

**REVISED**  
(Addition Item No. 7i)

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

Monday, June 23, 2008

County Commissioners' Chambers  
200 East Main Street, Durham, North Carolina

**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.

3:30 P.M.

1 hr.

**Approval of Construction Contract with Harrod & Associates Constructors Inc. for the BOCC Chambers Technology Upgrades Project. Bid No: 08-021r**

The Board is requested to authorize the County Manager to enter into a contract with Harrod & Associates Constructors (H&AC) Inc. for phase one of the construction and technology upgrades/improvements of the BOCC Chambers, Conference Room, and associated areas located on the second floor of the Durham County Administrative Building, 200 East Main Street, Durham., in the amount of \$412,000.00 (Base bid & Alternate G2), and to execute any other related contracts including change orders, if necessary, not to exceed a project cost of \$467,408.69.

The purpose of this project is to upgrade the audiovisual capabilities and other associated technology in the Durham County Commissioners' Chambers and Conference Room. In addition, selected architectural improvements will be implemented to enhance usability and accessibility of the facility. Phase one of the project constitutes the selected architectural improvements to the facility, as well as the infrastructure necessary to support the audiovisual capabilities to be implemented in phase two. The construction contract for phase two of the project (audiovisual capabilities) will be presented to the Board for authorization in the early part of fiscal year 2008-2009.

The construction of the BOCC Chambers Technology Upgrades project was advertised in local newspapers on April 20, 2008, and a pre-bid conference was held on April 29, 2008 at

10:00 a.m. One bid was received on May 20, 2008 at 2:00 p.m., but could not be opened because the number of bids required by the law was not received. Therefore, the project was re-advertised on May 23, 2008, and two bids were received and opened on May 30, 2008. H&AC Inc. submitted the lowest total base & alternates bid amount of \$786,424.00. This amount combined with other related project expenses and contingency estimated at \$65,551.25 total \$851,975.25, which is over the current available funding of \$590,000.00. Therefore, additional funding in the amount of \$261,975.25 is required to complete the project. Funding for the phase one of this project in the amount of \$467,408.69 is available in the BOCC Technology Upgrades project account. The contract award for phase two (Alternate G1) in the amount of \$384,566.56 will be presented to the BOCC in the coming fiscal year.

This agenda item has been reviewed by the Purchasing Division and has satisfied the necessary M/WBE Good Faith Efforts. H&AC Inc. has identified a total of 20.99% women-owned participation. The Contractor has also committed to seeking additional M/WBE participation if the opportunity prevails.

The Engineering Department has reviewed the bid proposals with Purchasing and DTW Architects & Planners, Ltd., the Project Architects, and recommends that the County proceed with phase one of the project, award a contract to H&AC Inc., and defer phase two until fiscal year 2008-2009. Completion of this project will provide a better facility for the conduct of BOCC meetings and other chamber activities.

Resource Person(s): Glen Whisler, P.E., County Engineer, Ademola Shobande, Assoc. AIA, Sr. Project Manager, James Faress, P.E., Project Manager, Engineering Department; Pam Meyer, Director, Budget & Management Services; and John Thompson, AIA, DTW Architects & Planners, Ltd.

County Manager's Recommendation: The Manager recommends that the Board authorize execution of a contract with Harrod & Associates Constructors (H&AC) Inc. in the amount of \$412,000.00 for phase one of the project and to execute any other related contracts including change orders, if necessary, not to exceed a project cost of \$467,408.69.

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4:30 – 6:00 P.M.

**Closed Session—Personnel Matters**

1½ hrs.

The Board of County Commissioners will adjourn to Closed Session to evaluate the following employees pursuant to North Carolina General Statute 143-318.11(a)(6):

4:30 p.m. to 5:00 p.m.	Sheriff Worth Hill
5:00 p.m. to 5:30 p.m.	Register of Deeds Willie Covington
5:30 p.m. to 6:00 p.m.	County Attorney Chuck Kitchen

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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. June 2, 2008 Worksession
  - b. June 9, 2008 Joint BOCC/City Council
  - c. June 9, 2008 Regular Session

5. **Recognition for Mr. James E. Fields** 5 min.

For many years, Durham County citizens have watched Board of County Commissioners meetings on local cable access Channel 8, thanks to the videotaping services of Mr. James E. Fields. Mr. Fields voluntarily began taping Durham County Board meetings and delivering tapes to Time Warner Cable for airing in the early 1980's. Ultimately, he became a valued contractor continuing to tape meetings and special events and to photograph various activities.

The Board of County Commissioners will present him with a special Lifetime Achievement Award in recognition of his invaluable work to preserve legislative proceedings of Durham County Government.

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

County Manager's Recommendation: Present the Durham County Government "Lifetime Achievement Award" to Mr. James Fields along with sincere congratulations and well wishes in retirement.

6. **Renovation of the Stanford L. Warren Library—2008 Golden Leaf Award** 5 min.

The Board is hereby requested to recognize the project team for receiving the 2008 Golden Leaf Award for the Community Properties category for the Renovation of the Stanford L. Warren Library completed in 2006. On May 22, 2008, the Durham City-County Appearance Commission hosted the Golden Leaf Awards for Community Appearance ceremony which recognizes the best visual contributions to the community. The goal of the Awards Program is to encourage better designed and maintained properties in Durham. The Community Properties Award recognizes projects that enhance the appearance and livability of highly visible public areas including churches, schools, parks, and neighborhoods.

In addition, the following six County facilities were also nominated for awards, which demonstrate the County's commitment to good design and maintenance:

Community Properties: East Regional Library and Emergency Medical Service Station #2

Landscaping and Maintenance: Center for Senior Life Legacy Garden

Sustainable Properties: Triangle Wastewater Treatment Plant and North Regional Library; Durham Public Schools also received an Award of Merit for the W. G. Pearson School in the Sustainable Properties category.

Little Diversified Architectural Consulting provided the architectural design services and Coulter Jewell Thames, P.A. provided the landscape architectural design services for the renovation project and the building was re-opened to the public on September 7, 2006.

Resource Person(s): Glen Whisler, P.E., County Engineer; Skip Auld, Director of Library Services; Priscilla Lewis, Assistant Director, Library Services; and Ademola Shobande, Assoc. AIA, Senior Project Manager, Engineering Department

County Manager's Recommendation: The County Manager recommends that the Board recognize the project team for receiving the 2008 Golden Leaf Award for the Community Properties category for the Renovation of the Stanford L. Warren Library.

7. **Consent Agenda**

20 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2007-2008 (accept the property tax release and refund report for May 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Service Contract for the Animal Protection Society of Durham Inc. (authorize the County Manager to execute a one-year contract for the operation of the Durham County Animal Shelter for \$611,562.00);
- c. Capital Project Amendment No. 08CPA000022—Durham Public Schools (DPS) (approve six applications to the NC Public School Building Fund and Capital Project Amendment No. 07CPA000005 appropriating Public School Building Capital Fund funds [lottery funds] to six new capital projects);
- d. Acceptance of a Conservation Easement for Impervious Surface Rights Transfer per Unified Development Ordinance Section 8.7.2.B.2 (accept the conservation easement on nine acres of parcel #190606 from New Red Mountain Missionary Baptist Church in the Lake Michie watershed);
- e. Technical Adjustment—Move \$701,000 from the Debt Service Fund to the 2002 GO Bond (Capital Project) Fund to Return Excess Interest Amount Transferred;
- f. Budget Ordinance Amendment No. 08BCC000076—Economic Development—Pass-Through of One NC Funds in the amount of \$100,000 from the State of North Carolina to Parata Systems;

- g. Budget Ordinance Amendment 08BCC000075—Cooperative Extension—Recognize \$10,647 in Additional Revenue from the Juvenile Crime Prevention Council;
- h. Appointments (approve the recommended appointments of Sammy Haithcock [Director DSS] and Eunice Sanders [School Superintendent Designee] to the Juvenile Crime Prevention Council); and
- i. **Approval of Construction Contract with Harrod & Associates Constructors, Inc. for the Board of County Commissioners Chambers Technology Upgrades Project. Bid No: 08-021r (authorize execution of the contract in the negotiated amount of \$389,900.00 for phase one of the project and to execute any other related contracts including change orders, if necessary, not to exceed a project cost of \$445,308.69).**

8. **Public Hearing to Consider Allocating Economic Development Investment Funds to International Business Machines (IBM)**

15 min.

The Board is requested to hold a public hearing to consider allocating economic development investment funds to International Business Machines (IBM), a leading provider of information technology equipment and services to markets worldwide.

Durham's IBM is competing with New York and Colorado for a state of the art, energy efficient, Leadership Data Center. If awarded the project, IBM would convert existing underutilized warehouse space into a LEED certified data center, customer briefing center, and associated support services center on its Durham campus. The total project investment would be \$362 million with 10 new jobs. Company officials have stated that incentives are a key consideration in its ability to be awarded the project.

Staff is recommending that the County participate in this economic development project by providing up to \$750,000.00 over a period of seven years for the costs of expansion.

This public hearing was advertised on Friday, June 13, 2008 as required by NC Statutes.

Resource Person(s): Carolyn P. Titus, Acting County Manager

County Manager's Recommendation: The County Manager recommends that the Board hold the public hearing, and based upon the information received, approve entering into a standard economic development incentive contract between the County of Durham and International Business Machines (IBM) in the amount of \$750,000.

9. **Public Hearing—Office of the Sheriff and City of Durham Police Department 2008 Edward Byrne Memorial Justice Grant (JAG)**

15 min.

Durham County and Durham City have been notified of solicitation for the 2008 Edward Byrne Memorial Justice Grant (JAG). The 2008 JAG application was presented to the County Manager and the Board of County Commissioners on June 6, 2008 via e-mail. Authorization to proceed with Interlocal Agreement which appoints the Sheriff's Office

as fiscal agent for joint funds and agrees to fifty-fifty split of the funds with the City is requested.

One of the conditions of this grant award is to conduct a public hearing to receive public comment as to the use of these funds. This public hearing has been advertised in the Herald-Sun newspaper on June 15 & June 22, 2008 as well as on County and City websites since June 9, 2008 to give proper notification.

The Sheriff's Office funds will be used to fund a Case Manager for Jail-Reentry Program along with the Criminal Justice Resource Center. The Police Department's funds will be used for Crime Prevention and Victim Services Program and Special Operation Division Informant Fund. No additional funding is required. The total award is \$69,019.00 to be budgeted in the FY 2008-09 budget; the Sheriff's Office and Police Department will each receive \$34,509.50 from the grant award.

Resource Person(s): Major Andrews, Sheriff's Office; Kim Cook, Comptroller, Sheriff's Office; Gudrun Parmer, Criminal Justice Resource Center; Kisha Etheridge, Police Department; Deborah Chelette, Police Department; Chief Mihaich, Police Department; and Chief Bjurstrom or Chief Hodge, Police Department

County Manager's Recommendation: Congratulate the Sheriff and the Durham Police Department on another opportunity to receive a grant award to support local law enforcement, criminal justice system, and community activities; authorize the submission of the application and proceed with the Interlocal Agreement.

10. **Adoption of FY2008-2009 Budget Ordinance**

15 min.

The Acting Durham County Manager presents the FY2008-2009 Annual Budget Ordinance to the Durham County Board of Commissioners for approval. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Carolyn Titus, Acting County Manager, and Pam Meyer, Director Budget & Management Services

County Manager's Recommendation: The Acting County Manager recommends the Board approve the FY2008-2009 Budget Ordinance.

11. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Area Mental Health Board
- Bicycle & Pedestrian Advisory Commission
- Board of Adjustment

- Citizen's Advisory Committee
- **Durham County Hospital Corporation**
- Emergency Medical Services Council
- Environmental Affairs Board
- Juvenile Crime Prevention Council
- Public Health Board
- Social Services Board
- Women's Commission
- Workforce Development Board

Resource Person(s): Vonda Sessoms

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

12. **Closed Session**

The Board is requested to adjourn to closed session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

15 min.

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2 hrs.