

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

Monday, November 8, 1999

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners William V. Bell, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Black said the public hearing date of the Solid Waste Management Ordinance on the consent agenda should be changed from November 22, 1999 to December 13, 1999.

Chairman Black said the public hearing for the consideration of allocating Economic Development Investment Funds to Cree Research Inc. would be removed from the agenda because the company is revisiting its business plan.

Commissioner Heron asked about the County departments that are not Y2K compliant.

County Manager David F. Thompson said all departments are in Y2K compliance with their Y2K plan. We are well ahead of the curve on this matter. The City and County are in very good shape as far as Y2K compliance.

Vice-Chairman Reckhow announced that there will be a workshop on December 11, 1999 from 8:30 a.m. to 3:15 p.m. The workshop title is "Growing Smarter: A Toolbox for Change." This is a project of the Durham City/County Planning Department, the NC Department of Commerce, Division of Energy, and other sponsors. There is a \$10 charge to cover lunch.

Commissioner Bell asked for time to speak about the announcement Vice-Chairman Reckhow made.

Commissioner Bell's comments follow:

Bell: I'd like to take a couple of minutes now to speak—and this is in reference to the announcement that Ellen just made. I saw that at our seat at our last Commissioner Meeting. I'm glad you made that announcement. I have a concern that, quite frankly, has been bothering me for the last year. And it's somewhat in the vein of what Ellen is speaking about. I also got an email from you concerning the Sierra Club planning a bus tour, I guess, to look at the sprawl that's taking place in our community. And I think that's important. My concern is that I've been looking over a period of time at what is happening to our community with particular respect to growth. And I probably see it every day in the southern part of the county where I am, where it's probably some of the more _____. And to a certain extent, I've been hesitant over the past couple of months or so to really come out and speak on that because there was an election going on and I didn't want anybody to think I was trying to get on a soapbox about pro-growth or non pro-growth or what-have-you. But, I really think it's obscene in terms of what is happening in development in the southern part of our county. I'll say it over and over again that I've probably been of the more supportive persons of development and growth in Durham County over the years. But in the last couple of years, in particular, I've seen things happening that I think aren't going to work to the best interests of our community.

And I'm not the only one saying that. Other people are saying it. But, I guess, sitting as an elected official, I'm probably in more of a position to express my concerns than being in a position to do something about it—at least as an individual. It's nice to have the type of smart growth meetings that we are talking about. It's nice for people to take tours. But, you know, someone needs to be in the southern part of the county starting at seven o'clock in the morning until nine or ten o'clock in the morning and look at I-40 and look at Fayetteville Road, look at 54, look at 55, look at Barbee Road. It's obscene. It's what happening. And then, you back up and you start in the evening starting around 4:30 and go to 6:30 or seven o'clock, and you see the same thing. And then when I look at what's happening in terms of development—and we as a Board of County Commissioners don't necessary control the zoning that's going on in that section—it's the City that does that. What's on board? It's going to be a nightmare. It's really going to be a nightmare. And, you know, I don't know who is really looking at this. I think, again, it's coming to the point where we are doing things in isolation. We see a subdivision and we look at it. We just don't look at the cumulative effect that's happening. If you come into Durham County, if you are flying over—especially at this time of year—you can see the trees and foliage. It's easy to pick out where you've got green space and where you've got development that's taking place.

I guess I'm at the point that I'm almost just as a point of, I guess, expressing opinion and saying something or doing something about the vote for a number of zoning issues that

come up in the southern part of the county—that I have anything to do with. You know people can characterize me one way or another, but we have got to get a handle on where we are. Because this community is going to be in a hell of a situation five, ten years from now—and to me, I see it happening right now. And while, I can speak about what is happening in the southwest portion of Durham County, I know things are happening in the northern part of the county. I look at where the shopping mall is going up, and you can just look at it and imagine what is going to happen if we don't have the infrastructure in place to support these ventures.

So, you know, it's good to have these conferences, but I can tell you, unless we get people from the City Council and our Board and the planners collectively and go out and see these spots when the problems exist—you know, to have a Saturday meeting is fine. Be out there sometime during Saturday—you're not going to see the impact. But be there when the people are most impacted, and that's five days a week during the hours we're talking about. It's a nightmare. And, I can say again, if we don't do something, we're going to regret it down the road, and down the road isn't too far. I'm talking about now, a couple of years, five years from now. If you go on Fayetteville Road—I don't know where our tree ordinance is. I'd like to get a report on that because I see all this development that's taking place. I'm wondering are we really following the guidelines and the rules with these developments that are coming up. So Mr. Manager, I'm just asking that at some point in time—and I'd like to have it very soon, for somebody to come in here—and I'm asking the City. Now, we don't control the City. But we can ask the planners to come in and tell us about these developments that are going on in the southern part of the county, and specifically are they adhering to the guidelines that we've expressed in terms of our tree ordinance. And I still want to talk about the roads. I know we've put in place somewhat of a moratorium in terms of an overlay. And we probably won't have anything coming to us. But I don't know where the City is on that.

Vice-Chairman Reckhow said she shared many of Commissioner Bell's concerns. We are not sitting around idly. Commissioners Heron, Black, Bowser, and I are on the City-County Planning Committee. We are moving forward with consideration of an adequate facilities ordinance. The Transportation Demand Management Committee has come up with some very bold ideas relating to traffic management. Things are happening. I agree with Commissioner Bell about the tree ordinance.

Commissioner Heron said she agrees with Commissioner Bell. We are not looking at the cumulative impact of a development. We are looking at it piece meal. We don't look at what's already out there. We need to slow down development in northeastern Durham County until the small area plan is in place. I agree with that request.

Chairman Black said we need to revisit the 20/20 plan. The school population figures for the proposed subdivisions need to be revisited.

Bell: I appreciate the fact that you are addressing those issues. Again, I've tried to pretty much leave a lot to areas where you all intend to spend more of your time. And I don't serve on the Planning Committee. You know, I sort of look to you for guidance. But, I just felt it was necessary for me to say something. It's not just the traffic. If you go out 55 between Parkwood and 54—you know, they are actually building—I can't help but believe they are building in the flood plain. That land is virtually swamp. I ride by there every day, and if it rains, that place is virtually a swamp. And they've got a building structure coming up. And to me, it can't help but impact on the people who live further downstream. So, I just think if we don't get a grip on it, we're just going to be in a mess that nobody is going to be able to deal with. When I saw Nick come in here, I was just thinking, I wasn't paying (attention)—I thought about the traffic. I just hate to see something if there is an accident.

Commissioner Bowser said he concurs with Commissioner Bell. Something needs to be done now about the traffic. Don't wait for studies. We need to look at some kind of moratorium in the southern part of the county.

County Manager David F. Thompson said he agrees with Vice-Chairman Reckhow. The City Council, Commissioners, and City-County Planning should meet to discuss growth management.

Minutes

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the August 4, 1999 Worksession, September 27, 1999 Regular Session, and the October 4, 1999 Worksession Minutes of the Board as submitted.

The motion carried unanimously.

Adult Establishments Amendments

County Manager Thompson said this agenda item will be on the November 22, 1999 Regular Session in draft form or as a public hearing.

Resolution of Support for "Promising Practices"

At the November 1, 1999 Worksession, the Board heard a presentation from Dr. Jean G. Spaulding, Vice Chancellor for Health Affairs, Duke University Medical Center, about a new collaboration between the Durham Health Network and Duke University Health System. "Promising Practices" is a joint effort between the Durham County Health Department, Lincoln Community Health Center, Durham County Department of Social Services, Duke Hospital, Durham Regional Hospital, and the Durham County Asthma Coalition. A resolution of support for the program has been prepared at the Board's

request.

County Manager's Recommendation: Approve the resolution of support for "Promising Practices," and forward a copy to Dr. Jean G. Spaulding, Vice Chancellor of Health Affairs, Duke University Medical Center.

Chairman Black read the resolution into the record as follows:

RESOLUTION

WHEREAS, "Promising Practices" is a proactive approach to addressing the specific health needs of Durham County through the development and implementation of a definitive model for the effective delivery of community health care; and

WHEREAS, the program will use community collaboration to improve the health of Durham neighborhoods; and

WHEREAS, community partners include the Durham County Health Department, Lincoln Community Health Center, Durham County Department of Social Services, Duke University Medical Center, Durham Regional Hospital, Durham County Asthma Coalition; and

WHEREAS, the collaboration is expected to produce measurable improvements in the health of patients served, and to build on existing resources and services to produce a significant gain in return for a modest increment in cost; and

WHEREAS, in its pilot phase, "Promising Practices" will target the diseases of asthma, diabetes, and hypertension for aggressive care management; and

WHEREAS, through Lincoln Community Health Center, a physician-led team of four nurse practitioners will be situated in four targeted areas to provide direct care and care management in neighborhoods and homes; and

WHEREAS, such a proactive and aggressive approach is expected to yield an improvement in the health of Durham County residents living in the targeted areas and a reduction in the inappropriate utilization of emergency department, inpatient services, and other expensive resources:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby endorse

"PROMISING PRACTICES"

a program designed to build a healthier Durham community. We further applaud the participation of the Durham County Public Health and Social Services Departments, along with partners Duke University Medical Center, Durham Regional Hospital, Lincoln Community Health Center, and the Durham County Asthma Coalition for implementing this initiative.

This the 8th day of November, 1999.

/s/ Five Commissioners
Durham County Commissioners

Chairman Black said a copy of the resolution would be sent to Dr. Jean G. Spaulding, Vice Chancellor of Health Affairs, Duke University Medical Center.

Consent Agenda

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the following consent agenda items:

- (a) Triangle Transit Authority Board appointment (approve the reappointment of Commissioner Ellen W. Reckhow to the Triangle Transit Authority Board in the Durham County representative position. New term will be from December 1, 1999 to November 30, 2003);
- * (b) Street Annexation Petition—Elysian Way and Halcyon Place (adopt the resolution to approve the addition of Elysian Way and Halcyon Place [Briar Creek] to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation);
- (c) Authorize the County Manager to execute the utility contracts (Keystone Technology Park and Page Crossing) for these additions to the County sanitary sewer system. (These are standard non-reimbursable contracts that require no appropriation from Durham County);
- * (d) Emergency Medical Services (authorize the County Manager to enter into a contract with TransMed Inc., the lowest bidder, for two ambulance remounts in the amount of \$87,000);
- (f) Request to set a public hearing on the proposed Solid Waste Management Ordinance (schedule a public hearing on December 13, 1999 to receive public

comment on the proposed Solid Waste Management Ordinance); and

- *(g) Endorsement of Policy Statement regarding Durham's Older Adults (endorse the work of the Keeping in Step [KIS] Committee and acknowledge their expanding role. Approve the revised County Policy Statement Regarding Durham's Older Adults).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 5(b). Street Annexation Petition—Elysian Way and Halcyon Place (adopt the resolution to approve the addition of Elysian Way and Halcyon Place [Briar Creek] to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the NC Department of Transportation).

The two resolutions follow:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina
County of Durham
Road Description: Elysian Way

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 8th day of November, 1999.

Witness my hand and official seal this the 9th day of November, 1999.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina
County of Durham
Road Description: Halcyon Place

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

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Witness my hand and official seal this the 9th day of November, 1999.

/s/ Garry E. Umstead
Clerk, Board of Commissioners

County of Durham

*In the office of the Clerk to the Board.

Consent Agenda 5(d). Emergency Medical Services (authorize the County Manager to enter into a contract with TransMed Inc., the lowest bidder, for two ambulance remounts in the amount of \$87,000).

DURHAM COUNTY BID TABULATION
BID NO. 00-004 TWO (2) AMBULANCE REMOUNTS
BID OPENING: OCTOBER 19, 1999
2:00 P.M.

BIDDER	TERMS/DELIVERY	MAKE/MODEL	UNIT PRICE	Total Gross Bid Price	Offer To Purchase Two (2) Surplus Chassis	Total Net Bid Price
Braun Industries, Inc. 104 N. Fourth Street Oakwood, Ohio 45873	No Bid				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Road Rescue, Inc. 1133 Rankin Street St. Paul, Minnesota 55116	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
TransMed Industries, Inc. 393 McDonough Parkway McDonough, GA 30253-0479	60 days delivery	E-350 XL	\$45,500.00	\$91,000.00	Chassis #1 - \$2,000.00 Chassis #2 - \$2,000.00	\$87,000.00
Excellence, Inc. 453 Lanier Road Madison, Alabama 35758	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Frazer, Inc. 7219 Rampart Houston, Texas 77274	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Wheeled Coach, Inc. P O Box AP Falkland, NC 27827	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Superior Specialty Vehicles P O Box 1196 Wake Forest, NC 27588	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
National Ambulance Builders 230 North Ortman Drive Orlando, Florida 32805	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
McCoy-Miller 1110 DI Drive Elkhart, Indiana 46514	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Muster Associates P O Box 160 Calhoun, Kentucky 42327	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Chiefs Fire & Rescue P O Box 1179 Jefferson, NC 27640	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Westside Specialty Vehicles 21 Westside Drive Asheville, NC 28806	Net 15 days; 60 days delivery	E-350 XL	\$47,447.00	\$94,894.00	Chassis #1 - \$500.00 Chassis #2 - \$500.00	\$93,894.00
Universal Emergency Vehicles, 1000 Ashbury Ave Asbury Park, NJ 07712	No Response				Chassis #1 - \$ _____ Chassis #2 - \$ _____	\$
Peach State Ambulance, Inc. 130 Peach State Court Tyrone, GA 30290	10% down at delivery; 60-75 days delivery	2000 Ford, E-350 XL RV Cutaway, PSAI Custom Remount	\$47,398.00	\$94,796.00	Chassis #1 - \$1,000.00 Chassis #2 - \$1,000.00	\$92,796.00

Consent Agenda 5(g). Endorsement of Policy Statement regarding Durham's Older Adults (endorse the work of the Keeping in Step [KIS] Committee and acknowledge its

expanding role. Approve the revised County Policy Statement Regarding Durham's Older Adults).

The County policy statement follows:

COUNTY POLICY STATEMENT
REGARDING DURHAM'S OLDER ADULTS

Many of Durham County's growing number of older adults are enjoying the benefits of longer life and are sharing their expertise and wisdom with others. Unfortunately, other seniors are experiencing ill health, a lack of social support and financial difficulties. Durham County seeks to support efforts that will provide the highest quality of life for all of its senior citizens. Our policy is grounded in dignity and self-determination, and its framework is designed to offer a continuum of quality options. All endeavors must benefit the current elderly, those who care about them, as well as the seniors of the future. To that end, implementation will necessitate the wise investment of county resources, while incorporating the following guiding principles:

- **VALUE POTENTIAL:** recognizing, valuing, and utilizing the abundant potential of older adults
- **MAINTAIN WELL-BEING:** acknowledging the importance of programs designed to maintain well-being, and forestall any negative consequences of the aging process
- **EMPOWER AND SUSTAIN:** providing empowering opportunities, as well as supportive and sustaining services to address physical, mental, financial, and social needs
- **SUPPORT CAREGIVERS:** supporting the caregivers of older adults
- **FOSTER EQUALITY:** fostering environments which are sensitive to discrimination, ageism, impairments of age, and elements of safety
- **STREAMLINE SERVICE ACCESS:** streamlining the service delivery system to promote the dissemination of accurate information and prompt service delivery (e.g. by developing a free-standing senior resource center in downtown Durham)
- **ASSURE SERVICE EXCELLENCE:** assuring that services are provided in a sensitive, cost-effective, responsive, and quality manner, with appropriate results, particularly in long term and domiciliary care facilities.
- **PROMOTE COLLABORATION:** promoting governmental and agency collaboration and co-location, such as in a free-standing senior resource center located in downtown Durham, and
- **NURTURING QUALITY EMPLOYEES:** providing for the recruitment, training, compensation and retention of quality employees to work with seniors, especially for those in long term and domiciliary care facilities.

All who live in Durham County are encouraged to partner in this effort to promote the well being of our older adults, recognizing that such efforts ultimately improve the lives of us all.

Consent Agenda Item Removed for Discussion

Consent Agenda 5(e). Request to negotiate and award contracted cleaning services to two janitorial firms (authorize the County Manager to negotiate and enter into an annual contract not to exceed \$156,060 to Beyah Cleaning Services and \$190,443.36 to SSC Service Solutions for contracted cleaning services).

Commissioner Bowser expressed concern about national firms coming into the community and getting a government contract. He prefers that our contracts go to local businesses in Durham that have been in business sometime or just beginning. He does not want national companies coming into Durham and taking away business from small local businesses.

Commissioner Bowser stated he would vote against the agenda item but not the staff. Staff has done all they can do about it. The Commissioners did not give the staff clear directions about the contract.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to authorize the County Manager to negotiate and enter into an annual contract not to exceed \$156,060 to Beyah Cleaning Services and \$190,443.36 to SSC Service solutions for contracted cleaning services.

The motion carried with the following vote:
Ayes: Bell, Black, Heron, and Reckhow
Noes: Bowser

The bid prices follow:

<u>Contractor</u>	<u>County Facility</u>	<u>Proposed Annual</u>
BEYAH (9)	Administrative Complex	\$ 58,800.00
	Carmichael	19,020.00
	North Durham Library	6,180.00
	Southwest Library	6,060.00
	Stanford L. Warren	5,400.00
	General Services	4,200.00
	Law Building	3,600.00
	Jail Annex	3,360.00
	Public Health	49,440.00
		<u>\$156,060.00</u>

SSC SERVICE	Judicial	\$ 63,800.52
SOLUTIONS (14)	Main Library	40,369.56
	Social Services	36,001.32
	Adult Probation	7,886.28
	Child & Family Services	7,909.80
	Criminal Justice Resource Center	6,581.04
	Cooperative Extension Services	6,647.76
	Parkwood Branch Library	6,583.20
	Substance Abuse	6,358.20
	Animal Control	2,787.96
	North Satellite Station	1,716.12
	East Satellite Station	1,458.60
	South Satellite Station	1,450.68
	Bragtown Branch Library	<u>892.32</u>
		\$190,443.36
		<u>\$346,503.36</u>

The Commissioners requested that staff look at ways to help small businesses obtain County contracts.

Declaration of Surplus Property and Approval of Resolution for Public Auction Sale

Over the past year, Durham County has accumulated personal property consisting of automobiles, furnishings, machines, and other items whose useful life has been reached or is no longer needed by the County for operational purposes.

As per the Board's directive, surplus vehicles and other equipment are being made available to those counties who have experienced flooding from Hurricane Floyd. Surplus items remaining will be auctioned at a public auction. The Board is requested to declare the items listed in the schedule "surplus," and authorize the County Manager to donate surplus property to counties affected by flooding and to proceed with an auction of the remaining properties.

A resolution for BOCC approval authorizing the Public Auction Sale had been prepared.

Resource Person(S): Sandra Phillips, Director of Purchasing, was present to answer any questions.

County Manager's Recommendation: Declare the schedule of property to be surplus and authorize the County Manager to donate surplus property to counties affected by Hurricane Floyd flooding and to proceed with a public auction of the remaining properties listed on the schedule.

Ms. Phillips presented the agenda item.

Twelve vehicles have been donated to Northampton County due to the flood in eastern North Carolina.

County Manager David F. Thompson said he extended the concept of surplus vehicles to surplus property. Hyde County received some of the surplus property. Durham County sent 11 counties letters offering them surplus property for county use.

Commissioner Bowser moved, seconded by Commissioner Heron, to declare the schedule of property to be surplus and authorize the County Manager to donate surplus property to counties affected by Hurricane Floyd flooding and to proceed with a public auction of the remaining properties listed on the schedule.

The motion carried unanimously.

The resolution follows:

RESOLUTION AUTHORIZING PUBLIC AUCTION SALE

WHEREAS, the County of Durham accumulated surplus personal property consisting of miscellaneous automobiles, office furniture and machines, and other items no longer needed for County operational purposes; and

WHEREAS, the County of Durham desires to dispose of these items by sale at Public Auction as provided by North Carolina General Statute 160A-270:

NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the sale at Public Auction at the time, place, and conditions set out herein is authorized and directed:

1. The Public Auction for vehicles is to take place at Durham County Sheriff Department's Firing Range on Exum Drive off Redwood Road, Durham, North Carolina on November 19, 1999, beginning at 12:00 P.M. Other surplus items will be auctioned at the Carmichael Building, 300 North Duke Street, Durham, North Carolina, on November 20, 1999, beginning at 10:00 A.M.
2. The terms of the sale will be cash or good check. Item(s) purchased must be paid for on the day of the sale.
3. In accordance with statutory requirements, Mr. David Thompson, County Manager, shall be authorized as the County official in charge of the disposal of the surplus personal property.

4. A tabulation of all “high bids” will be presented to the Board of Commissioners as a matter of record.
5. Item(s) purchased at Public Auction may remain on the County property until 5:00 p.m., on November 26, 1999; however, it will be at the risk of the purchaser. For any item(s) requiring extensive time for removal, purchasers may arrange additional removal time with Durham County General Services Department.
6. The successful bidder(s) will also be required to provide evidence of insurance for removal of any item(s) so indicated.
7. Successful bidder(s) on any item(s) requiring labor, tools, or materials for dismantling and removal of the item(s) purchased shall furnish all such tools, materials, and labor and shall hold Durham County free of any claims for any personal injuries, damages, or liabilities incurred for removal of the item(s).
8. All items will be sold on an “as is” and “where is” basis. The County will make no guarantees and assumes no responsibility for any of the items.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Herald-Sun Newspaper once at least 10 days prior to the date of the sale.

“BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 8th DAY OF NOVEMBER 1999.”

Two New Ambulances—Emergency Medical Services

The Board was requested to authorize the County Manager to enter into a contract for \$96,700 with TransMed Industries to purchase two new ambulances for Durham County Emergency Medical Services. Funds were appropriated in this Fiscal Year’s Equipment Leasing Fund for the purchase of these ambulances.

Durham County’s requirements were advertised in the local newspapers on September 30, 1999. Bid Invitation No. 00-003 was mailed to 13 vendors. Bids were received from Wheeled Coach Inc. for \$91,520, TransMed Industries for \$96,700, and Peach State Ambulance Inc. for \$98,694. The lowest responsive bid submitted by Wheeled Coach Inc. did not meet some of the required specifications of the bid invitation.

Resource Person(s): Sandra Phillips, Director of Purchasing, and Mickey Tezai, EMS Director, were present to discuss their recommendation to the Board.

County Manager’s Recommendation: Authorize the County Manager to enter into a contract with TransMed Industries for two new ambulances in the amount of \$96,700.

Ms. Phillips presented the bid proposals to the Commissioners.

Ms. Phillips and Mr. Tezai explained why staff is not recommending the low bid on the contract. The low bidder did not meet the floor and electrical specifications as required in the bid document.

The Commissioners asked several questions about the contract to which Mr. Tezai responded.

Commissioner Bowser moved, seconded by Commissioner Bell, to authorize the County Manager to enter into a contract with TransMed Industries for two new ambulances in the amount of \$96,700.

The motion carried unanimously.

The bids follow:

Wheeled Coach Inc., the lowest responsive bidder, contained seven exceptions of which two are considered to be significant material variations from bid specifications.

1. Under our Special Terms and Conditions, we required a minimum of six years/60,000 mile conversion electrical system warranty. Wheeled Coach's exception indicates their "standard electrical warranty" to be 12 months/12,000 miles. This is a significant concern due to the recurrent problems experienced with the electrical system failures. We consider the six years/60,000 requirement to be the only acceptable option.
2. Under our Specification section, we required that the patient compartment floor be warranted for 15 years. Wheeled Coach's exception indicates their "floor warranty" to be 12 months/12,000 miles. We also consider this to be a significant concern as the patient compartment floor area is a vinyl covered wood structure that is subject to a great deal of fluid exposure resulting in wood deterioration if not properly sealed. The 15-year warranty is intended to protect us from a significant repair expense should the deterioration occur.

TransMed Industries, the recommended second lowest bidder, met all bid specifications with one exception.

1. Their vehicles only come equipped with five rather than six tires as specified in our invitation for bids.

For the reasons given above, we recommend that the bid submitted by TransMed Industries be accepted.

DURHAM COUNTY BID TABULATION
IFB NO. 00-003
TWO (2) NEW AMBULANCES
BID OPENING: OCTOBER 19, 1999
3:00 P.M.

Bidder	Terms/Delivery	Make/Model	Unit Price	Total Bid
Braun Industries, Inc. 104 N. Fourth Street Oakwood, Ohio 45873	No Bid		\$	\$
Road Rescue, Inc. 1133 Rankin Street St. Paul, Minnesota 55661	No Response		\$	\$
TransMed Industries 393 McDonough Parkway McDonough, GA 30253-04799	60 days delivery	E-350 XL	\$48,350.00	\$96,700.00
Excellance, Inc. 453 Lanier Road Madison, Alabama 35758	No Response		\$	\$
Frazer, Inc. 7219 Rampart Houston, Texas 77274	No Response		\$	\$
Wheeled Coach, Inc. P O Box AP Falkland, NC 27827	Net COD 20 days delivery	E-350 XL	\$45,760.00	\$91,520.00
Superior Specialty Vehicle P O Box 1196 Wake Forest, NC 27588	No Response		\$	\$
National Ambulance Builders 230 North Ortman Drive Orlando, Florida 32805	No Response		\$	\$
McCoy-Miller 1110 DI Drive Elkhart, Indiana 46514	No Response		\$	\$
Muster Associates P O Box 160 Calhoun, Kentucky 42327	No Response		\$	\$
Chiefs Fire & Rescue P O Box 1179 Jefferson, NC 27640	No Response		\$	\$
Westside Specialty Vehicles 21 Westside Drive Asheville, NC 28806	No Response		\$	\$
Universal Emergency Vehicles 1100 Ashbury Avenue, Ashbury Park, NJ 07712	No Response		\$	\$
Peach State Ambulance, Inc. 130 Peach State Court Tyrone, GA 30290	10% down payment, balance at delivery; 60-75 days delivery	E-350 XL	\$49,347.00	\$98,694.00

Vehicles for EMS, Tax Administration, Social Services, Sheriff, General Services, and Environmental Engineering Departments

The Board was requested to authorize the County Manager to enter into a contract with:

<u>Vendor</u>	<u>Amount</u>	<u>Department</u>	<u>Number of Vehicles</u>
University Ford, Inc.	\$747,328.00	Sheriff	33
		EMS	3
Bobby Murray	\$102,870.94	Tax Admin.	1
Chevrolet Inc.		Social Svcs.	2
		General Svcs.	2
		Engineering	1
Cooper-Harris, Inc. (Ford)	\$ 22,095.00	Engineering	1
Total Amount	\$872,293.94		

Funds were appropriated in this Fiscal Year's Equipment Leasing Fund and Department budgets for the purchase of vehicles.

Durham County's requirements were advertised in the local newspapers on September 30, 1999. Bid Invitations were mailed to 13 local vendors. Bids were received from three bidders: 1) University Ford Inc. for \$793,580.00; 2) Bobby Murray Chevrolet Inc. for \$629,712.96; and 3) Cooper-Harris Inc. for \$826,767.00. The above recommendation is to award to the low bidder for each class of vehicle with the exception of Vehicle Specification 4 and 8.

Resource Person(S): Sandra Phillips, Director of Purchasing; Michael Turner, Director of General Services; Janet Birenbaum and R. D. Buchanan, Sheriff's Dept.; Gael Hallenback, Social Services; Mickey Tezai, EMS Director; Marvin Pope, Tax Administration; and Glen Whisler, Environmental Engineering Director, were present to discuss their recommendation to the Board.

County Manager's Recommendation: Authorize County Manager to enter into a contract for vehicles with University Ford for \$747,328.00, Bobby Murray Chevrolet Inc. for \$102,870.94, and Cooper-Harris Inc. for \$22,095.00.

The Commissioners asked several questions about the bid to which Ms. Phillips responded.

Commissioner Bowser moved, seconded by Commissioner Heron, to authorize the County Manager to enter into a

contract for vehicles with University Ford for \$747,328.00,
Bobby Murray Chevrolet, Inc. for \$102,870.94, and
Cooper-Harris Inc. for \$22,095.00.

The motion carried unanimously.

The bids follow:

Library Roof Replacement Pay As You Go Project

Board action was requested to appropriate \$295,550 from the Pay-As-You-Go Fund to cover expenses associated with the replacement of the Main Library roof. The existing roof was installed in 1979 and is now at the end of its useful life. Although numerous repairs have been made, leaks continue to threaten irreplaceable library materials, computers, and communications equipment. In addition, leaking has caused damage to carpet, tile, and the interior of the building. Although this project was tentatively planned for some future date, it is recommended the roof replacement occur during the current fiscal year. Following the selection of an architect/engineer, plans and specifications will be prepared for bidding. Once the bids are received and evaluated, a recommendation will be made to the Manager for an award by the BOCC. The construction will begin following the award and is expected to take approximately six to nine months.

Funding for this project is available through the reallocation of funds originally planned for the Building Security project. The Building Security project will start at a later date. Therefore, a recommendation to reallocate funds originally budgeted for the Building Security Project to the Library roof replacement project was requested.

Resource Person(S): Mike Turner, General Services Director; Ademola Shobande, Project Manager; Dale Gaddis, Library Director; and Claudia Odom, Budget and Management Services Director.

County Manager's Recommendation: Pay-As-You-Go funding is appropriated when capital projects are ready to begin. This approach ensures that projects are completely fleshed out before the Board commitment of resources or funds. The delayed start date of the Building Security project will allow the County to replace the roof on the Main Library. I recommend the Board of County Commissioners make a motion to establish the Library Roof replacement project by approving budget amendment 00CPA000005.

Mr. Turner gave the Commissioners an overview of the Library roof replacement project.

The Commissioners asked questions and made comments about the project to which County Manager Thompson and Mr. Turner responded.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to establish the Library roof replacement project by approving budget amendment 00CPA000005.

The motion carried unanimously.

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
 FY 1999-2000 Capital Projects Budget Ordinance
 Amendment No. 00CPA000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-00 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the Library roof replacement pay-as-you-go.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library roof replacement	\$ -0-	\$295,550		\$295,550

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of November, 1999.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

DSS HVAC Pay-As-You-Go Project Allocation

Board action was being requested to allocate \$152,792 to the DSS HVAC Pay-As-You-Go project, amending the budget to \$377,792. The DSS HVAC project has an available budget of \$150,908 for project completion. The additional allocation will cover expenses associated with the replacement of the chiller system at DSS main street location. The project will bring the Social Services building into compliance with the Clean Air Act, reduce energy costs, and increase the level of comfort for the building occupants.

The board appropriated \$225,000 for the DSS HVAC system during fiscal years 1998 and 1999. Of this appropriation, \$59,142 has been expended on partial control/valve replacement and system repairs, and an additional \$14,950 is encumbered with Ish Sudd, P.E, for engineering services, leaving a difference of \$150,908 available for project completion. Based on new estimates, a total of \$318,650 is required to remove existing chiller/cooler towers and install two 90-ton water cooled screw chillers, two cooling towers, two condenser water pumps, two chilled water pumps, and miscellaneous piping and control wiring. The following budget outlines the cost associated with this project:

	<u>Available Budget</u>
Current Budget Allocation	\$225,000
Less: Expenses and Encumbrances	-\$ 74,092
Available Budget	\$150,908

<u>Total Project Budget</u>	
Mechanical Contract	\$253,000
Design through Construction	\$ 14,950
Construction Administration	\$ 8,050
Contingency (5% of Mechanical Contract \$253,000)	\$ 12,650
Valve Replacement	\$ 30,000
Subtotal	\$318,650
Prior Maintenance and Repair Work	\$ 59,142
Total Project Budget	\$377,792

Pay-As-You-Go funds exist to pay for this project.

Resource Person(S): Mike Turner, General Services Director; Ademola Shobande, Project Manager; and Claudia Odom, Budget and Management Services Director.

County Manager's Recommendation: The chiller system replacement needs to occur for the DSS building during the fall and winter months of the current fiscal year. Bids for this project will come before the Board during the December board meeting. I recommend the Board of County Commissioners make a motion to amend the DSS HVAC project budget to \$377,792 by approving budget amendment 00CPA000006.

Mr. Turner gave the Commissioners an overview of the project.

The Commissioners asked several questions and made comments about the project to which County Manager David F. Thompson and Mr. Turner responded.

Commissioner Bell moved, seconded by Commissioner Heron, to approve the motion to amend the DSS HVAC project budget to \$377,792 by approving budget amendment 00CPA000006.

The motion carried unanimously.

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Capital Projects Budget Ordinance
Amendment No. 00CPA000006

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-00 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for the DSS HVAC pay-as-you-go project.

PAYG FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
DSS HVAC	\$225,000	\$152,792		\$377,792

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of November, 1999.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Increase of Flexible Benefits Spending Credit

In an effort to offset the out-of-pocket benefit costs for employees, it is the recommendation of the HR department that \$233,136 from the cafeteria benefits line item (Fund 150) be dedicated to increase the \$138 credit to \$150. A projected cost and expense analysis is included to explain how Fund 150 will generate enough reserves to continue to fund this increase for future budget years, beginning January 1, 2000.

Durham County Government has received its renewal rates for calendar year 2000. Increases for health benefits range from 6 percent to 48 percent. Even with anticipated migration from one health plan to another in search of the lowest rates, most employees will experience an average increase of 11 percent. Dental rates will also increase an average of 31 percent (actual increases fall between \$2.21 and \$8.71).

The County has held steady with its flexible spending amount of \$138 per pay period for seven years. Although 700 employees do not spend the entire \$138 credit, the remaining 977 employees will see a significant erosion in their benefits buying power. Fund 150 has a cash reserve which is fed by the reversion of unused benefit dollars. This fund is designed to provide for the continued payment of retiree benefits without any annual budgetary allocations, and to provide a revenue source for any increases in the benefit credit (currently \$138).

Resource Person(S): Jackye Knight, Human Resources Director, and Debbi Davidson, Benefits Manager, were available to present and answer questions.

County Manager's Recommendation: Per the Board's instructions, we have included a comparison of the contributions made by other jurisdictions within our labor market to their employee benefit packages. Durham County Government is still considered to have one of the best benefit packages in the state of North Carolina and this has served us well in the extremely competitive market we face, given the 1 percent unemployment rate in our community. To my knowledge, no other local municipality has a true

cafeteria plan that would allow for a menu of options for their employees. Durham County's plan has eliminated dual coverage for employees who have alternative options to health coverage and we have seen a positive impact on our health claims for this reason alone. Also, this plan has been virtually inflation proof for the past seven years. The recommended move from \$138 to \$150 reflects a 10 percent increase. This increase, in addition to the automatic pre-tax status of health premiums, will ensure the minimum impact to the take-home pay for the majority of our employees. Those employees with family coverage will still see an impact to their out-of-pocket contributions and we have included a sample of a worst case scenario. This is the area where we have attempted to lessen the effects of the double digit inflation experienced nationwide in the health care arena. Although future budgets will include a \$150 per pay period, per employee figure, this \$12 per pay period increase which equates to \$466,272 annually will increase the reversion amounts to Fund 150. I believe that this recommendation by Human Resources is an affordable plan, which gives the Board the opportunity to offer a benefit enhancement that is not tied to salary level. I recommend approval.

Ms. Knight told the Board that it is the staff's recommendation that the flexible benefits spending credit be increased from \$138.00 to \$150.00 per pay period to minimize the impact of the significant increases that have been set by the health insurance cost increases for the family coverage.

The Commissioners asked questions about the recommendation that Ms. Knight responded.

Vice-Chairman Reckhow moved seconded by Commissioner Bell, to approve the flexible benefits spending credit increase from \$138.00 to \$150.00 per pay period due to health cost increases.

The motion carried unanimously.

County Manager's Update/Request for Direction

The County Manager provided brief updates on the following:

- ❑ Fiscal Year beginning July 1999 Board Directives
- ❑ Merger Task Force Subcommittee Meetings
- ❑ Sheriff's Dept. Wireless Mobile Data Computer Aided Dispatch Timeline

County Manager David F. Thompson said his update/request for direction was self-explanatory.

School Board Meetings

Vice-Chairman Reckhow requested the report on dropouts and suspensions and the schools capital facilities plan be put on the agenda for a joint meeting with the County Commissioners and the Board of Education

Chairman Black said other issues need to be on the agenda such as the policy regarding the use of drugs and alcohol in the school system and students being suspended long term if they are discovered using drugs.

Chairman Black and Vice-Chairman Reckhow addressed the Board of Education policy whereby a student can be suspended for the entire school year for a single, first-time, drug-related offense. The school principal has the power to endorse or deny help/care services to an individual student.

Ms. Titus related that County officials and school officials have been working on this problem and that the school system will be making some changes to its policy.

Vice-Chairman Reckhow related that Riverside High School is in error in its reporting of actual student numbers. Statistics from the school system should be reviewed and checked.

The County Manager commented that the school system is taking alternative programs for at-risk students into consideration. It is starting to put together a continuum of care program.

Commissioner Heron requested information on Project NightLife. I understand that nothing is happening because the information is not available.

County Manager Thompson said a detailed report would be presented at the November 22, 1999 Regular Session relative to children at risk.

Chairman Black directed the County Manager to contact Mr. Archie Snipes, Chief Court Counselor, Office of Juvenile Justice, to get numbers relative to juvenile and crime.

Commissioner Heron said that outside agencies should be brought into these discussions about children at risk.

Chairman Black suggested the Commissioners meet with Mental Health Board, Public Health Board, and the Social Services Board on a quarterly basis.

Closed Session

The Board was requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(3) in order to consult with an attorney and to preserve the attorney-client privilege and to discuss *Computer Network Limited v. Durham County*, 98 CVS 800.

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to adjourn into Closed Session.

The motion carried unanimously.

Reconvene Into Open Session

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to accept the \$2,500 settlement whereby CNL (Computer Network Limited) has offered to settle the counter claim against them after their claim has been dismissed and to authorize the County Manager to sign the letter.

The motion carried unanimously.

Adjournment

Chairman Black adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board