

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

Monday, February 9, 2004

7:00 P.M. Regular Session

AGENDA

1. **Opening of Regular Session**?Pledge of Allegiance

2. **Agenda Adjustments**

3. **Minutes**

- a. a. January 5, 2004 Worksession
- b. b. January 12, 2004 Regular Session

4. **Resolution Honoring the Life of Coach Russell E. Blunt** 5 min.

A resolution has been prepared to recognize the outstanding career of legendary Track Coach Russell Evans Blunt. Coach Blunt, who passed away on January 7, will be long remembered for his 42-year career, particularly as coach of Hillside High School and the Durham Striders Track Club.

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve the resolution and present it to the family of Coach Russell Evans Blunt.

5. **Proclamation for "American Heart Month"**

February is "American Heart Month". A proclamation has been prepared in observance of the month and a number of activities have been planned to bring attention to risk factors and heart disease prevention. Tracey Bates, MPH, RD, LDN, Health Promotion Nutritionist, Durham Public Health Department, will accept the proclamation and share some of the planned activities.

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board approve the proclamation and present it to Ms. Bates.

6. **Presentation of Property Tax Check by Durham County Habitat for Humanity** 5 min.

Durham County Habitat for Humanity builds affordable housing for qualifying low-income Durham County residents (most make between 40-60 percent of the area Median Family Income). The average household income for homebuyers in 2003 is \$23,958.33. Currently, approximately 140 homes have been built and approximately 120 mortgages are held by the organization. Each house is sold at 0% interest. Habitat homeowners then give back to the community through required volunteer hours and property taxes.

Bill Wismer, representing Habitat for Humanity and a Habitat homeowner, will make a presentation of a symbolic check equal to the 2003 property taxes of Durham County Habitat homeowners and make brief remarks about the program.

RESOURCE PERSON(S): Bill Wismer, Fiscal Director, Durham County Habitat for Humanity

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the symbolic check and congratulate Durham County Habitat for Humanity for providing affordable homes in the Durham community.

7. **Report on Triangle United Way's 211 Call Service Center**

In August 2001, Triangle United Way launched its 211 information and referral service. United Way 211 is a single source for information about community services and for referrals to health and human service programs. This service operates throughout most of the Triangle (Chatham, Durham, Orange, and Wake Counties), 24 hours a day, and 365 days a year. Bilingual services are available Monday through Friday from 9:30 a.m. ? 6:00 p.m. Staff members are nationally certified as Information and Referral staff and are nationally accredited. These professional caseworkers help callers with complex issues such as substance abuse, support groups, domestic violence, financial assistance, day care, and much more.

As the 211 service has been operating for several years, it wishes to present to the Commissioners a status update and report on services.

RESOURCE PERSON(S): Susan King-Cope, Vice President of United Way 211

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation.

8. **Consent Agenda**

- a. Interlocal Reconciliations (approve the transfer of funds, including the appropriation of \$148,417 from the general fund contingency account for payment of the Interlocal Reconciliations);
- b. Board of Elections' Lease Renewal for 706 Corporation Street (approve the Lease Extension for 706 Corporation Street to provide for an additional five-year term, and authorize the County Manager to execute the Lease Extension);
- c. Budget Ordinance Amendment No. 04BCC000044 and Capital Project Ordinance Amendment No. 04CPA000007' Establish the ERP Capital Project and Approve the Recommended Financing of the Project (authorize the Manager to award the bid to Siemens SAP and to execute the contract; approve Budget Ordinance Amendment No. 04BCC000044 to appropriate funds from fund balance and Capital Project Ordinance Amendment No. 04CPA000007 and a Reimbursement Resolution in the amount of \$3,425,000);
- d. Durham Board of County Commissioners' 2004 Meeting Schedule (approve the 2004 Meeting Schedule as presented, noting that the March Worksession is scheduled for Wednesday, March 3);
- e. Appointment of Vonda Sessoms as Deputy Clerk to the Board (confirm the appointment of Ms. Sessoms as Deputy Clerk to the Board in order for her to sign official documents and act in the absence of the Clerk); and
- f. Appointment of the 2004 E&R Board Members (appoint a special Board of Equalization and Review, designate membership to this Board, appoint the Chair and Vice Chair, and establish the compensation rate for serving on this Board at \$50.00 per session plus \$15.00 per hour after the three-hour session).

9. **Advance Public Hearing on the FY 2004-2005 Budget**

30 min.

As County staff begins preparation of the Fiscal Year 2004-2005 budget, public comment is being solicited. The Board will hold an Advance Public Hearing to receive public comment for the FY 2004-2005 Budget.

The County Manager's Recommended FY 2005 Budget will be presented to the Board of Commissioners on Monday, May 10, 2004, with individual budget worksessions with the Board to be scheduled between May 18 and June 16. Final adoption of the FY 2004-05 Budget Ordinance is scheduled for Monday, June 28, 2004.

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 Hearing on the Fiscal Year 2004-2005 Budget.

10. **Public Hearing on Bond Orders for Justice Center Bonds and Public Building Bonds**

The Board of Commissioners is requested to hold a public hearing on the advisability of issuing two-thirds general obligation bonds. The purpose of the bonds is fund planning and architectural services for the new Justice Center and Parking Facility, as well as the acquisition of interests in land. The bonds are also for the provision of planning, architectural services, geotechnical investigation, and environmental testing services and demolition work with respect to the Human Services Complex and the renovation of a building to be acquired by the County for housing Head Start.

The first reading of the bond orders was held on January 12, 2004. The public hearing has been duly advertised as required by law. Following the public hearing, the Board is requested to approve the two bond orders.

RESOURCE PERSON(S): Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: Following the public hearing, approve the two bond orders on separate votes, if appropriate, based on comments from the public hearing.

11. **FY 2004-2005 Consolidated Action Plan Needs Public Hearing** 15 min.

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners hold the FY 2004-2005 Consolidated Action Plan Needs public hearing to receive citizen comments.

The adopted Citizen Participation Plan requires that two public hearings be held prior to submission of the Consolidated Action Plan to the Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive comments pertaining to HOME program needs in Durham. Comments received from the public during this phase will be used to assist in the development of the FY Draft Consolidated Action Plan. The FY 2004-2005 Draft Consolidated Action Plan is scheduled to be available for public review March 15, 2004 through April 16, 2004.

The Durham City-County HOME Consortium anticipates receiving total HOME Investment Partnership (HOME) program funds for \$1,400,000. This amount includes an approximate annual HOME allocation of \$1,300,000 and program income for \$100,000. The proposed use of FY 2004-2005 HOME funds includes a Community Housing Development Organization (CHDO) set-aside, substantial homeowner rehabilitation activities for low-income city and county residents, and a First-Time Homebuyers Program for city and county residents. Housing and Community Development staff is currently reviewing FY 2004-2005 HOME proposals and will present funding recommendations in April. The Durham City-County HOME Consortium will be required to provide a 25% match (non-federal funds) to the total amount of HOME funds used directly for affordable housing activities during FY 2004-2005. The required match would be approximately \$325,000 and would be funded with City Housing Bonds and available County funds as outlined in the current Consortium Agreement.

Constance Stancil, Interim Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners hold the FY 2004-2005 Consolidated Action Plan Needs public hearing to receive citizen comments.

RESOURCE PERSON(S): Katherine Simmons, Associate Director of Planning and Administration, or Vickie Miller, Planning and Development Officer

COUNTY MANAGER'S RECOMMENDATION: Hold the FY 2004-2005 Draft Consolidated Action Plan Needs public hearing to receive citizen comments.

12. **Approval of Professional Services for Building Programming and Pre-Design Contract for the Durham County Human Services Complex Project**
No: DC070-48

The Board is requested to authorize the County Manager to enter into a contract with The Freelon Group Inc. to provide professional services for the programming, master planning, and pre-design of the New Durham County Human Services Complex to be located on East Main Street (for \$345,220, plus a reimbursable amount of \$8,000, thus totaling \$353,220) and to execute any other related contracts, if necessary, not to exceed the estimated \$400,000 budget.

This project is to build a new Human Services Complex to house the departments of Social Services, Public Health, and The Durham Center (formerly Mental Health). This facility was included in the Durham County Facility Master Plan completed in 2000 and amended in 2003 to reflect changes generated by the downsizing and reorganization of Mental Health. The total space requirements for the Human Services Complex are approximately 224,000 square feet, plus parking facilities to support the complex. This project consolidates delivery of Human Services and improves service delivery by providing adequate facilities for each agency along East Main Street. During programming, the current and future space needs of each building occupant will be determined and used to develop the size of the building and parking facilities and serve as the basis for design and construction. In addition, the actual placement of the buildings and parking on the potential sites will be examined and several alternatives evaluated. The facilities are included in the approved Capital Improvement Plan (CIP) with an estimated project cost of \$62,176,259. Construction is scheduled to begin in FY 06 and to be completed in FY 09.

A request for qualifications (RFQ) for architectural services for the facility was advertised on July 9, 2003. Nine responses were received on August 11, 2003 and were evaluated by a selection committee representing the County Manager's Office and Social Services, Public Health, The Durham Center, Engineering, General Services, Finance, and Budget Departments. Four firms were interviewed on October 29, 2003, and The Freelon Group Inc. (located in Durham) was determined to be the most qualified firm for the Durham County Human Services Complex project.

Between November 2003 and January 2004, representatives from Social Services, Public Health, The Durham Center, and Engineering Departments met with The Freelon Group Inc. to develop a scope of work. A fee proposal for the programming and pre-design work was submitted on December 12, 2003, which was refined during negotiations and revised on January 21, 2004. The services to be rendered under this contract include: (A) Project Initiation & Data Gathering: To develop an operational and functional concept for the Human Services Complex and tour of comparable buildings. (B) Process Analysis & Programming: Process analysis and programming for primary occupants; scope, and project budget reconciliation. (C) Master Planning: A comprehensive site investigation will be undertaken to analyze topographic and subsurface conditions, site utilities, boundaries, and environmental investigations prepared by others. Site access and parking requirements will also be evaluated to determine the best utilization of the site. (D) Stakeholder Involvement: Review and confirm requirements for security operations, Information Technology, Appearance Commission, and Board of the County Commissioners. (E) Project Documentation: Produce final programming and master planning documents. It is expected that the completion of programming and pre-design phases will take about five months. The Freelon Group Inc. is an MBE firm and proposes a 15.5% WBE participation on this project.

It is recommended that the County proceed with all work described in the revised proposal dated January 21, 2004, for \$353,220. The total estimated design cost currently included in the approved CIP is \$4,310,936. Current approved funding for this project is \$2,915,485.

RESOURCE PERSON(S): Glen Whisler, P.E., County Engineer, Engineering Department

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board authorize execution of contract with The Freelon Group Inc. to provide professional services for the programming, master planning, and pre-design of the New Durham County Human Services Complex (for \$345,220, plus a reimbursable amount of \$8,000, thus totaling \$353,220) and to execute any other related contracts, if necessary, not to exceed the estimated budget of \$400,000.

13. **Request to Award Sole Source Contract to Applied Control Technologies for Security Card Access and HVAC Controls in the General Services Complex, Detention Center, and Judicial Building**

The Board is hereby requested to authorize the County Manager to execute a sole source contract with Applied Control Technologies for \$72,057 to upgrade the environmental (HVAC) controls to the General Services Complex and Detention Center and security card access upgrades to the existing Direct Digital Control (DDC) system in the Judicial Building.

More specifically, upgrading General Services' environmental PC from single-user to multi-user to allow access to all Andover Control HVAC and security card systems in county buildings; installing server hardware in the IT department to support the additional control upgrades to multi-users; multi-user upgrades to the Detention Center for HVAC support; and re-programming of the current DDC (HVAC) system to support and operate the new security card system for the Judicial building.

Currently, no back-up systems exist for the environmental (HVAC) computer located in the General Services department. This proposed upgrade will allow General Services' staff to access the HVAC equipment in the Detention Center, Judicial building, DSS-Main, and DSS-Carmichael remotely for monitoring, trouble shooting, and temperature adjustment.

Durham County General Services currently has Andover Control environmental control computer systems in the Detention Center, DSS-Main, DSS-Carmichael, and Judicial buildings. Andover Controls has built its excellent reputation through authorized dealers such as Applied Control Technologies. For that reason, Andover Controls Corporation has awarded exclusive territorial rights for North Carolina to Applied Control Technology for all installation and factory support. Applied Controls Technology Inc. is based out of Morrisville, NC and has previously installed DDC (HVAC) controls in the Detention Center, Judicial Building, and both DSS facilities.

Stakeholders for this project include: General Services for environmental controls of the Judicial building and both DSS facilities; IT department for server support; ARAMARK for environmental (HVAC) controls of the Detention Center; and the Sheriff's Office for security card access control and administration in the Judicial building. All of the above-named stakeholders have been involved in development and approval of this project, including Purchasing and Legal Departments.

Funding for this project was approved by the Board in the FY 03-04 Operating Budget for \$76,600.

Pursuant to N.C.G.S. §143-129(e)(6), this project is exempt from the public bidding requirements because performance and price competition for the Andover product is unavailable and standardization and compatibility is an overriding consideration.

RESOURCE PERSON(S): Michael Turner, Director of General Services; Don Hasselbach, Assistant General Services Director; and Jacqueline Boyce, Purchasing Manager

COUNTY MANAGER'S RECOMMENDATION: Approve the purchase of the Andover environmental (HVAC) and security card access control systems upgrade from Applied Control Technologies

pursuant to the sole source exception of the public bidding requirements. Authorize the County Manager to execute a contract with Applied Control Technologies in the amount of \$72,057 to add the Andover security card access controls and HVAC controls to the General Services Complex and Detention Center and existing Direct Digital Control (DDC) system in the Judicial Building. Authorize the County Manager to execute change orders, if necessary, not to exceed \$4,543. The total contract shall not exceed \$76,600.

14. **Time Warner?s Request to Seek an Increase in the Rate Charged for Basic Cable Television, Service Installation, and Equipment Rental**

On October 1, 2002, Time Warner Cable submitted three FCC forms to the County (the 1240 for the Basic Cable Service Tier, the 1205 for Equipment and Installation charges and the 1235 for upgrade costs) to seek an increase in the rates charged for (1) basic cable television service, and (2) installation and equipment rentals for the 2003 calendar year. Time Warner proposed to raise the County?s Maximum Permitted Basic Service Tier Rate by 7.76% (three times the rate of inflation for 2002) and its equipment and installation charges 5% (more than twice the 2002 Consumer Price Index). On May 12, 2003, the Durham County Board of Commissioners rejected Time Warner?s rate request on the grounds that these proposed rates were not "reasonable", that is, they did not reflect rates that would be charged in the presence of effective competition, the standard on which the Cable Act of 1992 and the FCC?s rate regulation rules determine the limits of a "reasonable rate". On June 11, 2003, Time Warner Cable appealed this decision to the FCC. The Durham County Board of Commissioners has filed an Opposition. The Appeal remains pending at the FCC.

On October 2, 2003, Time Warner Cable submitted to the County FCC forms 1240, 1235, and 1205 seeking a rate increase in its maximum permitted rate for the basic service tier and installation and equipment fees for the 2004 calendar year. The County?s TJCOG consultant evaluated these rates and determined that they continue to reflect higher rates than would be charged in an effectively competitive market and that Time Warner has filed to increase 2003 rates that the County deemed were unreasonable back in May 2003. The Consultant recommended rejection of Time Warner Cable?s rate request.

RESOURCE PERSON(S): Robert Sepe, President, Action Audits, LLC

COUNTY MANAGER?S RECOMMENDATION: Reject Time Warner Cable?s 2004 FCC1240/1235/1205 proposed rates because they do not reflect rates that would be charged in the presence of effective competition and therefore are not reasonable. Permit Time Warner to charge rates below the last approved basic service Maximum Permitted and HSC rates.

15. **Closed Session**

The Board is requested to adjourn to Closed Session to consider the performance of a public officer, to discuss a claim, and to preserve the attorney-client privilege pursuant to N.C.G.S. §§ 143-318.11(a)(3) & (6).



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