

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

Monday, February 13, 2006

AGENDA

Public Charge

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 P.M. Regular Session

1. **Opening of Regular Session** Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
4. **Minutes** 5 min.
 - a. January 12, 2006 Annual Retreat
 - b. January 23, 2006 Regular Session
5. **Network of Care Website for Durham's System of Care(SOC)** 15 min.

The Board is requested to receive a presentation on Network of Care, the new website for Durhams System of Care (SOC). Network of Care includes an array of information, including community service and resource listings, local System of Care (SOC) news, and access to an extensive on-line library of relevant materials for families and professionals. The Board will receive a brief overview of the project and demonstration of the website.

Resource Person(s): Ellen W. Reckhow, Commission Chairman; and Martha Kaufman and Adele Spitz-Roth, Durham Community Collaborative and System of Care

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD RECEIVE THE PRESENTATION AND DEMONSTRATION.

6. Presentation of Award to Durham County Government from the North Carolina Committee for Employer Support of the Guard and Reserve (ESGR)

5 min.

At the November 14, 2005 Board of County Commissioners' meeting, ESGR representative Johnny Dwiggins presented the Board with the 'Seven Seals Award' for meritorious leadership and initiative in support of the men and women who serve America in the National Guard and Reserve.

In addition to the Seven Seals Award, Durham County Government was chosen in the top 10% of North Carolina employers to receive the State ESGR Chairman's 'Above and Beyond Award'.

At its January 28, 2006 Annual Employer Recognition Banquet in Charlotte, the North Carolina Committee for ESGR, an agency within the Office of the Assistant Secretary of Defense for Reserve Affairs, recognized North Carolina employers who have exceeded legal requirements for providing support to Service Members who serve in the Guard and Reserves.

Mr. Bud Brown, ESGR's State Chairman, presented the 'Above and Beyond Award' to Durham County Government for exceeding employer requirements. Durham County Manager Mike Ruffin, representing the employer, and General Services Director Mike Turner, the nominee, were present to receive the award on behalf of Durham County Government.

Resource Person(s): Michael Turner, Director of General Services

County Manager's Recommendation: The Manager recommends receipt of the North Carolina Employer Support of the Guard and Reserve's 'Above and Beyond Award'.

7. Consent Agenda 20 min.

a. Sheriff's Office Replacement of Undercover Vehicles (authorize the Sheriff's Office to purchase three used undercover replacement vehicles for undercover drug operations and investigations);

b. Budget Ordinance Amendment No. 06BCC000037 Social Services Recognize Additional Crisis Intervention Prevention Revenue of \$181,296;

c. Budget Ordinance Amendment No. 06BCC000038 Public Health Recognize \$20,000 in Grant Revenue from the N.C. Department of Health and Human Services, Office of Minority Health and Health Disparities for the Health Education Division to expand the Barber and Beautician HIV/STD Peer Educator Program;

d. Budget Ordinance Amendment No. 06BCC000039 Public Health Recognize \$10,000 in Grant Revenue for Syphilis Elimination from the N.C. Department of Health and Human Services for the Health Education Division to help support the Syphilis Elimination Project;

e. Budget Ordinance Amendment No. 06BCC000040 Public Health Recognize \$500 in Grant Revenue from the N.C. Health and Wellness Trust Fund for the Health Education Division for Tobacco Use Prevention;

f. AAA Transport Inc. Service Franchise Renewal (accept the three-year ambulance franchise renewal request, and schedule the request for a second and final approval on February 27, 2006);

g. Final Qualifying Bid to Purchase County Surplus Property (accept the offer from Mr. John Morley to purchase 2009 S. Roxboro Street (Parcel ID # 115936) for \$9,500 and have a non-warranty deed prepared for the Chairman's signature);

h. Final Qualifying Bid to Purchase County Surplus Property (accept the offer from Mr. James Bradford to purchase 307 Elliott Street (Parcel ID # 110375) for \$7,000 and have a non-warranty deed prepared for the Chairman's signature);

- i. Final Qualifying Bid to Purchase County Surplus Property (accept the offer from Ms. Dianne McCrea to purchase 531 S. Briggs Avenue (Parcel ID # 114539) for \$2,500 and have a non-warranty deed prepared for the Chairman's signature);
- j. Contract Approval for Furniture Purchase for the Durham County East Regional Library Project No: DC073-48/50 & DC077-50?Bid No: IFB 06-010 (authorize execution of contracts with Interior Systems, Alfred Williams, and Carolina Business Interiors for \$303,754.11 [Base Bid plus Alternates] and execution of any other related contracts, if necessary, not to exceed the budget of \$311,000.00); and
- k. Renewal of the Interlocal Cooperation Agreement for Historic Preservation Planning (approve the Interlocal between Durham County and the City of Durham).

8. Advance Public Hearing on the FY2006-2007 Budget

15 min.

As County staff begins preparation of the Fiscal Year 2006-2007 budget, public comment is being solicited on issues that may need to be addressed during the budget process. The Board will hold an Advance Public Hearing to receive public comments on the FY2006-2007 Budget.

(The County Manager's Recommended FY2007 Budget will be presented to the Board of Commissioners on Monday, May 22, 2006, with individual budget worksessions with the Board to be scheduled for the period May 30 - June 16, 2006. Final adoption of the FY2006-07 Budget Ordinance is scheduled for Monday, June 26, 2006.)

Resource Person(s): Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The Manager recommends that the Board hold the Advance Public Hearing on the Fiscal Year 2006-2007 Budget.

9.

Public Hearing?Zoning Map Change?TriangleMetroCenter South (Z05-25)

20 min.

The Board is requested to approve a zoning map change for a 107.2-acre site located at the northeast quadrant of the intersection of Davis Drive and Hopson Road.

PIN 0747-03-14-2716; --15-6012; --24-7670; --25-0657

Request: OI(D) to OI(D) Change to Development Plan

To approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the staff report.

Staff recommends approval based on the consistency with the Comprehensive Plan and the information contained within the staff report. The Durham Planning Commission conducted a public hearing on January 10, 2006 and recommended approval with a vote of 12-1based on the consistency with the Comprehensive Plan, information contained within the staff report, and testimony provided at the public hearing.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

10. Public Hearing?Zoning Map Change?Chin Page Road Property (Z06-02)

10 min.

The Board is requested to approve a zoning map change for a 6.48-acre site located on the north side of Chin Page Road, west of Page Road, and east of Silicon Drive.

PIN 0748-04-81-2831 Request: RR to IL

To approve as support for its action on the above ordinance amendment the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the staff report.

Staff recommends approval based on the consistency with the Comprehensive Plan and the information contained within the staff report. The Durham Planning Commission conducted a public hearing on January 10, 2006 and recommended approval with a vote of 7-6 based on the consistency with the Comprehensive Plan, information contained within the staff report, and testimony provided at the public hearing.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

11. Major Site Plan?St. Barbara Greek Orthodox Church (D05-335)

10 min.

Philip Post and Associates, on behalf of Greek Orthodox Community of Durham, has submitted a major site plan for a 19,395-square-foot place of worship on a 5.808-acre site zoned RR and F/J-B.

This site plan has been reviewed under Zoning Ordinance provisions as the application was submitted prior to January 1, 2006. (The property is located at 8306 NC 751, west of the intersection of NC 751 and Massey Chapel Road. PIN 0717-01-29-1779)

Planning Staff recommends approval.

Resource Person(s): Frank M. Duke, AICP, Planning Director

County Manager's Recommendation: The Manager recommends approval.

12. Request for Refund of Excise Taxes

10 min.

Jay H. Ferguson, Esquire, on behalf of his client, Amerco Real Estate Company, has requested a refund for deed stamps paid on a deed transferring the U-Haul property from Amerco Real Estate Company to AREC III, LLC on June 7, 2005. The request is based on no consideration being paid for the transfer. Both the grantor and grantee are owned by the same person. The Board is required to hold a hearing on the request pursuant to G.S. § 105-228.30. If the Board is satisfied that there was no payment of money or other consideration for the transfer of the property, then the Board should order the County's portion of the excise tax refunded provided the applicant has recorded an instrument indicating the error in the amount of excise taxes paid. A proposed order has been prepared for the repayment.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager recommends that the Board hold the hearing, adopt the order, and direct that a copy be sent to the Department of Revenue.

13. Introduction of Bond Orders; Setting Public Hearing on the Bond Orders; Adopting a Reimbursement Resolution; and Budget Ordinance Amendment No. 06BCC000041 and Capital Project Amendment No. 06CPA000009?Advancement of \$365,605 in County Funds (Fund Balance) for One New and Two Existing Projects to be Reimbursed by Two-Thirds General Obligation Bond Funds Issued in Spring 2006

20 min.

Four bond orders for the issuance of two-thirds bonds are proposed to be issued in April 2006. The actual projects for the bonds are listed on the schedule. A public hearing is suggested for February 27, 2006 on the issuance of the bonds. As part of the suggested minutes, a reimbursement resolution has been drafted to allow for the advancement of funds as shown below.

The County Manager has requested that the County advance \$365,605 of General Fund fund balance in anticipation of the April 2006 Two-Thirds General Obligation Bonds sale in the amount of \$12,230,000. The funds will be used for the following projects:

Stanford L. Warren Library (SLW) Renovations: Funds are required to complete the renovation and addition to the SLW Building. This funding will be used for unanticipated structural modifications to the building and other concealed conditions and furnishings, including a folding partition.

Durham Center for Senior Life: This request will allow for the completion of the construction of the Durham Center for Senior Life, currently in the finishing stages. The funding will be used for building modifications required by the occupants, adult daycare licensing requirements, code required furnishings, and the unanticipated extent of poor soils.

Board of County Commissioners? Chambers Audio Visual System Replacement:

Funding is requested for preliminary activities, such as the selection of a consultant, system study/requirements, and other associated services. The funding will be used for replacing the audiovisual system, including selective interior modifications, furnishings, equipment, IT and telephone costs in the Commissioners? Chambers and adjacent offices of the Clerk to the Board of County Commissioners.

Stanford L. Warren Library Renovations \$152,105

Durham Center for Senior Life \$ 93,500

BOCC Meeting Room Upgrades \$120,000

Total Obligation \$365,605

This request will not pose any problems insofar as the County meeting its debt obligations.

Repayment to the General Fund would come once the Two-Thirds General Obligation Bonds are sold (prior to FY 2006 year end).

Resource Person(s): Chuck Kitchen, County Attorney; George K. Quick, Finance Director; Pam Meyer, Budget & Management Services Director; and Glen Whisler, County Engineer

County Manager?s Recommendation: The Manager recommends that the BOCC introduce the four bond orders and approve Budget Ordinance Amendment No. 06BCC000041 and Capital Project Amendment No. 06CPA000009 appropriating General Fund fund balance of \$365,605 to create one new capital project (BOCC Meeting Room Upgrades) and increase funding for two existing Durham County projects (Stanford L. Warren Library Renovations & Durham Center for Senior Life), as well as approval of a reimbursement resolution.

14. Durham Open Space and Trails (DOST) Commission Matching Grants Funding Recommendation

10 min.

The Durham Open Space and Trails Commission (DOST) received three applications for the Matching Grants Program to assist nonprofit community organizations with recreational and open space projects. The Matching Grants committee of DOST, along with City and County staff, examined the three proposed projects to ensure compliance with the program?s goals and guidelines. DOST approved the project and funding recommendation below at its January 18, 2006 meeting:

<u>Organization</u>	<u>Project*</u>	<u>Grant Request</u>	<u>Match</u>	<u>Project Total</u>
<u>Eno River Association</u>	<u>Land Acquisition</u>	<u>\$50,000</u>	<u>\$57,800</u>	<u>\$107,800</u>
<u>Trinity Park Foundation</u>	<u>Park Improvements</u>	<u>\$8,600</u>	<u>\$8,600</u>	<u>\$17,200</u>
<u>Duke Forest</u>	<u>Trailhead Kiosks</u>	<u>\$1,091</u>	<u>\$1,092</u>	<u>\$2,183</u>
<u>TOTAL</u>		<u>\$59,691</u>	<u>\$67,492</u>	<u>\$127,183</u>

The recommendation to allocate \$59,691 of County funds represents a gain to the County of \$67,492 in matching funds as more than half of the projects? proposed value of \$127,183. The Matching Grants program budget of \$85,000 was approved in the FY2005-2006 Budget.

Resource Person(s): Robert Glenn, DOST Chairman; Guillermo Rodriguez, Matching Grants Committee Member; and Kevin Etheridge, Budget Analyst/Matching Grants Administrator

County Manager?s Recommendation: The Manager recommends that the BOCC approve the Eno River Association, Trinity Park Foundation, and Duke Forest funding requests and the allocation of \$59,691 of the budgeted Matching Grants funds to these projects.

15. Service Contract with Reliant Management Group Inc. for Electronic Monitoring Services

10 min.

The Board is requested to authorize the County Manager to enter into a contract with Reliant Management Group Inc. for Electronic Monitoring Services as described in RFP #06-005. The contract is scheduled to begin February 1, 2006, or shortly thereafter. The amount of this contract is \$51,712.50 in Fiscal Year 2005-2006 (based on \$13.79 per unit, per day) and can be renewed annually.

In August 2005, Durham County posted RFP No. 06-005 for Electronic Monitoring Services. Four responses were received by the due date of October 13, 2005. The responses were reviewed by staff from CJRC, Purchasing, and the Office of the Sheriff. One responsive bidder was identified during the review and invited for an interview. The interview occurred

on December 1, 2005 with representatives from the Office of the Sheriff, the District Attorney, CJRC, and Purchasing attending. All parties present considered the vendor knowledgeable, experienced, and responsive. The proposed contract has been reviewed by the County's Finance and Legal departments.

The Contractor currently provides comprehensive monitoring and house arrest services to Wake and New Hanover Counties. The County's Living Wage requirements are included in this contract. Reliant Management Group has responded that these requirements have been recognized and will be met during the duration of the contract. The source of funding for this contract is the General Fund. The contract amount is well within the requested budget amount that was projected and submitted for the FY 2005-2006 budget.

This agenda item has been reviewed and approved by the Purchasing Division.

Resource Person(s): Gudrun Parmer, Director of Criminal Justice Resource Center, and Todd Edwards, President of Reliant Management Group Inc.

COUNTY MANAGER'S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD AUTHORIZE THE ENTERING INTO A CONTRACT WITH RELIANT MANAGEMENT GROUP INC. FOR ELECTRONIC MONITORING SERVICES IN THE AMOUNT OF \$51,712.50 FOR FY 2006.

16. Federal Legislative Agenda

15 min.

At the Board's January 4 Worksession, staff presented a list of projects to be considered for federal earmarks in the 2007 budget cycle. Following a discussion and direction to staff, final projects are being brought forward for approval by the Board so that staff will be able to meet the March 1 project deadline for submission to Congressman David Price's office.

Resource Person(s): Deborah Craig-Ray, Assistant County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board approve the proposed agenda and forward to appropriate legislative staff in the office of Congressman David Price.

3 hrs.