

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

Tuesday, September 2, 2008

1:00 P.M. Worksession

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Ellen W. Reckhow, Vice-Chairman Michael D. Page, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr. and Becky M. Heron

Absent: None

Presider: Chairman Reckhow

Presentation from the Durham Convention and Visitors Bureau

Reyn Bowman, President, Durham Convention and Visitors Bureau (DCVB), introduced this item stating that DCVB is the first destination marketing organization in North Carolina and one of the first 24 out of 2,300 worldwide accredited to the highest standards and best practices of community marketing by the independent Destination Marketing Accreditation Program.

Mr. Bowman explained that the accreditation is due to the City and County being key stakeholders to getting DCVB started.

Chairman Reckhow expressed appreciation to Mr. Bowman and staff for their service to the community.

Commissioner Heron echoed Chairman Reckhow's comments.

Introduction of Richard Brezinski, General Manager of Durham Marriott Convention Center

Pamela Meyer, Director, Budget & Management Services, introduced this item. She stated that Richard Brezinski was announced as General Manager of the Durham Marriott Convention Center in June 2008. Mr. Brezinski is employed by the Shaner Hotel Group and brings to Durham his more than 30 years of management experience in the hospitality industry. The majority of Mr. Brezinski's professional career has been with the Marriott hotel chain, and additionally, he has managed resorts and hotels in the southwest. Ms. Meyer stated that she is pleased to welcome Mr. Brezinski to the Durham community and looks forward to working with him in his capacity as General Manager.

Mr. Brezenski stated that the goals are to run the establishment as a first-class facility and to try to reduce the deficit that face the City and the County through bookings and proper

management. He informed the Board of a future business plan to work with students from Duke's Business School to assess the five-year plan.

Chairman Reckhow welcomed Mr. Brezenski to Durham. She expressed gratitude for his can-do approach.

Directives

1. Work with the Civic Center Authority about commissioning a business plan; review the suggestions.
2. Mr. Brezenski to consider serving on DCVB.
3. Consider collaborating with DCVB and Durham Marriott.
4. Keep lines of communication open.

Animal Control Advisory Committee and County Staff Report on Proposed Amendments to the Animal Control Ordinance

Michael Turner, Director of General Services, introduced this item. He stated that representatives from the Animal Control Advisory Committee (ACAC), the County Attorney's Office, and the Department of General Services are reporting back to the Board on questions raised at the August Worksession.

On August 4, 2008, the Board received a presentation from the ACAC recommending an amendment to the Animal Control Ordinance to ban animal tethering. Following the presentation and discussion by the Board, the ACAC and County staff were asked to report back in response to numerous questions raised by Board members and the County Manager.

Amanda Arrington, Chair of the ACAC; Marie Inserra, Assistant County Attorney; and Cindy Bailey, Animal Control Administrator, gave individual reports on behalf of their respective organization and departments.

Attorney Inserra provided findings regarding the challenges in other municipalities.

Ms. Bailey provided the Board with an estimated number of households/dogs affected by the proposed ordinance amendment. She proceeded to discuss the enforcement issues.

Chairman Reckhow posed the following questions:

- What would happen if someone is found to have tethered a dog after the warning period?
- Would there be a citation?
- What type of fine would be levied?
- Have there been any discussions about presenting cases to Quality Life Court?

Vice-Chairman Page expressed concerns as it relates to educating pet owners about the responsibilities and the enforcement of the Ordinance.

Commissioner Cousin inquired about other municipalities who are practicing the ordinance. He asked if an additional ordinance had been instituted that requires a fence or dog pens for adequate care when the animal is outdoors?

Chairman Reckhow expressed concern regarding the County's attempt to administer the construction of fences. She felt as though non-profits such as Animal Protection Society and Coalition to Unchain Dogs should be involved with this project.

County Attorney provided legal advice about including the warning phase in the ordinance.

Commissioner Cheek suggested that if there is a financial need, there has to be a guarantee that this will be taking care of.

The Commissioners and staff proceeded to discuss the tethering section ordinance in detail.

Directives

1. Make the necessary changes to the Ordinance as directed by the Board.
2. Clarify a cross reference in the Ordinance as it relates to secured enclosure.
3. The Board should assess the outreach, education, and construction of fences for those who need assistance in March 2010.
4. Include a step in the education portion that uses a variety of direct mail approach, with the goal of distributing the letters by the end of the 2008.
5. Place on the September 8 Regular Session agenda.

Update on the Schematic Design Phase and Budget for the Durham County Memorial Stadium Renovations

John Hunt, Chair, Memorial Stadium Authority (MSA), introduced this item stating that the Board requested to receive an update on the Schematic Design (SD) phase of the Durham County Memorial Stadium Renovations project. On February 4, 2008, the BOCC received a presentation on the project following the withdrawal of Shaw University. On February 11, 2008, the Board awarded a design contract to DTW Architects and Planners, Ltd. Durham, provided architectural services for the renovation and improvements to the Durham County Stadium, located at 750 Stadium Drive, Durham. Since then, design efforts have progressed on the schematic design phase of the project.

Also, the design team has updated the Stadium Authority on three occasions since the design process began – July 8, August 12, and August 26, 2008. On July 8, 2008, the Stadium Authority endorsed the design and recommended additional funding of \$1.5 million. The intent of this update is to receive the Board's input on the schematic level design and current project cost. The next phase of the project is Design Development (DD). In addition, the project was formally presented to the Appearance Commission on August 20, 2008, which recommended approval.

This newly renovated facility will continue to be home to the Northern High School Knights football team and is intended to also 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 would attract a broader audience for football, track, and other events.

Mr. Hunt stressed that in order to achieve timely installation of the track and turf in the off-season (spring, '09), it is necessary to proceed with the design and bidding process.

Robert Sotolongo, Architects and Planners, Ltd, provided an update in relation to the schematic phase design of the stadium.

In response to Vice-Chairman Page's inquiry regarding the County gaining revenue for parking, Mike Turner, General Services Director stated that in order for the County to receive the revenue, it must be included in the contract. Mr. Turner proceeded to inform the Board of the request that the County to be responsible for concessions as well as parking for the CIAA event on November 1.

Glen Whisler, P.E., County Engineer, stated that the goal is to increase flexibility by attracting non-athletic events.

Chairman Reckhow inquired about Shaw University's lease as it relates to the monetary angle since there is no financial participation. She hoped that the MSA will be sensible in terms of any increases relating to public school groups.

Mr. Turner provided a breakdown of the comparative rates.

County Manager responded to Vice-Chairman Page's question about rekindling the relationship with Shaw University. He stated that once the division issues with the community and the University's board subside, the County would review future partnership with Shaw University.

Mr. Hunt reassured the Board that bridges have not been burned between the County and Shaw University.

County Manager asked the following:

- Would there be increased maintenance for the General Services Department?
- If Commissioners agree to proceed as recommended, how would this be rated based on the views of other high schools in North Carolina?
- Will the playing area create more knee injuries than a regular grass field?
- What kind of equipment would have to be purchased to maintain the upkeep of the field?
- What is the life of the turf and the track?
- Is there special equipment to maintain the track?

County Manager requested that the Board move forward with the project to meet the projected timeline.

Directive

Provide a report to the Board regarding the relationship with Shaw University.

Durham County Justice Center Update

County Manager Mike Ruffin introduced this item stating that the Board requested to receive an update on the Design Development (DD) of the proposed Durham County Justice Building and Parking Deck to be located on the site adjacent to the current Detention Facility. The award of the architectural design services contract to O'Brien/Atkins Associates (O/A), P.A. was approved by the Board of County Commissioners on July 24, 2006. The BOCC received similar presentations on the schematic design and initial design development phase of the project on December 3, 2007 and June 2, 2008; efforts have progressed on the design development completion.

Glen Whisler, P.E., County Engineer, Engineering Department, stated that during the June 2, 2008 Worksession, the BOCC provided input on the exterior appearance of the building; the architect will provide an update to the Board including revisions that responded to the BOCC and Appearance Commission comments. This phase has involved a series of meetings with the County Commissioners, Court staff, County staff, project consultants, and other occupants of the building as part of the DD. A stakeholder's meeting was held on July 24, 2008, during which County staff and the architects presented the status of the project and received public input. Also, the following regulatory reviews/presentations were either completed or still ongoing: Appearance Commission, Downtown District Review Team (DDRT), and Site Plan review.

Mr. Whisler explained that the intent of the update is to receive input/approval from the Board on the revised exterior appearances of the building and parking deck. Also, the project team will review the current project budget, including seeking the BOCC's direction on the size of the parking deck and method of project delivery.

Kevin Montgomery, FAIA, O'Brien/Atkins Associates, P.A, discussed the following:

Project Goals and Vision

- Follow through with County's Master Plan
- Create Strong Civic Image
 - Easily identified as "courthouse"
- Plan for Longevity and Permanence
 - Size of building increases w/planned growth
- Create a Maintainable + Durable Facility
- Ensure Efficiency + Functionality
 - Circulation
 - Technology

- Security and safety
- Build a LEED Silver Facility
- Create Collective “Justice Center”
 - All under one roof
- Complement the Jail
 - Strengthen Durham’s skyline
- Create Link to American Tobacco + DPAC

Design Refinements Following June 2, 2008 Presentation to Commissioners

- Replaced metal panels with architectural pre-cast
- Added sculptural cornice at top of tower
- Increased amount of slate/natural stone at the building entry
- Disengaged columns at building entry, emphasizing vertically, and scale
- Emphasized vertically, of façade by reducing the visual impact of horizontal elements
- Increased the proportion of durable interior finishes:
 - Stone
 - Metal
 - Solid Surfaces
 - Concrete + Block (holding cells)
- Made Roxboro/Dillard corner of parking deck more prominent + inviting
- Placed more emphasis on slate-clad stair tower at corner of courts tower

Additional Site Considerations – Following Public Stakeholders’ Session

Extend stair tower closer to street

Make provisions for future retail at southeast corner of parking deck

Current Construction Cost

Building + Deck

\$116,500,000

302,000 square feet, 10 stories and Mechanical Penthouse

905-space parking deck, 5 levels

Parking Deck Expansion

\$ 6,500,000

- 324 spaces, 2 additional levels

Provide Retail in Parking Deck

\$ 500,000

- Build out 4,200 square feet now, lose 20 parking spaces

\$35,000

- Provide for future build out, and lose 20 spaces when built

Durham County Justice Building Schedule

2008

Issue Design Development Set to Regulatory Agencies – July 2008
Appearance Commission Review – July 2008
Site Plan Submission – July 2008
Public Stakeholder Meeting – July 2008
Demolition of U-Haul site – Fall 2008
Begin Construction Documents – Fall 2008

2009

Demolition of Scarborough Hargett site – Early 2009
Issue for Bid – September 2009
Start Construction on Justice Building and Parking Deck – December 2009

2011

Parking Deck Complete – February 2011

2012

Construction of Justice Building Complete – August 2012
Users Occupy Justice Building – November 2012

In response to Commissioner Heron's question regarding security measures, Mr. Whisler stated that cameras would be installed throughout the facility to ensure the safety for Durham County citizens. He added that LED lighting have been considered and is being reviewed.

Kevin Montgomery, FAIA, O'Brien/Atkins Associates, P.A., stated that the elevators and stairways would always be visible for people moving to and from their cars. Most doors would be card access only.

County Manager Ruffin requested that the Board dismiss the option of additional levels for the parking deck.

County Attorney Chuck Kitchen inquired about the retail construction whether it will continue to be owned by the County.

The Board held discussions regarding the decision of expanding the parking deck.

Directives

1. Explore additional options as it relates to landscaping.
2. Contact the bond council regarding the retail construction; ask the council to evaluate uses that would be supportive of the courthouse.
3. Move forward as outlined.

Presentation from the Farmland Protection Advisory Board Regarding the Annual Report of the Farmland Protection Program

Neil Frank, Chairman of Farmland Protection Advisory Board (FPAB), stated that the Farmland Protection Advisory Board requests time to present its annual report to the Board of County Commissioners. Section 14-89 of the Farmland Protection Ordinance requires that an annual report be provided to the BOCC.

Mr. Frank addressed the status, progress, and activities of the FPAB as well as its plans for the upcoming year. The Farmland Protection Advisory Board feels the program's progress has excelled in the past year as well as the overall interest of Durham County citizens.

Eddie Culberson, Director of Soil and Water Department, commended Mr. Frank for his efforts.

Mr. Frank informed the Board of an upcoming workshop for farmers in the area that would educate them about farmland preservation, the easement process, and other ways to make farming profitable.

No directives were given.

2009 Durham County Legislative Agenda

Deborah Craig-Ray, Assistant County Manager, announced that the General Assembly will convene on January 28, 2009. In preparation for that 2009-2011 biennium session, the North Carolina Association of County Commissioners has asked counties to begin consideration of any legislative issues that have statewide implications. The NCACC will begin its legislative process by receiving requests by September 5 and vetting them through its Legislative Goals process this fall.

Following an initial conversation at the August 11 meeting, staff was directed to bring forward a variety of legislative items for consideration and approval.

Assistant County Manager Craig-Ray discussed the following:

- Sales Tax Exemption
 - Support legislation to allow public school systems to regain access to sales tax refunds
- School Attendance
 - Support Legislation to increase the compulsory school attendance age to 17 in 2009-2010 and further increase to 18 in 2011-2012.
- Emergency Preparedness Funding
 - Legislation is sought to request continued support from legislature for funding the Division of Emergency Preparedness and Regulatory Compliance within the County Health Departments at previous levels.
- Public Health Investigation

- Seek legislation to require a facility to assist with a communicable disease investigation by providing copies of records that could identify individuals potentially at risk of exposure and to provide immunity for the person responding to a request for records from any civil or criminal liability that otherwise might be incurred as a result of complying with the request.

Chairman Reckhow suggested that the concept of sharing juvenile records with probation officers and possibly other court officials be added to the legislative agenda.

Commissioner Cheek moved, seconded by Vice-Chairman Page, to suspend the rules.

Vice-Chairman Page moved, seconded by Commissioner Cheek, to approve the statewide legislative items and send to the North Carolina Association of County Commissioners for inclusion in the 2009 Legislative Goals Report.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin was absent when vote was taken

Duke Power Easement for Spring Valley Elementary

County Attorney Chuck Kitchen introduced this item. He stated that Duke Power requires an easement in order to install lighting and provide electricity for the new Spring Valley Elementary School. This is one of the projects owned by the County in order to recover the sales tax. In order not to delay work on the school, the Board is requested to suspend the rules and approve the easement.

Commissioner Cheek moved, seconded by Commissioner Heron, to suspend the rules.

Commissioner Cheek moved, seconded by Commissioner Heron, to approve the granting of the easement to Duke Power.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, and Reckhow
Noes: None
Absent: Cousin was absent when vote was taken

Adjournment

There being no further business, Commissioner Reckhow adjourned the meeting at 4:20 p.m.

Respectfully submitted,

Angela McIver
Staff Specialist
Clerk to the Board's office