

**REVISED**

(Addition—Consent Agenda Item No. 80  
Deletion—Item No. 10  
Revised Closed Session)

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

Monday, November 10, 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.

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5:30 – 6:30 P.M. Special Session

**Greenfire Development – Phase II Downtown Re-Development Project**

On May 5, 2008 the Board of County Commissioners received a presentation from Greenfire Development regarding its Phase II Downtown Re-Development Project, modeled after Durham's recently approved Downtown Master Plan. When Phase II is complete, it is projected that the overall project will represent a minimum private investment by Greenfire of \$295 million. The project will also create approximately 1,300 jobs at full build out and provide 430 new housing units to downtown Durham. Upon completion in 2019, Phase II will result in approximately 1 million square feet of space, estimated to produce \$307.4 million in new property tax value. The County anticipates receiving approximately \$15.993 million in accumulated tax revenues over the next ten years as a result of Phase II.

Greenfire submitted a request to the County for assistance with the provision of public parking to support the re-development of the city center. After reviewing the request and evaluating it in conjunction with the parking needs of the public utilizing County office buildings, the administration determined that a public private partnership to provide for the parking needs was both cost efficient and beneficial to both parties. Staff has been working with Greenfire officials to develop a partnership to provide parking needed for both government offices and downtown re-development.

Greenfire Development will present an updated request for assistance with public parking. County staff will present a draft of deal points for the Board's consideration.

Resource Person(s): Carolyn P. Titus, Deputy County Manager; Chuck Kitchen, County Attorney; Greenfire Development's Michael Lemanski, Founding Partner; and Carl Webb, Partner

County Manager's Recommendation: The Manager recommends that the Board receive the presentation and provide direction to staff.

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.

October 13, 2008 Worksession

5. **Introduction of Assistant County Manager** 5 min.

Andrew "Drew" Cummings has been appointed Assistant County Manager for Special Projects, effective November 3, 2008. Mr. Cummings has an Undergraduate Degree in Government from Harvard University and a Master Degree in Public Policy from Duke University. A Michigan native, Cummings was formerly Assistant to the Town Manager for the Town of Carrboro. He resides in Durham County, is married, and has two children.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board extend an official welcome to Mr. Cummings.

6. **Recognition for Robb Teer, Sylvia Kerckhoff, and Chuck Watts, Chair of "A Taste for Durham's Future" Committee** 5 min.

Business leader Robb Teer, former Durham Mayor Sylvia Kerckhoff, and Attorney Chuck Watts enthusiastically served as Co-Chairs of the "A Taste for Durham's Future" Committee responsible for voter education and marketing of the campaign to support the Prepared Meals Tax Referendum on November 8, 2008.

These individuals, along with a large committee of community and civic representatives, led the private fundraising efforts to support the successful marketing campaign.

Resource Person(s): Ellen W. Reckhow, Chairman

County Manager's Recommendation: The Manager's recommendation is that the Board congratulate Co-Chairs Robb Teer, Sylvia Kerckhoff, and Chuck Watts along with the entire "A Taste for Durham's Future" Committee.

7. **Recognition of Durham County Reserve Deputies Program**

5 min.

Each year, Durham County citizens receive thousands of hours of public safety from a special group of law enforcement officers. Reserve officers in the Durham County Sheriff's Office provide a myriad of free services throughout the community. These state-certified officers, who may come from various other agencies, are managed by Major Paul Martin. They are required to work at least 12 hours a month and undergo the same training as regular deputies.

Reserve Deputies Jeff Aldridge and Bill Pickard are two deputies who were recently recognized in the local media for their community service.

Resource Person(s): Major Paul Martin, Durham County Office of the Sheriff

County Manager's Recommendation: The Manager's recommendation is that the Board commend Reserve Deputies Jeff Aldridge and Bill Pickard and their colleagues for the vital public service they provide to Durham County residents.

7a. **Recognition of the Board of Elections**

5 min.

The Durham County Board of Elections and Elections Department employees will be recognized for outstanding performance registered during the general election. Durham County had a record turnout and the Board of Elections implemented a process for the general election that was prepared for the heavy turnout.

Resource Person(s): Ellen W. Reckhow, Chairman

County Manager's Recommendation: The Manager recommends the Board commend the Board of Elections for outstanding performance during the general election.

8. **Consent Agenda**

20 min.

- a. Budget Ordinance Amendment No. 09BCC000023—Budget Changes Related to Capital Finance Program Dedicated Revenues (appropriate \$1,886,525 of FY 2007-08 capital project funds interest and unspent Debt Service Fund expenditures [now FY 2008-09 fund balance] to the Debt Service Fund per Durham County's Policy on financing capital projects);
- b. Budget Ordinance Amendment No. 09BCC000026—Social Services—Recognizing Additional Revenue (LIEAP and CIP Administration Funds—\$13,419 increase;

- Child Care and Smart Start Subsidy—\$1,896,249 increase; Triangle United Way [TUW] Child Care Funding through Child Care Services Association [CCSA] Contract—\$74,035; TANF Domestic Violence—\$8,661 decrease; Work First Demonstration Grant—\$123,500; and Work First Functional Assessment—\$2,800 increase);
- c. Budget Amendment No. 09BCC000027—Sheriff's Office—Recognize Revenue in the amount of \$141,563 from the Bureau of Justice Assistance (BJA);
  - d. Budget Ordinance Amendment No. 09BCC000028—Public Health—Recognize Grant Revenue in the amount of \$13,427 from the N.C. Department of Health and Human Services for operational expenses for the Eat Smart, Move More Program in the Health Education Division;
  - e. Budget Ordinance Amendment No. 09BCC000029—Durham Emergency Communications Center (DECC) Technology Grant in the amount of \$65,550 (appropriate landline surcharge fund balance for use in conjunction with the US Department of Justice grant to purchase oblique imagery technology from Pictometry International);
  - f. Approval of the First Amendment to the Interlocal Cooperation Agreement between the County and City of Durham for Emergency Management;
  - g. Capital Project Amendment No. 09CPA000009—Appropriation of \$1,300,000 for the Durham County Justice Building and Parking Deck [Capital Project (No: DC066)] for a total project budget of \$15,596,455 and amendment of the design contract with O'Brien/Atkins Associates, P.A., by \$1,419,939 for the additional architectural & engineering design services of the proposed Durham County Justice Building and Parking Deck from \$6,435,090 to a revised contract amount of \$7,855,029, which include Basic Services, additional services and reimbursable expenses;
  - h. Adopt the Resolution Amending the Economic Development Policy;
  - i. Approve the Contract to Show "Durham: A Self-Portrait";
  - j. Approve the Resolution for Durham County Access (DCA);
  - k. Approve the Proposed Changes to the Nonprofit Agency Funding Policy;
  - l. Approval of Surplus Personal Property Sale by Electronic Auction with GovDeals (approve the Resolution Authorizing a Surplus Personal Property Sale by Electronic Auction utilizing GovDeals on-line auction services);
  - m. Adopt the Reimbursement Resolution related to the Lakewood YMCA;
  - n. Designation of Voting Delegate to the Legislative Goals Conference (appoint Chairman Reckhow as the voting delegate and Vice-Chairman Page as the alternate delegate); and
  - o. **Resolution in Support of Funding for Red Mill Road Improvements (approve the Resolution enthusiastically, endorsing improvements to Red Mill Road by the NC Department of Transportation.**

9. **Public Hearing on Need for Public Parking**

15 min.

The Board of Commissioners is requested to hold a public hearing on the need for additional public parking in the Government Services District of Downtown Durham.

The hearing should consider existing parking needs, as well as additional public parking needs being generated by increased development in downtown.

Resource Person(s): Chuck Kitchen, County Attorney, and Carolyn Titus, Deputy County Manager

County Manager's Recommendation: Hold the public hearing as requested, and direct the County Attorney to draft a resolution based on the comments received at the hearing.

10. ~~**Capital Project Amendment No. 09CPA000010 – Appropriation of \$8,250,000 for the DPS/Lakewood YMCA Purchase and Renovation Capital Project (SH153) and Approval of Lakewood YMCA Purchase, Development Agreement, and Two Lease Agreements**~~

15 min.

~~On April 28, 2008, the Board approved Deal Points regarding the acquisition and renovation of the Lakewood YMCA property. Since then, Durham Public Schools (DPS), YMCA of the Triangle, and County staff have worked diligently on the terms of a Development Agreement as well as two lease agreements, in accordance with the approved Deal Points.~~

~~Pursuant to Session Law 2005-172, the County is participating in the development of a public-private project. The proposed development includes the County purchasing the entire Lakewood YMCA property, which includes several buildings, totaling approximately 57,350 sq. ft. on approx. 7.4 acres, and leasing back to the YMCA approx. 18,000 of the facility needed to operate a successful YMCA. Both the County and the YMCA will be responsible for making certain investments and improvements to the property. Additionally, the County, pursuant to the existing Interlocal Agreement with DPS, will construct a secondary school on the site. Once completed, the entire site will be conveyed to DPS subject to the lease to the YMCA.~~

~~The proposed Development Agreement is a three party contract setting forth the obligations of the County, DPS, and YMCA for the renovation of the property. The County will invest approximately \$8 million to the project to renovate the property as a secondary school and assist in improving the YMCA fitness facility. The improvements that the County will make to the YMCA fitness building will include entrances, electrical, plumbing, HVAC, roofing, code required improvements, and exterior repairs. The remainder of the improvements in the fitness building will be made by the YMCA, at their cost.~~

~~The County will purchase the property from the YMCA for \$250,000, and then lease back the property to the YMCA under two separate lease agreements for \$1 per year. One lease will be a short-term lease of the entire Lakewood YMCA property for 1 year, or until construction begins, whichever occurs first. This allows the YMCA to operate after school programs and camps on the property while DPS is working on design and regulatory approvals. The second lease is a 15-year lease for the 18,000 sq. ft. YMCA fitness facility. This long-term lease will be conveyed to DPS along with the property~~

~~once the school is constructed. Notice of the long term lease has been duly published in The Herald Sun newspaper pursuant to N.C.G.S. 160A-272.~~

~~This project is scheduled for consideration by the Board of Education on November 20, 2008 and by the YMCA of the Triangle on November 18, 2008. The County's offer to purchase anticipates a closing by December 31, 2008.~~

~~A capital project will be created appropriating \$8,250,000 for the purchase (\$250,000) and renovation (\$8,000,000) for the Lakewood YMCA. Currently, financing for this project and others are scheduled to close during the February March 2009 time frame. Funding will occur through an inter fund loan from the General Fund to be reimbursed when debt proceeds are received pursuant to a reimbursement resolution. This loan shall be in an amount not to exceed \$300,000 to cover the purchase price and additional closing costs.~~

~~Resource Person(s): Michael M. Ruffin, County Manager; George K. Quick, Finance Director; and Carol Hammett, Assistant County Attorney~~

~~County Manager's Recommendation: The Manager recommends that the Board approve appropriation of \$8,250,000 to the DPS/Lakewood YMCA project, the Development Agreement, and two lease agreements for the Lakewood YMCA, as well as approve the inter fund loan for the acquisition of the property, and authorize the Manager to execute the Development Agreements, leases and closing documents.~~

11. **Closed Session**

90 min.

The Board is requested to adjourn to Closed Session to consider the performance of a public officer or employee pursuant to G.S. § 143-318.11(a)(6) and to consult with an attorney; to preserve the attorney-client privilege; and **to discuss County of Durham vs. Time Warner Entertainment – Advance Newhouse Partnership d/b/a Time Warner Cable, No. 1:08-CV-00225** pursuant to G.S. 143.318.11(a)(3).

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3 hrs.  
2 ¾ hrs.