

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

Monday, September 27, 1999

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session**—Pledge of Allegiance
2. **Agenda Adjustments**
3. **September Anchor Award Winner—Kathleen Moeller-Peiffer**

Kathleen Moeller-Peiffer of the Durham County Library is the winner of the September Anchor Award. The Library accomplished its goal of offering public Internet access this year. Recognition for Ms. Moeller-Peiffer is requested for her patience, persistence, and perseverance for bringing the vision for public Internet access to a reality in the Public Library. She was also cited for her role in building the technology infrastructure, completing the necessary Request for Bids, and coordinating the installation of the new telecommunications network. Rheda Epstein, Administrative Librarian through Dale Gaddis, Library Director, nominated Ms. Moeller-Peiffer for this award.

County Manager's Recommendation: Present September Anchor Award to Kathleen Moeller-Peiffer, along with the sincere congratulations of the entire organization.

4. **Resolution Honoring the Efforts of City and County Government Employees During Hurricane Floyd**

Upon the request of Chairman Black, a resolution honoring the joint effort of City and County Government employees during the Hurricane Floyd emergency has been prepared.

County Manager's Recommendation: Approve the resolution and present to Deputy County Manager Carolyn Titus on behalf of the County and City employees.

5. **Status Report on Hurricane Floyd Response and Calls for Assistance**

Staff led by Deputy County Manager Carolyn Titus will be prepared to brief the Board on several issues related to Hurricane Floyd as follows:

- Joint City/County Response—Jeffrey Batten, Emergency Management Coordinator
- Wastewater Treatment Plant Situation—Glenn Whistler, County Engineer
- North Carolina Situation—Jeffrey Batten, Emergency Management Coordinator
- Calls for Assistance and Responses/Mutual Aid and Assistance Agreement—Carolyn Titus, Deputy County Manager

County Manager's Recommendation: We are requesting that the Board take the time to be briefed on this event and to offer any guidance to staff that the Board feels is appropriate.

Please note that I executed the Mutual Aid and Assistance Agreement as the Chief Executive Officer to ensure that Durham County would be able to draw down the maximum reimbursements allowable for the aid we are rendering to other jurisdictions. The County Attorney has informed me that this action needs to be ratified at this Board meeting.

6. Consent Agenda

- a. Appoint Robert G. O'Shields to the Durham County Emergency Medical Services Council to represent the Bethesda Volunteer Fire Department Inc. and reappoint Willie B. Rose to the council to represent the North Carolina State Highway Patrol. The terms will expire in June 2002.

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.

7. Public Hearing--To Receive Citizen Comment on the 1998-99 Consolidated Annual Performance and Evaluation Report (CAPER)

The performance and evaluation public hearing is held annually in September to review and receive citizen comments on the previous year's CDBG and HOME Programs. Annual progress and performance is detailed in the Consolidated Annual Performance and Evaluation Report (CAPER). The 1998-99 CAPER was made available (in draft form) to the public for review beginning September 1, 1999.

The City of Durham receives an annual Entitlement Community Development Block Grant (CDBG) award and a Durham City Council HOME Investment Partnerships Program grant (HOME) from the U.S. Department of Housing and Urban Development (HUD). The 1998-99 entitlement funding was \$1,748,000 in CDBG funds and \$883,000 in HOME funds. The 1998-99 Action Plan allocated these funds primarily for housing, infrastructure, and economic development activities in Durham, with special focus in the targeted neighborhoods. Major expenditures made during the 1998 program year were on housing activities which included rehabilitation for homeowners, creating home ownership opportunities for first time home buyers, and creating permanent, low-income rental housing units for low- and moderate-income households. The major goal of the HOME program is to expand the supply of safe, decent, sanitary, and affordable rental and owner-occupied housing.

In May 1993, the Board of County Commissioners and the City Council approved a Durham City-County HOME Consortium Agreement to be used in the administration of the HOME program. The BOCC and the City Council renewed the agreement in July 1996 (expiring September 30, 2000) and July 1999 (to be effective October 1, 2000 through September 30, 2003). Durham City, as lead entity for the Consortium, administers the Home program and prepares the annual report for submission to HUD. The reporting on the administration and activities of the HOME Program is included in the CAPER.

Historically, the City has expended approximately 70% of its CDBG and HOME funds on housing-related programs in target areas based upon the needs that were identified in our adopted neighborhood revitalization plans. Funds are now expended citywide to meet the needs of other citizens who do not live in targeted neighborhoods, but meet the national objective of addressing the needs of low- and moderate-income citizens.

This public hearing, which is a requirement of the program, is held annually to receive citizen comments on the CAPER. A public hearing was held before Durham City Council on September 20 to receive citizen comments on the CAPER.

Kendall Abernathy, Director of Department of Housing and Community Development (DHCD), has reviewed this request.

Resource Person: Kendall Abernathy, Director Housing and Community Development and Ava Hinton, Federal Programs Administrator

County Manager's Recommendation: 1) Receive a report from the administration on the 1998-99 Consolidated Annual Performance and Evaluation Report; and 2) receive citizen comments from the public on the 1998-99 Consolidated Annual Performance and Evaluation Report at the September 27 Board of County Commissioners' meeting. DHCD staff is simultaneously requesting a public hearing before City Council at its September 20 council meeting. DHCD staff will attend the meeting to answer questions.

8. Public Hearing to Consider the Adoption of an Ordinance Which Amends the Zoning Ordinance Regarding the Districts and Standards for Adult Establishments

The Durham County Attorney recommends that it would be prudent for the Board of County Commissioners to readopt the zoning ordinance's current regulations concerning adult establishments. The purpose of this readoption is to assure all concerned parties that the standards of the zoning ordinance were established to address the potential secondary impacts associated with an over concentration of adult establishments. Adoption of this ordinance will clarify that these standards were developed in response to the secondary impacts of the use. Adoption of the ordinance is recommended. The standards are identical to those currently found in the ordinance. The Zoning Committee endorsed the proposal at an August public hearing and suggested an additional standard for consideration. The Zoning Committee's addition can be found at the end of the ordinance proposal but is not recommended at this time. The City Council conducted a readoption of these standards on April 19, 1999.

Resource Persons: Chuck Kitchen, County Attorney; Lowell Siler, Assistant County Attorney; and Bonnie Estes, Planning Manager, will be at the meeting to present the agenda item.

County Manager's Recommendation: Readoption of the existing standards to address the secondary impacts of adult establishments.

9. Final Qualifying Bid to Purchase County Property (610 Bingham Street)

On August 23, 1999, the Board adopted a resolution to publish a Notice of Sale and accept upset bids on a vacant lot located at 610 Bingham Street. The County obtained this property through a tax foreclosure sale in May 1999. The County paid \$4,103.30 for the property at the foreclosure sale. The County's investment in this property is \$4,282.00, which includes the purchase price and 1998 and 1999 taxes. The tax valuation of the property is \$5,000.00.

There was not an upset bid offer submitted for this lot (parcel 154-03-007) during the advertising period of August 26, 1999 through September 4, 1999. Therefore, the final qualifying bid of \$4,282.00, submitted by Dale Williams, is being presented for the Board's consideration.

The sale of this lot will make it taxable for the year 2000 property taxes.

Resource Person: Sandra W. Phillips, Director of Purchasing

County Manager's Recommendation: It is the Board's policy as shown in Item #8 of the resolution that, once a final qualifying offer has been received, the bid must be brought to the Board to either accept or reject the offer. As this offer covers the County's investment in the property (purchase price and 1998 and 1999 taxes), and as the sale will add the property back to the County's tax roll, the Manager's recommendation is to accept the offer of \$4,282.00 submitted for 610 Bingham Street by Mr. Dale Williams, and prepare a non-warranty deed for the Chairman's signature.

10. **Purchase of Medical Supplies**

The Board is requested to authorize the County Manager to enter into several contracts for the purchase of medical supplies for Emergency Medical Services (EMS), Public Health, The Durham Center (Adult Services), and the Durham County Detention Facility (DCDF). Some of the medical supplies acquired are latex gloves, bandages, syringes, IV catheters, blades, mask respirators, etc. Funds to support this request were appropriated by each department in their FY'99-00 budget. The initial term of the contract is from date of award through June 30, 2000 with the option to renew by the County for four additional one-year periods.

Over the past nine months, the Purchasing Department, with the assistance of the aforementioned departments, has been accumulating information and investigating the best methods for the procurement of medical supplies. These methods are Consignment Inventory Management System (CIMS) and on an "as needed" basis. The CIMS would provide more flexibility to the department. The process of individual purchase orders is eliminated. CIMS is jointly managed by the department and the Vendor, which is responsible for maintaining stock, placing orders, and expired/ damaged products. On the other hand, an "as needed" method basically allows departments to place purchase orders when a product is needed or where storage space is limited. EMS does not have the adequate storage space to utilize the CIMS method.

The following term contracts requested are necessary to allow for full coverage of all needed items by each department:

1. Southeastern Emergency in an amount not to exceed \$90,194.16 for EMS on an "as needed" basis;
2. MDS Matrx Medical in an amount not to exceed \$32,626.27 for EMS on an "as needed" basis;
3. Southland Medical Supply Inc. in an amount not to exceed \$42,956.84, [Public Health (\$38,789.83), DCDF (\$3,834.47), and the Durham Center (Adult Services) (\$332.54)] on a consignment basis, and;
4. American Health Co. in an amount not to exceed \$27,284.61, [Public Health (\$22,566.58), DCDF (\$3,810.58), and the Durham Center (Adult Services) (\$907.45)] on an "as needed" basis.

Invitation for Bids IFB# 99-030 was publicly advertised on May 26, 1999 and mailed to 21 companies. A pre-bid conference was held on June 8, 1999. Bids were received on July 6, 1999.

Due to the complexity of the requirement, bids were evaluated as follows:

- Determine the lowest cost for each item submitted by each bidder;
- Determine the percentage of all low bid items submitted by each bidder;
- Select the first and second low bidder;
- Total amount for first and second low bidder;
- The remaining line items were distributed among the first and second low bidder based on the lowest cost; and
- Total award amounts for the first and second low bidder to ensure supply of all needed items.

The memo to the County Manager dated September 13, 1999 and the supporting documentation explain the rationale for this recommendation, the Invitation for Bids process, and basis for multiple contracts.

Sandra W. Phillips, Director of Purchasing, and Bahaa Jizi, Purchasing Department, will present this recommendation to the Board.

County Manager's Recommendation: Authorize the County Manager to enter into contracts with the above recommended vendors to provide medical supplies to EMS, Public Health, The Durham Center (Adult Services), and DCDF.

11. Durham County Solid Waste Management Informational Update Part II

The purpose of this presentation is to provide the Board of County Commissioners (BOCC) with a Solid Waste Management Informational Update. This is a two-part presentation. Part one consisting of a Solid Waste Management update from City, County, and State representatives was presented at the August 4, 1999 Worksession. Part two will consist of a request by the Department of General Services to repeal the current Litter Control Ordinance and replace it with a more comprehensive Solid Waste Management Ordinance.

The current Litter Control Ordinance adopted on May 26, 1987, does not allow the enforcement of illegal dumping on one's personal property. During the past 12 years, the North Carolina Department of Natural Resources (DENR) has made several significant changes in the state rules and regulations. In 1997, the County adopted a 10-year Comprehensive Solid Waste Management Plan to reduce the waste stream 40% by the year 2001, and the City of Durham has banned cardboard from the Durham Transfer Station.

The proposed Solid Waste Management Ordinance encompasses the shortfalls in the existing Litter Control Ordinance, changes in the DENR rules and regulations, and broadens the enforcement authority of the Durham County Waste Reduction Supervisor.

Resource Persons: Michael Turner, General Services Director and Marc Powell, Waste Reduction Supervisor

County Manager's Recommendation: Receive the Solid Waste Management Informational Update as presented and schedule a public hearing to repeal the current Litter Control Ordinance and replace it with a more comprehensive Solid Waste Management Ordinance.

12. Realignment of Banking Relationships

Staff has been working diligently to realign Durham City, County, and Schools' banking services to strengthen our partnerships with two financial institutions that are headquartered in Durham. These institutions are Central Carolina Bank (CCB) and Mechanics and Farmers Bank (M&F). The goal of this realignment is to develop a strong, mutually beneficial relationship with these banks, similar in nature to the relationships enjoyed by Bank of America and the City of Charlotte, and Wachovia and the City of Winston-Salem.

In the past, the Board has stated that it is advantageous for us to partner with corporations headquartered in Durham, and in whose interest it is to build a strong and vibrant community. Historically, the three governments have sent Request for Proposals to all full-service banks with offices located in Durham. Our custom has been to award the contract to the lowest responsive bidder, without regard for whether the bank's headquarters were located in Durham, or the institution's willingness to actively participate in strengthening the community. North Carolina law does not require us to solicit bids for banking services. In fact, Wachovia has been our central depository for at least 7 years.

Because we have not developed a strong working relationship with our financial institutions up to this point, I believe that our community has lost opportunities to gain valuable assistance in reaching our goals.

Resource Person: Patricia Gravinese, Finance Director

County Manager's Recommendation: Note that because proposals are not being solicited that this realignment does not require formal board approval. However, I would appreciate your endorsement of this concept. The transition will take approximately 6-8 months, which will include establishment of the lockbox. We are fortunate in that our actual cost for services will decrease as per the estimates in the memorandum.

13. **1999 Durham County Commissioners' Great Family Fun Walk**

Commission Vice-Chairman and Health Board member Ellen Reckhow wanted to remind the Commissioners and our citizens of the upcoming Family Fun Walk to be held at 10:30 a.m. on October 2, 1999.

County Manager's Recommendation: The Board is asked to support and help publicize this event of the Durham Fitness Council.