

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

Monday, February 2, 2004

9:00 A.M. Worksession

AGENDA

1. Citizen Comments?Ralph McKinney Jr. 5 min.

Mr. Ralph McKinney Jr. has requested time on the agenda to speak to the County Commissioners about sexual abuse and racial prejudices in Durham County.

2. Citizen Comments?Felicia McNeil 5 min.

Ms. Felicia McNeil has requested time on the agenda to speak to the County Commissioners concerning The Durham Center, Urban Ministries, management of Durham County finances, and housing for the homeless.

3. Citizen Comments?Ephesus Church Road Sewer 15 min.

The following citizens have requested time on the agenda to speak to the County Commissioners regarding the sewer on Ephesus Church Road:

Ella Woods

Lillian Roberts

Mary R. Hart

Atty. Charles Day

Isaac Woods

RESOURCE PERSON(S): Commission Vice-Chairman Joe W. Bowser

4. Citizen Comments?Melvin Whitley 5 min.

Mr. Melvin Whitley, representing the Coalition to Reduce Plea-Bargaining of Violent Gun Crimes in Durham, Durham NAACP, has requested time on the agenda to make a request of the County Commissioners involving judicial matters.

5. Time Warner Cable Presentation 15 min.

Time Warner will make a presentation detailing the process by which basic cable rates are calculated. The presentation will also cover new products and services, their contributions to the community, as well as factors contributing to the rate adjustments for 2004.

RESOURCE PERSON(S): Brad Phillips, V. P., Government and Public Affairs, and Andi Curtis, Public Affairs Manager, Time Warner Cable

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

6. Quarterly M/WBE Report on American Tobacco Project 15 min.

Officials from Capitol Broadcasting Corporation (CBC) will provide a report about the status of the American Tobacco Project and the M/WBE results achieved to date. The project represents a guaranteed minimum private investment of \$54 million. CBC's agreement with the County requires compliance with the County's M/WBE Ordinance, including the provision of quarterly reports as the project progresses. Reports must include verifiable percentage goals; type and total dollar value of projects; minority business utilization by minority business category for each project; and the applicable good faith guidelines or rules used to recruit M/WBE participation.

RESOURCE PERSON(S): Mike Hill, Capitol Broadcasting Corporation

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the report and advise staff if any additional information or action is required.

7. Advertising of Tax Liens 15 min.

Authorize the Tax Administrator to provide public notice and advertise the 2003 delinquent tax liens. N.C.G.S. 105-369 states the advertisement of tax liens shall be made during the period March 1 through June 30.

Levy Fund Outstanding

\$ 136,941,140.32 County \$ 15,530,003.03

\$ 14,196,553.98 Capital \$ 1,502,928.74

\$ 916,926.57 Bethesda \$ 42,050.32

\$ 541,390.36 Lebanon \$ 55,387.47

\$ 966,926.57 Parkwood \$ 140,178.80

\$ 488,321.36 Redwood \$ 121,512.03

\$ 40,438.96 New Hope \$ 3,484.88

\$ 17,367.26 Eno \$ 1,126.43
 \$ 300,218.61 Bahama \$ 28,932.79
 \$ 349,986.29 RTP Special \$ 24,141.01
 \$ 79,622,395.99 Durham City \$ 8,394,184.59
 \$ 1,314,606.93 Town of Chapel Hill \$ 73,150.48
 \$ 11,875.07 Butner \$ 1,096.73
 \$ 132,609.98 City of Raleigh \$ 8,493.29
 \$ 235,840,330.45 \$ 24,926,670.59

RESOURCE PERSON(S): Kenneth L. Joyner, Tax Administrator

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board suspend the rules and approve the Tax Administrator's request to begin advertising the 2003 tax liens in the month of March.

8. **9-1-1 Departmental and Surcharge Status Report** 30 min.

Durham Emergency Communications Center will make a presentation to the Board of County Commissioners outlining the management changes that have occurred within the department and plans for expenditures from the surcharge.

RESOURCE PERSON(S):

Cheryl Smith, Assistant Communications Manager ? Staff Services
 Tonya Pearce, Acting Assistant Communications Manager - Operations
 Mavis Galantis, Training Coordinator

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

9. **Interlocal Reconciliations** 15 min.

The Finance Department requests that the BOCC approve the transfer of \$148,417 from the contingency fund and \$349,327 from the 911-surcharge fund for payment of outstandings due under the 1996 through 1999 interlocal agreements with the City of Durham. These funds, which total \$497,745, are described below:

	FY95-96	FY96-97	FY97-98	FY98-99
Emergency Comm. GF	51,432	97,839	(35,534)	(23,104)
Emergency Comm. Surcharge	(520,633)	690,514	103,869	75,576
Civic Center	(44,382)	(37,188)	(48,872)	23,782
Emergency Management	46,797			7,004
Planning Department	64,157	14,259	192,708	94,639
Inspections Department	(22,790)	(47,355)	(36,177)	(3,106)
GIS				9,290
Landfill Tipping Fee	95,648	(70,240)	(53,308)	
Sales Tax Audit			(65,472)	
TMA Tax Revenue Audit			(52,028)	
Youth Coordinating Board			(1,857)	6,464
Payments				(117,138)
Total **	\$ (329,771)	\$ 647,829	\$ 3,329	\$ 73,407

** () = Due to County from the City
 without () = Due from County to the City

Total Interlocals \$ 394,794

800 MHZ Radios \$ 102,951

Total due to City \$ 497,745

The \$102,951 payment for 800 MHZ Radios is an amount due to the City and authorized for payment by the BOCC in FY 99, but was never paid. The amount results from a \$687,451 bill charged incorrectly to the Emergency Telephone System Fund rather than to the General Fund during FY 98 and a \$584,500 charge to the General Fund in FY 96 that should have been charged to the Emergency Telephone Fund (revealed in a FY 98 Internal Audit).

The \$102,951 balance due the Emergency Telephone Fund was due to be paid during FY 99, but was not, and is part of this request.

It should be noted that the City of Durham has netted our payment (\$497,745) against the amount due

Durham County (\$583,431?Agreed Upon Procedure Audit/Utilities Audit) and forwarded to Durham County the difference (\$85,686). Release of the above-mentioned funds is necessary to close the transactions on the County books. With the closing of this transaction, all reconciliation of interlocals will be complete through FY 2002.

RESOURCE PERSON (S): George K. Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the BOCC suspend the rules to approve the report and authorize the placement of a budget amendment on the February 9, 2004 consent agenda.

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12. **ERP Project ? Final Vendor Selection** 15 min.

On December 22, 2003, the ERP Committee informed the Board of County Commissioners that it had reduced the possible choices of vendors to three: Peoples Software, Munis, and Siemens SAP. The committee also indicated that the cost of the project could be as high as \$3,600,000. The committee has now completed the process and is prepared to recommend Siemens SAP at a cost of \$3,425,000. This vendor was the unanimous choice of the committee. Siemens SAP met the requirements of all the stakeholders, was not the most expensive, was user friendly and had very positive recommendations from its current users. The conversion is projected to be a 54-week process. The budget for FY 2005 will reflect the additional temporary manpower needed to complete the conversion.

As such, the committee recommends approval of the selection and authorization for the Manager to sign the appropriate contracts to move the process forward.

RESOURCE PERSON(S): George K. Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board receive the presentation and place the recommendation by the ERP Committee on the Consent Agenda for the February 9, 2004 Commissioners' meeting.

13. **Consideration of Ethics Policy and Rules of Procedure** 20 min.

The Board is requested to review the current Ethics Policy and Rules of Procedure to determine if changes are needed. The County Attorney has made suggested revisions to the current Ethics Policy. The current laws regulating bidding were revised in 2002. The Ethics Policy must conform to existing state statutes.

RESOURCE PERSON(S): Commissioner Mary Jacobs

COUNTY MANAGER'S RECOMMENDATION: The Manager recommends that the Board consider the Ethics Policy and Rules of Procedure and give direction to staff as to any changes desired.

14. **Consent Agenda** 25 min.

The County Manager recommends that the Board suspend the rules to approve the following consent items:

- a. Approval for the Tax Assessor to Use the North Carolina Department of Revenue Cost Index and Depreciation Schedules for Business Personal Property Valuation (approve the request of the Tax Administrator to use the North Carolina Department of Revenue Cost Index and Depreciation Schedules for the 2004 tax year and all subsequent tax years);
- b. Purchase of Vehicles for the Department of General Services, Animal Control, and the Sheriff's Office (IFB No. 04-015) (authorize the County Manager to enter into a contract with University Ford Inc. for \$518,867.68);
- c. Property Tax Releases and Refunds for Fiscal Year 2003-04 (December) (accept the property tax release and refund report as presented, and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- d. Declaration of Surplus Personal Property and Approval of Resolution to Donate to Nonprofit Corporations (declare the personal property as surplus; authorize the donation of the personal property to the Partnership for a Drug Free North Carolina Inc., the Freedom House Inc., and Coastal Horizons Inc. on the condition that said property be used for a public purpose; authorize the County Manager to enter into an agreement which reflects the terms of the conveyance as set forth herein);
- e. Standard Non-Reimbursable Contract for the Extension of the County Sanitary Sewer System (Alexander Crossing?Phases 2, 3, & 4) (authorize the County Manager to execute the Utility Contract for this addition to the County sanitary sewer system);

- f. Declaration of Surplus Personal Property and Approval of Resolution to Sale to Another Governmental Unit (declare the personal property as surplus, authorize the sale of the personal property to Orange-Person-Chatham Mental Health Area Authority in the amount of \$10,494.00, and authorize the County Manager to enter into an agreement which reflects the terms and conditions of the sale);
- g. Lease Amendment and Subleases for 102 East Main Street (approve the lease amendment for 102 East Main Street and the two subleases for Carolyn Cordasco and Coastal Horizons Center Inc. for a portion of the overall leased space; authorize the County Manager to execute the lease amendment and both subleases);
- h. Lease for DACCA Location at the Child Care Resource Center (approve the contract with CCSA for a 10-year lease agreement in the new Child Care Resource Center);
- i. Reimbursement Resolution for YMCA Project (adopt the resolution so that the County can reimburse itself from the bond proceeds of the two-thirds bonds);
- j. Capital Project Ordinance Amendment No. 04CPA000008 and Contract Approval for a Reused Wastewater Capital Project Study (approve Capital Project Ordinance Amendment No. 04CPA000008 to establish the Reused Wastewater Capital Project in the amount of \$100,000; authorize the Manager to execute a contract with Camp Dresser and McKee for the Reused Wastewater Capital Project Study at a cost not to exceed \$75,500);
- k. Welcome Baby Position Assignments (authorize the assignment of three part-time provisional positions to Cooperative Extension, Welcome Baby and direct Human Resources to classify the noted positions); and
- l. Durham County Tax Department Cessation of Extended Hours (approve the Tax Administrator's request that Tax Administration return to normal County operating hours of 8:30 a.m. to 5:00 p.m., Monday through Friday).

15a. **Closed Session*** 45 min.

The Board is requested to adjourn to closed session in order to preserve the attorney-client privilege and to discuss *Brannon v. County*, 03 CVS 14432 pursuant to G.S. § 143-318.11(a)(3).

15. **Amendments to the 2000-2005 Durham Consolidated Plan and the FY 2001-2002, 2002-2003, and 2003-2004 Consolidated Action Plans**

20 min.

The City of Durham Department of Housing and Community Development requests that the Board of County Commissioners, having held a public hearing regarding an amendment to the 2003-2004 Consolidated Action Plan on December 8, 2003, and having received citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham, adopt Amendments to the 2000-2005 Durham Consolidated Plan and the FY 2001-2002, 2002-2003, and 2003-2004 Consolidated Action Plans.

Staff from the City of Durham Department of Housing and Community Development has reviewed this request and recommends adoption.

RESOURCE PERSON(S): Katherine Simmons, Associate Director, City of Durham Housing and Community Development, and Vickie Miller, Planning and Development Officer

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board discuss Amendments to the 2000-2005 Durham Consolidated Plan and the FY 2001-2002, 2002-2003, and 2003-2004 Consolidated Action Plans and take action as it deems appropriate.

16. **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**

15 min.

On January 22, 2004, the bids for the financing of the new financial software and related hardware were opened. The Board of County Commissioners is being requested to approve the recommended bid.

In addition, the Board is being requested to approve a General Fund fund balance appropriation for \$3,425,000, to allow the County to set up the capital project and to enter into a contract for conversion of its financial system to SAP/Siemens. This approval will provide the funds needed to bridge the period between February 10, 2004 and closing of the above-mentioned loan that will actually fund the purchase. At this worksession, the proposed contract for the purchase of the

Financial System will be recommended for approval at the February 9, 2004 meeting. The venter has agreed to hold the negotiated price until February 10, 2004.

RESOURCE PERSON(S): George K. Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board suspend the rules and approve the recommended financing bid for the project. In addition, approve Budget Ordinance Amendment No. 04BCC000044 and the Capital Project Ordinance Amendment No. 04CPA000007 establishing the ERP Capital Project for \$3,425,000.

17. **Board Appointment** 10 min.

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make one business representative appointment to the Farmland Protection Advisory Board.

RESOURCE PERSON(S): Garry E. Umstead

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommends that the Board suspend the rules to appoint one business representative to the Farmland Protection Advisory Board.

***NOTE:** The Commissioners will hold the Closed Session during lunch break between 12:00 noon and 12:45 p.m.

4½ hrs.



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