

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

Monday, February 23, 2009

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.

3:00 – 6:00 P.M. Special Session

FY 2010-19 Capital Improvement Plan (CIP)

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. April 7, 2008 Closed Session
 - b. April 14, 2008 Closed Session
 - c. April 28, 2008 Closed Session
 - d. June 2, 2008 Closed Session
 - e. June 9, 2008 Closed Session
 - f. June 12, 2008 Closed Session
 - g. June 23, 2008 Closed Session
 - h. August 11, 2008 Closed Session
 - i. November 3, 2008 Closed Session
 - j. November 10, 2008 Closed Session
 - k. January 26, 2009 Regular Session
 - l. February 2, 2009 Worksession

5. **Social Work Month Proclamation**

5 min.

The White House officially recognized National Professional Social Work Month in 1984. The National Association of Social Workers has used this annual recognition to educate the general public about the important role of social workers and to promote social issues. The theme for 2008 is *Social Work: Purpose and Possibility*. People who become social workers do so because they seek a purpose for their career, and recognize that there are many different paths where a social work degree might lead. We know that social workers are passionate, purpose-driven individuals who want to do an excellent service for individuals and communities. We need to bring more of these compassionate people to the profession to ensure its future.

At the Durham County Department of Social Services, our social work staff builds on family strengths. The foundation for growth and change in an individual, family, and a community are their strengths. The “strength-based perspective” is central to the work done at DSS because it emphasizes resources, capabilities, support systems, and motivations to meet challenges and overcome adversity. Our staff believes “everyone has strengths”, and it is one of our Six Principles of Partnership. At DSS social workers: help people find jobs and develop a career path; assess family strengths and develop plans to protect children from abuse and neglect; provide services to keep elderly and disabled adults safe from abuse, neglect, and exploitation and out of institutional care; provide access to crisis services that keep families from losing their homes and utilities; provide support to help children be ready for and succeed in school; and provide support and services to help people manage their medical care needs. Social workers invest in our community’s human capital.

Resource Person(s): Sammy Haithcock, Director, DSS

County Manager’s Recommendation: Recommend approval of proclamation declaring Social Work Month in Durham County and to raise community awareness of the many ways DSS social workers build on strengths to invest in our community’s human capital.

5a. **Support of Community-Based Programs for Adult Offenders in Durham County and throughout North Carolina**

5 min.

Since 1995, the State of North Carolina and county governments have been partners in providing effective and necessary community supervision of adult criminal offenders.

Durham County Government is a leader in North Carolina when it comes to funding and supporting substance abuse treatment and other services for offenders who live in or return to our community. Durham County stands behind its efforts in criminal justice and seeks our legislative bodies to support funding for related programs.

Counties working together with the State of North Carolina to support evidence-based programs, can make a significant impact on crime, recidivism, substance abuse and the associated costs.

County Manager's Recommendation: The Manager's recommendation is that the Board approve the resolution supporting community-based programs for adult offenders in Durham County and throughout North Carolina. The Commission Chairman and the Board are asked to attend a news conference in support of community-based programs at the Capital on Wednesday, February 25 at noon.

6. **Consent Agenda**

20 min.

- a. Approve the Durham County Local Emergency Planning Committee (LEPC) roster as presented;
- b. Appointment of the 2009 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, and appoint a Chair and Vice Chair);
- c. Approval of the Amendment to the 1987 Interlocal Agreement to Change the Name of the Durham Civic Center Authority to the Durham Convention Center Authority;
- d. Advertising of Tax Liens (approve the Interim Tax Administrator's request to begin advertising the 2008 tax liens in the month of March);
- e. Budget Ordinance Amendment No. 09BCC000048—County Tax Service Inc.—Contract Amendment (amend the contract in the amount of \$35,000);
- f. Budget Ordinance Amendment No. 09BCC000049—Public Health—Recognize Grant Funds from Family Health International (FHI) in the Amount of \$24,488 to Establish a Health Education Specialist I (1.0 FTE) Position for the Health Education Communicable Disease Program for HIV Prevention Research;
- g. Budget Ordinance Amendment No. 09BCC000050—Public Health—Recognize Grant Funds in the amount of \$1,766 from the NC Department of Health and Human Services for the Family Planning Clinic;
- h. Budget Ordinance Amendment No. 09BCC000051—Public Health—Recognize Grant Funds in the amount of \$2,000 from Project Direct, N.C. State Diabetes Program, Division of Public Health for the Health Education Division;
- i. Budget Ordinance Amendment No. 09BCC000052—The Durham Center—Request for County Funds in the amount of \$1,868,354 from Fund Balance for The Durham Center;
- j. Budget Ordinance Amendment No. 09BCC000053—The Durham Center—Recognize Revenue from the State of NC in the amount of \$304,713 to establish a three-way contract between the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services and Duke Hospital to purchase local inpatient psychiatric beds for FY09;
- k. Budget Ordinance Amendment No. 09BCC000054—FY2009 Budget Reductions and Capital Project Amendment No. 09CPA000013—Open Space Land Acquisition (move \$62,022 of Risk Management Fund and \$375,000 of Community Health Trust Fund funds to the General Fund; decrease the Open Space Land Acquisition capital project by \$550,000 and move those funds to the General Fund to help offset an estimated revenue shortfall in the General Fund; the total increase to the General Fund is \$987,022);

- l. Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for January 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
 - m. AAA Transport Inc. Service Franchise Renewal (approve the three-year ambulance franchise renewal request);
 - ~~n. Revised Interlocal Agreement on Cable Television (approve the interlocal and authorize the County Manager to sign the agreement and make such minor changes as are necessary in concert with the City); and~~
 - o. Award of Contract for Purchase of Vehicles for Various Departments (authorize the Manager to enter into contracts with University Ford Inc. for \$79,152, Bobby Murray Chevrolet Inc. for \$194,846, and Hendrick Durham Auto Mall for \$42,838).
7. **Execution of the Construction Contract for the Durham County Human Services Complex—Project No.: DC070, Bid No.: IFB 09-015**

15 min.

The Board is hereby requested to authorize the County Manager to enter into a contract with New Atlantic Contracting, Inc. (NAC) for the construction of the Human Services Complex, located at the 400 and 500 block of East Main St., Durham, North Carolina in the combined total amount of \$54,665,000 (Base Bid Plus Alternates C-1, A-1, A-2, A-3), and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of **\$57,944,900.00** pending approval of financing.

On October 24, 2005, the County Commissioners awarded the design contract to the Freelon Group Inc. to provide architectural design services for the Durham County Human Services Complex. This project is to build a 277,590 sq. ft. facility to house The Durham Center (formerly Mental Health), Social Services, and Public Health Departments, including a 404-space surface parking facility. This project consolidates delivery of human services and improves service delivery by providing adequate facilities for each agency.

The construction of the Durham County Human Services Complex was advertised on November 9, 2008. The Pre-bid conference was held on November 20, 2008 and three bids were received, publicly opened, and read on January 15, 2009. NAC submitted the lowest bid price of \$54,665,000 (Base Bid plus Alternates C-1, A-1, A-2, and A-3). This agenda item has been reviewed and approved by the Purchasing Division. After the review of IFB 09-015, NAC has met the minimum 50 points required by GS 143-128 and has satisfied the necessary Good Faith Efforts. NAC has identified 28.13% M/WBE participation which exceeds the 27.57% M/WBE participation goal. The contractor has also committed to seeking additional M/WBE participation if the opportunity prevails.

The Engineering Department has reviewed the bid proposals with the Purchasing Department and The Freelon Group and recommends that the County proceed with base bid work plus alternates C-1, A-1, A-2, and A-3 and award the contract to NAC. Funding for this project will be available in April 2009 through variable rate financing and then long-term certificates of participation (COPS) in the Human Services Complex

Capital Project account. Completion of this project will consolidate of human services and improve service delivery by providing adequate facilities for Public Health, Mental Health, and Social Services. Construction is scheduled to be completed in 2012.

Resource Person(s): Glen Whisler, P.E., County Engineer; George Quick, Director of Finance; Ademola Shobande, Assoc. AIA, Sr. Project Manager, Engineering Department; Peri Manns, Assoc., ASLA, Project Manager, Engineering Department; and Zena Howard, AIA, LEED AP, The Freelon Group Inc.

County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of the construction contract with New Atlantic Construction, Inc. in the combined total amount \$54,665,000 (Base Bid Plus Alternates C-1, A-1, A-2, and A-3), and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$57,944,900.00 pending approval of financing.

8. **Execution of Contract Amendment with System WorCx for the Enhanced LEED Commissioning Services during the Construction/Occupancy Phase of the Proposed Durham County Human Services Complex—Project No.: DC070-48**

15 min.

The Board is hereby requested to authorize the County Manager to amend the consulting service agreement with System WorCx to provide Enhanced LEED Commissioning Services during the Construction/Occupancy phase of the Durham County Human Services Complex (DCHSC), to be located on the 400 East Main Street in the amount of \$126,000 thus increasing the total compensation to \$160,000, pending the approval of financing.

The original consulting contract previously approved on May 14, 2007 related to design services only and assumed that certain supplemental services could be deferred for approval during the construction phase of the project. During the schematic design phase, it was determined that the Energy & Atmosphere credit for Enhanced Commissioning be targeted to help achieve the goal of a higher LEED certification level. The design team will submit 39-51 points to target certification at the LEED Gold level. Thus, a separate Commissioning Agent had to be contracted with the owner during the design and construction/occupancy phase to provide services for both fundamental and enhanced commissioning. The proposal includes the necessary scope for the project to qualify for the LEED Energy & Atmosphere (EA) Prerequisite 1 for Fundamental Building Systems Commissioning, EA Credit 3 for Enhanced Commissioning and includes creation of a Measurement and Verification Plan the will satisfy EA Credit 5. System WorCx was previously contracted during the design phase and the execution of the contract amendment will allow the commissioning agent to perform the services required by the United States Green Building Council (USGBC) during the construction/occupancy phase.

In addition to satisfying the credits for Fundamental and Enhanced LEED Commissioning, the commissioning agent will provide measurement and verification of the buildings mechanical system, much of which is served by an under floor air

distribution system. This type of system requires special attention with respect to the structural, envelope, partition, and floor construction that serve as components of the under floor plenum. The scope of work includes commissioning of these elements with respect to their function as part of the air distribution system.

It is recommended that the County proceed with the work required during the construction/occupancy phase in the proposal dated September 8, 2006 in the total amount of \$126,000; thus, increasing the total compensation to \$160,000. Funding for this project will be available in April 2009 through variable rate financing and then long term certificates of participation (COPS) in the Human Services Complex Capital Project.

Resource Person(s): Glen Whisler, P.E., County Engineer, Ademola Shobande, Assoc. AIA, Sr. Project Manager, Peri Manns, Assoc. ASLA, Project Manager, Engineering Department; Zena Howard, AIA, The Freelon Group; and Michael Mantai, P.E., LEED AP, System WorCx

County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of the amendment in the amount of \$126,000; thus, increasing the total compensation to \$160,000 for additional consulting services with System WorCx, pending the approval of financing.

9. **Execution of Contract Amendment with The Freelon Group P.A. for the Proposed Durham County Human Services Complex—Project No.: DC070-48**

10 min.

The Board is hereby requested to authorize the County Manager to amend the design contract with The Freelon Group (TFG), P.A., pending approval of financing to include the Construction Administration (CA) Phase and related services for the Durham County Human Services Complex (DCHSC) and a surface parking facility to be located on the 400 & 500 blocks of East Main Street in the amount of \$4,120,397 plus reimbursable expenses and additional services (if necessary), estimated at \$206,020 for a total \$4,326,417, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursement to \$8,141,417. The current design contract amount with TFG is \$3,815,000.

On July 9, 2003, a request for qualifications (RFQ) for architectural services for the DCHSC project was advertised. On February 9, 2004, the Board authorized the County Manager to enter into a contract with TFG Inc. to provide professional services for the programming, master planning, and process analysis phase of the proposed complex. On October 24, 2005, the BOCC approved the original design contract without the contract for CA phase to TFG. The services to be rendered under this contract shall include Full Time Construction Administration; Basic Construction Administration (Includes Specialty Consultants); LEED Certification during Construction Administration; Interior Design - FFE Procurement & FFE Mock-up Services; Signage & Graphics including LEED Commissioning/Coordination and associated services. Construction is scheduled to begin in FY09 and be completed in FY12. This project consolidates delivery of

Human Services and improves service delivery by providing adequate facilities for each agency along East Main Street.

It is recommended that the County proceed with all work described in the proposal dated February 11, 2009 in the total amount of \$4,326,417. Funding for this amendment will be available in April 2009 through variable rate financing and then long term certificates of participation (COPS) in the Human Services Complex Capital Project account.

Resource Person(s): Glen Whisler, P.E., County Engineer, Engineering Department; George Quick, Director of Finance; Ademola Shobande, Assoc. AIA, Sr. Project Manager, Engineering Department; and Philip Freelon, FAIA, and Zena Howard, AIA, The Freelon Group Inc.

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to amend the design contract with The Freelon Group (TFG), P.A., to include the Construction Administration (CA) Phase and related services for the DCHSC project in the amount of \$4,120,397 plus reimbursable expenses and additional services if necessary, estimated at \$206,020 for a total \$4,326,417, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursement to \$8,141,417, pending approval of financing.

10. **Capital Project Amendment No. 09CPA00000014—Appropriation of \$3,706,833 for the Durham County Memorial Stadium Renovations and Additions Project (DC092) and Execution of the Construction Contract for the Durham County Memorial Stadium Renovations and Additions Project. Bid No: 09-017**

20 min.

The Board is hereby requested to authorize the County Manager to authorize an interfund loan of \$3,706,833 to the Durham County Memorial Stadium Renovations project increasing the total project budget from \$4,500,000 to \$8,206,833 and to enter into a contract with Harrod and Associates Constructors, Inc. (H&AC) for the construction of the Durham County Memorial Stadium Renovations and Additions project located at 750 Stadium Drive, Durham, in the negotiated amount of \$7,011,750 (Base Bid, Track, Alternates #3 & 6), and to execute any other related contracts including change orders, if necessary, not to exceed the construction budget of \$7,547,914.

The additional funding needed for this project will come from Certificate of Participation (COPS) financing occurring later in the fiscal year. General Fund dollars will fund purchases made before loan funds are available through an interfund loan of that amount per a reimbursement resolution once the COPS financing funds become available.

The construction of the Durham County Memorial Stadium Renovations and Additions project was advertised in local newspapers on December 28, 2008. A pre-bid conference was held on January 7, 2009 and a bid opening was held on January 27, 2009. Seven bids were received. Harrod and Associates Constructors, Inc. (H&AC)

submitted the lowest bid of \$8,130,000 (Base Bid) which was \$1,600,000 over the construction budget, not including alternates. Value engineering efforts reduced costs by \$1,309,850, resulting in a contract price of \$7,011,750 (base bid plus Alternate #3& 6). The Value Engineering efforts resulted in the removal from project scope of the running track and field events, the new restroom buildings and concourse on the North side of the stadium, deferral of the Marquis at the corner of Stadium Drive and Duke Street, and deletion of air conditioning of locker room space. In addition, general items, such as feature and finish substitutions were included which did not impact project scope. To compensate for the elimination of new restroom facilities on the North side, Alternate #3 was accepted which provides for renovation of the existing restrooms under the North and South grandstands. It should be noted that the Stadium Authority's position on the VE efforts is that the running track should remain within the project scope. The additional funding required to keep the running track and related items within the project is \$506,833.

This newly renovated facility will continue to be home to the "Northern Knights" High School football team and is intended also to be home to the new high school's football team, once the school is constructed. It is the intention of the Stadium Authority to increase the usage of the Stadium by offering a facility that will attract a much broader audience for football and other events. The construction will take place in three phases. The first phase will focus on the installation of the artificial turf (and track, should the additional funding be approved) with the objective of completion prior to the 2009 football season. The second phase will focus on the construction of the new restroom and concession buildings on the South Grandstand. This phase will begin at the start of phase one and continue through February 2010, however construction activities will be fenced off and isolated from the public to allow use of the stadium during the 2009 football season. The third phase will begin upon the completion of phase two and will consist of renovation of the existing facilities under the grandstands. The contract completion time for this project is 17 months.

This agenda item has been reviewed and approved by the Purchasing Division. After the review of IFB 09-017, Durham County Memorial Stadium Renovations and Additions, H&AC has met the minimum 50 points required by GS 143-128, and has satisfied the necessary Good Faith Efforts. H&AC has identified 20.1% M/WBE participation of the total 27.57% M/WBE goal for construction subcontracting. However, the vendor has committed to working with Durham County to seek additional M/WBE participation if the opportunity prevails.

The Engineering Department has reviewed the bid proposals with Purchasing, General Services, County Manager staff, and DTW Architects & Planners, Ltd., the Project Architects, and recommends that the County proceed with base bid work plus Alternate #3 and award a contract to Harrod and Associates Constructors, Inc. Completion of this project will provide a better facility for service delivery.

Resource Person(s): Glen Whisler, P.E., County Engineer, Ademola Shobande, Assoc. AIA, Sr. Project Manager, James Faress, P.E., Project Manager, Engineering

Department; Mike Turner, General Services Director; George Quick, Finance Director; Robert Sotolongo, AIA, DTW Architects & Planners, Ltd.;

County Manager's Recommendation: The Manager recommends that the Board authorize an interfund loan of \$3,706,833 to the Durham County Memorial Stadium Renovations and Additions project for a total project budget from \$4,500,000 to \$8,206,833 and to enter into a contract with Harrod and Associates Constructors, Inc. for \$7,011,750 (Base Bid, Track, Alternates #3 & 6) for the construction of the Durham County Memorial Stadium Renovations and Additions project and to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget of \$7,547,914. Funding for this project will come from a COPS financing loan and any General Fund funds spent towards these projects will be reimbursed once loan funds are secured.

11. **Public Hearing on Health & Human Services Financing**

15 min.

The County is attempting to secure financing for the construction of the Health and Human Services Complex along with other projects. The financing will be in an amount not to exceed \$117,835,000. This request is for the BOCC to adopt the final resolution and documents for this transaction.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The Manager recommends the adoption of the resolution and the authorization to execute the required documents upon approval by the Local Government Commission.

12. **Advance Public Comments on the FY2009-2010 Budget**

15 min.

On this date, the Board will hold an Advance Public Comment session to receive public comments for the FY2009-2010 Budget. As County staff begins preparing the fiscal year 2009-2010 budget, public input is being solicited on issues which may need to be addressed during the budget process.

The County Manager's Recommended FY2010 Budget will be presented to the Board of Commissioners on May 26, 2009, with individual budget worksessions with the Board to be scheduled for the period May 27-June 12, 2009. Final adoption of the FY2009-10 Budget Ordinance is scheduled for Monday, June 22, 2009.

Additionally, comments can also be e-mailed to commissioners@durhamcountync.gov.

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

County Manager's Recommendation: The County Manager recommends that the Board hold the Advance Public Comment session on the Fiscal Year 2009-2010 Budget.

13. **Closed Session**

The Board is requested to adjourn to Closed Session pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer or employee.

30 min.

2³/₄ hrs.