratulations to him for his efforts to improve the educational standards at Southern High School.

7. Proclamation for Lead Awareness Day, April 8

The Chairman has been asked to issue a proclamation for "Lead Awareness Day", on April 8, 2000. The program will be held from 10:00 a.m. until 2:00 a.m. at the Communities in Schools Academy on N. Driver Street.

The goal of Durham's Lead Awareness Day is to prevent lead poisoning of young children. The Health Department will do free lead tests of children age 12 months to 6 years. Health Educators, Nutritionists, housing staff and others will inform citizens about what can be done to prevent lead poisoning. The event is sponsored by PEACH (Partnership Effort for the Advancement of Children's Health), NCCU Health Education Department, Durham County Health Department, Durham City Housing & Community Development Department, and the Durham Affordable Housing Coalition. Representatives will be available to speak about the importance of lead awareness.

Resource Persons: Chairman MaryAnn Black and representatives of the Partnership Effort for the Advancement of Children's Health (PEACH) Lead Awareness Coalition

County Manager's Recommendation: Present the proclamation to representatives of the Lead Awareness Coalition declaring April 8, 2000 as Lead Awareness Day.

8. Consent Agenda

- a. The Durham Center—Budget Ordinance Amendment #00BCC000043 to recognize an increase in intergovernmental revenue (approve Budget Amendment #00BCC000043 in the amount of \$908,313 to increase The Durham Center budget to reflect increased State allocations and the local grant from Smart Start Program.);
- b. DSS—Budget Ordinance Amendment #00BCC000044—Request to accept new DSS revenues (approve Budget Amendment #00BCC000044 to recognize additional revenues in day care funding, Smart Start, Work First Transportation, and Special Adoption Fund.);
- c. DSS—Budget Ordinance Amendment #00BCC000045 to accept new revenues and to establish DSS Social Worker position (approve Budget Amendment #00BCC000045 to accept new revenues and to establish a DSS Social Worker position in Adult Protective Service);
- d. Transfer of Control of Cable Television of Cable Television Franchise from Time Warner Inc. to AOL Time Warner Inc. (approve its transfer)
- e. Second Approval—Ambulance Franchise Request for Durham Fire Department (approve the application for the second time granting the franchise for additional non-emergency ambulance service);
- f. Report—Sale of County-Owned Surplus Personal Property (accept this report on the sale of surplus property from the auction held on November 19 and 20, 1999);
- g. Standard Non-Reimbursable Utility Contract for Extension of the County Sanitary Sewer System (authorize the County Manager to execute the utility contract with Ronnie R. Cox to extend the County sanitary sewer system);
- h. Endorse Durham County and City Governments Solar Communities Program (endorse the designation of Durham County as a "Solar Community by the NC Solar Center. Authorize the Cooperative Extension to proceed with the planning and implementation of this project, returning to the Board with updates as needed); and
- i. Approval of Purchase of Personal Computers for the Department of Social Services (authorize the County Manager to enter into a contract with IBM Corporation to purchase the 120 personal computers).

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.

9. Public Hearing—Expansion of RTP for Biogen

Biogen, Inc. and the Research Triangle Foundation are requesting that the Board of Commissioners hold a public hearing to consider the expansion of Research Triangle Park to include property currently owned by

Biogen, Inc. The property lies in both Wake and Durham Counties. The two parties are requesting this action by both Durham and Wake County Boards of Commissioners.

The Board previously adopted the report on the expansion of RTP, which report has been open for public inspection in the Clerk's Office. The report contains the plat of the area, as well as, the necessary finding for the approval. The public hearing was originally scheduled for January, but had to be re-advertised due to the cancellation of the Board's meeting due to snow.

Following the public hearing, the Board is requested to adopt the attached resolution annexing the Biogen property into Research Triangle Park research and production service district.

Resource Person(S): Chuck Kitchen, County Attorney; Charles Case, Attorney For Biogen; Hal Price, Biogen; And Rob Teer, Consultant To Biogen.

County Manager's Recommendation: Hold the public hearing to consider annexing the property in Research Triangle Park Research and Production Service District. Following the public hearing, adopt the resolution if appropriate based on any additional information received and the report previously adopted by the Board.

10. Public Hearing—Regions Development, LLC (Rezoning Case P99-37)

Regions Development, LLC will present to the Board of County Commissioners a request to rezone an 89.9-acre site comprised of 3 parcels on Hebron Road north of the intersection with Danube Lane, identified as Tax Map 780, Block 1, Lots 1D partial, 2, and 3A. Corresponding PIN numbers are: 834-03-32-3783; 834-03-11-8946; and 834-03-21-8453. Request: R-20 (Residential 20) and I-2 (Light Industrial District) to PDR 5.06 (Planned Density Residential at 5.06 units per acre); F/J-B & E-B partial. The 2020 Plan supports Suburban Neighborhood uses. The site is in the North Durham Planning Area and a small area plan for the area was adopted in 1994. Mr. William G. Garrard is the owner of the property. The Future Land Use Map (FLUM) shows Industrial for the portion of the site zoned I-2 and High Density Residential for the remainder of the site. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 7-0 to recommend approval.

The public hearing for this request was advertised on and March 10 and 17, 2000 in the Durham Herald-Sun.

Action on this case should come after action on P99-66.

Resource Person(s): Dick Hails and Norman Standerfer, Planning Department

Managers Recommendation: The Manager's recommendation is that the Board receive public comment after the staff presentation and approve, if appropriate, based on the comments provided during Public Hearing.

11. Public Hearing—Regions Development, LLC, (Rezoning Case P99-66)

Regions Development, LLC will present to the Board of County Commissioners a request to rezone a 49.553-acre site comprised of 6 parcels on Communications Drive, identified as Tax Map 780, Block 1, Lots 2, 2D, 7, 8 partial, 9 and 9A. Corresponding PIN numbers: 834-03-32-3783, 834-03-22-3737, 834-03-12-7382, 834-03-12-6353, 834-03-12-9244 and 834-03-12-9310. Request: I-2(D) (Light Industrial District with Development Plan) to I-2 (Light Industrial District); F/J-B & E/B. The 2020 Plan supports Suburban Neighborhood uses. The site is in the North Durham Planning Area, and a small area plan for the area was adopted in 1994.

Mr. William G. Garrard is the owner of the property. The Future Land Use Map (FLUM) shows Industrial for the site. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on February 8, 2000 and voted 6-1 to recommend approval.

The public hearing for this request was advertised on and March 10 and 17, 2000 in the Durham Herald-Sun.

Resource Person(s): Dick Hails and Norman Standerfer, Planning Department

Managers Recommendation: The Manager's recommendation is that the Board receive public comment after the staff presentation and approve, if appropriate, based on the comments provided during the Public Hearing.

12. **Public Hearing—2/3 Bond**

The Board is requested to hold a public hearing on the bond orders for the proposed issuance of 2/3 bonds. The orders are in the amount of \$1,700,000 for school bonds and \$7,180,000 for wastewater treatment bonds. Necessary findings relating to the issuance of the bonds were made at a prior meeting of the Board.

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

County Manager's Recommendation: Hold the public hearing and adopt the two bond orders as has been prepared by the County's bond counsel

13. **Space Needs Analysis and Facility Master Plan for Durham County**

This item is consideration of the Durham County Space Needs Analysis and Facility Master Plan. The purpose of the Space Needs Analysis and Facility Master Plan project is to identify the space needs of Durham County Government for the next 20 years and develop an implementation plan to meet the needs of the involved departments and agencies. On September 1, 1999, the project consultant, O'Brien/Atkins Associates, PA in conjunction with GSA, Ltd., provided an update to the BOCC prior to development of the facility plan component. The update reviewed the data collection, interviews, projections and determination of future needs.

On November 1, 1999 the project consultant presented four facility configuration concepts which met Durham County's facility needs. Following input and direction from the BOCC, an additional scenario which included a Human Services facility on East Main Street was developed and presented at the December 6, 1999 BOCC meeting. The BOCC conducted a walking tour of the East Main Street area and the adjacent neighborhoods on February 15, 2000. Following the tour, the consultant presented a scenario, which incorporated the Board's December 6, 1999 comments.

Specifically, the scenario included facilities for the human service agencies (Public Health, Mental Health and Social Services) on the 300 block of East Main Street and preserved all or portions of buildings considered having historical significance. The scenario preferred by the Commissioners on February 15, 2000 has been further refined to reflect Commissioners' and citizens' comments, and is included in the Master Plan document as the implementation plan for this project.

Resource Person(s): Glen Whisler, County Engineer and Kevin Montgomery, O'Brien/Atkins Associates, PA

County Manager's Recommendation: The County Manager's recommendation is that the BOCC adopt the Master Facility Plan document in order for staff to begin costing out the project components and integrating this data into the out years of the Capital Improvements Program which the Board reviewed at it March 20, 2000 meeting.

14. **Appropriation of Pay-As-You-Go Funds for the Social Services Building Roof Replacement**

The Board is requested to authorize the appropriation of funds in the amount of \$66,000 in accordance with PAYG Capital Improvements Plan for the Social Services Building (DSS) Roof Replacement. Funding is available in the PAYG fund to establish this project. The attached spreadsheet provides the status of the PAYG fund.

The current DSS roof system was installed in 1984 and has exceeded its useful service life of 12-15 years. Several leaks have been repaired and more are expected unless the roof is replaced. The amount of roof area requiring repairs exceeds the area for which patching is practical. Patching will not prevent leaks from

continuing. Initial estimates on a 15-year life roof were in excess of \$150,000. In considering the proposed Facility Master Plan staff is recommending a roof with a five-year life in the event that the Social Services Building is demolished within a six to eight year time frame.

The following budget outlines the cost associated with this project:

Total Estimated Project Cost

Roof Construction Cost \$ 55,000

Design (10 % of Roof Construction) \$ 5,500

Contingency (10 % of Roof Construction) \$ 5,500

Total Estimated Project Cost **\$ 66,000**

Completion of this project is required to protect the building interior and provide a safe work environment for the occupants. In addition, this project will reduce maintenance costs and improve service delivery by eliminating roof leaks.

Resource Person (s): Mike Turner, Director of General Services, Glen Whisler, County Engineer, Engineering Department, Claudia Odom, Director, Budget and Management Services Ademola Shobande, Project Manager, Engineering Department

County Manager's Recommendation: The County Manager recommends that the Board appropriate funds in the amount of \$66,000 to establish the DSS roof replacement project in the PAYG fund (00CPA000014).

15. Lease for the Youth Coordinating Board

The Board is requested to authorize the execution of a lease between the County of Durham and TeerMark Associates, LLC for 1,645 square feet of space located at 212 West Main Street, Durham, NC Suite #104. This is a three-year (3 YR) lease at a cost of \$10.50/square foot held constant over the term of the lease, an annualized cost of \$17,268.00. The term of the lease is July 1, 2000 through June 30, 2003. TeerMark Associates is providing an option to renew the lease for an additional two-year term at a rate of \$10.91 per square foot, a 4% increase, automatically extended at the end of the initial three year term unless otherwise notified. The County shall have the right to terminate the lease at any time during the optional two-year period with a six-month prior written notice of desire to terminate. This space is needed for the daily operations of the Youth Coordinating Board (YCB), and funds have been budgeted in the YCB's FY '99-00 budget.

From its inception in August 1998 until July 1999, the YCB was housed with the Durham Community Prevention Partnership (DCPP) at 115 Market Street, Suite 400. The City of Durham provided this space at no charge to the County. Due to decisions by the City and County to transfer the DCPP staff to The Durham Center, the City terminated the lease of this space. Since July 1999, the YCB has been located at 121 Market Street. When presented with a five-year, \$12.00/square foot lease at 117 Market Street in August 1999, the Board expressed concerns about the term and rate, and asked staff to seek a more affordable location. A four-month lease was approved in the interim. All three Market Street locations are a part of the Bull City Business Center.

Under the TeerMark lease, the Landlord shall be responsible for electricity, water, sewer, heating and air conditioning, and the maintenance of such systems, roof and exterior structural walls, elevators and associated maintenance, stairs, common area maintenance, and all real estate taxes and assessments. The County shall be responsible for telephone and related equipment/services, janitorial services for the primary lease space, maintaining the space in neat, clean, safe and sanitary condition, and repair of damage due to any act or negligence on the part of the County or its guests.

With the exception of one clause, the County Attorney has approved the lease as to legal form. The County Attorney cannot agree to the Exculpation Clause as a legal matter, and TeerMark cannot agree to removal of this Clause. In the event of default, the Exculpation Clause allows the County to only look to the Landlord's equity in the premises for satisfaction of remedies and does not allow for personal liability in such an event.

Resource Person(s): Sandra W. Phillips, Director of Purchasing, and Anita Daniels-Kenney, Director of the Youth Coordinating Board.

County Manager's Recommendation: The Board considered this lease agreement at its February 28, 2000 meeting. However, members expressed concern regarding the five- (5) year term, and asked staff to return to the Board within 30 days. The lease agreement has been re-negotiated to accommodate the Board's request for a shorter term. The County Manager recommends that the Board approve this lease for a three- (3) year term at the rate noted, inclusive of the Exculpation Clause. Upon examination of the County's potential exposure, it was determined that worst case scenario in the event of Landlord default and inadequate Landlord equity in the premises is approximately three months of lease payments (~\$5,000.00). The County Manager believes that it is operationally in the best interest of the County to proceed with the lease as proposed. Funds have been budgeted in YCB's FY'99-00 budget to cover the cost of the lease.

16. Purchase of Manual External Defibrillators for Emergency Medical Services

The Board is requested to authorize the County Manager to enter into a contract with Zoll Medical Corporation in the amount of \$61,160 for the purchase of four (4) manual external defibrillators, and to declare surplus and authorize through trade-in the disposal of four (4) existing defibrillators. Funds for this acquisition were appropriated in the FY'99-00 budget.

Invitation for Bids (IFB#00-011) was publicly advertised and mailed to five (5) companies on November 8, 1999. Bids were received on November 30, 1999. EMS conducted an extensive technical evaluation of the two responses received. The results of this evaluation show that only Zoll Medical Corporation met all the specifications of the bid package. The memo and supporting documentation from the Director of EMS, Mickey Tezai, highlights the history and current environment for providing emergency medical services. The memo details a technical comparison of the specifications of the models offered by the two firms, and contains recent industry data about performance. While Medtronic Physio-Control Corporation was the low-dollar bidder, it did not meet many of the bid specifications required to enable paramedics to provide the level of patient care deemed necessary by EMS. An examination of Attachment B will reveal that while the units from both companies are comparably priced, there is a significant difference in the trade-in allowance provided by the companies. EMS purchased the units to be traded-in in the 1990-1991 time frame at a cost of approximately \$8,000.00 each.

Resource Person(s): Mickey Tezai, Director of Emergency Medical Services, and Sandra W. Phillips, Director of Purchasing

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Zoll Medical Corporation in the amount of \$61,160.00 for the purchase of four (4) manual external defibrillators and declare surplus and authorize through trade-in the disposal of four (4) existing defibrillators.

17. Durham County Privilege License Ordinance

For the past few years the North Carolina Legislature has reduced the categories under Schedule B which Counties are allowed to tax. Schedule B includes fortunetellers, Loan agencies, peddlers, Pawn Brokers etc. Given these category reductions, it is a greater cost for the County to collect Schedule B taxes in comparison to the amount of revenue generated. This is a request that the Board amend the Durham County Privilege License Ordinance to not levy against Schedule B Privilege License. Mr. Bill Campbell with the Institute of Government made a recommendation in October of 1999 during a Conference pertaining to Privilege License and suggested that Counties stop taxing on the Schedule B because of the limitations imposed by the State. The total amount collected for 1999 Schedule B taxes was \$20,285. Staff and other resource cost to facilitate this activity are in excess of \$30,000. The staff person assigned to this activity will be reassigned to the Business Personal Property Tax operations. This amendment does not include the enforcement of Beer and Wine License.

Resource Person(s): Wendell M. Davis, Acting Assessor\Deputy County Manager and Kimberly Simpson, Administrative Officer

County Manager's Recommendation: Recommend that Privilege License Ordinance be amended to not include the levy of Schedule B Privilege License inasmuch as the cost for enforcement and collections exceed the amount of revenue collected.

18. **Board and Commission Appointments**

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

- Animal Control Advisory Committee
- Area Mental Health Board
- Nursing Home Community Advisory Committee